# egister State Washington

**MARCH 20, 1996** 

**OLYMPIA, WASHINGTON** 

**ISSUE 96-06** 



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#### 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.

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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 (360) 753-7470.

#### **REPUBLICATION OF OFFICIAL DOCUMENTS**

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#### **CERTIFICATE**

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

DENNIS W. COOPER Code Reviser

#### 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 March 1996 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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Mary F. Gallagher Dilley Chair, Statute Law Committee Kerry S. Radcliff
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Subscription Clerk

Gary Reid Chief Assistant Code Reviser

### 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 Inquiry 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) <u>underlined material</u> is new material;
  - (ii) deleted material is ((lined out between double parentheses));
- (b) Complete new sections are prefaced by the heading <u>NEW SECTION</u>;
- (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].

1995 - 1996 DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

| Issue No.           | Closing Dates <sup>1</sup> |                               |                                   | Distribution<br>Date | First Agency<br>Hearing Date <sup>3</sup> |
|---------------------|----------------------------|-------------------------------|-----------------------------------|----------------------|---|
|                     | Non-OTS & 30 p. or more    | Non-OTS &<br>11 to 29 p.      | OTS <sup>2</sup> or<br>10 p. max. |                      |   |
| For<br>Inclusion in | File no l                  | Non-OTS  ster than 12:00 NOON |                                   | Count 20 days from   | For hearing<br>on or after                |
| 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                                    |
| 95-20               | Sep 6                      | Sep 20                        | Oct 4                             | Oct 18               | Nov 7                                     |
| 95-21               | Sep 20                     | Oct 4                         | Oct 18                            | Nov 1                | Nov 21                                    |
| 95-22               | Oct 4                      | Oct 18                        | Nov 1                             | Nov 15               | Dec 5                                     |
| 95-23               | Oct 25                     | Nov 8                         | Nov 22                            | Dec 6                | Dec 26                                    |
| 95-24               | Nov 8                      | Nov 22                        | Dec 6                             | Dec 20               | Jan 9, 1996                               |
| 96-01               | Nov 22                     | Dec 6                         | Dec 20, 1995                      | Jan 3, 1996          | Jan 23                                    |
| 96-02               | Dec 6                      | Dec 20, 1995                  | Jan 3, 1996                       | Jan 17               | Feb 6                                     |
| 96-03               | Dec 27, 1995               | Jan 10, 1996                  | Jan 24                            | Feb 7                | Feb 27                                    |
| 96-04               | Jan 10                     | Jan 24                        | Feb 7                             | Feb 21               | Mar 12                                    |
| 96-05               | Jan 24                     | Feb 7                         | Feb 21                            | Mar 6                | Mar 26                                    |
| 96-06               | Feb 7                      | Feb 21                        | Mar 6                             | Mar 20               | Apr 9                                     |
| 96-07               | Feb 21                     | Mar 6                         | Mar 20                            | Apr 3                | Apr 23                                    |
| 96-08               | Mar 6                      | Mar 20                        | Apr 3                             | Apr 17               | May 7                                     |
| 96-09               | Mar 20                     | Apr 3                         | Apr 17                            | May 1                | May 21                                    |
| 96-10               | Apr 3                      | Apr 17                        | May 1                             | May 15               | Jun 4                                     |
| 96-11               | Apr 24                     | May 8                         | May 22                            | Jun 5                | Jun 25                                    |
| 96-12               | May 8                      | May 22                        | Jun 5                             | Jun 19               | Jul 9                                     |
| 96-13               | May 22                     | Jun 5                         | Jun 19                            | Jul 3                | Jul 23                                    |
| 96-14               | Jun 5                      | Jun 19                        | Jul 3                             | Jul 17               | Aug 6                                     |
| 96-15               | Jun 26                     | Jul 10                        | Jul 24                            | Aug 7                | Aug 27                                    |
| 96-16               | Jul 10                     | Jul 24                        | Aug 7                             | Aug 21               | Sep 10                                    |
| 96-17               | Jul 24                     | Aug 7                         | Aug 21                            | Sep 4                | Sep 24                                    |
| 96-18               | Aug 7                      | Aug 21                        | Sep 4                             | Sep 18               | Oct 8                                     |
| 96-19               | Aug 21                     | Sep 4                         | Sep 18                            | Oct 2                | Oct 22                                    |
| 96-20               | Sep 4                      | Sep 18                        | Oct 2                             | Oct 16               | Nov 5                                     |
| 96-21               | Sep 25                     | Oct 9                         | Oct 23                            | Nov 6                | Nov 26                                    |
| 96-22               | Oct 9                      | Oct 23                        | Nov 6                             | Nov 20               | Dec 10                                    |
| 96-23               | Oct 23                     | Nov 6                         | Nov 20                            | Dec 4                | Dec 24                                    |
| 96-24               | Nov 6                      | Nov 20                        | Dec 4                             | Dec 18               | Jan 7, 1997                               |

Tall documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

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

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

#### REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

#### Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

#### Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

#### When is an SBEIS Required?

#### When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

#### When is an SBEIS Not Required?

#### When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

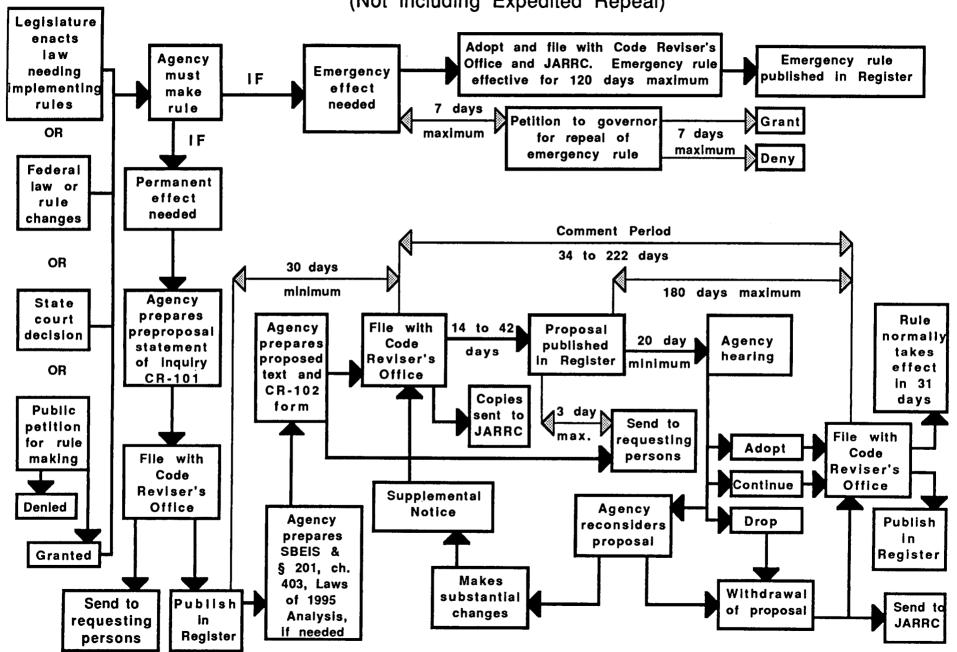
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

## RULE-MAKING PROCESS

(Not including Expedited Repeal)



# WSR 96-06-008 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed February 23, 1996, 11:02 a.m.]

Subject of Possible Rule Making: Incorrect payments, determination of intent, WAC 388-270-1125.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.331.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Editorial change needed to clearly indicate that the recipient has the right to rebut when the department presumes intent.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates this subject.

Process for Developing New Rule: Agency study, 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jenny Paynter, Program Manager, AFDC/Refugee Assistance Section, Division of Income Assistance, P.O. Box 45400, Olympia, WA 98504-5400, phone (360) 438-8319, FAX (360) 438-8258.

February 23, 1996 Merry Kogut, Supervisor Rules and Policies Assistance Unit

# WSR 96-06-009 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed February 23, 1996, 11:05 a.m.]

Subject of Possible Rule Making: Chapter 388-15 WAC, Social services for families, children and adults.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.100, 74.39.010, 74.39.030, 74.08.090, and 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To editorially correct sections, clarify department's purpose and intent, and to clarify task definitions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study. AASA will conduct an internal (management and field staff) and external (interested parties) review process. Consideration will be given to all comments and recommendations before the rule is issued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lois Wusterbarth, Program Manager, Aging and Adult Services Administration, Home and Community Services Division, Mailstop 45600, Olympia, WA 98504-5600, phone (360) 493-2538, FAX (360) 438-8633, TDD (360) 493-2637.

February 23, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

# WSR 96-06-018 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 95-16—Filed February 27, 1996, 10:31 a.m.]

Subject of Possible Rule Making: Adding amendment of chapter 173-806 WAC, Model ordinance, to a rule amendment process previously established by CR-101, WSR 95-24-083 (amendment of State Environmental Policy Act rules), filed December 5, 1995.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.21C RCW, State Environmental Policy Act; ESHB 1724 (integrating growth management planning and environmental review) adopted by the 1995 legislature.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 173-806 WAC is a model ordinance that is designed to assist local governments in meeting their obligations under chapter 43.21C RCW, State Environmental Policy Act. The changes being made to the SEPA rules, as directed by ESHB 1724, require changes that affect local government planning and permit processes. The model ordinance must be amended to assist local governments in meeting their obligations. The intent of this CR-101 is to add revision of chapter 173-806 WAC to the process previously established by CR-101, WSR 95-24-083 and conduct this revision concurrently.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal agencies: N/A. State agencies: Include Departments of Transportation, Fish and Wildlife, and Natural Resources. State agency input is being sought through the overall process references in the previous CR-101.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For information on receiving periodic updates by mail, or on attending public meetings, contact Neil Aaland, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-7045, e-mail: naal461@ecy.-wa.gov.

February 22, 1996 D. J. Patin Assistant Director

## WSR 96-06-019 PREPROPOSAL STATEMENT OF INQUIRY EXECUTIVE ETHICS BOARD

[Filed February 28, 1996, 8:30 a.m.]

Subject of Possible Rule Making: Ethics in the executive branch of state government.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.52 RCW, RCW 42.52.360 (2)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement chapter 42.52 RCW. Chapter 42.52 RCW substantially strengthens and clarifies the ethical standards that apply to state officers and state employees. The board is responsible for enforcing chapter 42.52 RCW with regard to state officers and state employees of the executive branch of state government. The new rules will replace temporary "emergency" rules and establish procedures for the implementation of chapter 42.52 RCW as it relates to the executive branch. This includes rules regarding the filing, processing, investigating, and determining complaints and imposing sanctions pursuant to RCW 42.52.360 (2)(d), (e), (f) and (g).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The board will request written comments from persons who may be interested in the development of the rules implementing chapter 42.52 RCW. Comments received will be considered by the board before proposed rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Cook, Secretary to the Board, 1125 Washington Street S.E., P.O. Box 40100, Olympia, WA 98504-0100, (360) 664-0871, FAX (360) 664-0229. Written comments must be received by April 19, 1996. These comments will be considered by the board at its May regular meeting. Thereafter, the board will proceed with rule making.

February 26, 1996 Barbara Cook Secretary to the Board

#### WSR 96-06-020 PREPROPOSAL STATEMENT OF INQUIRY EXECUTIVE ETHICS BOARD

[Filed February 28, 1996, 8:31 a.m.]

Subject of Possible Rule Making: Ethics in the executive branch of state government.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.52 RCW, RCW 42.52.360 (2)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement chapter 42.52 RCW. Chapter 42.52 RCW substantially strengthens and clarifies the ethical standards that apply to state officers and state employees. The board is responsible for enforcing chapter 42.52 RCW with regard to state officers and state employees of the executive branch of state government. The new rules will replace temporary "emergency" rules and establish procedures for the implementation of chapter 42.52 RCW as it relates to the executive branch. This includes rules defining the terms "working hours" pursuant to RCW 42.52.360 (2)(b) and "measurable expenditure" pursuant to section 30, chapter 397, Laws of 1995 (RCW 42.52.180).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The board will request written comments from persons who may be interested in the development of the rules implementing chapter 42.52 RCW. Comments received will be considered by the board before proposed rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Cook, Secretary to the Board, 1125 Washington Street S.E., P.O. Box 40100, Olympia, WA 98504-0100, (360) 664-0871, FAX (360) 664-0229. Written comments must be received by April 19, 1996. These comments will be considered by the board at its May regular meeting. Thereafter, the board will proceed with rule making.

February 26, 1996
Barbara Cook
Secretary to the Board

#### WSR 96-06-021 PREPROPOSAL STATEMENT OF INQUIRY EXECUTIVE ETHICS BOARD

[Filed February 28, 1996, 8:32 a.m.]

Subject of Possible Rule Making: Ethics in the executive branch of state government.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.52 RCW, RCW 42.52.360 (2)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement chapter 42.52 RCW. Chapter 42.52 RCW substantially strengthens and clarifies the ethical standards that apply to state officers and state employees. The board is responsible for enforcing chapter 42.52 RCW with regard to state officers and state employees of the executive branch of state government. The new rules will replace temporary "emergency" rules and establish procedures for the implementation of chapter 42.52 RCW as it relates to the executive branch. This includes (1) rules for processing requests for advisory opinions pursuant to RCW 42.52.360 (2)(c); (2) rules for advising state officers or state employees regarding potential conflicts in outside contracts with a state agency pursuant to RCW 42.52.120 (2)(b) and (c); and (3) rules governing the procedures and general operation of the board.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The board will request written comments from persons who may be interested in the development of the rules implementing chapter 42.52 RCW. Comments received will be considered by the board before proposed rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Cook, Secretary to the Board, 1125 Washington Street S.E., P.O. Box 40100, Olympia, WA 98504-0100, (360) 664-0871, FAX (360) 6640229. Written comments must be received by April 19, 1996. These comments will be considered by the board at its June regular meeting. Thereafter, the board will proceed with rule making.

February 26, 1996 Barbara Cook Secretary to the Board

#### WSR 96-06-022 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed February 28, 1996, 10:07 a.m.]

Subject of Possible Rule Making: Amendment to Highway Advertising Control Act, chapter 468-66 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 47.42 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amends WAC 468-66-010(15) Definition of primary system. Changes the definition of primary system to be identical with Title 23, Section 103, Subsection (t), United States Code, as amended by the 1991 Federal Intermodal Surface Transportation Efficiency Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other state agencies that regulate highway advertising control on state highways.

Process for Developing New Rule: Technical amendment so that WAC language is identical to language in federal law.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David K. Peach, State Traffic Engineer, Washington State Department of Transportation, Republic Building, 505 East Union, Olympia, WA 98504-7344, phone (360) 705-7280, FAX (360) 705-6826.

> February 26, 1996 S. A. Moon Deputy Secretary for Operations

#### WSR 96-06-023 PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed February 28, 1996, 10:50 a.m.]

Subject of Possible Rule Making: Student appeals from decision's imposing long-term suspensions, expulsions and emergency expulsions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To streamline the appeal process in connection with appeals from long-term suspensions, expulsions and emergency expulsion decisions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

> February 28, 1996 Larry Davis **Executive Director**

#### WSR 96-06-027 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Health Professions Quality Assurance Division) (Board of Massage) [Filed February 28, 1996, 4:25 p.m.]

Subject of Possible Rule Making: Amending the definition of massage in WAC. Amendments to correct rule on board meetings; to provide for adoption of the national certification examination (NCETMB); to remove references to a board administered practical examination; to define the process the Board of Massage uses to approve massage schools, programs and apprentice programs, to include, possible adoption of an application fee, provision for an expiration date for approval status, definition of minimum standards for faculty or apprentice trainers, and requirement for schools to administer a board approved practical examination. Other possible rules to be developed include, provision for a requirement for a current CPR certification as a condition for yearly renewals; to define practice standards; and to quantify the minimum level of supervision necessary for safe student practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.108.025 (1) and (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The definition of massage in WAC will be conformed to the definition in RCW. Information on board meetings requires an address correction, and suggested text is a more permanent address. The Board of Massage has adopted the NCETMB to replace the Washington state test and the proposed amendments implement that adoption. The 1995 legislature removed the requirement for the board to administer a practical examination and these amendments remove references to the practical. With the elimination of the practical exam, the Board of Massage wishes to further define the process for periodic review of approved schools, programs and apprentice programs to ensure training meets standards set by the board. In the past, there have been inquiries and complaints about a lack of defined practice standards and new rules could address ethics, draping, record-keeping requirements, and any other standards that are identified.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal or state agencies that regulate the examination process for massage licensure. The Workforce Training and Education Coordinating Board of Washington reviews and approves vocational schools. The board and program have worked with and will continue to coordinate site reviews and information sharing with this state agency. Their suggestions, along with those of all interested parties, will be requested regarding proposed rule changes throughout the process of adoption.

Process for Developing New Rule: The department and the board will work with constituent members, schools, programs, and apprentice programs, and other state agencies. Rules that a consensus agree are necessary will be developed, using all public input. A mass mailing requesting comments and suggestions has been initiated to all licensees, schools, and programs. This input shall be reviewed and incorporated. Opportunity for debate, discussion, and development will be provided at board meetings in February, April and July of this year.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please mail your written statements, suggestions, or comments in concurrence or opposition to suggested rule development to Department of Health, Massage Program, P.O. Box 47868, Olympia, WA 98504-7868. Statements may also be faxed to (360) 753-0657. Please put "attention: Massage Program" on the FAX cover sheet. Program staff that may be contacted for information at (360) 586-6351 are Janice K. Boden, Program Manager, Torie Hernandez and Janet Morehead, Program Representatives.

February 23, 1996 Bruce Miyahara Secretary

# WSR 96-06-028 WITHDRAWAL OF PREPROPOSED RULES DEPARTMENT OF HEALTH

[Filed February 28, 1996, 4:28 p.m.]

This memo is to notify you that the Nursing Commission has decided to withdraw chapter 246-838 WAC (WSR 94-23-075) and chapter 246-839 WAC (WSR 94-23-076) which were filed with your office on November 11, 1994. The following sections are affected: WAC 246-838-010 Definition of LPN supervision, 246-838-130 Reinstatement of licensure, and 246-839-120 Reinstatement of licensure.

Interested parties should contact Mary Dale, Program Manager, at (360) 664-4207.

Bruce Miyahara Secretary

# WSR 96-06-032 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 1, 1996, 10:15 a.m.]

Subject of Possible Rule Making: The Department of Labor and Industries wants to update and rewrite chapter 296-150A WAC relating to factory built housing, commer-

cial structures, and the Factory Assembled Structure Advisory Board.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The Department of Labor and Industries is authorized by chapter 43.22 RCW to adopt these rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules on factory built housing, commercial structures, and the Factory Assembled Structure Advisory Board are being amended to comply with the revision of RCW 43.22.495 during the 1995 legislative session. The legislation requires plan review approval by a professional who is licensed or certified in a state whose licensure or certification requirements meet or exceeds Washington requirements. We will also eliminate outdated and redundant rules, to make the rules clearer and easier to use.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal or state agencies that regulate factory built housing and commercial structures. We will notify local jurisdictions of our rule amendments.

Process for Developing New Rule: The department has created a committee consisting of manufacturers, consumers, and agency representatives to assist in amending chapter 296-150A WAC. If you wish to participate in the development of the rule, please contact the department as indicated below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If you are interested in giving comments to amend chapter 296-150A WAC, please send them to Marie Myerchin-Redifer, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001 or call (360) 902-4206.

March 1, 1996
Dorette M. Markham
for Mark O. Brown
Director

# WSR 96-06-033 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 1, 1996, 10:16 a.m.]

Subject of Possible Rule Making: Confidential witness statements, chapter 296-27 WAC, Safety standards for record keeping and reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to current rules are needed to resolve a conflict with the intent of the statute as it pertains to the release of confidential witness statements when these statements are part of an investigative report which are available to the public upon request. Amendments will clarify the term "investigative report" and the availability of confidential witness statements to the public when included in an investigative report.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies are known that regulate this subject.

Process for Developing New Rule: This rule is considered an interpretive rule change to clarify the intent of RCW 49.17.260. Proposed language will be stakeholdered with other interested parties prior to the CR-102 proposal filing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gail Hughes, Standards, Policy Coordination, and Services Program Manager, phone (360) 902-5439, FAX (360) 902-5529, Department of Labor and Industries, Consultation and Compliance Division, P.O. Box 44620, Olympia, WA 98504-4620.

March 1, 1996 Dorette M. Markham for Mark O. Brown Director

#### WSR 96-06-034 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 1, 1996, 10:17 a.m.]

Subject of Possible Rule Making: Agriculture, chapter 296-306 WAC, Safety standards for agriculture.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has received informal requests from the state legislature, agriculture employers, and agriculture labor representatives for an understandable, easy to read, and easy to use version of the agriculture standard. In response to these requests and in the spirit of regulatory reform, the department will propose a revised agriculture standard rewritten for clarity and ease of use. The sole purpose of this future proposal is for clear rule writing and not to change the intent of the standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is coordinating the pesticide portion of the standard with the Department of Agriculture.

Process for Developing New Rule: Amendments to the agriculture standard are for purposes of clear rule writing only. The amendments are not intended to change the intent of existing regulations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracy Spencer, Standards Supervisor, phone (360) 902-5530, FAX (360) 902-5529, Department of Labor and Industries, Consultation and Compliance Services Division, P.O. Box 44620, Olympia, WA 98504-4620.

> March 1, 1996 Mark O. Brown Director

#### WSR 96-06-038 PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 1996, 3:55 p.m.]

Subject of Possible Rule Making: Chapter 180-86 WAC, clarification and addition of investigator priorities, factors to be considered in issuing discipline orders and broad categories of acts or omissions of misconduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify procedures currently in place.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

> March 1, 1996 Larry Davis **Executive Director**

#### WSR 96-06-044 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF GENERAL ADMINISTRATION

[Filed March 4, 1996, 4:05 p.m.]

Subject of Possible Rule Making: Parking enforcement on the state capitol campus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.08.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions will clarify the Washington State Patrol's authority to ensure accessibility of the capitol campus facilities and to protect the health and safety of the public and public employees in their use. Existing rules will be amended to: (1) Clarify the Washington State Patrol's enforcement role as authorized in RCW 46.08.150. (2) Clarify parking infractions penalties including conditions under which unauthorized vehicles may be subject to towing. (3) Remove provisions related to barrelling.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: General administration has worked closely with the Washington State Patrol to coordinate this rule-making process. No other state or federal agencies have regulatory responsibility for this matter.

Process for Developing New Rule: The department has sought input and comment from affected state agencies. public employee representatives, and other interested parties, prior to drafting rules. The department will continue to accept and consider comments and will hold a public hearing prior to issuance of final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be sent to M. Jennings, General Administration, P.O. Box 41000, Olympia, WA 98504-1000, FAX to M. Jennings, (360) 586-5898, E-mail to MGJENNI@GA.WA.GOV.

February 29, 1996 Marygrace Jennings Legislative Program Manager

## WSR 96-06-047 PREPROPOSAL STATEMENT OF INQUIRY COMMISSION ON JUDICIAL CONDUCT

[Filed March 5, 1996, 2:15 p.m.]

Subject of Possible Rule Making: Substantive agency rules concerning ethical standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.52 RCW, RCW 42.52.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is responsible for enforcing chapter 42.52 RCW with regard to state officers and state employees of the judicial branch of state government. This responsibility includes adopting rules regarding occasional use of state resources of de minimus cost and value pursuant to RCW 42.52.160(3) and rules regarding the definition of "measurable expenditure of public funds" pursuant to RCW 42.52.180 (2)(b). The rules are intended to be consistent with the rules of the Legislative Ethics Board and Executive Ethics Board created under chapter 42.52 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Legislative Ethics Board and state Executive Ethics Board regulate the same subject matter within their branch of state government. These boards will be provided with notice concerning commission rule making on this subject.

Process for Developing New Rule: The commission will request written comments from persons who may be interested in the development of the rules implementing chapter 42.52 RCW. Comments received will be considered by the commission before proposed rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments must be received by May 28, 1996. These comments will be considered by the commission at its June 7, 1996, meeting. Thereafter, the commission will proceed with rule making. Contact David Akana, Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507-1817, (360) 753-4585, FAX (360) 586-2918.

March 5, 1996
David Akana
Executive Director

## WSR 96-06-048 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed March 5, 1996, 4:38 p.m.]

Subject of Possible Rule Making: Revision to chapter 246-10 WAC, Administrative procedure—Adjudicative proceedings and chapter 246-11 WAC, Model procedural rules for boards. These changes extend the right for brief adjudicative proceedings in drinking water systems, clarify the requirements for motions, and change the time for filing appeals of initial decisions to agree with Administrative Procedure Act (APA) guidelines.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040 Secretary professions/programs, RCW 18.130.050 Boards/commissions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed changes came about as the result of constituent interest in the process for holding administrative hearings. The anticipated effect of these changes will be a simplification of the process used to present motions during a hearing, and also a clearer understanding of the timelines involved with filing appeals, bringing the WACs into line with current requirements in the APA.

Process for Developing New Rule: Proposed changes are procedural in nature, related to conducting administrative hearings. As such, they are intended to be processed as exceptions. We have chosen to produce a CR-101 only in the interest of public notification and participation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Office of Professional Standards (OPS) will conduct a mailout to all parties who have expressed interest. In addition, all parties are encouraged to provide input to: Office of Professional Standards, 2413 Pacific Avenue, Olympia, WA 98504-7872, phone (360) 664-8881 or 664-0961, FAX (360) 664-0114.

March 5, 1996 Bruce A. Miyahara Secretary

## WSR 96-06-049 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed March 5, 1996, 4:41 p.m.]

Subject of Possible Rule Making: Emergency medical services intermediate life support (ILS), WAC 246-976-076, 246-976-077, 246-976-140, and 246-976-181.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.200 and 18.71.205 allows us to establish the ILS certification level.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is an identified need for an appropriate emergency medical intermediate life support provider to perform specific life-saving skills and administer limited drugs. While paramedics (advanced life support) perform these skills there are few paramedics in the rural areas. Establishing the new intermediate life technician (ILS) level will enhance the providers ability to intervene in major medical or traumatic emergencies especially in rural

areas where transport times are long and every minute counts. The training for the ILS technician will be considerably less than that for paramedics and relatively easier to obtain and maintain skills learned.

Process for Developing New Rule: The legislation (SHB 1427) passed in 1995, mandate the moving of EMS definitions in statute to allow for creating a new level of certification for ILS to meet the need identified above.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janet Griffith, Director, Office of Emergency Medical and Trauma Prevention, Department of Health, P.O. Box 47853, Olympia, WA 98504-7853, phone (360) 705-6703 or 1-800-458-5281, FAX (360) 705-6706.

March 5, 1996 Bruce A. Miyahara Secretary

#### WSR 96-06-050 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 6, 1996, 8:55 a.m.]

Subject of Possible Rule Making: Rules relating to commercial feeds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.53.9012 Administration and administrative rules. (1) "The department ... may adopt rules necessary to carry out its purpose. In adopting such rules ... (2) The director when adopting rules in respect to the feed industry shall consult with affected parties, such as manufacturers and distributors ..."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 15.53 RCW was amended in 1995. The proposed rules are needed to update the current rules to correspond to the changes in the law. The proposed changes will accomplish increased uniformity with many of the other states to promote interstate trades.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Sections of the rules relating to medicated feeds are regulated by Food and Drug Administration (FDA.) State activities will supplement inspection of feed mills and not duplicate the FDA activities. This will be stated in a memorandum explaining the partnership agreement of the two agencies.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For additional information and/or to make comments please contact Ali Kashani at Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2028, FAX (360) 902-2093. All comments must be received before April 20, 1996, for consideration.

March 5, 1996 John Daly Assistant Director

## WSR 96-06-053 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 6, 1996, 9:34 a.m.]

Subject of Possible Rule Making: With modifications, adoption of federal regulations protecting agricultural farmworkers from pesticides. The federal regulations are contained in 40 CFR Part 170 from authorities granted in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040, 17.21.030, Washington Pesticide Control Act, Washington Pesticide Application Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Harmonization of existing state regulations found in chapters 15.58, 17.21, and 49.70 RCW and associated WACs with existing federal regulations found in 40 CFR Part 170. Clarification of authority and requirements for those parts of 40 CFR Part 170 that are referenced on the pesticide label.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal - The Environmental Protection Agency, State - Department of Labor and Industries. Will meet all federal requirements, have agreed with Department of Labor and Industries on the direction to propose changes to the federal regulations, final outcome to be determined through the public hearing process.

Process for Developing New Rule: The rules will include minimum standards set by federal regulations, existing state rules, and agreed changes to for modifications. WSDA will be working with the Department of Labor and Industries on areas of dual responsibility to ensure identical rules. The agency will also be working with the Pesticide Advisory Board and other affected parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For additional information on the federal regulations or rule development, contact Ann Wick, Program Manager, Pesticide Management Division, (360) 902-2051, FAX (360) 902-2093, P.O. Box 42589, Olympia, WA 98504-2589. Pesticide Advisory Board, Federal Worker Protection Meeting, June 1996, Tri-Cities. A proposed rule filing and public hearings will be scheduled sometime later in the year.

March 6, 1996 John Daly, Assistant Director Pesticide Management Division

## WSR 96-06-058 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 6, 1996, 10:35 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.091) requires that the stumpage value tables be revised twice annually. The stumpage values are established by the

department so that timber harvesters are apprised of the timber values on which the timber excise tax is calculated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Forest Service, Washington State Department of Natural Resources, and the Washington State Forest Practices Board. The nontax processes and definitions will be coordinated with these other agencies to avoid conflict in the areas of process and definition.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consider, but will be accepted until the date of adoption. Written comments on and/or requests for copies of the rule may be directed to James A. Winterstein, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4283, FAX (360) 664-0693. Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on April 16, 1996, at 10:00 a.m.

March 6, 1996 Russell W. Brubaker Assistant Director Legislation and Policy Division

#### WSR 96-06-060 PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed March 6, 1996, 10:48 a.m.]

Subject of Possible Rule Making: Chapter 204-56 WAC, Procedures for measuring motor vehicle sound levels.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Request from American Automobile Manufacturers Association (AAMA) to amend WAC 204-56-085 to add the Society of Automotive Engineers Standard J1470, February 1987.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Ecology, discussions have been held with this agency and they have no objections to the amendment.

Process for Developing New Rule: Request from AAMA; amending this rule will bring Washington state into compliance with other states.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lieutenant Steve Englehorn, Washington State Patrol Vehicle Identification Section, P.O. Box 42635, Olympia, WA 98504-2635, (360) 412-8930, FAX (360) 493-9090.

> March 5, 1996 Annette M. Sandberg Chief

# WSR 96-061 PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 6, 1996, 10:53 a.m.]

Subject of Possible Rule Making: Chapter 392-120 WAC, Finance University of Washington transition school and early entrance program allocations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.185.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To accommodate recent University of Washington policy change allowing students to use summer quarter in lieu of fall, winter or spring quarter to complete a year of education.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Tom Case at (360) 753-6708.

March 4, 1996 Judith A. Billings Superintendent of Public Instruction

# WSR 96-06-078 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 6, 1996, 11:15 a.m.]

Subject of Possible Rule Making: Pesticides, with modifications, adoption of federal regulations protecting agricultural farmworkers from pesticides. The federal regulations are contained in the United States Environmental Protection Agency (EPA) pesticide worker protection standard in 40 CFR Parts 156 and 170.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.17 RCW, Washington Industrial Safety and Health Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Coordination of existing pesticide regulations found in chapter 296-306 WAC with the Department of Agriculture regulations. Rule making is necessary to respond to ESHB 2703 (1996) and to harmonize requirements between agencies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal: The Environmental Protection Agency. State: The Department of Agriculture. The proposed amendments will meet all federal requirements. The Departments of Agriculture and Labor and Industries have agreed on the basic direction for the proposed WAC rule

changes. The final outcome will be determined jointly with the Department of Agriculture through the hearing process.

Process for Developing New Rule: The rules will include minimum standards set by federal EPA regulations, existing state statutes, and mutually agreed upon and coordinated changes to existing WAC rules. The Department of Labor and Industries will work with the Department of Agriculture on areas of dual responsibility to eliminate inconsistencies in the rules. The Department of Labor and Industries will also work with parties affected by the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracy Spencer, Standards Manager, Department of Labor and Industries, Consultation and Compliance Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5530, FAX (360) 902-5529; or Ginny Hamilton, Industrial Hygienist, Policy and Technical Support, P.O. Box 44610, Olympia, WA 98504-4610, phone (360) 902-5426, FAX (360) 902-5438.

March 6, 1996
Dorette M. Markham
for Mark O. Brown
Director

# WSR 96-06-079 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS COMMITTEE FOR DEFERRED COMPENSATION

[Filed March 6, 1996, 11:22 a.m.]

Subject of Possible Rule Making: Codification in the Department of Retirement Systems Title 415 WAC of the deferred compensation and dependent care assistance salary reduction programs presently codified in Title 154 WAC modified to reflect July 1, 1996, programs transfer from the Committee for Deferred Compensation (CDC) to the Department of Retirement Systems (DRS), including deferred compensation plan language and feature modifications indicated below.

Statutes Authorizing the Agency to Adopt Rules on this Subject: New Department of Retirement Systems statute: RCW 41.50.780(11). Old Committee for Deferred Compensation statute: RCW 41.04.260(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (i) To transfer of responsibilities from the CDC to DRS effective July 1, 1996; (ii) anticipate changes in Internal Revenue Code Sec. 457 to allow indexing of maximum deferral levels, to allow postponement of an elected payout date, and to allow distribution of small, inactive accounts; (iii) to adopt an appeal process for deferred compensation plan unforeseeable emergency withdrawals which is more consistent with DRS processes; (iv) to facilitate IRS approval of a more flexible means of dealing with community property interests of deferred compensation plan nonparticipant spouses (or former spouses); and (v) to otherwise enhance the language and features of the plan for the benefit of deferred compensation plan participants.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Internal Revenue Service: Changes in deferred

compensation plan regulations will be submitted to the IRS with a request for a determination by the service that under the revised regulations the state's plan would continue to be an eligible plan for purposes of Internal Revenue Code Sec. 457.

Process for Developing New Rule: Consideration of results of 1995-1996 surveys of participants; solicitation of comments from participants; public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Neal, Rules Coordinator, Legal/Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380.

March 6, 1996 Sheryl Wilson Director

#### WSR 96-06-080 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 6, 1996, 11:34 a.m.]

Subject of Possible Rule Making: Procedural rules for lists of organizations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.05.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Procedural rules on the development of lists of individuals, organizations, both public and private, who provide technical assistance will outline the process for the Washington State Department of Agriculture and providers of technical assistance to comply with RCW 43.05.020.

Process for Developing New Rule: The department will send out mailings to constituent groups and will advertise in various publications the process the agency will follow, as outlined in proposed rules, the approach for collecting names to be added to the list of organizations, companies or individuals who provide technical assistance.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristi Bromley, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1806.

> March 6, 1996 William F. Brookreson Assistant Director

#### WSR 96-06-081 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 6, 1996, 11:35 a.m.]

Subject of Possible Rule Making: Rules of administrative procedure for the Department of Agriculture.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. Add to the brief adjudica-

tive proceeding process programs which apply. 2. Correct the address for filing documents. 3. General housekeeping updates.

Process for Developing New Rule: The department continually works with program staff and assigned legal counsel to assure appropriate procedures are followed under the Administrative Procedure Act. The rules are updated accordingly.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dannie McQueen, Administrative Regulations Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1809.

> March 6, 1996 William E. Brookreson Assistant Director

# WSR 96-06-083 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed March 6, 1996, 11:40 a.m.]

Subject of Possible Rule Making: Rules governing computerized loan origination by real estate brokers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 19.146.020 (1)(h) and [19.146].225.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule is required by statute to allow real estate brokers to provide computerized loan origination to consumers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Licensing.

Process for Developing New Rule: Agency study; and the department will convene an industry committee and work with the Mortgage Broker Commission to draft the rule revisions

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Thomson, Assistant Director, (360) 902-8787, FAX (360) 586-5068; or Ed Burgert, Program Manager, (360) 902-8727, FAX (360) 664-2258. Address: P.O. Box 41200, Olympia, WA 98504-1200.

March 1, 1996 John L. Bley Director

# WSR 96-06-084 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed March 6, 1996, 11:42 a.m.]

Subject of Possible Rule Making: Modification of chapter 308-128 [308-128A - 308-128F] WAC (effective April 1, 1996, chapter 208-128 [208-680A - 208-680F] WAC) the escrow rules to (1) conform with recent changes

by the Washington Supreme Court regarding certified closing agents; (2) define who is responsible for records, the conveyance of records, and trust accounts when an escrow agent closes; (3) simplify the rules and update the language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040 and 18.44.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) The Washington Supreme Court recently enacted APR 12.1 and 12(h) requiring certified closing agents to hold certain funds in interest-bearing trusts accounts and to remit the interest to the IOLTA account. The current rules prohibit the use of interest-bearing trust accounts except in specific circumstances; (2) accountability for escrow records or trust accounts after an escrow agent closes is unclear; (3) the language and rules need updating and simplification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Limited Practice Board.

Process for Developing New Rule: Agency study; and the department will convene an industry committee and consult with the LPO board to help draft the rule revisions. In addition, the Escrow Commission will review and contribute to the development of the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Thomson, Assistant Director, (360) 902-8787, FAX (360) 586-5068; or Ed Burgert, Program Manager, (360) 902-8727, FAX (360) 664-2258. Address: P.O. Box 41200, Olympia, WA 98504-1200.

March 1, 1996 John L. Bley Director

## WSR 96-06-086 PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed March 6, 1996, 11:46 a.m.]

Subject of Possible Rule Making: Chapter 260-24 WAC, Association officials and employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bring into conformance with national model rules definitions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, (360) 459-6462, FAX (360) 459-6461.

March 6, 1996
Bruce Batson
Executive Secretary

# WSR 96-05-061 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed February 20, 1996, 9:35 a.m.]

Supplemental Notice to WSR 95-24-094 and 96-03-105. Preproposal statement of inquiry was filed as WSR 95-11-006.

Title of Rule: WAC 388-150-090 License denial, suspension, or revocation, 388-160-090 General qualifications, 388-73-030 General qualifications, 388-155-090 General qualifications, 388-330-010 Purpose and authority, 388-330-035 Appeal of disqualification, 388-151-090 License suspension, denial, or revocation, 388-73-036 Licensure—Denial, suspension, or revocation, and 388-160-120 Licensure—Denial, suspension, or revocation.

Purpose: Provides an appeal process for persons disqualified from employment in a child care facility because of a finding or allegation of child abuse or neglect.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: Would permit a person disqualified from employment in a child care facility because of alleged child abuse or neglect to have an adjudicative hearing.

Reasons Supporting Proposal: Such persons may have a constitutional right to a hearing.

Name of Agency Personnel Responsible for Drafting: Lee Ann Miller, Seattle, 464-5350; Implementation: Barry Fibel, Olympia, 753-0204; and Enforcement: Rosalyn Oreskovich, Olympia, 586-4031.

Name of Proponent: Attorney General's Office, governmental.

Rule is necessary because of federal law, 7-21-95 Memo-Employee Disqualification, U.S. Court of Appeals Docket #93-7183, American Civil Liberties Union of Washington Letter.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons Supporting Proposal above. Protects the civil rights of persons who are disqualified from employment in child care facilities because of a child abuse allegation. The rule would give such persons the right to an adjudicative hearing and require that the file be amended if the hearing supports the person.

Proposal Changes the Following Existing Rules: Clarifies that the rules pertain to CPS information as well as criminal history information. See Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do not impost [impose] a cost on the child care industry, but only on small numbers of prospective employees who are disqualified because of a finding of abuse or neglect. Those persons may have to pay for legal representation if they request a hearing.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA, on April 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, by April 9, 1996, TDD (360) 753-0625.

Submit Written Comments to: Merry A. Kogut, Supervisor, Rules and Policy Assistance Unit, P.O. Box 45800, Olympia, 98504, Identify WAC Numbers, FAX (360) 664-0118, by April 16, 1996.

Date of Intended Adoption: April 24, 1996.

February 20, 1996 Merry A. Kogut, Supervisor Rules and Policy Assistance Unit

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-030 General qualifications of licensee, adoptive applicant, and persons on the premises. (1) The adoptive applicant, licensee, staff, and other person on the premises shall be a person of good character.

- (2) The licensee or adoptive applicant shall demonstrate that the licensee or adoptive applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.
- (3) ((The licensee, adoptive applicant, staff, and other person on the premises shall not have been:
- (a) Convicted of, found to be a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; nor
  - (b) Found to:
- (i) Be a perpetrator of substantiated or founded child abuse; nor
- (ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation)) A person shall be disqualified from providing care if the department determines that the person is ineligible to provide care under chapter 388-330 WAC or has committed child above, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130.
- (4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to children in care meet the qualifications in subsections (1), (2), and (3) of this section. This information may include, but is not limited to:
  - (a) Sexual deviancy evaluations;
  - (b) Substance and alcohol abuse evaluations;
  - (c) Psychiatric evaluations;
  - (d) Psychological evaluations; and
  - (e) Medical evaluations.

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-036 Licensure—Denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant, licensee, and chief executive officer, if any, to operate the agency under the law and this chapter. Such persons shall be considered separately and jointly as applicants or licensees and if any one be deemed disqualified by the department in accordance with chapter 74.15 RCW or this chapter, the department may deny, suspend, revoke, or not renew the license:

- (a) The department shall disqualify any individual engaging in illegal use of drugs or excessive use of alcohol;
- (b) The department shall disqualify any individual who has ((been convicted of an offense listed in)) committed child abuse, neglect, or exploitation as defined in RCW 26.44.030 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such person on the premises;
- (c) The department shall disqualify any individual convicted of a felony or released from a prison within seven years of the date of application for the license because of the conviction, if:
- (i) The conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, or administration of an agency; and
- (ii) The department determines, after investigation, the person has not been sufficiently rehabilitated to warrant public trust.
- (d) The department shall not grant a license to an applicant who, in this state or elsewhere:
- (i) Has been denied a license to operate an agency for the care of children, expectant mothers, or developmentally disabled adults; or
- (ii) Had a license to operate such an agency suspended or revoked.
- (e) An applicant may establish by clear, cogent, and convincing evidence the ability to operate an agency under this chapter. The department may waive the provision in subdivision (1)(d) of this section and license the applicant.
- (2) The department may deny, suspend, revoke, or not renew a license for failure to comply with the provisions of chapter 74.15 RCW, and rules contained in this chapter. The department shall deny, suspend, revoke, or not renew for any of the following reasons:
- (a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation including:
- (i) Making materially false statements on the application; or
- (ii) Material omissions which would influence appraisal of the applicant's suitability.
- (b) Permitting, aiding, or abetting the commission of any illegal act on the premises;
- (c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to a person under care;
  - (d) Repeatedly:
- (i) Providing insufficient personnel relative to the number and types of persons under care; or
- (ii) Allowing a person unqualified by training, experience, or temperament to care for or be in contact with the person under care.
- (e) Misappropriation of the property of a person under care;
- (f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;
- (g) Failure to provide adequate supervision to a person under care;
- (h) Refusal to admit authorized representatives of the department or state fire marshal to inspect the premises;
- (i) Refusal to permit authorized representatives of the department to have access to the records necessary for the

- operation of the agency or to permit the department representatives to interview agency staff and clients;
- (j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on the application for employment or volunteer service; and
- (k) Refusal or failure to supply necessary additional department-requested information.
- (3) The department may deny, suspend, revoke, or not renew or modify a license for violation of any condition or limitation upon licensure including, but not limited to, providing care for:
- (a) More children than the number for which the agency is licensed; or
- (b) Children of ages different from the ages for which the agency is licensed.
- (4) The department's notice of a denial, revocation, suspension, or modification of a license is governed by RCW 43.20A.205. The provider's right to an adjudicative proceeding is in the same law.
- (a) A provider contesting a department licensing 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 office of appeals; 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 department decision being contested.
- (b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20A.-205, this chapter, and chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.
- (5) The department may deny, suspend, revoke, or not renew a license when the agency fails to comply with the federal Indian Child Welfare Act, P.L. 95-608, chapters 13.04 and 13.34 RCW, WAC 388-73-044, Special Requirements Regarding American Indians, or WAC 388-70-600 through 388-70-640, relating to local Indian child welfare advisory committees.

## AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

- WAC 388-150-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:
- (a) Shall consider the persons' qualifications separately and jointly; and
- (b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.
- (2) The department shall deny, suspend, revoke, or not renew the license of a person who:

- (a) ((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person)) Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;
- (b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;
- (c) Engages in illegal use of a drug or excessive use of alcohol;
- (d) Commits, permits, aids, or abets the commission of an illegal act on the premises;
- (e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;
- (f) Refuses to permit an authorized representative of the department, state fire marshal, state auditor's office, or department of health to inspect the premises; or
- (g) Refuses to permit an authorized representative of the department, the department of health, or state auditor's office access to records related to operation of the center or to interview staff or a child in care.
- (3) The department may deny, suspend, revoke, or not renew a license of a person who:
- (a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:
- (i) Making a materially false statement on the application; or
  - (ii) Omitting material information on the application.
- (b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;
- (c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care:
- (d) Violates any condition or limitation on licensure including, but not limited to:
- (i) Permitting more children on the premises than the number for which the center is licensed; or
- (ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.
- (e) Fails to provide adequate supervision to a child in care;
- (f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the
  - (g) Misappropriates property of a child in care;
- (h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;
- (i) Refuses or fails to supply necessary, additional department-requested information; or
- (j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.
- (4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing is governed under RCW 43.20A.205.

AMENDATORY SECTION (Amending Order 3493, filed 12/30/92, effective 1/30/93)

WAC 388-151-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

- (a) Shall consider their qualifications separately and jointly; and
- (b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.
- (2) The department shall deny, suspend, revoke, or not renew the license of a person who:
- (a) ((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person)) Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;
- (b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;
- (c) Engages in illegal use of a drug or excessive use of alcohol;
- (d) Commits, permits, aids, or abets the commission of an illegal act on the premises;
- (e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;
- (f) Refuses to permit an authorized representative of the department, state fire marshal's office, or department of health to inspect the premises; or
- (g) Refuses to permit an authorized representative of the department or the department of health access to records related to operation of the center or to interview staff or a child in care.
- (3) The department may deny, suspend, revoke, or not renew a license of a person who:
- (a) Seeks to obtain or retain a license by fraudulent means or misrepresentation including, but not limited to:
- (i) Making a materially false statement on the application; or
  - (ii) Omitting material information on the application.
- (b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;
- (c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;
- (d) Violates any condition or limitation on licensure including, but not limited to:
- (i) Permitting more children on the premises than the number for which the center is licensed; or
- (ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.

- (e) Fails to provide adequate supervision to a child in care;
- (f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center:
  - (g) Misappropriates property of a child in care;
- (h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;
- (i) Refuses or fails to supply necessary, additional department requested information; or
- (j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.
- (4) The department shall not issue a license to a person who has been denied, suspended, revoked, or not renewed a license to operate a facility for the care of the children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.
- (5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing, shall be governed under RCW 43.20.205.

## AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

WAC 388-155-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

- (a) Shall consider the persons' qualifications separately and jointly; and
- (b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.
- (2) The department shall deny, suspend, revoke, or not renew the license of a person who:
- (a) ((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person)) Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligibility to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;
- (b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;
- (c) Engages in illegal use of a drug or excessive use of alcohol;
- (d) Commits, permits, aids, or abets the commission of an illegal act on the premises;
- (e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;
- (f) Refuses to permit an authorized representative of the department, state fire marshal, department of health, or state auditor's office to inspect the premises; or

- (g) Refuses to permit an authorized representative of the department, the department of health, or the state auditor's office access to records related to operation of the home or to interview an assistant or a child in care.
- (3) The department may deny, suspend, revoke, or not renew a license of a person who:
- (a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:
- (i) Making a materially false statement on the application; or
- (ii) Omitting material information on the application.
- (b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;
- (c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care:
- (d) Violates any condition or limitation on licensure including, but not limited to:
- (i) Permitting more children on the premises than the number for which the home is licensed; or
- (ii) Permitting on the premises a child of an age different from the ages for which the home is licensed.
- (e) Fails to provide adequate supervision to a child in care;
- (f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the home;
  - (g) Misappropriates property of a child in care;
- (h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;
- (i) Refuses or fails to supply necessary, additional department-requested information; or
- (j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.
- (4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the home in accordance with the rules of this chapter.
- (5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing shall be governed under RCW 43.20A.205.

## AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

WAC 388-160-090 General qualifications of licensee, applicant, and persons on the premises. (1) The applicant, licensee, staff, and other person on the premises shall be a person of good character.

(2) The licensee or applicant shall demonstrate that the licensee or applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.

Proposed [4]

- (3) ((The licensee, applicant, staff, and other person on the premises shall not have been:
- (a) Convicted of, found a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; or
  - (b) Found to:
- (i) Be a perpetrator of substantiated or founded child abuse; or
- (ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation)) A person shall be disqualified from providing care if the department determines that the person is ineligible to provide care under chapter 388-330 WAC or has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130.
- (4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to a child in care meet the qualifications under subsections (1), (2), and (3) of this section. The department may require the licensee or person on the premises to provide additional information including, but not limited to:
  - (a) Sexual deviancy evaluations;
  - (b) Substance and alcohol abuse evaluations;
  - (c) Psychiatric evaluations;
  - (d) Psychological evaluations; and
  - (e) Medical evaluations.

## AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

- WAC 388-160-120 Licensure—Denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant, licensee, and chief executive officer, if any, to operate the agency under the law and this chapter. The department shall consider such persons separately and jointly as applicants or licensees and if any one be deemed disqualified by the department under chapter 74.15 RCW or this chapter, the department may deny, suspend, revoke, or not renew the license. The department shall deny, suspend, revoke, or not renew a license for the following reasons:
- (a) The department shall disqualify any person engaging in illegal use of drugs or excessive use of alcohol;
- (b) The department shall disqualify any person who has ((been convicted of an offense listed)) committed child abuse, neglect, or exploitation as defined in RCW 26.44.030 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such person on the premises;
- (c) The department shall disqualify any person convicted of a felony or released from a prison within seven years of the date of application for the license because of the conviction, when:
- (i) The person's conviction is reasonably related to the person's competency to exercise responsibilities for ownership, operation, or administration of an agency; and

- (ii) The department determines, after investigation, the person has not been sufficiently rehabilitated to warrant public trust.
- (d) The department shall not grant a license to an applicant who, in this state or elsewhere:
- (i) Has been denied a license to operate an agency for the care of a child, an expectant mother, or a developmentally disabled adult; or
- (ii) Had a license to operate such an agency suspended or revoked.
- (2) An applicant of an overnight youth shelter may establish by clear, cogent, and convincing evidence the ability to operate an agency under this chapter. The department may waive the provision and license the applicant as described under subdivision (1)(d) of this section.
- (3) The department may deny, suspend, revoke, or not renew a license for failure to comply with the provisions of chapter 74.15 RCW and rules contained in this chapter. The department shall deny, suspend, revoke, or not renew a license for the following reasons:
- (a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation, including:
- (i) Making materially false statements on the application; or
- (ii) Material omissions which would influence appraisal of the applicant's or provider's suitability.
- (b) Permitting, aiding, or abetting the commission of any illegal act on the premises;
- (c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to a person under care:
  - (d) Repeatedly:
- (i) Providing insufficient personnel relative to the number and types of persons under care; or
- (ii) Allowing a person unqualified by training, experience, or temperament to care for, or be in contact with, the person under care.
- (e) Misappropriation of the property of a person under care;
- (f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;
- (g) Failure to provide adequate supervision to a person under care;
- (h) Refusal to admit authorized representatives of the department, department of health, or state fire marshal to inspect the premises;
  - (i) Refusal to permit:
- (A) Authorized representatives of the department and the department of health to have access to the records necessary for the operation of the agency; or
- (B) The department representatives to interview agency staff and clients.
- (j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on the application for employment or volunteer service; and
- (k) Refusal or failure to supply necessary additional department-requested information.
- (4) The department may deny, suspend, revoke, or not renew or modify a license for violation of any condition or limitation upon licensure including, but not limited to, providing care for:

- (a) More children than the number for which the agency is licensed: or
- (b) Children of ages different from the ages for which the agency is licensed.
- (5) The department shall deny, suspend, or revoke a licensee's license when the applicant, licensee, or person on the premises is a perpetrator of child abuse or has been convicted of a crime as listed under WAC 388-330-030(1). The department may grant a licensee or provider a waiver if it is demonstrated by clear, cogent, and convincing evidence that such person is rehabilitated and is able to comply with licensing requirements. In making this determination, the department shall consider:
- (a) The seriousness and circumstances of the person's illegal act;
- (b) The number of crimes of which the person was convicted;
- (c) The amount of time passed since the person committed the illegal act;
  - (d) The age of the person at the time of convictions;
- (e) Whether the person has entered and successfully completed all appropriate rehabilitative services, including those services ordered by a court;
- (f) The behavior of the person since the illegal act was committed;
- (g) Recommendations of persons closely associated with the person;
- (h) The duties the person would perform at the agency, and the vulnerability of the persons under care; and
  - (i) Other evidence of rehabilitation.
- If the department licenses or approves a person under this section, the department may place limitations or conditions on the person in the performance of the person's duties at the agency.
- (6) The department's notice of a denial, revocation, suspension, or modification of a license shall be governed by RCW 43.20A.205. The provider's right to an adjudicative proceeding is in the same law.
- (a) A provider contesting a department licensing 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 office of appeals; and
  - (ii) Include in or with the application:
  - (A) A specific statement of the issues and law involved;
- (B) The grounds for contesting the department decision; and
  - (C) A copy of the department decision.
- (b) The proceeding shall be governed by the Administrative Procedure Act chapter 34.05 RCW, RCW 43.20A.-205, this chapter, and chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

## AMENDATORY SECTION (Amending Order 3534, filed 7/13/93, effective 8/13/93)

WAC 388-330-010 Purpose and authority. This chapter establishes policy within the department of social and health services for conducting ((criminal history portions of)) background inquiries and checks of Washington state

((patrol's)) child abuse information files on those licensed or authorized by the department to care for children or developmentally disabled persons and those employed by or associated with a licensed agency. Such inquiries are required under RCW 74.15.030.

#### **NEW SECTION**

WAC 388-330-035 Appeal of disqualification. (1) Whenever a person in good faith desires employment in an agency licensed under chapter 74.15 RCW, the person, prior to applying for employment, upon request, shall receive from the department an informal meeting on whether the person is disqualified from employment for not meeting the minimum requirements pursuant to chapter 74.15 RCW or rules promulgated thereunder.

- (a) Prior to receiving an informal meeting under this subsection, it shall be the responsibility of a person requesting the meeting to demonstrate a good faith desire for employment in an agency licensed under chapter 74.15 RCW. Such demonstration of good faith shall include, but not be limited to, a showing of educational qualifications, employment history information, current employment, and plans for obtaining employment in a licensed agency in the near future. The department's determination regarding whether the person requesting the meeting has demonstrated a good faith desire for employment is final and not subject to a proceeding under chapter 34.05 RCW. The department shall notify such person of its determination in writing.
- (b) If the department determines, subsequent to an informal meeting under this subsection, that a person is disqualified, the department shall give written notice of the disqualification to the person. The notice shall state what the person is disqualified from doing, the reasons for the disqualification, the applicable law under which the person is disqualified, and their right to an adjudicative proceeding under chapter 34.05 RCW.
- (2) If the department during employment or at the time of employment, determines that a person is disqualified from employment with a child care agency for not meeting minimum requirements under chapter 74.15 RCW or rules promulgated thereunder, the department shall give written notice of disqualification to the person. The notice shall state what the person is disqualified from doing, reasons for the disqualification, and the applicable law under which the person is disqualified, and their right to an adjudicative proceeding under chapter 34.05 RCW.
- (3) The procedures in RCW 43.20A.205 shall apply whenever the department issues a notice of disqualification to a person under this section. If the disqualified person requests an adjudicative proceeding, the department shall have the burden of proving disqualification by a preponderance of the evidence.
- (4) A licensee under chapter 74.15 RCW may not allow a person disqualified under this section to be employed by or associate with the licensee's agency. Disqualification of a person may not be contested by a licensee.
- (5) The provisions of this section do not preclude the department from taking any action against a licensee in accordance with chapter 74.15 RCW or rules promulgated thereunder.

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- (6) If a notice of disqualification is based on a prior department finding of abuse or neglect, and after a hearing under chapter 34.05 RCW it is determined that the allegations are not supported by a preponderance of the evidence, the department's records shall be supplemented to so state.
- (7) The department in accordance with WAC 388-330-030 may remove a disqualification based on conviction of a crime.

The department may remove a disqualification based on a reason other than conviction of a crime if the disqualified person demonstrates by clear, cogent, and convincing evidence that the person is sufficiently rehabilitated to warrant public trust and to comply with the requirements of chapter 74.15 RCW, and the rules promulgated thereunder.

# WSR 96-06-010 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order #100318—Filed February 23, 1996, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-01-010.

Title of Rule: WAC 388-507-0710 AFDC-related medical income standards, 388-513-1350 Institutional—Available resources, and 388-513-1380 Institutional—Participation.

Purpose: Increase the monthly needs allowance, the one-person MNIL and the spousal resource transfer maximum.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: See Purpose above.

Reasons Supporting Proposal: State Agency Letter 95-

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, (360) 753-7462.

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

Rule is necessary because of federal law, Title XIX State Agency Letter #95-44.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule affects only department staff and clients.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on April 9, 1996, at 10:00 a m

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by March 28, 1996, TDD (360) 753-0625, or (360) 664-2954.

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by April 2, 1996.

Date of Intended Adoption: April 10, 1996.

February 23, 1996 Merry Kogut, Supervisor Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3832, filed 2/8/95, effective 3/11/95)

WAC 388-507-0710 AFDC-related medical income standards. (1) The department shall determine income standards for AFDC-related clients as described under WAC 388-505-0590 (2) and (4).

(2) Effective January 1, ((1995)) 1996, the department shall set the medically needy income level (MNIL) at:

| (a) One person          | \$ | (( <del>486</del> )) <u>496</u> |
|-------------------------|----|---------------------------------|
| (b) Two persons         |    | \$ 592                          |
| (c) Three persons       |    | \$ 667                          |
| (d) Four persons        |    | \$ 742                          |
| (e) Five persons        |    | \$ 858                          |
| (f) Six persons         |    | \$ 975                          |
| (g) Seven persons       |    | \$1,125                         |
| (h) Eight persons       |    | \$1,242                         |
| (i) Nine persons        |    | \$1,358                         |
| (j) Ten persons and abo | ve | \$1,483                         |
|                         |    |                                 |

AMENDATORY SECTION (Amending Order 3832, filed 2/8/95, effective 3/11/95)

# 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.
- (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).
  - (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 waivered 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 four)) Seventy-six thousand ((eight)) seven hundred ((twenty)) forty dollars effective January 1, ((1995)) 1996;
- (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 described under subsection (7)(b) of this 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) 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) Has a break of thirty days or more in a period of institutionalization.

AMENDATORY SECTION (Amending Order 3848, filed 5/10/95, effective 6/10/95)

- WAC 388-513-1380 Institutional—Participation. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:
- (a) Income under WAC 388-513-1330 (3)(a), (b), (c), and (d); and
- (b) Resources under WAC 388-513-1350, 388-513-1360, and 388-513-1365.
- (2) In reducing payment to the institution, the department shall consider the eligible institutionalized client's excess resources available to meet the cost of care after the following allocations:
- (a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and
- (b) Noncovered medical bills which are the liability of the client and not paid by a third party.
- (3) The department shall not use allocations used to reduce excess resources under subsection (2) of this section to reduce income under subsection (4) of this section.
- (4) The department shall deduct the following amounts, in the following order, up to a maximum of the one-person MNIL from the institutionalized client's total income, including amounts disregarded in determining eligibility:
  - (a) Specified personal needs allowance as follows:
- (i) One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility;
- (ii) Ninety dollars for a single veteran receiving an improved veteran's pension; or
- (iii) Forty-one dollars and sixty-two cents for all other clients in medical institutions.
  - (b) Federal, state, or local income taxes:
- (i) Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the client;
- (ii) Not covered by withholding, but are owed or have been paid by the client; and
- (iii) Does not exceed the one-person medically needy income level less the client's personal needs allowance.
- (c) Wages not to exceed the one-person medically needy income level less the client's personal needs allowance for a client who:
  - (i) Is SSI-related; and
- (ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction, the department shall:
- (A) Not allow a deduction for employment expenses; and
- (B) Apply the client's wages not deducted under this subsection to the client's cost of care.
- (d) An amount an SSI or AFDC client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance.
- (e) A monthly needs allowance for the community spouse not to exceed, effective January 1, 1996, one thousand ((eight)) nine hundred ((seventy one)) nineteen dollars, unless specified in subsection (6) of this section. The department shall ensure the monthly needs allowance is:
- (i) An amount added to the community spouse's gross income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; ((and))

- (ii) Excess shelter expenses as specified under subsection (5) of this section; and
- (iii) Allowed only to the extent income of the institutionalized spouse is made available to the community spouse.
- (f) An amount for the maintenance needs of each dependent family member residing with the community spouse:
- (i) Equal to one-third of the amount one thousand two hundred fifty-four dollars exceeds the family member's income. Child support received from an absent parent is the child's income.
  - (ii) "Family member" means a:
  - (A) Dependent or minor child;
  - (B) Dependent parent; or
- (C) Dependent sibling of the institutionalized or community spouse.
- (g) When an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents.
- (h) Amounts for incurred medical expenses not subject to third-party payment which are the current liability of the client including, but not limited to:
- (i) Health insurance premiums, coinsurance, or deductible charges; and
- (ii) Necessary medical care recognized under state law, but not covered under Medicaid.
- (i) Maintenance of the home of a single person or couple:
  - (i) Up to one hundred eighty dollars per month;
  - (ii) Limited to a six-month period; and
- (iii) When a physician has certified that the client is likely to return to the home within the six-month period; and
- (iv) When social service staff ((shall)) documents initial need for the income exemption and reviews the person's circumstances after ninety days.
- (5) For the purposes of this section, the department shall:
- (a) Determine shelter expenses to be the actual required maintenance expenses for the community spouse's principal residence for:
  - (i) Rent;
  - (ii) Mortgage;
  - (iii) Taxes and insurance;
- (iv) Any maintenance care for a condominium or cooperative; and
- (v) The food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.
- (b) Consider the standard shelter allocation to be three hundred seventy-seven dollars, effective April 1, 1995.
- (c) Consider as "excess shelter expenses" an amount equal to the actual expenses under subsection (5)(a) of this section less the standard shelter allocation under subsection (5)(b) of this section.
- (6) The department shall determine the amount the institutional spouse allocates to the community spouse may only be greater than the amount in subsection (4)(((<del>(d)</del>))(e)(i) of this section when:
- (a) A court enters an order against the institutionalized client for the community spouse support; or

- (b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.
- (7) The client shall use the income remaining after allocations specified in subsection (4) of this section toward payment of the client's cost of care at the department rate.
  - (8) SSI-related clients.
- (a) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:
- (i) Stay in the institution or facility is not expected to exceed three months; and
- (ii) SSI-related clients plan to return to former living arrangements.
- (b) The department shall not consider the SSI payment when computing the client's participation amount.
- (9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

# WSR 96-06-014 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed February 26, 1996, 11:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-021.

Title of Rule: Nursing home discharge allowance, WAC 388-15-145. Title changed to Residential care discharge allowance.

Purpose: Increase amount of discharge funds available for clients residing in AASA residential care programs to establish or reestablish independent living.

Statutory Authority for Adoption: RCW 74.08.090. Statute Being Implemented: RCW 74.08.090.

Summary: Amendment will increase amount of available discharge funds from \$400 to \$800 and will allow discharge funds to be used when clients are discharged from other residential care facilities as well as nursing homes.

Reasons Supporting Proposal: Promotes client independence, saves state resources.

Name of Agency Personnel Responsible for Drafting and Implementation: Allen D. Shanafelt, Olympia, 493-2544.

Name of Proponent: Department of Social and Health Services, Aging and Adult Services Administration, Home and Community Services, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No fiscal impact.

State/AASA funded program, no new requirements for constituents/stakeholders.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Expands resources available to clients when establishing or reestablishing independent residence. AASA state funded program. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on April 9, 1996, at 10:00 a m

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by March 28, 1996, TDD (360) 753-0625.

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by April 2, 1996.

Date of Intended Adoption: April 10, 1996.

February 26, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 2367, filed 5/1/86)

WAC 388-15-145 ((Nursing home)) Residential care discharge allowance. (1) A one-time allowance may be issued to state and federally funded medical ((eare)) assistance program eligible ((nursing home residents who are ready for discharge)) persons meeting the requirements of subsection (3) of this section and residing in a:

- (a) Medicaid-certified nursing facility;
- (b) Hospital;
- (c) Adult residential care facility;
- (d) Enhanced adult residential care facility;
- (e) Assisted living facility; or
- (f) Adult family home.
- (((1))) (2) The allowance must be used to ((obtain or reestablish independent housing and to)):
- (a) Start or resume ((housekeeping)) residence in the persons own home; or
- (b) Purchase necessary equipment or make modifications to the person's home unless otherwise covered by state or federally funded medical programs.
- $(((\frac{2}{2})))$  (3) Persons eligible for the discharge allowance must((÷
- (a))) be receiving aging and adult services administration funded services and have no existing independent residence or have a residence which cannot be reestablished without monetary assistance((;
- (b) Not have a spouse or dependents living in an independent residence to which the person could return, and
- (e) Have no more than six hundred dollars in cash or other liquid resources which could be converted at face value to eash within thirty days)).

(((3))) (4) The discharge allowance ((issued)) is based on the actual amount required to establish or reestablish an independent residence ((for the individual with a maximum of four)) and shall not exceed eight hundred dollars.

# WSR 96-06-017 PROPOSED RULES NORTHWEST AIR POLLUTION AUTHORITY

[Filed February 27, 1996, 10:10 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Northwest Air Pollution Authority (NWAPA) regulation.

Purpose: To amend, add and delete subsections of the NWAPA regulation to be consistent with federal statutes and promote effective air pollution control.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: Subsections:

- 132.6 Added words, "per day per violation" to be consistent with the federal Air Operating Permit Program (40 CFR 70.11 (a)(3)).
- Delete definition of outdoor fire and add a definition of outdoor burning.
- 501.3 Delete definition of open burning and modify definition of outdoor burning to be consistent with Section 200. Add a definition of commercial open burning.
- All references to open burning will be changed to outdoor burning to be consistent with the definition.
- Add a subsection, 520.2, that exempts ocean going vessels, small waste oil heaters, and waste oil collection programs from sulfur limits in fuel oil.

Reasons Supporting Proposal: To clarify open burning requirements, to achieve consistency with federal, state and other local regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James Randles, 302 Pine Street, #207, Mount Vernon, WA 98273-3852, (360) 428-1617.

Name of Proponent: Northwest Air Pollution Authority, 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.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required of this organization.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Skagit County Administration Building, Second and Kincaid Streets, Hearing Room "C", Mount Vernon, Washington 98273, on April 11, 1996, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Susan Duffy by March 30, 1996, (360) 428-1617 ext. 200.

Submit Written Comments to: FAX (360) 428-1620, by April 10, 1996.

Date of Intended Adoption: April 11, 1996.

February 26, 1996 James B. Randles Assistant Control Officer

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#### AMENDATORY SECTION

#### SECTION 132 - CRIMINAL PENALTY

- 132.1 Any person who knowingly violates any of the provisions of chapter 70.94 RCW or 70.120 RCW, or any ordinance, resolution, or regulation in force pursuant thereto, including the Regulation of the NWAPA, shall be guilty of a crime and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars (10,000) per day per violation, or by imprisonment in the county jail for not more than one year, or by both.
- Any person who negligently releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction thereof shall be punished by a maximum fine of not less than ten thousand dollars (\$10,000) per day per violation, or by imprisonment for not more than one year, or both.
- 132.3 Any person who knowingly releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, shall be guilty of a crime and shall, upon conviction thereof shall be punished by a maximum fine of not less than fifty thousand dollars, or by imprisonment for not more than one year, or both.
- 132.4 Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a maximum fine or not less than five thousand dollars.
- 132.5 Any person who knowingly renders inaccurate any required monitoring device or method as required by 40 CFR 70.11 (a)(3)(iii) shall be guilty of a crime and upon conviction thereof shall be punished by a fine of not less than ten thousand dollars (\$10,000) per day per violation.
- 132.6 Any person who knowingly makes any false material statement, representation, or certification in any form, in any notice or report required by a permit, as required by 40 CFR 70.11 (a)(3)(iii) shall be guilty of a crime and upon conviction thereof shall be punished by a maximum fine of not less than ten thousand dollars (\$10,000) per day per violation.

Amended: April 14, 1993, October 13, 1994, April 11, 1996

#### **AMENDATORY SECTION**

#### **SECTION 200 - DEFINITIONS**

<u>OPACITY</u> - Opacity means the degree to which an emission reduces the transmission of light and obscures the view of any object in the background.

ORDER OF APPROVAL OR APPROVAL ORDER - A regulatory order issued by the authority to approve the notice of construction application for a proposed new source or modification.

((OUTDOOR FIRE - A fire where any material is burned in the open, in receptable other than a furnace, incinerator, or other equipment connected to a stack or chimney.))

OUTDOOR BURNING - means the burning of any material in an open fire or in a receptacle other than an incinerator, furnace, or other combustion device approved in advance by the NWAPA.

OWNER OR AGENT - Includes the person who leases, supervises or operates the equipment or control facility.

PARTICLE - A small discrete mass of solid or liquid matter.

<u>PARTICULATE MATTER</u> - Small discrete masses of liquid or solid, exclusive of uncombined water.

<u>PATHOLOGICAL WASTE</u> - Human and animal remains consisting of carcasses, organs and solid organic wastes, consisting of up to 85% moisture, 5% incombustible solids.

<u>PERSON</u> - Means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

PETROLEUM LIQUIDS - Petroleum condensate, and any finished intermediate product manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in A.S.T.M. D396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D2880-71, or diesel fuel oils Number 2-D and 4-D as specified in A.S.T.M. D975-68.

<u>PORTABLE EQUIPMENT</u> - Equipment designated to be transported from place to place for temporary operation.

<u>PORTLAND CEMENT PLANT</u> - Any facility manufacturing Portland cement by either the wet or dry process.

<u>PM-10</u> - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

<u>PROCESS</u> - A physical and/or chemical modification or treatment of a material from its previous state or condition.

#### **AMENDATORY SECTION**

SECTION 501 - OUTDOOR BURNING

#### 501.1 PURPOSE

The purpose of this section is to minimize the air pollution impacts caused by <u>outdoor</u> ((<del>open</del>)) burning as mandated by the Washington Clean Air Act of 1991.

This rule establishes controls for open burning in order to:

- 501.11 Reduce <u>outdoor</u> ((open)) burning to the greatest extent practical by eliminating it in PM-10 and/or carbon monoxide nonattainment areas; and urban growth areas or cities with a population of 10,000 or more by December 31, 2000:
- 501.12 For areas where <u>outdoor</u> ((open)) burning is allowed, established a limited burning program, including procedures by which <u>outdoor</u> ((open)) burning may be conducted;
- 501.13 Encourage the development and use of alternate methods for the disposal of woody debris.

#### 501.2 APPLICABILITY

- 501.21 This section applies to all forms of outdoor burning except:
  - 501.211 Silvicultural Burning
  - 501.212 Agricultural Burning
  - 501.213 Recreational Fires that are not used for debris disposal purposes and do not cause a nuisance to neighbors.
  - 501.214 Ceremonial Fires
  - 501.215 Burning to improve and maintain fire dependent ecosystems pursuant to Chapter 332.24 WAC.
- 501.22 No outdoor burning shall occur during a declared period of impaired air quality.
- 501.23 A fire protection agency, county, or conservation district may enforce its own controls that are stricter than those set forth in this section.

#### 501.3 DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this section shall have the following meanings:

AGRICULTURAL BURNING - means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

<u>CEREMONIAL FIRE</u> - means a fire associated with an Indian ceremony or ritual.

COMMERCIAL OPEN BURNING - means open burning conducted as part of any commercial or business operation.

ECOLOGY - means the Washington State Department of Ecology.

<u>EPISODE</u> - means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in Chapter 173-435 WAC.

IMPAIRED AIR QUALITY - means a condition declared by Ecology or the Authority in accordance with the following criteria:

- (a) Meteorological conditions are conducive to an accumulation of air contamination concurrent with:
  - (i) Particulate that is ten micron and smaller in diameter (PM-10) at or above an ambient level of seventy-five micrograms per cubic meter measured on a twenty four hour average; or
  - (ii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight hour average.
- (b) Air quality that threatens to exceed other limits established by the authority.

<u>LAND CLEARING BURNING</u> - means the burning of outdoor fires over ten (10) feet in diameter consisting of residue such as trees, stumps, shrubbery or other natural vegetation in preparation of a land improvement or construction project as distinguished from a forest harvest operation.

NONATTAINMENT AREA - means a clearly delineated geographic area which has been designated by the Environmental Protection Agency and promulgated as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

NUISANCE - means an emission of smoke from any outdoor burning ((open fire)) to be deposited beyond the property line, if it interferes with the use and enjoyment of the property deposited on.

((OPEN BURNING means all forms of outdoor burning except these listed as exempt in section 502 of this regulation.))

OUTDOOR BURNING - means the <u>burning</u> of any material in an open fire or in a receptacle other than an incinerator, furnace, or other combustion device approved in advance by the NWAPA ((eembustion 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)).

- 501.52 A person responsible for an outdoor fire at the time an episode or impaired air quality is declared shall extinguish that fire. Outdoor burning conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.670 shall be extinguished by withholding new fuel and allowing the fire to burn down.
- 501.53 Smoke visible from outdoor burning after a time period of three hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful outdoor burning.
- 501.54 For Department of Natural Resource silvicultural burning, smoke visible from outdoor burning after a time period of ten hours has elapsed from the time of declaration

Proposed [ 12 ]

of the episode or impaired air quality shall constitute prima facie evidence of unlawful outdoor burning.

#### 501.6 ((OPEN)) OUTDOOR BURNING PROGRAM

- 501.61 General Requirements.
  - 501.611 All <u>outdoor</u> burning requires a permit as covered in section 501.7.
  - 501.612 Permits shall not be issued, and thus outdoor ((open)) burning is not allowed, in areas where reasonable alternatives are available.
  - 501.613 No <u>outdoor</u> ((open)) burning shall be allowed in areas that exceed federal or state ambient air quality standards for fine particulate matter (PM-10) or carbon monoxide. Such areas shall be defined as the entire PM-10 and/or carbon monoxide nonattainment area, unless otherwise determined pursuant to section 506.21 of the regulation.
  - 501.614 A fire protection authority may declare a fire hazard in areas where <u>outdoor</u> burning is banned and in areas where <u>outdoor</u> burning is allowed. If <u>outdoor</u> ((<del>open</del>)) burning is determined to be the most appropriate manner to abate a fire hazard, the fire protection authority must request from the Authority permission to burn. Permits issued under section 501.614 shall provide that:
    - 501.6141 Prohibited material shall not be burned.
    - 501.6142 Outdoor ((B)) burning shall not be conducted during a period of impaired air quality.
    - 501.6143 No reasonable alternative is available.
    - 501.6144 No <u>outdoor</u> ((<del>open</del>)) burning shall be conducted in areas that exceed federal or state ambient air quality standards for Carbon monoxide and/or PM-10. Such areas shall be defined as nonattainment areas for these pollutants.
- 501.62 Additional Requirements for Nonattainment Areas
  - 501.621 Phase-out Approach. The Authority may petition Ecology to allow a phase-out approach in nonattainment areas. The phase-out approach will focus on how to achieve the Clean Air Washington goals and eliminate outdoor burning in areas that exceed the standards. Ecology will review and determine if the petition should be approved. The Ecology may

partially approve petitions or approve petitions with conditions based on the following criteria:

- 501.6211 Population and population density considerations.
- 501.6212 Air quality in the region can support outdoor ((open)) burning based upon geographical and meteorological conditions.
- The presence of a permitting program.
- The extent to which reasonable alternatives to outdoor ((open)) burning are being developed through solid waste management plans and the schedule for the availability of such reasonable alternatives.
- 501.622 The petition to allows for a <u>outdoor</u> burning phase-out approach is due to the Ecology no later thirty (30) days after an area is designated as a nonattainment area. A ban is not effective in areas identified in the petition until after Ecology makes a ruling on the petition.
- 501.623 The phase-out plan identified in the petition shall be rendered void: 1) when alternatives are available or 2) when Ecology demonstrates to the Environmental Protection Agency that air quality standards are achieved.
- 501.624 Fires may be permitted in areas where outdoor burning is otherwise banned under the following conditions.
  - 501.6241 Fire training. The Authority may issue permits for fire training fires, pursuant to Ecology guidelines and rules.
  - 501.6242 The Authority may permit fires that are part of a defined research project, weed abatement, and smoke training as part of a military training exercise.
  - Responding to <u>outdoor</u> ((<del>open</del>)) burning calls. Each affected County shall identify a fire marshal or other appropriate county official for field response and to document <u>outdoor</u> ((<del>open</del>)) burning complaints or violations using appropriate field notices. In areas where the county has no jurisdiction, the Authority will negotiate with the appropriate local agency on field response.

- 501.63 Additional Requirements for Urban Growth Areas and Cities with a Population of Ten Thousand (10,000) or More.
  - 501.631 Outdoor ((Open)) burning will be banned when reasonable alternatives are available. Regardless of alternative availability, outdoor ((open)) burning will be banned after December 31, 2000.
  - 501.632 Until <u>outdoor</u> ((<del>open</del>)) burning is banned, it is allowed subject to the permitting provisions of this section.
  - 501.633 When <u>outdoor</u> ((<del>open</del>)) burning is banned, the provisions in section 501.62 shall apply.

#### 501.7 OPEN BURNING PERMIT REQUIREMENTS

- 501.71 All outdoor burning requires a permit. For areas where burning is allowed, the Authority, fire districts or departments, conservation districts, or counties may issue permits. Those issuing permits are responsible for field response to outdoor ((open)) burning complaints. Ecology will provide guidance for field response programs which addresses funding, training, and staffing.
- 501.72 In selecting a permit program, the options range from the minimum a general rule burn, as described below, to a written permit. A permit program must be in place eight months after Ecology provides guidance for the program. If at that time, no agreement has been reached, the area becomes a no-burn area and falls under the restrictions set forth in section 501.62 above. A no-burn area will be established only after a public hearing has been conducted to address the matter.
- 501.73 Fees. The Authority may charge a fee to cover the administrative cost of a permit program. Fire districts, counties, and conservation districts issuing fire permits may collect fees to cover administrative costs.
- 501.74 The Authority may apply additional restrictions on <u>outdoor</u> ((<del>open</del>)) burning as necessary to reduce the impacts from <u>outdoor</u> ((<del>open</del>)) burning. These restrictions include, but are not limited to, restricting burning in sensitive areas per 173-400 WAC, restricting the time periods for which burning is allowed, limiting permissible hours of burning, restricting burning to specific weather conditions, and imposing requirement for good combustion.
- 501.75 General Rule Burn Permits. For areas where outdoor burning is allowed, fire permitting agencies may elect to use a general permit by rule. A person burning under a general permit by rule system must meet, at minimum, the following requirements and any additional restrictions including those established by

- cities, counties, or fire protection authorities. Persons not able to meet all of the requirements of this sections must apply for and receive a written permit.
- 501.763 At least one fan rated and operated at 6,000 cubic feet per minute must be on site for each twenty-five (25) feet of fire diameter and must be used to facilitate ignition and burning unless comparable winds make a fan unnecessary.
- 501.764 Material for a fire must be free of excess dirt and machine stacked by an excavator or equivalent machine which must be on site and employed until all visible emissiols cease. The ratio of stack height to burn pile diameter shall be as high as possible but no less than 1:2.
- 501.765 The number of fires per parcel, defined as a single, integrated, land area that is being cleared by a party, shall be:
  - 501.7651 No more than one fire per acre: and
  - 501.7652 No more than three fires per parcel, which must be set in sequence, with each fire fully engaged prior to setting another.
- 501.766 Stumps and tree trunks must be split so that no material exceeding three (3) feet in diameter is burned.
- 501.767 A person qualified to operate stacking or equivalent machinery shall be present at the immediate fire site during burning.
- 501.768 Burning shall be conducted in such a manner as to prevent any smoke and/or particulate matter from being emitted that is or is likely to restrict visibility on a public road or airport landing strip.
- 501.769 Outdoor fires for the purpose of land clearing burning must have a written permit from the appropriate fire permitting agency. Not withstanding the restrictions listed in sections 501.761 through 501.768 above, all land clearing fires must meet any additional conditions listed on the permit and all other applicable air pollution regulations.
- 501.770 No fires shall be permitted for the burning of material generated from land clearing projects located in areas where a burn ban exists.
- 501.771 It shall be unlawful for any person to cause or allow the burning of material generated from land clearing projects located in areas where a burn ban exists.
- 501.8 Additional requirements for commercial establishments.

No <u>outdoor</u> ((<del>open</del>)) burning is allowed at permanently located commercial establishments excluding land clearing operations. The Northwest Air Pollution Authority may issue fire permits on a case-by-case basis for extenuating circumstances e.g., mitigating an immediate threat to human health or safety.

Amended: April 14, 1993, October 13, 1994, April 11, 1996

## SECTION 504 - OUTDOOR <u>BURNING</u> ((<del>FIRES</del>)) - GRASS SEED FIELDS

- 504.1 It is the policy of the NWAPA in carrying out its responsibilities under Chapter 70.94 RCW to:
  - 504.11 Reduce and ultimately eliminate unnecessary agricultural burning through the earliest possible application of practical alternate methods.
  - 504.12 Encourage and assist grass seed producers and processors to conduct or participate in a research and technological program designed to progressively reduce adverse effects on the environment through application of best practicable agricultural practices.
  - 504.13 Discourage any increase in the number of acres being burned during the time period alternate methods are being developed to eliminate agricultural burning by the grass seed industry; and to seek an equitable and effective method of preventing an increase in burning.
- No outdoor ((open)) burning of field grasses or turf 504.2 grasses shall be undertaken unless a permit has been obtained from the Authority. The issuance of permits hereunder shall be governed by consideration of air quality conditions in the area where proposed burning is to occur, the time of year, the size and duration of the proposed burning activity, and the applicant's need to carry out such burning as weighed against the public interest in clean air. Permits will be conditioned to minimize air pollution insofar as practical. The Authority may limit the number of acres for which permits to burn will be issued in order to effectively control emissions from this source and to implement the policy expressed in 504.13.
- 504.3 The NWAPA hereby adopts by reference Chapter 18-16 WAC "Burning of Field and Turf Grasses Grown for Seed".
- 504.4 Practical alternative production methods and disease controls which would reduce or eliminate outdoor ((open)) burning shall be utilized as soon as they become available regardless of specific provisions of the compliance program included within this section.
- 504.5 Mobile field burners and other methods of incineration, not classified as <u>outdoor</u> ((<del>open</del>)) burning,

shall not be prohibited by the above restrictions, providing emissions do not exceed the following standards:

- 504.51 Visible emissions shall not exceed an opacity of 20% for more than three (3) minutes in any one hour:
- 504.52 Particulate emissions shall not exceed 0.1 grains per standard cubic foot of exhaust gas corrected to 7% oxygen at standard conditions, dry.
- 504.6 Nothing herein shall relieve any applicant for a permit hereunder from obtaining permits, licenses or approvals required by any other laws, regulations, or ordinances.

PASSED: February 14, 1973

AMENDED: By Adoption of WAC 18-16 January 24, 1972, August 9, 1978, June 7, 1990, April 11, 1996

#### **AMENDATORY SECTION**

#### SECTION 520 - SULFUR COMPOUNDS IN FUEL

- 520.1 It shall be unlawful for any person to burn, sell, or make available for sale for burning in fuel burning equipment, or refuse burning equipment, within the jurisdiction of this Authority, any fuel containing a weight of sulfur in excess of that allowed by Subsection 520.11, 520.12, 520.13, 520.14 and 520.15.
  - 520.11 Distillate fuel oil classified as Grade No. 1 (ASTM designation: D396-69) shall contain three tenths percent (0.3%) or less sulfur by weight.
  - 520.12 Distillate fuel oil classified as Grade No. 2 (ASTM Designation: D396-69) shall contain five-tenths percent (0.5%) or less sulfur by weight.
  - 520.13 All other grades or kinds of fuel oil intended for use in fuel oil burning equipment including ASTM Designation: D396-69 Grades No. 4, 5, and 6 shall contain two percent (2.0%) or less sulfur by weight.
  - 520.14 Gaseous fuel shall contain 50 grains (412 ppm @ standard conditions) or less sulfur per 100 standard cubic feet except that this subsection shall not apply to those sources subject to Section 460.
  - 520.15 Solid fuel (such as, but not limited to, coal, coke, and refuse) shall contain two percent (2.0%) or less sulfur by weight.

#### 520.2 This section does not apply to:

- a. Ocean going vessels;
- b. Used oil burned in space heaters that have a maximum heat input of less than 0.4 million BTU/hr; and
  - c. Persons in the business of collecting used oil from residences authorized by a city, county, or the Utilities and Transportation Commission.

Amended: April 14, 1993, May 11, 1995, April 11, 1996

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

Reviser's note: The typographical errors in the above material occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

# WSR 96-06-026 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed February 28, 1996, 4:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-031.

Title of Rule: WAC 388-290-135 JOBS, income assistance, and transitional child care—Hearings.

Purpose: Fair hearings rules and regulations. This rule amendment allows JOBS and income assistance child care recipients to be eligible for continued child care benefits pending the outcome of a fair hearing.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Amendment will make child care WAC consistent with JOBS WAC in allowing JOBS and income assistance recipients to be eligible for continued benefits pending a fair hearing or hearing decision.

Reasons Supporting Proposal: Make child care WAC consistent with other child care programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeff Willis, Employment and Social Services, (360) 438-8348.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: All incorporated.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments will result in child care WAC being consistent with JOBS WAC in allowing JOBS and income assistance recipients who request timely hearings to be eligible for continued benefits pending a fair hearing or hearing decision.

Proposal Changes the Following Existing Rules: Allows continued child care benefits to recipients pending fair hearing or hearing decision.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt, this change does not affect small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Exempt, the Department of Social and Health Services is not a named agency within RCW 34.05.-328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on April 9, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by March 26, 1996, TDD (360) 753-0625, or (SCAN) 753-0625.

Submit Written Comments to and Identify WAC Numbers: Merry Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 664-0118, by April 2, 1996.

Date of Intended Adoption: April 10, 1996.

February 28, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3916, filed 11/8/95, effective 12/9/95)

WAC 388-290-135 JOBS, income assistance, and transitional child care—Hearings. (1) Applicants or recipients shall be entitled to fair hearings under chapter 388-08 WAC on any action affecting child care benefits except for changes resulting from a change in policy or law.

- (2) Recipients of JOBS and income assistance child care payments ((shall not)) may be eligible for continued child care benefits pending the outcome of a fair hearing if the recipient requests the fair hearing on or before the effective date of the action or within ten days of the notice of adverse action.
- (3) Recipients of transitional child care benefits ((are)) shall be eligible for continued benefits pending the outcome of a fair hearing if the recipient requests the fair hearing on or before the effective date of the action or within ten days of the notice of adverse action. Continued benefits ((may)) shall not extend beyond the family's twelve-month eligibility period.
- (4) The department shall consider any child care assistance the recipient receives pending a fair hearing or hearing decision to be an overpayment when the fair hearing decision subsequently finds against the recipient.

#### WSR 96-06-036 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 94-35—Filed March 1, 1996, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-06-067.

Title of Rule: Chapter 173-400 WAC, General regulations for air pollution sources.

Purpose: Comply with the requirements of the Environmental Protection Agency and to retain delegation of the federal operating permit program.

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

Summary: Requires the incorporation on new source performance standards and maximum achievable control technology requirements.

Reasons Supporting Proposal: Because Washington state is constitutionally precluded from adopting future

federal regulations, it is important for the air quality program to keep this regulation current and update it regularly to incorporate new federal requirements as they are promulgated.

Name of Agency Personnel Responsible for Drafting: Peter Y. Lyon, P.O. Box 47600, [Olympia,] WA 98504-7600, (360) 407-7530; Implementation and Enforcement: Joe Williams, P.O. Box 47600, [Olympia,] WA 98504-7600, (360) 407-6880.

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

Rule is necessary because of federal law, the Clean Air Act.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule revision will revise chapter 173-400 WAC, General regulations for air pollution sources, to incorporate recent federally promulgated requirements that Washington must implement to retain delegation of the federal operating permit program and implement provisions of the state implementation plan. This revision will include incorporating new source performance standards and maximum achievable control technology requirements; revising new source review fees; promulgating additional record-keeping and reporting requirements for generators as required by the EPA; and updating definitions to remain consistent with federal regulations.

Proposal Changes the Following Existing Rules: Adds new source category requirements for generators of air pollution in the form of maximum achievable control technology requirements and new source performance standards. Changes volatile organic compound definition to match federal definition. Makes it illegal to make false materials statement, representation or certification in any form, notice or report required under chapter 70.94 RCW. States that no person shall render inaccurate any monitoring device or method required under chapter 70.94 RCW.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes to chapter 173-400 WAC, are exempt from economic impact or benefit-cost evaluation requirements of chapter 19.85 RCW or RCW 34.05.328 because they do not go beyond federal requirements.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The proposed changes to chapter 173-400 WAC, are exempt from economic impact or benefit-cost evaluation requirements of chapter 19.85 RCW or RCW 34.05.328 because they do not exceed the federal requirements.

Hearing Location: Department of Ecology, Room ROA 34, 300 Desmond Drive, Lacey, WA 98503, on April 10, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Lydia Blalock, TDD (360) 407-6206.

Submit Written Comments to: Peter Y. Lyon, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6802, by April 10, 1996.

Date of Intended Adoption: June 30, 1996.

February 29, 1996 Mary Riveland Director AMENDATORY SECTION (Amending Order 93-40, filed 3/22/95, effective 4/22/95)

WAC 173-400-030 **Definitions.** Except as provided elsewhere in this chapter, the following definitions apply throughout the chapter:

- (1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.
- (a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (b) Ecology or an authority may presume that sourcespecific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.
- (c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.
- (2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.
- (3) "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."
- (4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.
- (5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:
- (a) The applicable standards as set forth in 40 CFR Part 60 or 61;
- (b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or

- (c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.
  - (6) "Ambient air" means the surrounding outside air.
- (7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.
- (8) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.
- (9) "Best available control technology (BACT)" means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61, as they exist on ((May 7, 1993,)) (add proposal date) or their later enactments as adopted by reference by the director by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.
- (10) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.
- (11) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.
- (12) "Capacity factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.
- (13) "Class I area" means any area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

Alpine Lakes Wilderness; Glacier Peak Wilderness; Goat Rocks Wilderness; Mount Adams Wilderness; Mount Rainier National Park; North Cascades National Park; Olympic National Park;

Pasayten Wilderness;

Spokane Indian Reservation.

- (14) "Combustion and incineration sources" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.
- (15) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:
- (a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- (b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- (16) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.
- (17) "Director" means director of the Washington state department of ecology or duly authorized representative.
- (18) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.
- (19) "Ecology" means the Washington state department of ecology.
- (20) "Emission" means a release of air contaminants into the ambient air.
- (21) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.
- (22) "Emission standard" and "emission limitation" means a requirement established under the FCAA or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.
- (23) "Emissions unit" means any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, chapter 70.94 or 70.98 RCW.
- (24) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.
- (25) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).
- (26) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of

determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the ((1977)) 1987 Supplement.

- (27) "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.
- (28) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.
- (29) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.
- (30) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.
- (31) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (32) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.
- (33) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).
- (34) "Incinerator" means a furnace used primarily for the thermal destruction of waste.
- (35) "In operation" means engaged in activity related to the primary design function of the source.
- (36) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.
- (37) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:
- (a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or
- (b) The most stringent emission limitation which is achieved in practice by such class or category of source.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(38) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness; Glacier Peak Wilderness; Goat Rocks Wilderness; Mount Adams Wilderness; Mount Rainier National Park; North Cascades National Park; Olympic National Park; Pasayten Wilderness.

- (39) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA. Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone. A physical change or change in the method of operation shall not include:
  - (a) Routine maintenance, repair, and replacement;
- (b) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;
- (d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste:
- (e) Use of an alternative fuel or raw material by a stationary source which:
- (i) The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a prevention of significant deterioration permit or notice of construction approval; or
- (ii) The stationary source is approved to use under any federally-enforceable notice of construction approval or a PSD permit issued by the environmental protection agency;
- (f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;
  - (g) Any change in ownership at a stationary source.
  - (40) "Major stationary source" means:
  - (a) Any stationary source which:
- (i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Acts; or
- (ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen.
- (b) Any stationary source (or group of stationary sources) which:
- (i) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

- (ii) Is located in a "serious" particulate matter  $(PM_{10})$  nonattainment area and which emits or has the potential to emit seventy tons per year or more of  $PM_{10}$  emissions.
- (c) Any physical change that would occur at a stationary source not qualifying under (a) or (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;
- (d) A major stationary source that is major for VOCs or NOx shall be considered major for ozone;
- (e) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (b) of this subsection:
  - (i) Coal cleaning plants (with thermal dryers);
  - (ii) Kraft pulp mills;
  - (iii) Portland cements plants;
  - (iv) Primary zinc smelters;
  - (v) Iron and steel mills;
  - (vi) Primary aluminum ore reduction plants;
  - (vii) Primary copper smelters;
- . (viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
  - (ix) Hydrofluoric, sulfuric, or nitric acid plants;
  - (x) Petroleum refineries;
  - (xi) Lime plants;
  - (xii) Phosphate rock processing plants;
  - (xiii) Coke oven batteries;
  - (xiv) Sulfur recovery plants;
  - (xv) Carbon black plants (furnace process);
  - (xvi) Primary lead smelters;
  - (xvii) Fuel conversion plants;
  - (xviii) Sintering plants;
  - (xix) Secondary metal production plants;
  - (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;
  - (xxiii) Taconite ore processing plants;
  - (xxiv) Glass fiber processing plants;
  - (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.
- (f) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the ((1977)) 1987 Supplement.

- (41) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.
- (42) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.
- (43) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.
- (44) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Parts 61 and 63.
- (45) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.
  - (46) "Net emissions increase" means:
- (a) The amount by which the sum of the following exceeds zero:
- (i) Any increase in actual emissions from a particular change or change in method of operation at a source; and
- (ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
- (b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.
- (c) An increase or decrease in actual emissions is creditable only if:
- (i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.
- (ii) Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs
- (d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- (e) A decrease in actual emissions is creditable only to the extent that:
- (i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
- (ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

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- (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and
- (iv) Ecology or the authority has not relied on it in issuing any permit or order of approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.
- (f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.
  - (47) "New source" means:
- (a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and
- (b) Any other project that constitutes a new source under the Federal Clean Air Act.
- (48) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.
- (49) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.
- (50) "Notice of construction application" means a written application to permit construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.
- (51) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.
- (52) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.
- (53) "Order" means any order issued by ecology or a local air authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.
- (54) "Order of approval" or "approval order" means a regulatory order issued by ecology or the authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.
- (55) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
- (56) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

- (57) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.
- (58) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.
- (59) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.
- (60) "PM-10 emissions" means finely divided solid or liquid material, including condensible particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington state implementation plan.
- (61) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source
- (62) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141.
- (63) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.
- (64) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.
- (65) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.
- (66) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for sources regulated by a local air authority, the regulations of that authority.
- (67) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the

following pollutants, a rate of emission equal to or greater than any one of the following rates:

| Pollutant   | Tons/Year               |
|---|-------------------------|
| Carbon monoxide   | 100                     |
| Nitrogen oxides   | 40                      |
| Sulfur dioxide  |                         |
| Particulate matter (PM)   | 25                      |
| Fine particulate matter (PM <sub>10</sub> )                           | 15                      |
| Volatile organic compounds (VOC)                                      | 40                      |
| Lead  | 0.6                     |
| Fluorides   | 3                       |
| Sulfuric acid mist  | 7                       |
| Hydrogen sulfide $(H_2S)$   | 10                      |
| Total reduced sulfur (including H <sub>2</sub> S)                     | 10                      |
| Municipal waste combustor organics                                    | 0.0000035               |
| (measured as total tetra-through octa-chlorinated                     |                         |
| dibenzo-p-dioxins and dibenzofurans                                   |                         |
| Municipal waste combustor metals (measured as                         | PM) 15                  |
| Municipal waste combustor acid gases (measured and hydrogen chloride) | i as SO <sub>2</sub> 40 |
|   |                         |

- (68) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.
- (69) "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)) 1987 Supplement.
- (70) "Source category" means all sources of the same type or classification.
- (71) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.
- (72) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.
- (73) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.
- (74) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the FCAA.
- (75) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

- (76) "Synthetic minor" means any source whose ((emissions have been limited below the source's)) potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.
- (77) "Total reduced sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.
- (78) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on ((July 1, 1988)) (insert effective date).
- (79) "Toxic air pollutant (TAP)" or "toxic air contaminant" means any Class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or WAC 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.
- (80) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.
- (((80))) (81) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.
- (((81))) (82) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.
- ((<del>(82)</del>)) (83) "Volatile organic compound (VOC)" ((means:
- (a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or earbonates, and ammonium-earbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl-ehloroform); 1,1,1-triehloro-2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2dichloroethane (HCFC-123); 1,1,1,2 tetrafluoroethane (HFC-134a); 1,1 dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane-(HCFC-142b); 2-ehloro 1,1,1,2tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a))) includes any such organic compound other than the following, which has been determined to have negligible photochemical reactivity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-

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- 134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetones perchloroethylene (tetrachloroethylene); and perfluorocarbon compounds which fall into these classes:
- (i) Cyclic, branched, or linear completely fluorinated alkanes:
- (ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and
- (iii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by ecology or the authority.
- (c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the amount of negligibly-reactive compounds in the source's emissions.

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 94-17-070, filed 8/15/94, effective 9/15/94)

- WAC 173-400-045 Control technology fees. (1) General. Ecology may assess and collect a fee as authorized in RCW 70.94.154 and described in subsections (2) through (5) of this section.
- (2) Fee schedule for source-specific determinations where RACT analysis and determination are performed by ecology.
  - (a) Basic RACT analysis and determination fee:
- (i) Low complexity (the analysis addresses one type of emission unit) one thousand five hundred dollars;
- (ii) Moderate complexity (the analysis addresses two to five types of emissions units) - seven thousand five hundred dollars;
- (iii) High complexity (the analysis addresses more than five types of emission units) - fifteen thousand dollars.
- (b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, a fee will be required for a RACT analysis and determination for an emission unit or multiple emission units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant two thousand dollars.
- (c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and

- (b) of this subsection, the following fees will be required as applicable:
- (i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than two tons per year but ((less)) not more than ten tons per year of any toxic air pollutant one thousand dollars; or
- (ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant two thousand dollars.
- (3) Fee schedule for source-specific determinations where RACT analysis is performed by the source and review and determination conducted by ecology.
  - (a) Basic RACT review and determination fees:
- (i) Low complexity (the analysis addresses one type of emission unit) one thousand dollars;
- (ii) Moderate complexity (the analysis addresses two to five types of emissions units) five thousand dollars;
- (iii) High complexity (the analysis addresses more than five types of emission units) ten thousand dollars.
- (b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, a fee will be required for a RACT analysis and determination for an emission unit or multiple emissions units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant one thousand dollars.
- (c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and (b) of this subsection, the following fees will be required as applicable:
- (i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than two tons per year but ((less)) not more than ten tons per year of any toxic air pollutant five hundred dollars; or
- (ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant one thousand dollars.
- (4) Fee schedule for reviews authorized under RCW 70.94.153 for the replacement or substantial alteration of control technology.
- (a) Notice of construction application. Review and approval of notice of construction application (NOCA) for replacement or substantial alteration of control technology three hundred fifty dollars.
- (b) RACT analysis and determination. Review and approval of a RACT analysis and determination for affected emission unit five hundred dollars.
- (5) Fee schedule for categorical RACT determinations. Fees for categorical RACT determinations (for categories with more than three sources) shall be assessed as shown below. The fees described in (a) of this subsection shall be based on the most complex source within a category. Except as provided in (b) and (d) of this subsection, fees for individual sources in the category will be determined by dividing the total source category fee by the number of sources within the category.
- (a) RACT analysis and determination (RACT analysis performed by ecology with assistance from sources):

- (i) Low complexity source category (average source emissions of individual criteria pollutants are all less than twenty tons per year, average source emissions of individual toxic air pollutants are all less than two tons per year, or the analysis addresses one type of emission unit) twenty-five thousand dollars;
- (ii) Moderate complexity source category (average source emissions of one or more individual criteria pollutants are greater than twenty tons/year and less than one hundred tons per year, average source emissions of one or more individual toxic air pollutants are greater than two tons per year and less than ten tons per year, or the analysis addresses two to five types of emissions units) fifty thousand dollars; or
- (iii) High complexity source category (average source emissions of one or more individual criteria pollutants exceed one hundred tons per year, average source emissions of one or more individual toxic air pollutants exceed ten tons per year, or the analysis addresses more than five types of emission units) one hundred thousand dollars.
- (b) If an emission unit is being evaluated for more than one categorical RACT determination within a five-year period, ecology will charge the owner or operator of that emission unit one fee and the fee will reflect the higher complexity categorical RACT determination.
- (c) Ecology may adjust the fee to reflect workload savings from source involvement in source category RACT determination.
- (d) Ecology may approve alternate methods for allocating the fee among sources within the source category.
- (6) Small business fee reduction. The RACT analysis and determination fee identified in subsections (2) through (5) of this section may be reduced for a small business.
- (a) To qualify for the small business RACT fee reduction, a business must meet the requirements of "small business" as defined in RCW 43.31.025.
- (b) To receive a fee reduction, the owner or operator of a small business must include information in an application demonstrating that the conditions of (a) of this subsection have been met. The application must be signed:
- (i) By an authorized corporate officer in the case of a corporation;
- (ii) By an authorized partner in the case of a limited or general partnership; or
- (iii) By the proprietor in the case of a sole proprietorship.
- (c) Ecology may verify the application information and if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.
- (d) For small businesses determined to be eligible under (a) of this subsection, the RACT analysis and determination fee shall be reduced to the greater of:
- (i) Fifty percent of the RACT analysis and determination fee; or
  - (ii) Two hundred fifty dollars.
- (e) If due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology

- may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the RACT analysis and determination fees through to customers; and average annual profits. In no case will a RACT analysis and determination fee be reduced below one hundred dollars.
- (7) Fee reductions for pollution prevention initiatives. Ecology may reduce RACT analysis and determination fees for an individual source if that source is using approved pollution prevention measures.
- (8) Fee payments. Fees specified in subsection (4)(a) of this section shall be paid at the time a notice of construction applications is submitted to the department. Other fees specified in subsections (2) through (7) of this section shall be paid no later than thirty days after receipt of an ecology billing statement. For fees specified in subsection (5) of this section, a billing for one-half of the payment from each source will be mailed when the source category rule-making effort is commenced as noted by publication of the CR101 form in the Washington State Register. A billing for the second half of the payment will be mailed when the proposed rule is published in the Washington State Register. No order of approval or other action approving or identifying a source to be at RACT will be issued by the department until all fees have been paid by the source. All fees collected under this regulation shall be made payable to the Washington department of ecology.
- (9) Dedicated account. All control technology fees collected by the department from permit program sources shall be deposited in the air operating permit account created under RCW 70.94.015. All control technology fees collected by the department from nonpermit program sources shall be deposited in the air pollution control account.
- (10) Tracking revenues, time, and expenditures. Ecology shall track revenues on a source-specific basis. For purposes of source-specific determinations under subsections (2) through (4) of this section, Ecology shall track time and expenditures on the basis of source complexity categories. For purposes of categorical determinations under subsection (5) of this section, ecology shall track time and expenditures on a source-category basis.
- (11) Periodic review. Ecology shall review and, as appropriate, update this section at least once every two years.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-070 Emission standards for certain source categories. Ecology finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

- (1) Wigwam burners.
- (a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

- (b) All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the authority.
- (c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and 173-400-050, except operating hours.
- (d) Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:
- (i) A requirement to meet all provisions of WAC 173-400-040 and 173-400-050. Wigwam burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(1). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.
  - (ii) A requirement to apply BACT.
- (iii) A requirement to reduce or eliminate emissions if ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.
  - (2) Hog fuel boilers.
- (a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and ecology or the authority shall be notified of the schedule or any changes.
- (b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.
  - (3) Orchard heating.
- (a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.
- (b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.
  - (4) Grain elevators.

Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040 (2), (3), (4), and (5).

- (5) Catalytic cracking units.
- (a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) and:
- (i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.
- (ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

- (b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.
  - (6) Other wood waste burners.
- (a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.
- (b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.
  - (7) Sulfuric acid plants.

No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as  $H_2SO_4$ , in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent  $H_2SO_4$ .

(8) Sewage sludge incinerators. The standards for the incineration of sewage sludge, as listed in 40 CFR 503 subpart A - General Provisions and subpart E - Incineration, are hereby adopted by reference as proposed on (add proposal date).

AMENDATORY SECTION (Amending Order 92-34, filed 2/17/93, effective 3/20/93)

WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants. (1) The emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency (EPA) as in effect on date of adoption, as contained in Title 40, Code of Federal Regulations, Part 61, are adopted by reference. The term "administrator" in 40 CFR Part 61 shall mean both the administrator of EPA and the director of ecology.

- (2) Ecology or the authority may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Part 61 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.
- (3) Source testing, monitoring, and analytical methods for sources of hazardous air pollutants such as: Asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61, as promulgated prior to January 1, 1993.
- (4) This section shall not apply to any source operating pursuant to a waiver granted by EPA or an exemption granted by the president of the United States during the effective life of such waiver or exemption.
- (5) National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, as proposed on (add proposal date), hereby set standards of the maximum achievable control technology (MACT) standards affecting facilities for the following described subparts of Title 40 CFR, Part 63.

Subpart A NESHAPs for Source Categories:
General Provisions
Subpart D Regulations Governing Compliance
Extensions for Early Reductions of
Hazardous Air Pollutants
NESHAPs for the Synthetic Organic
Chemical Manufacturing Industry

[ 25 ] Proposed

(a/k/a HON)

|              | •                                     |
|--------------|---------------------------------------|
| Subpart G    | NESHAPs for the Synthetic Organic     |
|              | Chemical Manufacturing Industry:      |
|              | Process Vents, Storage Vessels,       |
|              | Transfer Operations, and Wastewater   |
| Subpart H    | NESHAPs for the Synthetic Organic     |
|              | Chemical Manufacturing Industry:      |
|              | Equipment Leaks                       |
| Subpart L    | NESHAPs for Source Categories and     |
|              | Coke Oven Batteries: Charging,        |
|              | topside and door leaks                |
| Subpart N    | NESHAPs for Chromium Electroplat-     |
|              | ing and Anodizing                     |
| Subpart O    | NESHAPs for Commercial (Ethylene      |
|              | Oxide) Sterilizers                    |
| Subpart Q    | NESHAPs for Industrial Process        |
|              | Cooling Towers                        |
| Subpart R    | NESHAPs Source Categories: Gaso-      |
|              | line Distribution/Marketing (stage 1) |
| Subpart S    | NESHAPs for Pulp add Paper Pro-       |
|              | duction Facilities                    |
| Subpart T    | NESHAPs for Halogenated Solvent       |
|              | Cleaning Machines                     |
| Subpart W    | NESHAPs for Epoxy Resins Produc-      |
|              | tion and Non-Nylon Polyamides         |
|              | Production                            |
| Subpart X    | NESHAPs for the Secondary Lead        |
|              | Smelters                              |
| Subpart Y    | NESHAPs for the Marine Tank Ves-      |
| <del> </del> | sel Loading and Unloading Opera-      |
|              | tions                                 |
| Subpart CC   | NESHAPs for the Petroleum Refin-      |
|              | ery Industry                          |
| Subpart DD   | NESHAPs from Off-site Waste and       |
|              | Recovery Treatment Operation          |
| Subpart EE   | NESHAPs for Magnetic Tape Manu-       |
|              | facturing Operations                  |
| Subpart GG   | NESHAPs for the Aerospace Manu-       |
|              | facturing and Rework Facilities       |
|              |                                       |

- (6) Emission Standards for Perchloroethylene Dry Cleaners.
- (a) Policy and purpose. It is not the intent of this section to place any additional burden on the generator beyond the federal MACT. Instead, the purpose of this section is to provide the reader with a clearer and more concise regulation.
- (b) Applicability. This section applies to all dry cleaning systems using perchloroethylene (PCE). The standards that apply to this section fall into the following source categories as presented in Table 1.

TABLE 1. Perchloroethylene Dry Cleaner NESHAP Source Categories

| Applicability                | Small Area           | Large Area         | Major                |
|------------------------------|----------------------|--------------------|----------------------|
|                              | Sources              | Sources            | Sources              |
| Dry cleaning Facilities with | Consuming less than: | Consuming between: | Consuming more than: |
| (1) Only Dry-to-Dry          | 140 gallons          | 140-2,100 gallons  | 2,100 gallons        |
| Machines                     | PCE/yr               | PCE/yr             | PCE/yr               |
| (2) Only Transfer Machines   | 200 gallons          | 200-1,800 gallons  | 1,800 gallons        |
|                              | PCE/yr               | PCE/yr             | PCE/yr               |
| (3) Both Dry-to-Dry          | 140 gallons          | 140-1,800 gallons  | 1,800 gallons        |
| and Transfer Machine         | PCE/yr               | PCE/yr             | PCE/yr               |

- (c) General requirements. It shall be unlawful for any person to cause or allow the operation of a large area or major source perchloroethylene dry cleaning system unless all the air-perchloroethylene gas-vapor stream is vented through a refrigerated condenser. A major source dry cleaning system installed after September 21, 1993, must utilize a refrigerated condenser followed by a small carbon adsorber. It shall be unlawful for any person to cause or allow the operation of a small area source dry cleaning system installed after September 21, 1993, unless all the airperchloroethylene dry cleaning system is vented through a refrigerated condenser.
- (d) General operation and maintenance requirements. It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system unless all of the following conditions are met:
- (i) All perchloroethylene dry cleaners who generate seventy-five thousand dollars per year in revenue must conduct a visual inspection of the dry cleaning system at least once a week for perceptible leaks. Perceptible leaks shall be repaired within twenty-four hours of detection unless repair parts cannot be ordered within that period of time. If parts must be ordered to repair a leak, the parts shall be ordered within two working days of detecting the leak and repair parts shall be installed within five working days after receipt:
- (ii) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges;
- (iii) Close the door of each dry cleaning machine except when transferring articles to or from the machine;
- (iv) Store all perchloroethylene, and wastes containing perchloroethylene, in a closed container; and
- (v) Operate and maintain the dry cleaning system according to the manufacturer's specification and recommendations.
- (e) Requirements for refrigerated condensers. It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system using a refrigerated condenser unless all of the following conditions are met:
- (i) The air temperature at the outlet of the refrigerated condenser installed on a dry-to-dry machine, dryer or reclaimer must be less than or equal to 45°F (7°C) during the cool-down period. Compliance shall be determined by monitoring the temperature on a continuous basis using a permanently installed temperature sensor that is accurate to within 2°F (1°C). The temperature shall be logged weekly;
- (ii) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11°C). Compliance shall be determined by monitoring the temperature on a continuous basis using a permanently installed temperature sensor that is accurate to within 2°F (1°C). The temperature shall be logged weekly. If the dry cleaning system was constructed before December 9, 1991, temperature sensors shall be installed by September 23, 1996;
- (iii) The refrigerated condenser shall be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machines is open; and
- (iv) The refrigerated condenser shall not vent the airperchloroethylene gas-vapor stream while the dry cleaning

machine drum is rotating or, if installed on a washer, until the washer door is opened.

- (f) Requirements for carbon adsorbers. It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system using a carbon adsorber unless all of the following conditions have been met:
- (i) The concentration of perchloroethylene at the exhaust of the carbon adsorber shall not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber; and
- (ii) Compliance shall be determined by weekly measurements of the concentration of perchloroethylene at the outlet of the carbon adsorber using a colorimetric detector tube that is accurate to within 25 ppm. If the dry cleaning system was constructed before December 9, 1991, monitoring shall commence by September 23, 1996.
- (g) Recordkeeping. Each dry cleaning facility shall have on-site the design specifications and operating manuals for all perchloroethylene dry cleaning equipment and process vent control devices, as well as an operations and maintenance plan that includes the following:
- (i) A record of dates and results of all monitoring, inspections, and repair of the dry cleaning system; and
- (ii) A record of the volume of perchloroethylene purchased each month including receipts of perchloroethylene purchases and a calculation of the amount of perchloroethylene purchased over the previous twelve months.
- (h) A record shall be kept of any pollution prevention activities that have been accomplished.
- (i) Major source requirements. If the dry cleaning system is located at a facility that emits 10 tons or more of perchloroethylene annually, the facility must meet the additional requirements set forth in 40 CFR Part 63, Subpart M.

AMENDATORY SECTION (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

WAC 173-400-105 Records, monitoring, and reporting. The owner or operator of a source shall upon notification by the director of ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.

- (1) Emission inventory. The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter, PM<sub>10</sub>, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.
- (2) Monitoring. Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient

atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

- (3) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.
- (4) Source testing. To demonstrate compliance, ecology or the authority may conduct or require that a test be conducted of the source using approved EPA methods from 40 CFR 60 Appendix A which are adopted by reference, or approved procedures contained in "Source Test Manual Procedures for Compliance Testing," state of Washington, department of ecology, as of ((July 12, 1990,)) (add proposal date) on file at ecology. The operator of a source may be required to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.
- (5) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.
  - (a) Fossil fuel-fired steam generators.
  - (i) Opacity, except where:
- (A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or
  - (B) Only gaseous fuel is burned.
- (ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.
- (iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.
- (iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).
  - (b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

- (i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.
- (ii) Continuous monitoring equipment. The requirements of (e) of this subsection do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by (d) of this subsection shall be subject to approval by ecology.
- (e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.
- (f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.
- (g) Exemptions. This subsection (5) does not apply to any source which is:
- (i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.
  - (ii) Not subject to an applicable emission standard.
- (h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of ecology or the authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.
- (6) Change in raw materials or fuels for sources not subject to requirements of the operating permit program. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by subsection (1) of this section shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.
- (7) No person shall make any false materials statement, representation or certification in any form, notice or report required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.
- (8) No person shall render inaccurate any monitoring device or method required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

AMENDATORY SECTION (Amending Order 92-34, filed 2/17/93, effective 3/20/93)

WAC 173-400-115 Standards of performance for new sources. Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as in effect on January 1, 1993, is adopted by reference except for sections 60.5 (determination of construction or modification) and 60.6 (review of plans). The term "administrator" in 40 CFR Part 60 shall mean both the administrator of EPA and the director of ecology.

As of January 1, 1993, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part

| Subpart D | Fossil fuel fired steam generators for    |
|-----------|---|
|           | which construction commenced after        |
|           | August 17, 1971, and prior to September   |
|           | 19, 1978, which have a heat input greater |
|           | than 73 megawatts but not greater than    |
|           | 250 megawatts                             |

Electric utility steam generating units for Subpart Da which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts

Subpart Db Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts

Subpart Dc Small industrial-commercial-institutional steam generating units

Subpart E Incinerators

Subpart Ea Municipal waste combustors Subpart F Portland cement plants Subpart G Nitric acid plants

Subpart H Sulfuric acid plants Subpart I Asphalt concrete plants Subpart J

Petroleum refineries which produce less than 25,000 barrels per day of refined

products

Subpart K Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity

greater than 40,000 gallons

Subpart Ka Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons

Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984

Subpart L Secondary lead smelters

Subpart M Brass and bronze ingot production plants

Subpart N Iron and steel plants

Subpart Na Secondary emissions from basic oxygen

process steel making facilities

Subpart O Sewage treatment plants Subpart P Primary copper smelters

Proposed [28]

|   |             | Washington State I   |
|---|-------------|--|
|   | Subpart Q   | Primary zinc smelters  |
|   | Subpart R   | Primary lead smelters  |
|   | Subpart S   | Primary aluminum reduction plants  |
|   | Subpart T   | Phosphate fertilizer industry: Wet process                                   |
|   | Subpart U   | phosphoric acid plants Phosphate fertilizer industry: Superphos-             |
|   | Subpart V   | phoric acid plants Phosphate fertilizer industry: Diammoni-                  |
|   | Subpart W   | um phosphate plants Phosphate fertilizer industry: Triple                    |
|   | Subpart X   | superphosphate plants Phosphate fertilizer industry: Granular                |
|   | _           | triple superphosphate storage facilities                                     |
| ì | Subpart Y   | Coal preparation plants  |
|   | Subpart Z   | Ferroalloy production facilities   |
|   | Subpart AA  | Steel plants: Electric arc furnaces  |
|   | Subpart AAa | Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels |
|   | Subpart BB  | Kraft pulp mills   |
|   | Subpart CC  | Glass manufacturing plants   |
|   | Subpart DD  | Grain elevators  |
|   | Subpart EE  | Industrial surface coating: Metal furniture                                  |
|   | Subpart GG  | Stationary gas turbines  |
|   | Subpart HH  | Lime manufacturing plants  |
|   |             | Lead-acid battery plants   |
|   | Subpart KK  | Metallic mineral processing plants   |
|   | Subpart LL  | Automobile and light duty truck surface                                      |
|   | Subpart MM  | coating operations   |
|   | Subpart NN  | Phosphate rock plants  |
|   | Subpart PP  | Ammonium sulfate manufacture   |
|   | Subpart QQ  | Publication rotogravure printing   |
|   | Subpart RR  | Pressure sensitive tape and label surface                                    |
|   | Buspuit 140 | coating operations   |
|   | Subpart SS  | Industrial surface coating: Large appliances                                 |
|   | Subpart TT  | Industrial surface coating: Metal coils                                      |
|   | Subpart UU  | Asphalt processing and asphalt roofing                                       |
|   | Subpart 00  | manufacture  |
|   | Subpart VV  | SOCMI equipment leaks (VOC)  |
|   | Subpart WW  | Beverage can surface coating operations                                      |
|   | Subpart XX  | Bulk gasoline terminals  |
|   | Subpart AAA | New residential wood heaters   |
|   | Subpart BBB | Rubber tire manufacturing industry   |
|   | Subpart DDD | VOC emissions from the polymer manu-   |
|   | Subpart FFF | facturing industry Flexible vinyl and urethane coating and                   |
|   |             | printing   |
|   | Subpart GGG | Petroleum refineries - compressors and fugitive emission sources             |
|   | Subpart HHH | Synthetic fiber production facilities  |
|   | Subpart III | VOC emissions from SOCMI air oxida-  |
|   | Suspan AI   | tion unit processes  |
|   | Subpart JJJ | Petroleum dry cleaners   |
|   | Subpart KKK | Equipment leaks of VOC from onshore natural gas processing plants            |
|   | 0.1 4.117   | Our home notional and processing: SO   |

Onshore natural gas processing; SO<sub>2</sub>

VOC emissions from SOCMI distillation

Wool fiberglass insulation manufacturing

Subpart LLL

Subpart NNN

Subpart PPP

emissions

operations

plants

| Subpart QQQ | VOC emissions from petroleum refinery      |
|-------------|--|
| •           | wastewater emissions                       |
| Subpart RRR | VOC emissions from synthetic organic       |
|             | chemical manufacturing industry            |
| Subpart SSS | Magnetic tape coating facilities           |
| Subpart TTT | Industrial surface coating: Surface coat-  |
| •           | ing of plastic parts for business machines |
| Subpart UUU | Calciners and dryers in mineral industries |
| Subpart VVV | Polymeric coating of supporting substrates |
|             | facilities                                 |
|             |  |

ote: For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the energy facility site evaluation council (EFSEC) in Title 463 WAC

AMENDATORY SECTION (Amending WSR 94-17-070, filed 8/15/94, effective 9/15/94)

WAC 173-400-116 New source review fees. (1) Applicability. Every person required to submit a notice of construction application to the department of ecology as authorized in RCW 70.94.152 for establishment of any proposed new source or emissions unit(s) shall pay fees as set forth in subsections (2) and (3) of this section. Persons required to submit a notice of construction application to a local air authority may be required to pay a fee to ecology to cover the costs of Prevention of significant deterioration (PSD) permits issued pursuant to WAC 173-400-141, Second tier analysis pursuant to WAC 173-460-090, and risk management decisions pursuant to WAC 173-460-100 as set forth in subsection (3) of this section. Fees assessed under this section shall apply without regard to whether an order of approval is issued or denied.

- (2) Basic review fees. All owners or operators of proposed new sources are required to pay a basic review fee. The basic review fee covers the costs associated with preapplication assistance, completeness determination, BACT determination, technical review, public involvement and approval/denial orders. Complexity determination shall be based on the project described in the notice of construction application. Basic review fees are shown below:
- (a) Low complexity new source or emission unit (emissions of individual criteria pollutants are all less than one-half of the significance levels established in WAC 173-400-030(67) or emissions of individual toxic air pollutants are all less than 2.0 tons/year) one thousand dollars;
- (b) Moderate complexity new source or emission unit (emissions of one or more individual criteria pollutants are greater than one-half of the significance levels established in WAC 173-400-030(67) or emissions of one or more toxic air pollutants are greater than 2.0 tons/year and less than ten tons/year) five thousand dollars; or
- (c) High complexity new source or emissions unit (emissions of one or more criteria pollutants are greater than the significance levels established in WAC 173-400-030(67) or emissions of one or more toxic air pollutants are greater than ten tons/year) fifteen thousand dollars.
- (d) Exceptions. The following fees for new source review shall be charged instead of the applicable fees listed in (a) through (c) of this subsection and in subsection (3) of this section:

\$200

| (i)   | Dry cleaners                  | \$200 |
|-------|-------------------------------|-------|
| (ii)  | Gasoline stations             | \$200 |
| (iii) | Storage tanks                 |       |
| (A)   | < 20,000 gallons              | \$200 |
| (B)   | 20,000 - 100,000 gallons      | \$500 |
| (C)   | > 100,000                     | \$700 |
| (iv)  | Chromic acid plating and      | 4.44  |
| ` ,   | anodizing identified in       |       |
|       | WAC 173-460-060               | \$200 |
| (v)   | Solvent metal cleaners        | Ψ200  |
| ` '   | identified in WAC             |       |
|       | 173-460-060                   | \$200 |
| (vi)  | Abrasive blasting identified  | Ψ200  |
| ( )   | in WAC 173-460-060            | \$200 |
| (vii) | New emission units or         | Ψ200  |
| ( * ) | activities that qualify as    |       |
|       | insignificant emission units  |       |
|       | under WAC 173-401-530 whether |       |
|       | located at a chapter 401      |       |
|       | source or nonchapter 401      |       |
|       | source of nonemapter 401      |       |

(e) Additional units. An owner or operator proposing to build more than one identical emission unit shall be charged a fee for the additional units equal to one-third the basic review fee of the first unit.

source

- (3) Additional charges. In addition to those fees required under subsection (2)(a) through (c) of this section, the following fees will be required as applicable:
- (a) Prevention of significant deterioration review (includes ecology review of local air authority sources) ten thousand dollars;
- (b) Establishing LAER and offset requirements for a major stationary source or major modification proposing to locate in a nonattainment area ten thousand dollars:
- (c) Tier II toxics review as required under WAC 173-460-090 seven thousand five hundred dollars;
- (d) Tier III review as required under WAC 173-460-100 five thousand dollars;
- (e) State Environmental Policy Act review (where ecology is the lead agency):
- (i) Determination of nonsignificance (DNS) and environmental checklist review two hundred dollars; or
- (ii) Environmental impact statement (EIS) review ((or preparation)) two thousand dollars;
- (iii) Where more than one ecology program is charging a fee for reviewing or preparing SEPA documents, ecology will not charge a SEPA review fee as part of the new source review fees;
- (f) Case-by-case MACT determinations required for a new source or modification under Section 112(g) or Section 112(j) of the FCAA five thousand dollars.
- (4) Small business fee reduction. The new source review fee identified in subsections (2) and (3) of this section may be reduced for a small business.
- (a) To qualify for the small business new source review fee reduction, a business must meet the requirements of "small business" as defined in RCW 43.31.025.
- (b) To receive a fee reduction, the owner or operator of a small business must include information in the application demonstrating that the conditions of (a) of this subsection have been met. The application must be signed:

- (i) By an authorized corporate officer in the case of a corporation;
- (ii) By an authorized partner in the case of a limited or general partnership; or
- (iii) By the proprietor in the case of a sole proprietorship.
- (c) Ecology may verify the application information and if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.
- (d) For small businesses determined to be eligible under (a) of this subsection, the new source review fee shall be reduced to the greater of:
  - (i) Fifty percent of the new source review fee; or
  - (ii) Two hundred fifty dollars.
- (e) If due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the new source review fees through to customers; and average annual profits. In no case will a new source review fee be reduced below one hundred dollars.
- (5) Fee reductions for pollution prevention initiatives. Ecology may reduce the fees defined in subsections (2) and (3) of this section where the owner or operator of the proposed source demonstrates that approved pollution prevention measures will be used.
- (6) Fee payments. Fees specified in subsections (2) through (5) of this section shall be paid at the time a notice of construction application is submitted to the department. A notice of construction application is considered incomplete until ecology has received the appropriate new source review payment. Additional charges assessed pursuant to subsection (3) of this section shall be due thirty days after receipt of an ecology billing statement. All fees collected under this regulation shall be made payable to the Washington department of ecology.
- (7) Dedicated account. All new source review fees collected by the department from permit program sources shall be deposited in the air operating permit account created under RCW 70.94.015. All new source review fees collected by the department from nonpermit program sources shall be deposited in the air pollution control account.
- (8) Tracking revenues, time, and expenditures. Ecology shall track revenues collected under this subsection on a source-specific basis. Ecology shall track time and expenditures on the basis of complexity categories.
- (9) Periodic review. Ecology shall review and, as appropriate, update this section at least once every two years.

AMENDATORY SECTION (Amending Order 93-03, filed 8/20/93, effective 9/20/93)

WAC 173-400-141 Prevention of significant deterioration (PSD). Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on ((March 3, 1993,)) (add proposal date) are incorporated by reference with the following additions and modifications:

- (1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(l)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l) and (2), air quality models, (p)(2), federal land manager, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) administrator shall mean both the administrator of EPA and the director of ecology.
- (2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs. If a decrease occurred more than one year prior to the date of submittal of the notice of construction application for the particular change it can only be credited if the decrease has been documented by an emission reduction credit."
- (3) Public participation. Subpart 40 CFR 51.166(q) public participation, as in effect ((March 3, 1993,)) (add proposal date) is hereby incorporated by reference except that in 40 CFR 51.166 (q)(2)(iv), the phrase "specified time period" shall mean thirty days and the word "administrator" shall mean the EPA administrator.
- (4) Section 40 CFR 51.166 Subpart (p)(1) Sources Impacting Federal Class I areas additional requirements Notice to EPA, as in effect on ((March 3, 1993,)) (add proposal date) is herein incorporated by reference.
- (5) Secondary emissions. Subpart 40 CFR 52.21 (b)(18) is changed to read:

Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

- (a) Emissions from ships or trains coming to or from the new or modified stationary source; and
- (b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.
- (6) Significant. The definition of "significant" in 40 CFR 52.21 (b)(23) is changed to exclude from the list of pollutants which may trigger PSD review any pollutant listed under FCAA § 112.

## WSR 96-06-039 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Filed March 1, 1996, 4:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-010.

Title of Rule: Chapter 388-11 WAC, Child support—Obligations, these revisions reorganize and simplify the chapter; provide for relief from orders based on Civil Rule 60; provide for party status of recipients of nonassistance support enforcement services.

Purpose: Allows people involved in child support hearings processes to obtain more accurate orders and to more fully understand the Division of Child Support hearing process.

Statutory Authority for Adoption: RCW 74.20A.055.
Statute Being Implemented: RCW 74.20A.055 and 74.20A.056.

Summary: Clarifies existing rules on hearings, provides for temporary support orders, allows full participation by custodial parents and expands the ability of parties to vacate default orders.

Reasons Supporting Proposal: Clarifying rules will help parties to more effectively participate in establishing support orders. Allows temporary orders to recognize the needs of custodial parents during the establishment of a support order. Custodial parents are deeply interested in the child support amount and should be allowed to participate in establishing child support.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bill Kellington, Division of Child Support, Olympia, 586-3426.

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: This amendment simplifies many sections of the chapter, and incorporates changes in terminology from the 1994 legislative session. Provides for relief from default orders according to Civil Rule 60; for temporary support orders; for proceeding under the Uniform Interstate Family Support Act; and for party status of recipients of nonassistance support enforcement services in support establishment hearings. Amendments allow the people involved in the division's hearing process to more fully participate by more clearly explaining their rights and the hearing process itself. Allows the Division of Child Support to provide better service both to parents expecting and parents paying support. The amendment will assist the division in obtaining more accurate support orders, that properly reflect the resources of the parents and the state child support schedule.

Proposal Changes the Following Existing Rules: WAC 388-11-011, 388-11-015, 388-11-045, 388-11-048, 388-11-065, 388-11-120, 388-11-140, 388-11-150, 388-11-210, 388-11-215, and 388-11-220 are amended to simplify language, improve hearing processes, and implement changes based on new legislation. For the same reasons, WAC 388-11-030, 388-11-032, 388-11-035, 388-11-040, 388-11-055, and 388-

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11-060 are repealed and either wholly redrafted as new sections or consolidated into other new or revised sections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This regulation addresses support establishment hearings for persons. The rule imposes no requirements on business, and has no impact on businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on April 9, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by March 28, 1996, (360) 664-2954, TDD (360) 753-0625.

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by April 2, 1996.

Date of Intended Adoption: April 10, 1996.

March 1, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3512, filed 2/10/93, effective 3/13/93)

WAC 388-11-011 **Definitions.** For purposes of this chapter and chapters 388-13 and 388-14 WAC, the following definitions shall apply:

- (1) "Accrued debt" means a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including birth costs, of a dependent child owed by a person having signed an affidavit acknowledging paternity which has been filed with the state ((office of vital)) center for health statistics.
- (2) "Administrative order" means a determination, finding, decree, or order for support issued under RCW 74.20A.055 or 74.20A.056 or by another state's agency under ((a substantially similar)) an administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support money to satisfy current support or a support debt. Administrative orders include:
- (a) An agreed settlement or consent order entered under WAC 388-11-150; or
- (b) A notice and finding of financial responsibility ((or)), a notice and finding of parental responsibility, or a notice and finding of medical responsibility that has become final by operation of law.
- (3) "Agency" means the division of child support, department of social and health services. "Office of support enforcement," "office," and "OSE" also mean the division of child support.
- (4) "Agreed settlement" means the informal disposition of a contested case by written agreement between ((a responsible parent)) one or both parents and ((OSE)) the agency establishing or modifying a support obligation and ordering payment or establishing a health insurance coverage obligation. The agreement shall be effective without the presiding officer's approval.

- (((4))) (5) "Arrears," "delinquency," and "past support" mean((a)) the amount owed for a period of time before the instant month.
- ((<del>(5)</del>)) <u>(6)</u> "Birth costs" mean the reasonable and necessary costs associated with the birth of a child, including costs of the mother's pregnancy and confinement.
- ((<del>(6)</del>)) (7) "Consent order" means the disposition of a contested case by written agreed order, approved by the presiding officer, between ((a responsible parent)) one or both parents and ((OSE)) the agency establishing a support obligation and ordering payment. ((The agreed order shall require the presiding officer's approval.))
- (((7))) (8) "Current support" or "current and future support" means support money paid to satisfy the support obligation for the present month as opposed to satisfaction of a support debt. Current and future support also means the prospective obligation to make monthly support payments.
- (((8))) (9) "Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date ((payment of)) an ((AFDC-R, AFDC-E, AFDC-FC, a state-only)) aid to families with dependent children, or foster care((, or a family independence)) program grant is ((authorized)) effective. For purposes of this chapter, the state ((shall continue to be)) remains responsible for the support of a dependent child until public assistance ((or family independence program payments)) terminates, or support enforcement services terminate, whichever occurs later.
- $((\frac{(9)}{(9)}))$  (10) "Department" means the Washington state department of social and health services.

((<del>(10)</del>)) (11) "Dependent child" means a person:

- (a) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces:
- (b) Eighteen years of age or older for whom a court order requires support payments past eighteen years of age ((or older)); or
- (c) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is:
  - (i) A full-time student; and
- (ii) Reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the end of the month in which the child becomes nineteen years of age.
- $((\frac{11}{1}))$  (12) "Fraud" means, for the purposes of WAC  $((\frac{388-11-115}{2}))$   $(\frac{388-11-120}{2})$ :
- (a) The representation of the existence or nonexistence of a fact;
  - (b) The representation's materiality;
  - (c) The representation's falsity;
  - (d) The speaker's knowledge of the falsity;
- (e) The speaker's intent that the representation should be acted on by the person to whom it is made;
- (f) Ignorance of the falsity on the part of the person to whom it is made;
  - (g) The latter's:
  - (i) Reliance on the truth of the representation;
  - (ii) Right to rely upon it; and
  - (iii) Subsequent damage.
- (((12) "Good cause for failure to make a timely request for an adjudicative proceeding")) (13) "Good cause" for the

purposes of late hearing requests under WAC 388-11-310 and petitions to vacate orders on default under WAC 388-11-120 means there is substantial reason or legal justification for delay, including but not limited to a showing of those grounds enumerated in civil rule 60. The time periods set forth in civil rule 60 apply to determinations of good cause under this definition.

(((13))) (14) "Health care costs," for the purpose of:

- (a) Establishing support obligations under RCW 74.20A.055 and 74.20A.056, means medical, dental, and optometrical costs and expenses; and
- (b) Enforcement action under Titles 26.23, 74.20, and 74.20A RCW, including a notice of support owed and a notice of support debt, means medical, dental, optometrical costs stated as a fixed dollar amount by a support order.
- (((14))) (15) "Hearing" means an adjudicative proceeding authorized by this chapter, chapter 388-13 or 388-14 WAC, or chapter 26.23, 74.20 or 74.20A RCW and conducted under chapters 388-08 WAC and 34.05 RCW. A conference board under WAC 388-14-385 is not a hearing or an adjudicative proceeding.
- (16) "Locate" means service of ((the)) <u>a</u> notice and finding of financial, <u>parental</u>, <u>or medical</u> responsibility ((<del>or the notice and finding of parental responsibility</del>)) in a manner prescribed by WAC ((388-11-040)) 388-11-285, 388-11-290 or 388-11-295.
- (((15))) (17) "Medical support" means health care costs stated as a fixed dollar amount in a support order and health insurance coverage for a dependent child's benefit.
- $((\frac{(16)}{(18)}))$  "Other ordinary expense" means an expense incurred by a responsible parent:
  - (a) Directly benefiting a dependent child; and
- (b) Relating to the parent's residential time or visitation with a child.
- ((<del>(17)</del>)) (19) "Paternity testing" means blood testing or genetic tests of blood, tissues, or bodily fluids.
- (20) "Reasonable efforts to locate" means any of the following actions taken by the ((office of support enforcement (OSE))) agency:
- (a) Mailing the notice and finding of financial responsibility ((OF)), the notice and finding of parental responsibility, or the notice and finding of medical responsibility, by certified mail, return receipt requested, to the responsible parent:
- (b) Referral to a sheriff, other server of process or locate service, or department employee for locate activities;
  - (c) Tracing activity as follows:
- (i) Checking local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers, or the postal authorities;
- (ii) Contacting state agencies, union((7)) or financial, or fraternal organizations;
- (iii) Periodic searches for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record keeping agencies or entities;
- (iv) Case maintenance in ((OSE's)) the agency's automated locate program.
  - (d) Referral to state or federal parent locator service;
- (e) Referral to the attorney general, a prosecuting attorney, the IV-D agency of another state, or the Internal Revenue Service for specific legal or collection action; ((or))

- (f) Attempts to confirm the existence of and to obtain a copy of a paternity acknowledgment; or
- (g) Other actions reasonably calculated to produce information regarding the responsible parent's whereabouts.
- (((18))) (21) "Residential parent" means a parent with whom a child resides a majority of the time((, or who is designated as or deemed to be the child's custodian under RCW 26.09.285)).
- (((19))) (22) "Responsible parent" means the natural parent, adoptive parent, responsible stepparent, or a person having signed an affidavit acknowledging paternity which has been filed with the state ((office of vital)) center for health statistics, from whom the department seeks support for a dependent child.
- ((<del>(20)</del>)) (23) "Responsible stepparent" means a stepparent having established an in loco parentis relationship with the dependent child or children.
- (a) The status shall continue until the relationship is terminated by death, dissolution of marriage, or by superior court order as provided under RCW 26.16.205.
- (b) A rebuttable presumption of an in loco parentis relationship is created when the stepparent((†)):
  - (i) Lives with the child and the parent; or
  - (ii) Provides care, support, or guidance for the child.
- (((21))) (24) "Secretary" means the secretary of the department of social and health services or the secretary's designee.
- (((22))) (25) "State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, a federally recognized Indian tribe, or a foreign country.
- (((23))) (26) "Superior court order" means a judgment, decree, or order of a Washington state superior court or another state's court of comparable jurisdiction:
- (a) Establishing a support obligation and ordering payment thereon of a set or determinable amount; or
- (b) Specifically relieving a responsible parent of a support obligation.
  - ((<del>(24)</del>)) (27) "Support debt" means:
- (a) A delinquent amount of support money due, owing, and unpaid under a superior court order or an administrative order:
- (b) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance, including health care costs as defined in this section, birth costs, child care, special child rearing expenses, and an accrued debt under RCW 74.20A.056, of a dependent child or other person for whom a support obligation is owed;
  - (c) A debt under RCW 74.20A.100 or 74.20A.270; or
- (d) Accrued interest, fees, or penalties charged on a support debt, and attorneys' fees and other costs of litigation awarded in an action under Title IV-D of the Social Security Act establishing and enforcing a support obligation or support debt.
- (((25))) (28) "Support establishment notice" means a notice and finding of financial responsibility under WAC 388-11-285, a notice and finding of parental responsibility under WAC 388-11-290, or a notice and finding of medical responsibility under WAC 388-11-295.
- (29) "Support money" means money paid to satisfy a support obligation whether named child support, spousal support, alimony, maintenance, medical support, birth costs,

or other money intended to satisfy a support obligation for a person or satisfy wholly or partly a support debt.

- (((26))) (30) "Support obligation" means the obligation to provide for the necessary care, support, and maintenance of a dependent child or other person as required by law, including health insurance coverage, health care costs as defined in this section, birth costs, and child care and special child rearing expenses ((of a dependent child or other person as required by law)).
- (31) "Tribunal" means a state court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

AMENDATORY SECTION (Amending Order 3622, filed 8/16/93, effective 9/16/93)

# WAC 388-11-015 Credits allowed—Debt satisfaction. (1) After the responsible parent has been advised of the obligation to make payments to the Washington state support registry (WSSR) by service of a ((notice under WAC 388-11-030, 388-11-032, 388-14-415, or 388-14-435)) support establishment notice, or by entry of a support order requiring

payments to WSSR, the responsible parent may ((only)) obtain credit against the parent's support obligation only:

(a) By cash check electronic funds transfer or money.

- (a) By cash, check, electronic funds transfer, or money order payments through WSSR or payment of health insurance premiums; or
- (b) As provided under subsections (3) and (6) of this section.
- (2) ((OSE)) The agency shall ((only)) allow credit against a responsible parent's support debt for family needs provided directly to a ((earetaker/eustodian)) physical custodian, a child, or provided through a vendor or third party only when the:
- (a) Items are provided before service of the notice on a responsible parent;
- (b) Responsible parent proves the items provided were intended to satisfy the responsible parent's support obligation; and
- (c) Items are food, clothing, shelter, or medical attendance directly related to the care, support, and maintenance of a child.
- (3) After service of the notice, a parent may ((only)) obtain credit against the parent's current support obligation only when the responsible parent proves that the payments were made and:
  - (a) The ((department)) agency determines there:
  - (i) Is no prejudice to:
- (A) A ((eustodial parent)) physical custodian, a child, or other person; or
  - (B) An agency entitled to receive the support payments.
- (ii) Are special circumstances of an equitable nature justifying credit for payments; or
- (b) A court of competent jurisdiction determines credit should be granted after a hearing where all interested parties were given an opportunity to be heard.
- (4) The ((department)) agency shall not allow credit for shelter payments made before service of the notice in an amount more than the greater of the:
- (a) Shelter allocation in the public assistance standards for the period when payments were made; or
  - (b) One-half of the actual shelter payment.

- (5) The ((department)) agency shall not allow credit for shelter payments made after service of the notice.
- (6) ((Effective with benefits paid on or after July 1, 1990, the department shall give credit for disability benefits paid on behalf of the responsible parent's child as a result of the responsible parent's injury or illness, by:
- (a) Labor and industries or a self-insurer under chapter 51.32 RCW; or
  - (b) The Social Security Administration.
- (7) The department shall credit disability payments under subsection (6) of this section:
- (a) First against the current support obligation for the month in which the benefit is paid for the dependant child to whom the benefit was paid; and
- (b) Second to the responsible parent's support debt for the child and physical custodian to whom the benefit was paid. In crediting the benefit amount against the support debt, the department shall credit:
- (i) First against any support debt owned to the nonassistance support enforcement services recipient to whom the benefit was paid; and
- (ii) Any remaining benefit amount against the responsible parent's support debt to the department for the dependent child and/or physical custodian to whom the benefit was paid.
- (8) A responsible parent must prove payment of these benefits and has no right to:
- (a) Reimbursement because of a credit allowed under this subsection;
- (b) Credit for benefits actually paid prior to July 1, 1990.
- (9) The department shall mail a notice of credit to the custodial parent if the department agrees to credit the responsible parent for disability benefits under this section unless the agreement to credit occurred during a negotiation or an adjudicative proceeding in which the custodial parent was present and a party. The department shall:
  - (a) Include in the notice the amount of the eredit; and
  - (b) Advise the custodial parent that:
- (i) The parent-may request an adjudicative proceeding to contest the credit by filing a written application for an adjudicative proceeding with the office of support enforcement within twenty three days of the date of mailing of the notice; and
- (ii) If the custodial parent files an application for an adjudicative proceeding, the department shall give the responsible parent notice of and an opportunity to participate in the proceeding.)) The agency shall apply credits for dependent benefits allowed under RCW 26.19.190 as required by WAC 388-11-280.

AMENDATORY SECTION (Amending Order 3512, filed 2/10/93, effective 3/13/93)

WAC 388-11-045 Service requirements—Tolling. (1) For support obligations owed for months on or after September 1, 1979, the ((department)) agency shall exercise reasonable efforts to locate the responsible parent. The ((department)) agency shall serve a notice and finding of financial or parental responsibility within sixty days of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought. If

service is not timely, the ((department)) agency shall lose the right to reimbursement of public assistance payments made after the sixtieth day and before the notice is served. However, the ((department)) agency shall not lose the right to reimbursement of public assistance payments for any period of time:

- (a) During which ((it)) the agency exercised reasonable efforts to locate the responsible parent; or
- (b) For sixty days after the date on which the ((eenter for health statisties)) agency received an acknowledgement of paternity for the child for whom the state has assumed responsibility, and paternity has not been established.
  - (2) The ((department)) agency shall not apply this rule
  - (a) Nonassistance cases;

to:

- (b) Cases where the ((residential parent lives out of state)) agency is responding to a request for services initiated by another state;
- (c) Cases in which the ((eustodial parent)) physical custodian is claiming good cause for not cooperating with the department; and
  - (d) Cases where parentage is ((in)) an issue and:
  - (i) Has not been established by superior court order; or
- (ii) Is not the subject of a presumption under RCW 26.26.040 (1)(a) or (e).
- (3) The ((department)) agency shall consider a prorated share of each monthly public assistance payment as paid on each day of the month.
- (((4) For support obligations owed for months before September 1, 1979, and for which a final determination was issued on or after September 1, 1979, the department shall exercise reasonable efforts to locate the responsible parent. The department shall serve a notice and finding of financial responsibility within six months of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought. If service is not timely, the department shall lose the right to reimbursement of public assistance payments made after the sixth month and before the notice is served. However, the department shall:
- (a) Not lose the right to reimbursement of public assistance payments for any period of time during which it exercised reasonable efforts to locate the responsible parent. Reasonable efforts to locate shall be supported by contemporaneous recordings in the department's files;
- (b) Not apply this rule to nonassistance cases, eases where the residential parent lives out of state, or eases where parentage is in issue and has not been established by superior court order;
- (e) Consider a prorated share of each monthly public assistance payment as paid on each day of the month.))

AMENDATORY SECTION (Amending Order 3403, filed 6/9/92, effective 7/10/92)

WAC 388-11-048 Request for ((blood)) paternity tests—Liability for costs. (1) At any time after the service of a notice and finding of parental responsibility, the responsible parent may request paternity ((blood)) tests. The responsible parent shall make the request in writing and ((serve the request on the office of support enforcement (OSE) by registered or certified mail or like a summons in a civil action)) send or deliver the request to the agency.

- (2) Upon receipt of a request for ((blood)) paternity tests, ((OSE)) the agency shall:
- (a) Arrange and pay for the ((blood)) paternity test, except as provided in subsection (6) of this section, with a laboratory under contract with the department to perform paternity ((blood)) testing; and
- (b) Notify the responsible <u>parent</u> and ((<u>eustodial</u> <u>parents</u>)) <u>the physical custodian</u> of the time and place to appear to give blood samples.
- (3) After ((OSE)) the agency receives the ((blood)) test results, ((OSE)) the agency shall:
  - (a) Mail a notice of the ((blood)) test results to the:
- (i) Responsible parent's last known address by certified mail, return receipt requested; and
- (ii) ((Custodial parent's)) Physical custodian's last known address by first class mail.
  - (b) Notify the responsible parent:
  - (i) Of the costs of the ((blood)) tests;
- (ii) That an administrative order entered as a result of the notice and finding of parental responsibility will include the cost of the ((blood)) tests; and
- (iii) That ((OSE)) the agency may take collection action to collect the ((blood)) paternity test costs twenty days after the date the responsible parent receives notice in Washington, or within the time specified in WAC 388-11-305, of the ((blood)) test results if the responsible parent fails to:
- (A) Request either ((an adjudicative proceeding)) a hearing on the issue of reimbursement to the agency for paternity test costs under WAC 388-11-290 or the initiation of a parentage action in superior court; or
  - (B) Negotiate an agreed settlement;
- (iv) If the notice was served in another state, the agency may take collection action according to WAC 388-11-305.
- (4) When the ((blood)) paternity tests do not exclude the responsible parent from being the natural parent, the responsible parent shall reimburse the department for the costs of the ((blood)) tests.
- (5) When the ((blood)) paternity tests exclude the responsible parent from being the natural parent, ((OSE)) the agency shall:
- (a) File a copy of the results with the state center for health statistics;
- (b) Withdraw the notice and finding of parental responsibility; and
- (c) Request the dismissal of any pending action based on the notice and finding of parental responsibility.
- (6) RCW 74.20A.056 does not require ((OSE)) the agency to arrange ((for)) or pay for paternity ((blood)) testing when:
  - (a) Such tests were previously conducted; or
- (b) A court order establishing paternity has been entered.

AMENDATORY SECTION (Amending Order 3731, filed 4/28/94, effective 5/29/94)

WAC 388-11-065 Defenses to liability. (1) A responsible parent who objects to a notice and finding of ((parental or)) financial, parental, or medical responsibility shall have the burden of establishing defenses to liability. Defenses include, but are not limited to:

(a) Payment;

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- (b) Superior court or administrative order that sets the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation;
  - (c) ((He or she)) The party is not a responsible parent;
- (d) The amount requested in the notice is inconsistent with the amount assessed under WAC 388-11-205;
  - (e) Equitable estoppel, subject to WAC 388-11-067; or
- (f) Any other matter constituting an avoidance or affirmative defense.
- (2) A dependent child's or a ((residential parent's)) physical custodian's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.
- (3) A responsible parent may be excused from providing support for a dependent child receiving public assistance under chapter 74.12 RCW if the responsible parent is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The responsible parent may only be excused for any period during which such parent was wrongfully deprived of custody. The responsible parent shall establish that:
- (a) A court of competent jurisdiction of any state has entered an order giving legal and physical custody of the child to the responsible parent;
- (b) The custody order has not been modified, superseded, or dismissed;
- (c) The child was taken or enticed from the responsible parent's physical custody and such parent has not subsequently assented to deprivation. Proof of enticement shall require more than a showing that the child is allowed to live without certain restrictions the responsible parent would impose; and
- (d) Within a reasonable time after deprivation, the responsible parent exerted and continues to exert reasonable efforts to regain physical custody of the child.

AMENDATORY SECTION (Amending Order 3622, filed 8/16/93, effective 9/16/93)

- WAC 388-11-120 Default—Vacate. (1) If ((the responsible parent)) a party fails to appear at a hearing, the ((administrative law judge)) presiding officer shall, upon a showing of valid service, enter an initial decision and default order or proceed in the absence of the defaulting party as provided in WAC 388-11-140(6) or 388-11-425. The ((administrative law judge)) presiding officer shall state in the decision that the:
- (a) Support debt and the current support obligation stated in the notice and finding of financial or parental responsibility are assessed, determined, and subject to collection action; or
- (b) Health insurance provisions of the notice and finding of <u>financial</u>, <u>parental or medical responsibility are subject to direct enforcement action</u>.
- (2) Decisions and orders on default become final twenty-one days from the date of mailing under WAC 388-08-464.
- (3) Any party against whom the ((administrative law judge)) presiding officer has entered an initial decision and order on default may petition the secretary or the secretary's designee for vacation of the default order, subject to the provisions, including time limits, of civil rule 60.
  - (4) ((The-petitioning party shall:

- (a) File the petition within one year from the:
- (i) Effective date of this subsection; or
- (ii) Date of notice of default.
- (b) Serve a copy of the petition on the office of support enforcement like a summons in a civil action, or by any form of mail requiring a return receipt.
  - (5))) The ((department)) agency shall:
- (a) Schedule ((an adjudicative proceeding)) a hearing to determine whether or not the petitioner has good cause for vacating the default order; and
- (b) Give any other parties to the ((proceeding)) hearing notice of the time and date of the ((proceeding)) hearing. The department shall send the notice to the last known address of the party.
- (((6))) (5) If, in ((any-proceeding)) a hearing under ((subsection (3) of)) this section, the presiding officer finds that the petitioner has good cause for vacating the default order, the presiding officer shall:
- (a) Conduct ((an adjudicative proceeding)) a hearing on the merits of the petitioner's objection to the notice that was the basis for the ((proceeding)) hearing at which the petitioner failed to appear; and
- (b) May stay any further collection to the extent provided for under the regulations authorizing the notice the responsible parent originally objected to.
- (((7) "Good cause" is the same standard as that prescribed for failure to make a timely hearing request under WAC 388-11-011(12).))
- (6) The presiding officer shall apply civil rule 60 to determine whether the petitioner has good cause.

AMENDATORY SECTION (Amending Order 3344, filed 3/24/92, effective 4/24/92)

WAC 388-11-140 Modification. (1) ((A-party to an administrative order for support, including the department,)) The agency, the physical custodian or the responsible parent may request ((an adjudicative proceeding)) a hearing to prospectively modify the responsible parent's obligation under a support establishment notice.

A party shall make such a request in ((declaration form)) writing and shall state:

- (a) Any circumstances that have changed; and
- (b) The amount of support the circumstances now warrant.
- (2) The petitioning party shall ((serve)) <u>file</u> the request for modification ((on)) <u>with</u> the ((department like a summons in a civil action or by certified mail, return receipt requested)) agency.
- (3) The ((department)) agency shall serve ((eopies)) a copy of the ((petition)) request for modification and notice of hearing on all other parties ((like a summons in a civil action or by certified mail return receipt requested)):
- (a) By first class mail, if the parties have been advised in a court or administrative order of the requirement to keep the agency advised of their addresses; or
- (b) By certified mail, return receipt request or personal service if the support order does not contain a requirement to advise the agency of their address.
- (4) ((OSE)) The agency, the presiding officer, or the department review judge:

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- (a) Shall prospectively modify orders according to the terms of chapter 26.19 RCW and RCW 74.20A.059; and
- (b) May only modify an order issued by a tribunal in another state according to the terms of RCW 26.21.580.
- (5) If the responding party fails to appear at the hearing, the presiding officer shall issue a default order based on the Washington state child support schedule, and worksheets submitted by the parties, and considering the terms set out in the request for modification. If the petitioning party fails to appear at the hearing, the presiding officer shall enter an order dismissing the request for modification.
- (6) If the petition for modification does not comply with the requirements of subsection (1)(a) and (b) of this section, the presiding officer may:
  - (a) Dismiss the petition; or
- (b) Continue the hearing to give the petitioning party time to amend according to WAC 388-11-300(1) or to complete the petition.
- (7) The presiding officer may set the effective date of modification as the date the order is issued, the date the request was made, or any time in between. If an effective date is not set, the effective date ((shall be)) is the date the modification order is entered.

### AMENDATORY SECTION (Amending Order 3512, filed 2/10/93, effective 3/13/93)

- WAC 388-11-150 Consent order and agreed settlement. (1) The department may enter a consent order or agreed settlement to dispose of any contested case. The department shall use consent orders and agreed settlements in any case in which such informal disposition is feasible.
- (a) An agreed settlement shall be effective without approval of ((an administrative law judge)) a presiding officer.
- (b) A consent order shall require the approval of ((an administrative law judge)) a presiding officer to be effective. The ((administrative law judge)) presiding officer shall approve a consent order without requiring testimony or a hearing unless the entry of such an order would be specifically contrary to law.
- (2) If negotiations to a consent order or agreed settlement are commenced within twenty days of service of ((the)) a support establishment notice ((and finding of financial, or parental responsibility)) in Washington, or within sixty days of service of the support establishment notice in another state, and such negotiations fail, the responsible parent shall have an additional twenty days from the date the negotiations fail to file a written request for a hearing. ((The department shall consider a hearing request filed within twenty days of the date negotiations failed, to be timely.))
- (3) A party to a consent order or an agreed settlement may:
- (a) Not petition for review of the settlement or order under WAC 388-08-464;
- (b) Petition for modification under WAC 388-11-140; and
- (c) Petition to vacate the settlement or <u>consent</u> order under WAC ((388-11-115)) 388-11-120. The presiding officer may only vacate a settlement or consent order on making a finding of fraud by a party, or on any other basis that would result in manifest injustice.

AMENDATORY SECTION (Amending Order 3512, filed 2/10/93, effective 3/13/93)

- WAC 388-11-210 Administrative orders. (1) The ((department)) agency and the presiding officer shall include in every administrative child support order the:
- (a) ((Responsible parent's and residential parent's net income;
- (b) Amount of the responsible parent's share of the basic support obligation without adjustments;
- (e) Amount of the responsible parent's share of the basic support obligation after adjustments;
- (d) Specific reasons for deviation, if the adjusted amount is different than the unadjusted amount;
- (e))) Completed Washington state child support worksheets including all findings of fact required by chapter 26.19 RCW necessary to support the amounts ordered;
- (b) Total amount of the responsible parent's support obligation with the transfer payment stated as an amount per month per child;
- $((\frac{\overline{(f)})}{c})$  Specific day of the month on which the support payment is due;
- ((<del>(g)</del>)) (d) Responsible parent's Social Security <u>number</u>, ((<del>residence</del>)) <u>mailing</u> address, and the name <u>and address</u> of the responsible parent's employer;
  - (((h) Residential parent's Social Security Number;
- (i) Names, birthdates, and Social Security Numbers, if any, of the dependent child;
  - (i)) (e) Physical custodian's Social Security number;
- (f) Name, birthdate, and Social Security number, if any, of each dependent child;
- (g) Disposition of the responsible parent's obligation to provide health insurance under WAC 388-11-215, including notice that the agency may take direct enforcement action if the responsible parent fails to comply with WAC 388-11-215(b);
- (((k))) (h) Statement that the responsible parent shall make all support payments to the Washington state support registry;
- (((1))) (i) Statement that ((each parent shall)) the responsible parent and the physical custodian must each notify the Washington state support registry of a change in ((resident)) residence or mailing address;
- (((m))) (j) Statement that the responsible parent must keep the Washington state support registry informed of the:
- (i) Name and address of ((that)) the responsible parent's employer;
- (ii) Availability of health insurance coverage for the ((dependant)) dependent child or children ((at reasonable eost)); and
- (iii) If health insurance is available, of the health insurance policy information.
- (((n) Statement that a support obligation established under this chapter shall continue until:
  - (i) Modified under-WAC 388-11-140;
  - (ii) Superseded by a superior court order; or
- (iii) The child for whom support is assessed reaches the age of majority or is emancipated, unless the child is a full time student in high school or its vocational equivalent, and is reasonably expected to graduate before turning nineteen years of age, in which case the support obligation

shall continue until the earlier of the child's graduation from high school or the child's nineteenth birthday; and

- (o))) (k) Duration of the support obligation under WAC 388-11-155(1); and
- (1) Statement that the responsible parent is liable for the following costs based on the parent's proportionate share of the basic support obligation, if these costs are known when the order is entered:
- (i) Health care costs, including extraordinary health care costs, not covered by health insurance;
  - (ii) Day care expenses; and
  - (iii) Approved special child-rearing expenses.
- (2) Unless the presiding officer finds good cause or approves an alternate ((payment)) arrangement under subsection (3) of this section, the ((support order)) presiding officer shall ((contain)) include a statement that the ((department)) agency may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW at any time, without further notice to the responsible parent.
- (3) The presiding officer may enter an order that does not contain the notice required by subsection (2) of this section if the presiding officer, based upon a written finding that it would be in the best interests of the child:
- (a) Finds that one of the parties has demonstrated good cause not to require immediate income withholding; or
- (b) Approves a written agreement signed by both parties that provides for an alternate ((payment)) arrangement.
- (4) All support orders containing an alternate ((<del>payment</del>)) arrangement approved under subsection (3)(a) or (b) of this section shall include a statement that the ((<del>department</del>)) agency may issue a notice of payroll deduction under chapter 26.23 RCW or may take other income withholding action under chapters 26.18 or 74.20A RCW when:
  - (a) A support payment is not paid when due; and
- (b) An amount equal to or greater than the support payable for one month is owed.
  - (5) The department and the presiding officer shall:
- (a) Base all findings of good cause under subsection (3)(a) of this section on a finding that immediate wage withholding would not be in the best interests of the child; and
- (b) Include in the support order a written explanation of why immediate wage withholding would not be in the best interests of the child.
- (6) When modifying an existing support order, the ((department)) agency and the presiding officer shall not make a finding of good cause under subsection (3)(a) of this section without:
- (a) Finding that immediate wage withholding would not be in the best interests of the child;
- (b) Proof of timely payment of previously ordered support; and
- (c) Including a written explanation of why immediate wage withholding would not be in the best interests of the child.
- (7) The responsible parent's assertion that a payroll deduction would displease the parent's employer does not by itself establish "good cause" under subsection (3)(a) of this section.

AMENDATORY SECTION (Amending Order 3081, filed 9/28/90, effective 10/29/90)

- WAC 388-11-215 Health insurance. (1) A parent owing a duty of support shall be obligated to provide health insurance for the parent's dependent child if the coverage is:
- (a) Available or becomes available through employment or is union related; and
- (b) Available at a cost not greater than twenty-five percent of the parent's basic support obligation.
- (2) Following the entry of an administrative order requiring health insurance, the responsible parent shall within twenty days:
  - (a) Provide health insurance coverage;
- (b) Provide proof of coverage to the ((office of support enforcement (OSE))) agency. Proof of coverage ((shall)) includes, but is not ((be)) limited to, documentation showing the:
- (i) Name of the insurer providing the health insurance coverage;
  - (ii) Names of the beneficiaries covered;
  - (iii) Policy number;
  - (iv) Coverage is current; and
- (v) Name and address of the responsible parent's employer.
- (c) ((Inform OSE if)) Provide the agency with proof that coverage is not currently available.
- (3) If health insurance coverage for the child is not immediately available, the responsible parent shall provide for coverage during the next open enrollment period and submit proof of coverage as required under subsection (2)(b) of this section.
- (4) A responsible parent shall only be entitled to the reduction for health insurance premiums paid if the responsible parent:
- (a) ((The responsible parent))  $\underline{S}$ ubmits proof of coverage to (( $\underline{OSE}$ )) the agency as required under WAC 388-11-215; and
- (b) ((The responsible parent)) Pays the required premium((; and)).
- (((e))) (5) If the responsible parent fails to submit proof or pay the premium((, OSE)) as required under subsection (4) of this section, the agency shall collect the adjusted basic support obligation without a reduction for health insurance premium payments.
- (((5))) (6) Health insurance ((shall)) does not include medical assistance provided by the department under chapter 74.09 RCW.
- (7) A child's enrollment in Indian Health Services satisfies the requirements of this section.

AMENDATORY SECTION (Amending Order 3163, filed 4/23/91, effective 5/24/91)

WAC 388-11-220 Liability for birth costs. (1) The ((department)) agency may assess a responsible parent's liability for a dependent child's birth costs, not covered by health insurance, if there is no ((superior court)) order assessing or relieving the responsible parent of liability for birth costs. The ((department)) agency shall assess liability for birth costs based on the parent's proportionate share of the basic support obligation for the child, except as provided under subsections (4) and (5) of this section. Medical

assistance provided by the department under chapter 74.09 RCW is not health insurance.

- (2) The ((office of support enforcement (OSE))) agency may serve an affidavit of birth costs on the responsible parent by certified mail to the parent's last known address if the actual costs of birth were not included in the notice and finding of parental responsibility.
- (3) ((OSE)) The agency may take action to collect the birth costs under chapters 26.23 and 74.20A RCW:
- (a) Twenty days after service in Washington of the affidavit of birth costs or service of a notice and finding of parental responsibility stating birth costs, unless the responsible parent requests ((an adjudicative proceeding)) a hearing under subsection (4) of this section; ((or))
- (b) After the entry of a support order requiring payment of birth costs; or
- (c) If the affidavit was served in another state, according to WAC 388-11-305.
- (4) A responsible parent may request ((an adjudicative proceeding)) a hearing seeking a reduction of, or relief from, the parent's liability for birth costs. The ((department)) agency shall:
- (a) Assess liability for birth costs in the lesser of the following amounts:
- (i) The responsible parent's proportional share of the actual birth costs the ((eustodial parent)) physical custodian paid based on the responsible parent's share of the combined net income of the parties; or
  - (ii) Twenty-five percent of the greater of the:
  - (A) Responsible parent's annual net income; or
- (B) Approximate median net annual income for a person in the responsible parent's age group as published in the Washington state support schedule.
- (b) Relieve the responsible parent from liability based on a written finding supported by evidence that the parent is unemployable and disability benefits are the parent's only source of income.
- (5)(a) The ((department)) agency shall not establish a liability for birth costs paid by the ((department)) agency, except that the department shall be allowed to:
- (i) Establish and collect reimbursement for ((blood test)) paternity test costs paid by the ((department)) agency; and
- (ii) Collect reimbursement for birth costs as awarded to the ((department)) agency in an existing superior court order or administrative order.
- (b) Nothing in this rule shall prohibit the ((department)) agency from:
- (i) Establishing and collecting a liability for birth costs actually incurred by a recipient of nonassistance support enforcement services on behalf of that recipient; or
- (ii) Seeking reimbursement for birth costs from any available health insurance coverage.

#### **NEW SECTION**

WAC 388-11-280 Credit for dependent benefits. (1) The agency shall allow credit for dependent benefits paid by the department of labor and industries, a self-insurer, or the Social Security Administration according to the terms of this section and RCW 26.18.190.

(2) The agency shall allow credit against the child support obligation of a responsible parent for dependent

benefits paid to the child or the child's physical custodian after June 30, 1990, as a result of the responsible parent's disability by:

- (a) The department of labor and industries;
- (b) A self-insurer under chapter 51.32 RCW; or
- (c) The Social Security Administration before July 23, 1995.
- (3) Except as provided in subsection (4) of this section, the agency shall apply credit for benefits:
- (a) First against the current support obligation for the month in which the benefit is paid for the dependent child to whom the benefit was paid; and
- (b) Second to the responsible parent's support debt for the child for whom the benefit was paid. In crediting the benefit amount against the support debt, the agency shall credit:
- (i) First against any support debt owed to the nonassistance support enforcement services recipient to whom the benefit was paid; and
- (ii) Any remaining benefit amount against the responsible parent's support debt to the agency for the dependent child and/or physical custodian to whom the benefit was paid.
- (4) The agency shall credit dependent benefits paid by the Social Security Administration after July 22, 1995, as a result of a responsible parent's disability, death or retirement against the responsible parent's child support obligation for the period for which the benefits were paid. The agency shall not credit benefit amounts exceeding the obligation for the period for which the benefits were paid against the responsible parent's:
  - (a) Support debt; or
  - (b) Obligation to pay support for future months.
- (5) A responsible parent must prove payment of benefits for which credits are claimed under this section and has no right to:
- (a) Reimbursement because of a credit allowed under this section;
- (b) Credit for disability benefits actually paid prior to July 1, 1990; or
- (c) Credit for benefits paid before July 23, 1995, by the Social Security Administration as a result of death or retirement.
- (6) The agency shall mail a notice of credit to the physical custodian if the agency agrees to credit the responsible parent for disability or retirement benefits under this section unless the agreement to credit occurred during a negotiation or a hearing in which the physical custodian was present and a party. The agency shall:
  - (a) Include in the notice the amount of the credit; and
  - (b) Advise the physical custodian that:
- (i) The physical custodian may request a hearing to contest the credit by filing a written application for a hearing with the agency within twenty-three days of the date of mailing of the notice; and
- (ii) If the physical custodian files an application for hearing, the agency shall give the responsible parent notice of and an opportunity to participate in the hearing.

#### **NEW SECTION**

- WAC 388-11-285 Notice and finding of financial responsibility. (1) The agency may serve a notice and finding of financial responsibility (NFFR) on a responsible parent to establish a support obligation under chapter 26.21 or 74.20A RCW if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation.
- (2) The agency shall serve an NFFR like a summons in a civil action or by certified mail, return receipt requested.
- (3) In an NFFR, the agency shall include the information required by WAC 388-11-210 and RCW 74.20A.055 and calculate:
- (a) The responsible parent's accrued support debt and current support obligation using, in the following order of preference:
  - (i) Actual income;
  - (ii) Estimated income, if the agency has:
  - (A) Incomplete information;
- (B) Information based on the prevailing wages in the responsible parent's trade or profession; or
  - (C) Information that is not current.
  - (iii) Imputed income under RCW 26.19.071(6); and
- (b) The responsible parent's health insurance coverage obligation under WAC 388-11-215.
- (4) The responsible parent shall make all support payments after service of an NFFR to the Washington state support registry. The agency shall not credit payments made to any other party after service of an NFFR except as provided in WAC 388-11-015 and 388-11-280.
- (5) An NFFR becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within twenty days of service of the NFFR in Washington:
- (a) Contacts the agency and signs an agreed settlement; or
  - (b) Files a written request with the agency for a hearing.
- (6) An NFFR served in another state becomes final and subject to collection action according to WAC 388-11-305.
- (7) The effective date of a hearing request is the date the agency receives the request.
- (8) A hearing on the merits of an objection to an NFFR is for the limited purpose of resolving the accrued support debt and current support obligation.
- (9) The responsible parent has the burden of proving any defenses to liability. See WAC 388-11-065.
- (10) The agency shall mail notice of any hearing scheduled under this section to the physical custodian at the physical custodian's last known address. The physical custodian may participate in the hearing to the extent allowed under WAC 388-11-400 through 388-11-425.
- (11) If a responsible parent requests a late hearing under WAC 388-11-310, the responsible parent must show good cause for filing a late hearing request if the request is filed more than one year after service of the NFFR.
- (12) WAC 388-11-155 governs the duration of an obligation established under this section.
- (13) An NFFR shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

#### **NEW SECTION**

- WAC 388-11-290 Notice and finding of parental responsibility. (1) The agency may serve a notice and finding of parental responsibility (NFPR) on a responsible parent to establish a support obligation under RCW 74.20A.-056 if:
- (a) There is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation;
- (b) An affidavit acknowledging paternity is filed with the center for health statistics or the vital records agency of another state; and
- (c) The mother and responsible parent who signed the affidavit were eighteen years of age or older at the time they signed the affidavit, or have reached eighteen years of age after signing the affidavit. If the mother was married at the time of the child's birth, but not to the responsible parent acknowledging paternity, the man to whom she was married must also have signed the affidavit to deny paternity.
- (2) The agency shall attach a copy of the acknowledgement of paternity or certification of birth record information to the NFPR.
- (3) The agency shall serve an NFPR like a summons in a civil action or by certified mail, return receipt requested.
- (4) In an NFPR, the agency shall include the information required by WAC 388-11-210 and calculate, according to WAC 388-11-285(3) the responsible parent's:
  - (a) Accrued support debt;
  - (b) Current support obligation;
- (c) Health insurance coverage obligation under WAC 388-11-215; and
- (d) Birth costs if known and assessed pursuant to WAC 388-11-220.
- (5) The agency may not assess an accrued support debt for a period longer than five years before the notice is served. This limitation does not apply to the extent that the responsible parent hid or left the state of Washington for the purpose of avoiding service.
- (6) The responsible parent shall make all support payments after service of an NFPR to the Washington state support registry. The agency shall not credit payments made to any other party against the support obligation except as provided in WAC 388-11-015 and 388-11-280.
- (7) An NFPR becomes final and subject to immediate wage withholding and enforcement under chapters 26.18, 26.23, and 74.20A RCW without further notice unless the responsible parent, within twenty days of service of the notice in Washington:
  - (a) Contacts the agency and signs an agreed settlement;
- (b) Files a written request with the agency for a hearing; or
- (c) Requests paternity tests under WAC 388-11-048 to determine if he is the natural father of the dependent child named in the notice and cooperates in the testing.
- (8) An NFPR served in another state becomes final according to WAC 388-11-305.
- (9) The effective date of a hearing or paternity test request is the date the agency receives the request.
- (10) A responsible parent may request paternity tests at any time. Such a request stays agency collection action only if made within the time specified in subsection (9) of this

section, if the NFPR was served in Washington, or under WAC 388-11-305, if the NFPR was served in another state.

- (11) A timely hearing request filed by the responsible parent stays agency collection action until the entry of a final order.
- (12) If the responsible parent does not request a hearing or paternity tests within the time allowed by subsection (7) or (8) of this section, the agency shall not refund money collected under the notice if the responsible parent is later:
  - (a) Excluded from being the father by paternity tests; or
- (b) Found not to be the father by a court of competent jurisdiction.
- (13) If the results of paternity tests requested under subsection (7) or (8) of this section do not exclude the responsible parent as the natural father of the dependent child, the responsible parent shall have twenty days from the date of service of the paternity test results in Washington to request in writing:
- (a) A hearing under subsection (7)(b) of this section, if the paternity tests were requested within twenty days of service of the notice in Washington; or
- (b) That the agency initiate a parentage action in superior court under chapter 26.26 RCW.
- (14) The provisions of WAC 388-11-305 apply to paternity test results served in another state.
- (15) A hearing request or a request for a parentage action is filed on the date it is received by the agency.
- (16) A hearing on the merits of an NFPR is for the limited purpose of resolving the accrued support debt, current support obligation, and reimbursement to the agency for paternity test costs.
- (17) In a hearing under subsection (7)(b) of this section the responsible parent shall have the burden of proving any defenses to liability. See WAC 388-11-065.
- (18) The agency shall mail notice of any hearing scheduled under this section to the physical custodian at the physical custodian's last known address. The physical custodian may participate in the hearing to the extent allowed under WAC 388-11-400 through 388-11-425.
- (19) If a responsible parent requests a late hearing under WAC 388-11-310, the responsible parent must show good cause for filing the late hearing request if the parent files the request more than one year after service of the NFPR.
- (20) WAC 388-11-155 governs the duration of an obligation established under this section.
- (21) An NFPR shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

#### **NEW SECTION**

- WAC 388-11-295 Notice and finding of medical responsibility. (1) The agency may serve a notice and finding of medical responsibility (NFMR) on a responsible parent to establish a health insurance coverage obligation under chapter 74.20A RCW if:
  - (a) There is no order that:
- (i) Establishes the responsible parent's health insurance coverage obligation; or
- (ii) Specifically relieves the responsible parent of a health insurance coverage obligation;
- (b) The physical custodian or dependent child is receiving or certified eligible to receive medical assistance

- and is not receiving cash grant public assistance under chapter 74.12 RCW; and
- (c) The physical custodian has requested medical support enforcement only and has asked the agency in writing not to collect monetary child support.
- (2) The agency shall serve an NFMR like a summons in a civil action or by certified mail, return receipt requested.
- (3) In an NFMR, the agency shall include the information required by WAC 388-11-210 and calculate the responsible parent's obligation to provide health insurance coverage for the dependent child under WAC 388-11-215, including the:
- (a) Maximum premium amount the responsible parent is obligated to pay; and
- (b) Income basis used to calculate the maximum premium amount, according to WAC 388-11-285(3).
- (4) An income basis for an obligation established by the agency under this section shall not be binding in any later action to establish a cash child support obligation.
- (5) An NFMR becomes final and subject to enforcement under RCW 26.18.170 and WAC 388-11-215 and 388-14-480 without further notice unless the responsible parent, within twenty days of service of the notice in Washington:
- (a) Contacts the agency and signs an agreed settlement or consent order; or
- (b) Files a written request with the agency for a hearing. The effective date of a hearing request is the date the agency receives the request.
- (6) An NFMR served in another state becomes final according to WAC 388-11-305.
- (7) A hearing on the merits of an NFMR is for the limited purpose of resolving the responsible parent's health insurance coverage obligation.
- (8) The responsible parent shall have the burden of proving any defenses to liability. See WAC 388-11-065.
- (9) The agency shall mail notice of any hearing scheduled under this section to the physical custodian at the physical custodian's last known address. The physical custodian may participate in the hearing to the extent allowed under WAC 388-11-400 through 388-11-425.
- (10) If the physical custodian applies for full support enforcement services while a hearing on an NFMR is pending, the agency may, at any time before the hearing record is closed, convert the hearing to a hearing on a notice and finding of financial responsibility under WAC 388-11-285, or a notice and finding of parental responsibility under WAC 388-11-290. To convert the hearing, the agency shall serve a notice and finding of financial responsibility or parental responsibility on the responsible parent and file a copy with the presiding officer. The presiding officer may grant a continuance if a party requests additional time to respond to the claim for cash child support.
- (11) The presiding officer in the initial decision shall determine the:
  - (a) Basic support obligation, without deviations; and
- (b) Maximum premium amount under chapter 26.19 RCW and WAC 388-11-215.
- (12) If a responsible parent requests a late hearing under WAC 388-11-310, the responsible parent must show good cause for filing the late hearing request if it is filed more than one year after service of the NFMR.

- (13) WAC 388-11-155 governs the duration of an obligation established under this section.
- (14) An NFMR shall fully and fairly apprise the responsible parent of the rights and responsibilities in this section.

#### **NEW SECTION**

- WAC 388-11-300 Amending notices. (1) The agency may orally amend a notice issued under chapters 388-11, 388-13, or 388-14 WAC at the hearing to conform to the evidence. When the agency amends a notice at the hearing the:
- (a) Presiding officer may grant a continuance when necessary to allow the parties additional time to present evidence and argument as to the amendment; and
- (b) Agency shall reduce the terms of the amendment to writing and provide a copy, in person or by regular mail to the last known address of the parties, and to the presiding officer within a reasonable time after amending the notice. The amended notice does not generate a new hearing right.
- (2) When the agency has obtained reliable information that the income basis of the notice is incorrect, the agency shall amend a notice issued under WAC 388-11-285, 388-11-290, or 388-11-295 prior to seeking a default order for failure to appear. An amendment under this subsection shall be made according to the terms of subsection (1) of this section.
  - (3) Subsection (2) of this section does not apply:
- (a) To cases in which no one has requested a hearing; or
- (b) After the presiding officer has closed the hearing record.

#### **NEW SECTION**

- WAC 388-11-305 Uniform Interstate Family Support Act—Notices served in another state. (1) Where grounds for personal jurisdiction exist under RCW 26.21.075 or other Washington law, the agency may serve the following legal actions in another state by certified mail, return receipt requested or by personal service, under chapter 26.21 RCW:
- (a) A notice and finding of financial responsibility under WAC 388-11-285; and
- (b) A notice and finding of parental responsibility under WAC 388-11-290;
- (c) A notice of paternity test costs under WAC 388-11-048; or
  - (d) An affidavit of birth costs under WAC 388-11-220.
- (2) A notice and finding of financial responsibility, a notice of paternity test costs, or an affidavit of birth costs becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within sixty days of service in another state:
- (a) Contacts the agency and signs an agreed settlement or consent order; or
  - (b) Files a written request for a hearing under:
- (i) WAC 388-11-285(5) for a notice and finding of financial responsibility;
  - (ii) WAC 388-11-220 for an affidavit of birth costs; or

- (iii) WAC 388-11-048 for a notice of paternity test costs.
- (3) The effective date of a hearing request is the date the agency receives the hearing request.
- (4) A notice and finding of parental responsibility becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within sixty days of service in another state:
- (a) Contacts the agency and signs an agreed settlement or consent order;
- (b) Files a written request for a hearing under WAC 388-11-290(9) with the agency; or
- (c) Files a written request for paternity testing under WAC 388-11-048 to determine if he is the natural father of the dependent child named in the notice and cooperates in the testing. A request for a hearing or paternity testing is filed on the date the request is received by the agency.
- (5) If the results of paternity tests requested under subsection (4) of this section do not exclude the responsible parent as the natural father of the dependent child, the notice and finding of parental responsibility becomes final and subject to immediate wage withholding without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the responsible parent, within sixty days of service of the paternity test costs in another state:
- (a) Contacts the agency and signs an agreed settlement or consent order; or
- (b) Files a written request for a hearing under WAC 388-11-290(9).
- (6) Presiding officers and parties shall conduct administrative hearings on notices served in another state under this section under the special rules of evidence and procedure in chapter 26.21 RCW and according to chapter 34.05 RCW.

#### **NEW SECTION**

WAC 388-11-310 Request for late hearing—Good cause. (1) A person with a right to a hearing under chapter 388-11, 388-13, or 388-14 WAC may file a written request for a late hearing after the period for requesting a timely hearing has passed. The effective date of a hearing request is the date the agency receives the request.

- (2) Filing a request for a late hearing does not stay:
- (a) Collection and enforcement under chapters 26.18, 26.23, or 74.20A RCW;
  - (b) The effect of any qualified domestic relations order;
- (c) Certification of the support debt to the Internal Revenue Service for an income tax refund offset; or
  - (d) Distribution upon receipt of moneys collected.
- (3)(a) A person who files a late hearing request shall show good cause for not filing a timely hearing request unless good cause is not required by the rule governing the notice that is objected to. Good cause is defined in WAC 388-11-011.
- (b) If the presiding officer finds good cause for filing a late hearing request, the presiding officer shall:
- (i) Issue a decision on the merits of the objection to the notice; and
- (ii) Consider whether to order a stay of collection activities until such time as an initial decision or a temporary order under WAC 388-11-315 is issued. Upon request, the

presiding officer shall, based on the evidence presented at hearing, issue an order under WAC 388-11-315, setting or denying temporary support pending the initial decision. This order shall be on the record, but an order denying temporary support need not be in writing.

- (c) If the presiding officer does not find good cause for filing a late hearing request, the presiding officer may issue a decision on modification of the current and future support obligation, if applicable, without a showing of a change of circumstances.
- (4) If the presiding officer finds good cause for filing a late hearing request, the agency shall not refund any excess moneys collected prior to the finding of good cause. However, the presiding officer may issue a decision which gives credit against future support in the amount of the excess collections when and to the extent that credits against future support do not:
- (a) Create hardship to the children for whom support is sought; and
- (b) Offset an overpayment of the obligation to the physical custodian against a debt owed to the department; or
- (c) Offset an overpayment of the obligation to the department against a debt owed to the physical custodian.

#### **NEW SECTION**

# WAC 388-11-315 Temporary administrative orders. (1) If the presiding officer in a hearing to establish a support obligation, or to determine the amount due under an existing order, continues the hearing for any reason, any party to the hearing or the physical custodian may, before the hearing is adjourned, request that the presiding officer issue a temporary order.

- (2) If a request for a temporary order is made under subsection (1) of this section, the presiding officer must:
- (a) Allow the parties to present the evidence then available

and allow five working days from the date of the hearing for submission of additional documentary evidence;

- (b) Issue a temporary order determining the responsible parent's current and future support obligation beginning the month following the hearing, or denying the request;
  - (c) Include in the temporary order:
- (i) A new hearing date within ninety days from the date of the date the presiding officer hears the request for continuance;
- (ii) A statement that any amounts collected under the temporary order will be credited and will be offset against any debt established in the initial decision; and
- (iii) A statement that amounts collected will be distributed and may be subject to recovery under WAC 388-14-270 from the physical custodian;
- (d) Issue the temporary order within twenty calendar days of the date the request for continuance is heard by the presiding officer.
- (3) When the presiding officer denies a request for temporary support, the presiding officer shall enter the order in the hearing record, but the order need not be issued in writing.
- (4) The presiding officer shall comply with WAC 388-11-205, 388-11-210, and 388-11-215 and include a Washing-

ton state child support schedule worksheet when entering a temporary order.

- (5)(a) A temporary order is not an initial decision subject to review under WAC 388-08-464 and terminates on the date an initial decision becomes a final order or on the date of a review decision, if any.
- (b) If a responsible parent fails to appear for a continued hearing, the presiding officer shall issue an order on default under WAC 388-11-120.

#### **NEW SECTION**

WAC 388-11-400 Physical custodians receiving nonassistance services—Rights to participate in hearings. (1) This section and WAC 388-11-410 through 388-11-425 of this chapter govern the rights of physical custodians receiving nonassistance support enforcement services to participate in hearings based on support establishment notices. WAC 388-11-405 governs the participation rights of physical custodians receiving AFDC at the time the agency acts to establish a support order under RCW 74.20A.055 and 74.20A.056.

(2) In a hearing based on a support establishment notice, the physical custodian shall have all the rights of a party to an adjudicative proceeding authorized by the Administrative Procedure Act, chapter 34.05 RCW. The exercise of those rights is governed by WAC 388-11-400 through 388-11-430, and chapters 10-08 and 388-08 WAC.

#### **NEW SECTION**

WAC 388-11-405 Physical custodians receiving AFDC—Rights to participate in hearings. (1) Except as set forth in subsection (2) of this section, physical custodians receiving AFDC benefits may participate in hearings based on support establishment notices to the extent allowed under RCW 74.20A.058.

- (2) A physical custodian who shows at hearing that it is more likely than not that the total child support obligation will exceed the total amount of AFDC expended during all periods of AFDC receipt, including future eligibility to the extent foreseeable, may participate in hearings to the extent allowed under WAC 388-11-415 through 388-11-430. The presiding officer shall allow argument on this issue. The physical custodian may petition for review of this issue only.
- (3) A physical custodian who terminates AFDC after the agency serves a support establishment notice on the responsible parent shall have the right to participate in any subsequent proceeding, including an appeal of any initial decision, related to the notice according to WAC 388-11-400(2).

#### **NEW SECTION**

WAC 388-11-410 Notice of proposed child support amount. (1) This section describes and governs agency action in cases under WAC 388-11-400(2).

(2) Before serving a support establishment notice on a responsible parent, the agency shall serve a notice containing a summary of the proposed terms of the notice on the physical custodian by regular mail to the physical custodian's last known address.

Proposed

- (3) The physical custodian shall respond to the notice within twenty days by notifying the agency in writing that the custodian:
- (a) Accepts the proposed child support amount and authorizes the agency to sign an agreed settlement or consent order if the order amount is greater than or equal to the proposed child support amount; or
  - (b) Objects to the proposed child support amount.
- (4) A physical custodian who objects to the proposed child support amount must include a specific dollar amount the physical custodian believes to be the correct monthly child support obligation with the objection.
- (5) The agency cannot proceed to serve the responsible parent and may initiate case closure action under WAC 388-14-420 (1)(g) unless the physical custodian responds to the notice as required under subsection (3) of this section.
- (6) The agency may attempt to reconcile the proposed child support amount with the physical custodian's claim through negotiation or requests for production of documentary evidence. If the agency and the physical custodian reach agreement on a new proposed child support amount, upon written acceptance by the physical custodian, the agency shall proceed under WAC 388-11-415.
- (7) The notice of proposed child support amount shall inform the physical custodian of the custodian's rights and responsibilities under this section.

#### **NEW SECTION**

- WAC 388-11-415 Support establishment notice—Physical custodian accepts proposed child support amount. (1) When the physical custodian accepts the proposed child support amount, the agency shall proceed to serve the responsible parent with the appropriate support establishment notice.
- (2) If the responsible parent objects to the support establishment notice, the physical custodian may participate in the hearing to the extent allowed under WAC 388-11-400(2) and 388-11-425, including the right to appeal an adverse decision.
- (3) The presiding officer shall conduct a hearing requested under this section according to the terms of:
  - (a) WAC 388-11-425;
- (b) The statute and rules authorizing the support establishment notice;
  - (c) Chapter 10-08 WAC; and
  - (d) Chapter 388-08 WAC.
- (4) The agency may accept a settlement, without the physical custodian's approval, for an amount equal to or greater than the proposed notice amount accepted by the physical custodian under WAC 388-11-410 (3)(a) or (6).
- (5) The agency shall mail a copy of a settlement entered under subsection (4) of this section to the physical custodian within five working days of the date the settlement is entered.

#### **NEW SECTION**

WAC 388-11-420 Support establishment notice— Physical custodian objects to the proposed child support amount. (1) When the physical custodian objects to the proposed child support amount, the agency shall proceed to

- serve a support establishment notice according to the terms of this section.
- (2) In addition to the requirements of the section of this chapter authorizing the notice, the agency shall include the following in a support establishment notice served under this section:
  - (a) The physical custodian's claimed support amount;
  - (b) The agency's claimed support amount; and
  - (c) Notice that:
- (i) The agency and the physical custodian disagree on the proper support amount;
  - (ii) A hearing will be scheduled to resolve the dispute;
  - (iii) The responsible parent is a party to that hearing;
- (iv) If the responsible parent fails to appear for the hearing, the parent will be held in default and the child support amount may be resolved by the remaining parties at any amount equal to or lower than the highest amount claimed by the agency or the custodian; and
- (v) The responsible parent may argue and present evidence at the hearing to show that the support obligation should be lower than that claimed by the agency or the custodial parent.
- (3) When the agency serves the responsible parent with a notice under this section, the department shall send a notice of their hearing to the physical custodian and the responsible parent at the last known mailing address.
- (4) The presiding officer shall conduct a hearing requested under this section according to the terms of:
  - (a) WAC 388-11-425;
- (b) The statute and rules authorizing the support establishment notice;
  - (c) Chapter 10-08 WAC; and
  - (d) Chapter 388-08 WAC.

#### **NEW SECTION**

WAC 388-11-425 Hearings on support establishment notices—Physical custodian not receiving AFDC. (1) In a hearing under this section, the agency shall proceed first to document the support amount the agency believes to be correct. Following the agency's presentation, the physical custodian and the responsible parent may proceed in turn to show why the agency position is wrong.

- (2) If any party appears for the hearing and elects to proceed, absent the granting of a continuance the presiding officer shall hear the matter and enter an initial decision and order based on the evidence presented. The presiding officer shall include a party's failure to appear in the initial decision and order as an order of default against that party. The direct appeal rights of the party who failed to appear shall be limited to an appeal on the record made at the hearing.
- (3) If neither party appears and elects to proceed, the presiding officer shall enter an initial decision and order on default, declaring the agency's claim for support to be final subject to collection action.
- (4) If the physical custodian appears and the responsible parent fails to appear, the agency or the custodian may seek an order of default against the responsible parent. On obtaining the default order, the agency and the custodian may execute an agreed settlement or consent order setting the support obligation, so long as the settlement is neither:

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- (a) More than the greatest amount stated in the notice; nor
  - (b) Less than the lowest amount stated in the notice.
- (5) The agency shall not take action to collect support under an order based on subsection (4) of this section until the order has been sent by regular mail to the responsible parent with a copy of the default order.
- (6) A party against whom the presiding officer has entered an order of default may petition to vacate the order under WAC 388-11-120. However, a physical custodian who has accepted the proposed notice amount under WAC 388-11-410 (3)(a) may vacate an order based on that amount only on a showing of fraud or misconduct in obtaining the custodian's acceptance of the proposed child support amount.
- (7) When a party has advised the presiding officer that they will participate by telephone, the presiding officer shall attempt to contact that party on the record before beginning the proceeding or ruling on a motion. The presiding officer shall not disclose a telephone number or the location of the party appearing by phone.

#### **NEW SECTION**

WAC 388-11-430 Settlement and consent order. (1) Except as provided in this section, a consent order or agreed settlement entered under WAC 388-11-415 through 388-11-425 is not valid until it is signed by all parties to the action.

- (2) A presiding officer may issue a consent order without the signatures of the parties after reviewing the terms of the order with the parties and making a finding that the parties understand and accept the terms of the order.
- (3) A consent order or agreed settlement entered according to WAC 388-11-410 (3)(a) becomes valid without the signature of the custodial parent.

#### <u>REPEALER</u>

The following sections of the Washington Administrative Code are repealed:

| WAC 388-11-010 | Statutory basis.   |
|----------------|--|
| WAC 388-11-030 | Notice and finding of financial responsibility.                        |
| WAC 388-11-032 | Notice and finding of parental responsibility.                         |
| WAC 388-11-035 | Notice and finding of medical responsibility.                          |
| WAC 388-11-040 | Service of notice and finding of financial or parental responsibility. |
| WAC 388-11-055 | Petition for hearing after twenty days—Stay.                           |
| WAC 388-11-060 | Request for hearing.   |

WSR 96-06-040
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed March 1, 1996, 4:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-025.

Title of Rule: Chapter 388-76 WAC, Adult family homes minimum licensing requirements.

Purpose: To establish in rule minimum licensing requirements for adult family homes (AFH).

Statutory Authority for Adoption: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210, and 18.88A.230.

Statute Being Implemented: Chapter 70.128 RCW and RCW 18.88A.210 and 18.88A.230.

Summary: The statute governing AFH licensing was significantly amended by the 1995 legislature with the passage of E2SHB 1908 and SSB 5799. Through these amendments, the legislature mandated the department to develop new rules on specific subjects and changed the department's authority for others. These rules establish requirements for AFH licensing, consistent with those amendments to the governing statute. Topics covered include minimum licensure qualifications, standards for multiple facility providers, optional designation of specialty homes, service standards, training requirements, remedies, nurse delegation, AFH administration, and physical plant requirements. These rules will repeal and replace existing rules governing adult family homes.

Reasons Supporting Proposal: The legislature enacted significant amendments to the governing AFH licensing statute, chapter 74.128 RCW, requiring major changes to existing rules. These proposed rules accommodate the major changes required by legislation and make the regulations governing adult family homes better organized and easier to understand. The goal or desired outcome of rule development is to enhance and strengthen adult family homes as a viable long-term residential care option that provides quality services in a homelike environment.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Gaskell and Stacy Winokur, P.O. Box 45600, Olympia, WA 98504, (360) 438-7937/407-0505.

Name of Proponent: Department of Social and Health Services, Aging and Adult Services Administration; rules are being done in compliance with E2SHB 1908 and SSB 5799, 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: The proposal repeals WAC 388-76-010 through 388-76-530, Adult family homes minimum licensing requirements, much of which is incorporated into these rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Reviser's note: The material contained in this small business economic impact statement exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-08 issue of the Register.

A copy of the statement may be obtained by writing to Sherrill Mitchell, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2631, FAX (360) 438-7903.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is exempt from this provision.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on May 10, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by April 26, 1996, (360) 664-2954, or TDD (360) 664-2136.

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by May 3, 1996.

Date of Intended Adoption: May 21, 1996.

March 1, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-08 issue of the Register.

# WSR 96-06-051 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed March 6, 1996, 8:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-01.

Title of Rule: Minimum licensing requirements for secure group care facilities (crisis residential centers) for youth. Amending WAC 388-73-012 Definitions, 388-73-014 Persons and organizations subject to licensing, 388-73-01950 Fire standards, 388-73-020 Certification of juvenile detention facility and exempt agency, 388-73-048 Corporal punishment, 388-73-054 Client records and information-All agencies, 388-73-606 Required positions, 388-73-800 Crisis residential centers and 388-73-815 Group crisis residential centers-Staffing; and new sections WAC 388-73-803 Crisis residential center-Admission, 388-73-805 Crisis residential center administrator requirements—Multidisciplinary teams, 388-73-821 Behavior management—Secure crisis residential centers, 388-73-822 Secure crisis residential centers-Staff training, 388-73-823 Secure crisis residential centers-Program requirements, and 388-73-825 Secure crisis residential center—Physical facility.

Purpose: RCW 74.13.032 directs the Department of Social and Health Services to promulgate rules under which secure crisis residential group care facilities, as defined in Section 3, Subpart 12, shall be licensed. Currently, no minimum licensing requirements exist for this type of facility.

Statutory Authority for Adoption: Chapter 74.15 RCW. Statute Being Implemented: RCW 74.13.032 and E2SSB 5439 (BECCA) bill.

Summary: Provides minimum licensing requirements for secure crisis residential centers and creates rules for

additional requirements legislation added via chapter 74.13 RCW.

Reasons Supporting Proposal: RCW 74.13.032(2), states the department shall contract for secure crisis residential services with private vendors who offer the services in facilities licensed under rules adopted by the department.

Name of Agency Personnel Responsible for Drafting: Tammi Erickson, Child Welfare Planning Team, P.O. Box 45745, Olympia, (360) 586-8868; Implementation: Regional Licensors, Fire Marshalls, Department of Health, DCFS Regions, Children's Administration, various; and Enforcement: Regional Licensors, Local Fire Marshalls, Department of Health, Attorney General.

Name of Proponent: Child Welfare Planning Team, Children's Administration, 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: This rule provides the minimum licensing requirements for a new type of facility as directed in section 60, chapter 312, Laws of 1995 as passed in the 1995 legislative session. These rules will allow the department to license facilities for this new service.

Proposal Changes the Following Existing Rules: Only amends chapter 388-73 WAC to include the new facility or exclude the new facility. Other changes are new sections which reflect changed duties or reporting requirements for all crisis residential centers as directed by chapter 312, Laws of 1995. (Sections amended or created are listed under Title of Rule above.)

No small business economic impact statement has been prepared under chapter 19.85 RCW. This section adds minimum licensing requirements for a new class of facility to serve youth. These facilities do not exist at this time. Juvenile detention centers are not required to be secure crisis residential centers by the department. If they choose to contract with the department for this service, they must abide by the same licensing requirements as a private provider. Nothing, however, compels them to take on this service provision.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on April 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by April 9, 1996, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by April 16, 1996.

Date of Intended Adoption: April'24, 1996.

March 6, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-07 issue of the Register.

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# WSR 96-06-055 PROPOSED RULES PUGET SOUND AIR POLLUTION CONTROL AGENCY

[Filed March 6, 1996, 10:03 a.m.]

Original Notice.

Exempt under RCW 70.94.141(1).

Title of Rule: Amend section 3.11 of Regulation II.

Purpose: To exempt the manufacturers of extremely low vapor pressure coating and ink products from regulation and to simplify the rule.

Other Identifying Information: Section 3.11 pertains to Coatings and Ink Manufacturing.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: This proposal will simplify the existing wording in the regulation and maintain the stringency of the current standard, while allowing those operations consisting solely of manufacturing low vapor pressure coatings and inks to be exempt from regulation.

Reasons Supporting Proposal: Manufacturers of low vapor pressure coatings and inks contribute an insignificant quantity of air pollutants to the environment, whether or not their mixing vats are covered, and should therefore be exempt from regulation.

Name of Agency Personnel Responsible for Drafting: Maggie Corbin, 110 Union Street, #500, Seattle, 98101, (206) 689-4057; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, 98101, (206) 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, 98101, (206) 689-4053.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule currently requires vats to be covered during mixing, however, since the manufacturers of low vapor pressure coatings and inks produce only insignificant emissions during the mixing process, these should be exempt from regulation. This action will reduce capital expenditures and operating costs.

Proposal Changes the Following Existing Rules: The proposal simplifies the rule and exempts manufacturers of low vapor pressure coatings and inks from regulation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1) section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on April 11, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, 689-4010 by April 4, 1996, TDD (800) 833-6388, or (800) 833-6385 (braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, FAX (206) 343-7522, by April 1, 1996.

Date of Intended Adoption: April 11, 1996.

March 5, 1996 Margaret L. Corbin Air Pollution Engineer

#### AMENDATORY SECTION

### REGULATION II SECTION 3.11 COATINGS AND INK MANUFACTURING

- (a) This section shall apply to ((any paint or ink manufacturing facility that mixes, blends, or compounds)) the manufacture of paints, varnishes, lacquers, enamels, shellacs, printing inks, or sealers that contain volatile organic compounds (VOCs) with a true vapor pressure greater than 0.1 mm Hg (0.002 psia).
- (b) It shall be unlawful for any person to <u>cause or allow</u> the manufacture <u>of</u> coatings or inks unless ((all)) the mixing vat((s containing VOC are)) is kept covered((,)) (except to add ingredients or to take samples). ((, with lids that satisfy all the following conditions:
- (1) Lids shall extend at least 1/2 inch beyond the outer rim of the vat or be attached to the rim of the vat;
- (2) Lids shall be maintained in good condition such that, when in place, they maintain contact with the rim for)) The cover must be in contact with at least 90% of the ((eireumference of the)) rim of the vat((;)).
- (((3) Lids)) The cover may have a slit to allow clearance for insertion of a mixer shaft, provided that the((. The)) slit ((shall be)) is covered after insertion of the mixer ((except to allow safe clearance for the mixer shaft)).
- (c) It shall be unlawful for any person to cause or allow the use of VOC-containing materials for vat cleaning unless the cleaning is done in a manner that minimizes <u>VOC</u> <u>emissions</u> ((the emissions of VOCs)).

#### WSR 96-06-056 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed March 6, 1996, 10:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-031.

Title of Rule: WAC 458-20-12401 Special stadium sales and use tax.

Purpose: This rule is being proposed to implement the special stadium sales and use tax on food and beverage sales by restaurants, taverns, and bars authorized by chapter 1, Laws of 1995 3rd sp. sess. (RCW 82.14.360) and imposed by the King County Council (ordinance #12000) effective January 1, 1996.

Statute Being Implemented: RCW 82.32.300.

Statute Being Implemented: RCW 82.14.360; King County Ordinance #12000.

Summary: This rule implements the special stadium sales and use tax on food and beverage sales by restaurants, taverns, and bars, that took effect January 1, 1996. The rule provides definitions of terms used in the statute and provides examples of when the tax must be collected.

Reasons Supporting Proposal: This rule provides information to those taxpayers who are required to collect and remit the tax.

Name of Agency Personnel Responsible for Drafting and Implementation: Claire Hesselholt, Policy Counsel, 711 Capitol Way South, #303, Olympia, WA, (360) 753-3446; and Enforcement: Russell Brubaker, Assistant Director, 711 Capitol Way South, #303, Olympia, WA, (360) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the special stadium sales and use tax on sales of food and beverages by restaurants, taverns, and bars, imposed by the King County Council effective January 1, 1996. The rule provides definitions of terms used in the statute and examples of when the tax is due and must be collected. The definitions used in the rule are consistent with definitions of the same terms contained in other statutes. (See chapters 66.04 and 66.24 RCW.) This rule will explain to taxpayers when they must collect the additional sales or use tax and remit the tax to the state.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impose a burden on small businesses that is not otherwise specifically imposed by statute and ordinance.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is an interpretative rule.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA 98501, on April 10, 1996, at 10 a.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by April 1, 1996, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Claire Hesselholt, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by April 10, 1996.

Date of Intended Adoption: April 15, 1996.

March 6, 1996 Russell W. Brubaker Assistant Director

#### **NEW SECTION**

WAC 458-20-12401 Special stadium sales and use tax. (1) Introduction. RCW 82.14.360 was amended in the third special session in 1995. (See chapter 1, 1995 3rd sp.s.) Effective January 1, 1996, a special stadium sales and use tax applies to sales of food and beverages by restaurants, taverns, and bars in counties with a population of one million or more. Currently, the special stadium tax applies only in King County. The tax applies only to those food and beverage sales that are already subject to the retail sales tax. Grocery stores, mini-markets, and convenience stores were specifically excluded from the definition of a restaurant and

are not required to collect the tax. However, a restaurant located within a grocery store, mini-market, or convenience store is subject to this tax if the restaurant is owned or operated by a different legal entity from the store or market. This section explains when the tax will apply.

- (2) **Definitions.** The following definitions apply to this section.
- (a) "Restaurant" means any establishment having special space and accommodation where food and beverages are regularly sold to the public for immediate, but not necessarily on-site, consumption, but excluding grocery stores, minimarkets, and convenience stores. Restaurant includes, but is not limited to, lunch counters, diners, coffee shops, espresso shops or bars, concessions, delicatessens, and cafeterias. It also includes space and accommodations where food and beverages are sold to the public for immediate consumption that are located within hotels, motels, lodges, boarding houses, bed-and-breakfast facilities, hospitals, office buildings, and schools, colleges, or universities, if a separate charge is made for such food or beverages. Mobile sales units that sell food or beverages for immediate consumption within a place, the entrance to which is subject to an admission charge, are "restaurants" for purposes of this tax. So too are public and private carriers, such as trains and vessels, that sell food or beverages for immediate consumption on trips that both originate and terminate within the county imposing the special stadium tax if a separate charge for the food and/or beverages is made. A restaurant is open to the public for purposes of this section if members of the public can be served as guests. "Restaurant" does not include businesses making sales through vending machines or through mobile sales units such as catering trucks or sidewalk vendors of food or beverage items.
- (b) "Tavern" has the same meaning here as in RCW 66.04.010 and means any establishment with special space and accommodation for the sale of beer by the glass and for consumption on the premises.
- (c) "Bar" means any establishment selling liquor by the glass or other open container and includes, but is not limited to, establishments that have been issued a class H license by the liquor control board.
- (d) "Grocery stores, mini-markets, and convenience stores," have their ordinary and common meaning.
- (3) Tax application. This special stadium sales and use tax currently applies only to food and beverages sold by restaurants, bars, and taverns in King County. The tax is in addition to any other sales or use tax that applies to these sales. This special tax only applies if the regular sales or use tax imposed by chapters 82.08 or 82.12 RCW applies.
- (a) The tax applies to the total charge made by the restaurant, tavern, or bar, for food and beverages. If a mandatory gratuity is included in the charge that, too, is subject to the tax.
- (b) Catering provided by a restaurant, tavern or bar is also subject to the tax. However, when catering is done by a business that does not meet the definition of restaurant in subsection (2) of this section, and has no facilities for preparing food and all food is prepared at the customer's location, the charge is not subject to the tax.
- (c) In the case of catering subject to the tax, where a separate charge is made for linens, glassware, tables, tents, or other items of tangible personal property that are not

Proposed [48]

required for the catering, those separate charges are not subject to the tax. However, separately stated charges for items that are required as a part of the catering service, such as waitpersons or mandatory gratuities, are subject to the tax.

- (4) Examples. The following examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances. For these examples, assume the transactions occur in King County.
- (a) XYZ Bakery operates a coffee shop where customers may purchase baked goods and coffee for consumption on the premises or may purchase bakery products for consumption elsewhere. The sales of bakery goods and beverages for consumption on the premises are subject to the special stadium tax. The special stadium tax does not apply to the bakery goods sold "to go" because under the provisions of RCW 82.08.0293 and WAC 458-20-244(6) these bakery goods are not subject to the state retail sales tax. Since the state retail sales tax does not apply to these sales, neither does the special stadium sales tax.
- (b) XYZ operates a "fast food" business. Customers may consume the food and beverages on the premises or may take the food "to go" for consumption elsewhere. All sales of food and beverages by this business are subject to the special stadium tax, including the food and beverages sold "to go."
- (c) XYZ operates carts that may be set up on a sidewalk or within parks from which customers may purchase hot dogs and beverages. The cart includes heating facilities for preparation of hot dogs at the cart site. No seating is provided by the business. The site location is not owned or leased by the business. These sales are not subject to the special stadium sales tax because the business does not have a designated space for the preparation of the food it sells. This business does not fit the definition of "restaurant." However, if XYZ operates a mobile food service unit selling food or beverages for immediate consumption at fixed locations within the grounds of a stadium, arena, fairgrounds, or other place, admission to which is subject to an admission charge, then the special stadium tax applies.
- (d) XYZ operates a combination gas station and convenience store. The convenience store sells some groceries and also some prepared foods such as hot dogs and hamburgers. Customers may also purchase soft drinks or coffee by the cup. None of these sales are subject to the special stadium sales tax because of the specific language in the statute exempting convenience stores from the tax.
- (e) XYZ operates a business that sells prepared pizza. The business prepares and bakes the pizza at its premises. The business has no seating. Customers may order the pizzas by either entering the seller's place of business or by telephone. Customers may either take delivery at the seller's site or the business will deliver the pizza to the customer's residence or other site. These sales are subject to the special stadium sales tax because the business does have a designated site and facilities for the preparation of food for sale for immediate consumption, irrespective that no seating is available. The regular retail sales tax applies to these sales since these sales are not exempt food products under RCW 82.08.0293 (2)(c).
- (f) XYZ has the exclusive concession rights to prepare and sell hot dogs within a sports facility. Customers place

their orders and take delivery of the prepared food and beverages at the seller's site in the sports facility. XYZ provides no seating that it controls. Customers generally take the food and beverage to their seats and consume the items while watching the sports event. XYZ will also prepare hot dogs and soft drinks at its food bar and use its employees or agents to sell these products to customers in the stands while the sports event is in progress. All of the sales of food and beverages by XYZ are subject to the special tax. XYZ's business operation meets the definition of "restaurant." XYZ has set aside space that it controls for the purpose of preparing food and beverages for immediate consumption for sale to the public.

(g) DEF operates a cafe within ABC's grocery store, for the sale of food or beverages for immediate consumption. ABC is a separate entity from DEF, and it leases the space for the cafe to DEF. Sales of food and beverages by ABC are exempt from the special stadium tax, but sales from the cafe by DEF are subject to that tax.

## WSR 96-06-057 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed March 6, 1996, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-052.

Title of Rule: WAC 458-20-199 Accounting methods. Purpose: The rule is being amended to include a presumption that taxpayers reporting federal income taxes on cash receipts are considered to be maintaining the accounting records on a cash receipts basis.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.090 and 82.08.100.

Summary: This rule explains the accounting methods that are acceptable to the department for reporting of sales for business and occupation tax and retail sales tax. This rule amendment will make reporting of state taxes more consistent with reporting of federal taxes. The rule clarifies that sales can be made "on account" and still reported on a cash basis if the records are generally kept on a cash basis. The department will recognize a presumption that records are being kept on a cash basis if federal income tax returns are prepared on a cash basis.

Reasons Supporting Proposal: This will provide greater consistency with federal tax reporting requirements and can reduce the administrative burden for record keeping on some businesses.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-7150; and Enforcement: Russell Brubaker, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 82.04.090 and 82.08.100 state that taxpayers

are to report their business and occupation (B&O) tax and the retail sales tax under either the cash method or the accrual method of accounting, depending on the method of accounting regularly used by the taxpayer. This rule explains these methods of accounting. Because of the difficulty in determining the method of accounting used by small businesses with less sophisticated accounting records, the rule establishes a presumption that if federal income tax returns are prepared on a cash basis, it will be presumed that the accounting records are generally being maintained on the cash basis. The anticipated effect is that it will be easier for taxpayers to determine the proper method of accounting to follow in reporting state taxes and this should result in more accurate voluntary tax reporting with fewer assessments and disputes with the department's audit staff. It will make state tax returns easier to reconcile with federal tax returns and result in greater consistency.

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-199. It provides a resumption that if federal income tax returns are prepared on a cash receipts basis, the records will be presumed to be kept on a cash receipts basis.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes to this rule do not impose any new or additional duty or burden on Washington businesses. The proposed rule, in fact, may reduce the business record-keeping cost of some businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is an interpretive rule to implement specific statutes.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on April 10, 1996, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by April 1, 1996, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Les Jaster, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by April 10, 1996.

Date of Intended Adoption: April 30, 1996.

March 6, 1996 Russell W. Brubaker Assistant Director

AMENDATORY SECTION (Amending WSR 92-03-026, filed 1/8/92, effective 2/8/92)

WAC 458-20-199 Accounting methods. (1) In computing tax liability under the business and occupation tax and the retail sales tax, one of the following accounting methods should be used. This is true for all businesses, whether their activity involves the sale of tangible personal property or the rendering of services. (See WAC 458-20-197 for an explanation of when tax liability arises under the accrual method versus the cash receipts method.)

(2) **Method one, cash basis.** A taxpayer may file excise tax returns in each reporting period with figures based upon cash receipts only if the taxpayer's ((regular)) books of account are regularly kept on a ((strietly)) cash receipts basis. (See RCW 82.04.090.) A taxpayer whose books of account recognize income at the time a sale is made or a

service is rendered, regardless of when payment is received, is keeping its records on an accrual basis and must report and pay tax on the accrual basis. For those businesses who maintain formal accounting records, the department of revenue will generally look to the revenue accounts of the general ledger of the business and to the method of accounting used for reporting of federal income taxes to determine when the income is recognized. However, all records of the business will be considered by the department in determining whether the records are being kept on an accrual basis, particularly for those businesses which do not maintain formal records such as a general ledger.

The fact that a taxpayer makes sales "on account" and has records to identify the accounts receivable does not preclude the taxpayer from reporting on a cash receipts basis. Taxpayers can have accounts receivable and still report on the cash basis, provided the accounting records, such as the general ledger or federal income tax returns, do not record the sales on account as income until the cash is actually received.

- (3) Method two, accrual basis. A taxpayer who does not regularly keep books of account on a ((strietly)) cash receipts basis must file returns with figures based on the accrual method. These taxpayers must report the gross proceeds from all cash sales made in the tax reporting period in which the sales are made, together with the total amount of charge sales during such period. The law does not require a taxpayer to use a particular accounting system. However, the taxpayer must report based on the system of accounting used by the business, regardless of the taxpayer's reasons for selecting a particular accounting system. ((For example, if a taxpayer-reports to the federal government-on a cash basis, but maintains accounting records on an accrual basis, the taxpayer is still obligated to report the excise taxes to the state on the accrual basis.)) It will be presumed that a taxpayer who reports its federal income taxes on a cash basis is maintaining the records on a cash basis.
- (a) Taxpayers who make installment sales or leases of tangible personal property must use the accrual method when they compute their tax liability. (See RCW 82.08.090, WAC 458-20-198 and 458-20-211.)
- (b) In the case of rentals or leases, the income is considered to have accrued to the seller in the tax reporting period in which the seller is entitled to receive the rental or lease payment.

#### WSR 96-06-059 PROPOSED RULES PERSONNEL RESOURCES BOARD

[Filed March 6, 1996, 10:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-096.

Title of Rule: WAC 356-42-020 Determination of bargaining unit.

Purpose: This rule describes the process for creation, alteration, or modification of a bargaining unit.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This rule modification is needed to address the determination, alteration, or modification of bargaining units when all or part of state agencies are merged.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes the process of determination, alteration, or modification of a bargaining unit. The purpose of this rule is to allow an appointing authority or an employee organization to create, alter or modify a bargaining unit under certain circumstances. The board may also act on its own motion to determine, alter or modify bargaining units. This modification would address situations where legislative action results in the merger of all or part of state agencies that have bargaining units.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This rule relates to other than internal governmental operations.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on April 11, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by April 4, 1996, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by April 9, 1996.

Date of Intended Adoption: April 11, 1996.

March 5, 1996 Dennis Karras Secretary

AMENDATORY SECTION (Amending WSR 88-18-010 (Order 307), filed 3/26/88)

#### WAC 356-42-020 Determination of bargaining unit.

- (1) Determination, alteration, or modification of an appropriate bargaining unit shall be made by the personnel <u>resources</u> board upon petition from an employee organization, or upon the board's own motion after 20 days' notice has been given to the appointing authority and to affected employees and their representatives.
- (2) Prior to an employee organization petitioning the ((personnel)) board for creation or modification of a bargaining unit, the petitioning employee organization will confer with the appointing authority on the proposed unit creation or unit modification.
- (3) If an appointing authority has reason to believe that an existing bargaining unit in the appointing authority's agency or department is no longer appropriate, the appointing authority may request the ((personnel)) board to consider modification of the bargaining unit. However, if there is an

employee organization certified as exclusive bargaining representative for that unit, the appointing authority will first confer with the certified employee organization on the proposed modification prior to presenting the request to the ((personnel)) board. The ((personnel)) board may choose to consider such unit modification questions and would act on its own motion as designated in WAC 356-42-020(1).

- (4) In determining a bargaining unit, the ((personnel)) board shall consider the following factors:
- (a) Duties, skills and working conditions of the employ-
- (b) History of collective bargaining by the employees and their representatives.
  - (c) Extent of organization among the employees.
  - (d) Desires of the employees.
- (5) Any petition filed hereunder should set forth all pertinent facts and supporting reasons, as comprehensively as possible, to aid the ((personnel)) board in its determination.
- (6) At the hearing on a petition, the ((personnel)) board shall make an oral determination regarding the proposed action. Thereafter, the board shall enter an appropriate order containing findings of fact and conclusions of law reflecting the oral determination. Unless otherwise provided, the effective date for the creation or modification of a bargaining unit shall be the date of the board's oral determination.
- (7) Bargaining units normally shall not include both supervisory and nonsupervisory employees unless such inclusion is justified by application of the criteria identified in subsection (4) of this section. Employees will not be excluded from a bargaining unit based solely on their supervisory status where supervisors have historically been included in the unit.
- (8) Where all or part of a state agency is combined with another in a new or existing state agency, the board may determine the continued appropriateness of existing bargaining units affected by that action. The provision in this section for determination of bargaining unit, exclusive representative, and union shop elections shall apply to bargaining units modified or created under this subsection.

#### WSR 96-06-062 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 10:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-030.

Title of Rule: Problem wildlife.

Purpose: Amend problem wildlife rules.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.150, 77.12.260.

Statute Being Implemented: RCW 77.12.150, 77.12.260.

Summary: Amends problem wildlife rules to provide clarification of participation, reporting requirements and penalties.

Reasons Supporting Proposal: Current rules are outdated, contain unnecessary reporting requirements, and do not provide for adequate participation.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, WA, 902-2504; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, WA, 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: This proposal divides current problem wildlife rules into two rules. Bear removal is an activity under RCW 77.12.240, which is a removal, not a hunt. Accordingly, no license is required, the taking of multiple animals is allowed, and up to four persons may participate. Deer and elk takings are hunts, for which a license and tag are required. Unlawful acts are enumerated for each removal type.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposals involve a recreational or quasi-recreational activity, and do not affect small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, on April 20, 1996, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by April 8, 1996, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by April 19, 1996.

Date of Intended Adoption: April 20, 1996.

March 5, 1996 Evan Jacoby Rules Coordinator

AMENDATORY SECTION (Amending Order 241, filed 2/1/85)

WAC 232-12-025 ((Hunts)) Black bear removals authorized pursuant to RCW 77.12.240. ((Anyone participating in a director authorized hunt must conduct themselves)) The director authorizes black bear damage control removal in designated areas (permit areas) by qualified participants (permittees) in accordance with the following rules:

(1) Black bear damage control removal permits for permittees using dogs will only be issued to applicants owning dogs that have previously hunted bears. Persons meeting this qualification must make application to the department by March 1st of each year to be eligible for a permit. A permittee may be accompanied by up to three additional participants. A hunting license, bear tag and hound stamp are not required to participate in a black bear damage control removal. Removal authorizations will be

selected at random from eligible permittees within the region.

(((a))) (2) While participating in a removal using dogs, no dogs are permitted out of the vehicle((, including)) or on a strikeboard, outside of the ((designated hunting)) permit area. If the bear is ((started)) struck inside a permit area, it may be pursued and killed outside the permit boundaries.

(((b) When a)) (3) A permittee may take more than one bear within the permit area. For each bear ((is)) taken, the permittee shall ((skin the entire bear, including head, leaving elaws attached, and deliver the hide, together with)) remove the stomach, gall bladder and one of the first ((tooth)) teeth behind the canine tooth ((on the lower iaw)), freeze the stomach and gall bladder and remit the entire tooth to the regional office in the envelope provided. ((All bear hides taken pursuant to a black bear damage permit shall be disposed of as prescribed in RCW 77.12.240.)) Within seventy-two hours of the expiration of the permit, the permittee shall notify the regional office of the location of the stomach and gall bladder and shall comply with department instructions for remitting the stomach and gall bladder to the department. Failure to comply with the requirements to remit bear parts will make the permittee ineligible for a permit during the ensuing three-year period.

(((e))) (4) Within ((5)) five days after expiration of a black bear permit, the permittee shall return to the respective region a completed and signed bear ((hunting)) removal report ((and)), the windshield identification cards and the map of the damage unit, showing, if successful, the strike and take points. Failure to comply with ((this provision shall constitute ineligibility for the next year's black bear damage permit drawings)) the reporting requirements will make the permittee ineligible for a permit during the ensuing three-year period.

(((d) The permittee shall abide by all)) (5) Failure to comply with the following field removal conditions ((as set forth on the black bear damage permit. Failure to comply with these hunting conditions)) shall constitute a violation of RCW 77.16.020(1) (hunting bear during closed season):

(a) Failure to have hunter identification or failure to display windshield identification cards.

(b) Removal outside the permit area (except in pursuit of a strike made within the area).

(c) Removal outside the dates of the permit.

(6) Except as provided for in this section, all general laws and rules applying to bear hunting apply to permittees.

(7) If there are insufficient applications to conduct a random selection for a permittee, black bear damage control kill permits may be authorized under RCW 77.12.265 for taking of black bears using dogs to persons who own dogs that have previously hunted bears, and may be authorized for any landowner, tenant, or agent of the landowner or tenant, for taking black bears without the use of dogs.

(((2) Deer and elk.

(a) Only persons with a damage permit are allowed to hunt and take one deer or one elk as designated on their damage control permit.

(b) If a hunter-takes an animal of the same species during an earlier hunt, that person will be ineligible for a damage hunt-permit.

(e) Deer and elk damage control hunts will be antierless only unless specified either sex on the damage permit.

- (d) The April 1 to June 30 time period will be excluded from damage control hunts.
- (e) Permittees may hunt only within the prescribed area and season dates as specified on their permit. If a deer or elk is wounded inside the damage hunt area, it may be pursued and taken outside permit boundaries.
- (f) Within five days after expiration of a deer or elk permit, the permittee shall return to the respective region a deer/elk hunting report. If an animal is taken, the permittee shall skin the entire animal and deliver the hide together with an incisor tooth to a regional game department office. All deer or elk hides taken pursuant to a damage permit shall be disposed of as preseribed in RCW 77.12.240. Failure to comply with this provision shall constitute ineligibility for the next year's damage permit drawings.))

#### **NEW SECTION**

WAC 232-12-026 Deer and elk damage control hunts authorized pursuant to RCW 77.12.150. The commission recognizes the need for deer and elk damage control hunts to control localized populations, which damage control hunts cannot be adequately predicted in order to establish a special hunting season. The commission delegates to the director the authority to determine designated areas for deer or elk damage control hunts (damage control areas), and qualifications for participants (deer and elk damage control hunters). The following rules apply to director-authorized deer or elk damage control hunts.

- (1) A valid hunting license and deer or elk tag are required to hunt during a deer or elk damage control hunt.
- (2) Deer and elk damage control hunters will be selected at random from the current list of unsuccessful applicants for special deer and elk permits, and will be eligible for a deer or elk damage control hunt in the region for which the hunter made application for a special deer or elk permit. Where the use of unsuccessful applicants is not practical, regions may authorize the use of damage control applications from which hunt participants will be selected at random.
- (3) Within five days after the ending date of a directorauthorized deer or elk damage control hunt, the deer and elk damage control hunter shall return to the respective region a completed and signed deer/elk hunting report. Failure to comply with the reporting requirement will make the hunter ineligible to participate in a deer or elk damage control hunt during the ensuing three-year period.
- (4) Failure to comply with the following field hunting conditions shall constitute a violation of RCW 77.16.020(1) (hunting deer or elk during closed season):
- (a) Unauthorized participation in a deer or elk damage control hunt.
  - (b) Hunting outside the damage control area.
- (c) Hunting outside the dates authorized for the damage control hunt.
- (d) Violating antler restrictions established for the damage control hunt.
- (5) Except as provided for in this section, all general laws and rules applying to deer and elk hunting apply to deer and elk damage control hunters.

#### WSR 96-06-063 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-084.

Title of Rule: Zebra mussels.

Purpose: Establish zebra mussels as deleterious wildlife and provide preventative measures.

Statutory Authority for Adoption: RCW 77.12.020, 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Zebra mussels are designated as deleterious exotic wildlife, importation for research is subject to permit, abatement is authorized and fishing contests are affected.

Reasons Supporting Proposal: Zebra mussels pose a significant threat to habitat and fish life.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Rich Lincoln, 1111 Washington Street, Olympia, WA, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, WA, 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: The zebra mussel rule designates these species as deleterious exotic wildlife, restricts introduction of aquatic organisms for release into state waters, provides a mechanism for introduction for research and describes abatement procedure. The fishing contest rule is amended to prevent accidental introduction of zebra mussels by fishing contest participants. The anticipated effect of these rules is to prevent the introduction of zebra mussels.

Proposal Changes the Following Existing Rules: Amends fishing contest rules to prevent the accidental introduction of zebra mussels.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The extent to which these rules will affect small businesses is unknown. The effect will be upon small businesses that import aquatic organisms for release into state waters. This will only affect imports from east of the Rocky Mountains, and will not affect fish and plants imported for the aquarium trade. Many of the imports are already subject to live fish import permit requirements. The department is mitigating the effect on small businesses by preparing a zebra mussel-free certificate, and beginning a public education program. The department will consider delayed implementation of these rules.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules do not affect hydraulics.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington, on April 20, 1996, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by April 8, 1996, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by April 19, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Rules Coordinator

#### **NEW SECTION**

WAC 232-12-01701 Zebra mussels. (1) Zebra mussels, including *Dreissena polymorpha* and other species commonly known as quagga, are hereby designated as deleterious exotic wildlife and a public nuisance.

- (2) It is unlawful to intentionally import into the state or possess zebra mussels except as provided in this section.
- (3) It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state east of the Rocky Mountains without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.
- (4) Scientific research: The director may authorize, by prior written permit, a person to possess zebra mussels for scientific research, provided:
- (a) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of zebra mussels or any form of zebra mussel larvae, is not a natural watercourse, and is inaccessible to wildlife or other animals that could transport zebra mussels or zebra mussel larvae
  - (b) Specimens are not transferred to any other facility.
- (c) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure and medium are sterilized.
- (d) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of zebra mussel enclosures and general nature of the research.
- (e) All zebra mussel enclosures are subject to inspection without warrant at reasonable times and in a reasonable manner by authorized department personnel.
- (5) Abatement. Except as provided for in subsection (4) of this section, the department may take action to prevent or abate introduced zebra mussels as a public nuisance, including but not limited to chemical sterilization of the water containing the zebra mussels or object to which the zebra mussels are attached, heat treatment of such object, or other abatement measures as are appropriate. The possessor of zebra mussels may be responsible for costs incurred by the department in abating a zebra mussel infestation.

AMENDATORY SECTION (Amending Order 629, filed 2/18/94, effective 3/21/94)

WAC 232-12-168 Fishing contests. ((\{\{\text{\frac{1}{2}}\}\})) (1) Contest defined: By definition, a fishing contest exists when 6 or more persons fish competitively and determine winners, regardless of prize value.

 $((\frac{\{(2)\}}{\}}))$  (2) Application:

- (a) Fishing contest permit applications should be submitted to the department by November 1 of each year for contests that are to take place the following calendar year. After November 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.
- (b) Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. The fee is \$24 per permit.

 $((\frac{\{(3)\}}{\}}))$  (3) Approval:

- (a) Fishing contests which adversely affect fish or wildlife resources or other recreational opportunity may be denied.
- (b) Contests will not be allowed on sea-run cutthroat trout, Dolly Varden or bull trout.
- (c) Contests involving only juveniles or the handicapped may exceed the participation limits in contests per month, contests per year, or boats per contest day with permission from the director. Also, contests involving only juveniles may target any fish species except sea-run cutthroat trout, Dolly Varden or bull trout, under one permit.
- ((<del>{{({{}}}(4){{}})}</del>)) (4) Prize value: Total prize value per contest will not exceed \$400 when trout, steelhead, char, whitefish, grayling, or kokanee are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize. Contests involving only juveniles are not required to meet 90 percent live release requirements even if bass or walleye are included as a target species.

 $((\frac{\{(5)\}}{\}}))$  (5) Legal requirements, all contests:

- (a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.
- (b) Contests are restricted to the species and water((\{\frac{\{\frac{1}{2}\}}\})\)\sections approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.
- (c) Sponsors must report contest information requested by the department within 10 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.
- (d) Contest participants may not restrict public access at boat launches.
- (e) Contests where all participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than three consecutive days and have the following limits per water:

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| ACRES            | CONTESTS<br>PER DAY | CONTESTS<br>PER MONTH* |      | TESTS<br>YEAR | BOATS PER<br>CONTEST DAY |
|------------------|---------------------|------------------------|------|---------------|--------------------------|
|                  | -                   |                        | BASS | WALLEYE       |                          |
| Less than 300    | 1                   | 1                      | 5    | 0             | 15                       |
| 301 - 3,000      | 1                   | 2                      | 10   | 2             | 35                       |
| 3.001 - 6.000    | 1                   | 3                      | 15   | 2             | 60                       |
| 6.001 - 10.000   | 1                   | 4                      | 25   | 2             | 125                      |
| More than 10,000 | ** 2                | 5                      | 35   | 2             | 300                      |

\* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

((<del>[\*\*]</del>))

- \*\* Two separate contest permits may be issued with no more than 150 boats per contest.
- (f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit.

 $((\frac{\{(6)\}}{)}))$  (6) Special regulations, bass and walleye contests:

- (a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials. Contests involving only juveniles are not required to meet the 90 percent live release requirement for any approved species.
- (b) During bass contests only, participants may continue to fish while holding a daily catch limit of bass in possession for the particular water being fished, as long as one fish is released immediately upon catching a fish which would make the angler in excess of the daily catch limit if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than a daily limit in the livewell.
- (c) During bass contests, contestants may not use live bait, except that contests involving only juveniles which include bass as a target species may use bait.
- (d) During bass contests held on waters managed under statewide "standard" regulations, participants may retain a daily catch limit of bass of any size to be weighed in. However, if the contest is on waters managed by "nonstandard" (exception) regulations, no deviations to size limits are allowed. Regardless of whether the contest is on a water managed by "standard" or "exception" regulations, tournament anglers may not be in possession of more than the daily catch limit for the water being fished, except as authorized under (6)(f) below.
- (e) During walleye contests, all current bag and size remain in effect. No size or number limit exceptions are allowed for walleye contests except as authorized under (6)(f) below.
- (f) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of

- transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.
- (g) Livewell dimensions: During walleye tournaments, all livewells used to hold walleye must be at least 34 inches in length and have a water capacity of at least 20 gallons. Not more than 6 walleye may be placed in a single livewell. All livewells must have both a functional freshwater pump and backup aeration capability.
- (h) Boat identification: All boats used for fishing in bass contests must be clearly identified according to criteria established by the department.
- (7) Zebra mussel decontamination. Prior to participating in a Washington state fishing contest:
- (a) All contest participants are required to sign a zebra mussel decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters east of the Rocky Mountains for thirty days immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters the participant has taken the following action:
- (i) A physical inspection has been made of the hull, motor and trailer by the contest director, and any zebra mussels, if found, have been disposed of on dry land above the high water mark; and
- (ii) The vessel has been decontaminated by the hull having been:
  - (A) Pressurized washed with hot soapy water; or
  - (B) Washed with a five percent bleach solution;
- (iii) The motor has been run in a minimum five percent bleach solution for a minimum of one minute; and
- (iv) The bilge and any live wells have been flushed, and the flush water disposed of on dry land above the high water mark.
- (b) The zebra mussel decontamination statement shall be submitted to the department as part of the fishing contest report.

#### WSR 96-06-064 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-066.

Title of Rule: Amending WAC 232-12-275 Wildlife rehabilitation permits.

Purpose: To clarify language and intent of rule. The changes to this rule provide clarification of the language and add statements clearly outlining the department's authority. Changes to the rule are necessary for wildlife rehabilitators, enforcement officers and the public to have a clearer understanding of the department's authority.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

[AMENDATORY SECTION (Amending Order 308, filed 4/15/88)]

## WAC 232-12-275 Wildlife rehabilitation permits. (1) (2) It is unlawful to possess wildlife for the purpose of

rehabilitation without first obtaining a ((eurrent,)) valid Washington state "wildlife rehabilitation permit". Rehabilitation permits are valid for the calendar year issued

tion permits are valid for the calendar year issued.

(2) (3) A wildlife rehabilitation permit, ((valid for the time specified on the permit,)) may be issued to a person to treat or care for injured, diseased, or abandoned wildlife for the purpose of successful release to the wild.

- (3) (4) The director may issue ((and condition)) a wildlife rehabilitation permit if the applicant complies with the following:
- (a) The applicant is either a licensed veterinarian or <u>a</u> <u>person who</u> can demonstrate 6 months of experience in wildlife rehabilitation, which must include 3 months during the spring or summer <u>and has a principle veterinarian</u>. The director may consider education in wildlife rehabilitation as a substitute for experience.
- (b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director.
- (((e) Applicants who are not licensed veterinarians must provide to the department a letter signed by a person willing to act as principal veterinarian.))
- (d) (c) The wildlife rehabilitation facility ((must)) meets the wildlife rehabilitation care ((standards)) and ((wildlife rehabilitation)) facility standards ((as prescribed by the

- director.)) in the Washington State Wildlife Rehabilitation Care and Facility Standards pamphlet. ((Wildlife rehabilitation facilities permitted by the director prior to May-15, 1988 must meet the wildlife rehabilitation facility standards prescribed by the director or have a director approved plan for implementation on or before January 1, 1989.))
- (4) (5) It is unlawful to hold wildlife for longer than 180 days except as authorized by the director.
- (5) (6) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.
- (6) (7) It is unlawful to retain wildlife for the purpose of orphan-imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imping", except as provided by written permission from the director.
- (7) (8) It is unlawful for wildlife being held for rehabilitation to be used for propagation.
- (8) (9) A wildlife rehabilitator may receive from the department and possess at the wildlife rehabilitation facility dead wildlife for the purpose of feeding wildlife being rehabilitated.
- (9) (4d) The holder of a wildlife rehabilitation permit must submit to the department no later than January 31 of each year an annual report providing information as required by the director. The department will provide wildlife rehabilitators with a wildlife rehabilitation ledger which may also be submitted as the annual report.
- (10) (4e) It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within 24 hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.
- (11) (4f) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. The records will be maintained on a calendar year basis and will be retained for a period of five years. A copy of the valid wildlife rehabilitation permit must be in possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.
- (12) (10) Wildlife agents may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.
- (((13) It is unlawful for a permittee to fail to comply with the conditions of a wildlife rehabilitation permit.))
- (11) Any permittee who fails to comply with individual permit conditions, the care and facility standards, reporting requirements, or records maintenance is in violation of the permit and the permit may be revoked or not renewed. Any permittee found in non-compliance may provide to the Department a plan for corrective action, within 10 days, to return to compliance. Any permittee with an acceptable plan for corrective action will be given a minimum of 30 days to correct a permit violation prior to revocation or non-renewal of the permit.
- (12) All wildlife held by a wildlife rehabilitation permittee remains the property of the state and is subject to control by the state.
- (14) (1) For the purposes of this rule, the following definitions apply:
- (a) "Wildlife rehabilitation" means the care and treatment of injured, diseased, or abandoned wildlife, including

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but not limited to capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

- (b) "Wildlife rehabilitation facility" means the authorized (sites) as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.
- (c) "Wildlife rehabilitator" means a person who cares for or treats injured, diseased, or abandoned wildlife for the purpose of releasing ((said)) wildlife to the wild.
- (d) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to possess for treatment or care, injured, diseased, or abandoned wildlife for the purpose of successful release to the wild.
- (e) "Principal veterinarian" means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in the medical treatment of injured, diseased, or abandoned wildlife.
- (f) "Public display" means to place or locate wildlife so that it may be viewed by the public.
- (g) "Imping" means a method of repairing broken feathers.
- (h) "Orphan-imprinting" means to use ((non-releasable adult)) wildlife for the purpose of feeding, socializing, and teaching appropriate behavior to young wildlife ((of the same species)).

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

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

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

#### WSR 96-06-065 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife)

[Filed March 6, 1996, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-101.

Title of Rule: To repeal WAC 232-12-829 Hunting of game animals by persons of disability.

Purpose: The agency is permanently repealing this rule. It has been replaced with WAC 232-12-828 Hunting of game birds and animals by persons of disability.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

#### REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-12-829

Hunting of game animals by persons of disability.

#### WSR 96-06-066 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-101.

Title of Rule: Amending WAC 232-16-080 Columbia River Game Reserve.

Purpose: This rule is the boundary description for the Columbia River Game Reserve. The Columbia River Game Reserve is designed to provide a sanctuary for migratory waterfowl. The amendment will provide additional recreation during the September Canada goose season without impacts to the purpose of the reserve.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504;

and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

AMENDATORY SECTION [(Amending Order 283 (part), filed 9/11/68)]

WAC 232-16-080 Columbia and Snake River Game Reserve. ((It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Asotin County - the Snake River and those lands lying within one quarter mile of the Snake River between the Clarkston Country Club pumping station in the SW1/4 of Sec. 19, Twp. 11N., R.46E.W.M. and the U.S. Geodetic survey tower in Sec. 21, Twp. 11N., R.45E.W.M., about four miles downstream.))

Section ((2-)) 1. Benton County - the Columbia River and those lands lying within one-quarter mile of the Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Patterson (river channel marker 67).

Section ((3-)) 2. Chelan County - the Columbia River and those lands lying within one-quarter mile of the Columbia River between Rock Island Dam and Winesap.

((Section 4. Columbia County—the Snake River and those lands lying within one-quarter mile of the Snake River.))

Section ((5-)) 3. Douglas County - the Columbia River and those lands lying within one-quarter mile of the Columbia River between Rock Island Dam and a point due east of Winesap, Chelan County; also, on or within one-quarter mile of the Columbia River on the Douglas County side from the Brewster Bridge to the Chief Joseph Dam and from Chief Joseph Dam to a point directly across from the mouth of Nespelum Creek.

Section ((6.)) 4. Franklin County - the Snake River and those lands within one-half mile of the Snake River, ((EXCEPT that part below the U.S. Highway 410 bridge near the mouth of the Snake-River.)) between the U.S. Highway 12 bridge upstream to Lower Monumental Dam.

((Section 7: Garfield County—the Snake River and those lands lying within one quarter mile of the Snake River, EXCEPT that portion above the Central Ferry Bridge.))

Section ((8-)) 5. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram.

Section ((9-)) 6. Okanogan County - the Columbia River and those lands lying within one-quarter mile of the Columbia River from the mouth of Nespelum Creek to Chief Joseph Dam, provided that Nespelum Bar shall be open.

Section ((10.)) 7. Walla Walla County - the Snake River and those lands lying within one-half mile of the Snake River ((upstream from the U.S. Highway No. 410 bridge.)) between the U.S. Highway 12 bridge upstream to Lower Monumental Dam.

((Section 11. Whitman County - the Snake River and those lands lying within one quarter mile of the Snake River below the Central Ferry Bridge, and that portion directly across the Snake River from the Asotin closure described in Sec. 1.))

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

WSR 96-06-067 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-101.

Title of Rule: To repeal WAC 232-16-410 Stubblefield Lake Game Reserve.

Purpose: This rule is the boundary description for Stubblefield Lake Game Reserve in Spokane County. This repealer abolishes Stubblefield Lake Game Reserve, which no longer provides a sanctuary for migratory waterfowl.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

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Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

#### REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-16-410 Stubblefic

Stubblefield Lake Game Reserve

# WSR 96-06-068 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-101.

Title of Rule: Amending WAC 232-28-241 1994-95, 1995-96, and 1996-97 Official hunting hours and small game seasons.

Purpose: This rule establishes 1994-95, 1995-96, and 1996-97 official hunting hours and small game seasons, and amends the season length, bag limits, and areas for hunting Canada geese in the September season. This amendment to the September Canada goose season is designed to allow additional recreational harvest of Canada geese without impacts to the stability of the Canada goose population.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

AMENDATORY SECTION (Amending Order 94-143 [WSR 96-04-027], filed 1/10/95 [2/1/96], effective 2/10/95 [3/3/96])

WAC 232-28-241 1994-95, 1995-96, and 1996-97 Official hunting hours and small game seasons.

1994-95 OFFICIAL HUNTING HOURS FOR MIGRATORY GAME BIRDS\* September 1, 1994 to January 31, 1995

|            |          |   |      |          | West Slope Zo (Seattle times) |      | Coastal Zor<br>(Tatoosh Is. |              |
|------------|----------|---|------|----------|-------------------------------|------|-----------------------------|--------------|
| Dates (Inc | clusive) |   |      |          | A.M. to                       | P.M. | A.M. to                     | <b>P.M</b> . |
| Dates (III | 01401.0) |   |      |          | Daylight Savings Time         |      |                             |              |
| Thurs.     | Sept. 1  | _ | Sun. | Sept. 4  | 6:00                          | 7:45 | 6:10                        | 8:00         |
| Mon.       | Sept. 5  | _ | Sun. | <b>.</b> | 6:05                          | 7:35 | 6:15                        | 7:45         |
| Mon.       | Sept. 12 | _ | Sun. | •        | 6:15                          | 7:20 | 6:25                        | 7:30         |
| Mon.       | Sept. 19 |   | Sun. |          | 6:25                          | 7:10 | 6:35                        | 7:20         |
| Mon.       | Sept. 26 |   | Sun. |          | 6:35                          | 6:55 | 6:45                        | 7:05         |
| Mon.       | Oct. 3   | _ | Sun. |          | 6:45                          | 6:40 | 6:55                        | 6:50         |
| Mon.       | Oct. 10  | _ | Fri. | Oct. 14  | 6:55                          | 6:25 | 7:05                        | 6:35         |

Mon.

Mon.

Opening

Weekend\*\*

Oct. 3

Oct. 10 -

Sun.

Fri.

Sat.

Sun.

Oct. 9

Oct. 14

Oct. 15

Oct. 16

| Opening      |          |   | Sat.  | Oct. 15  | 7:00 6:20 7:10                 | 6:30 |
|--------------|----------|---|-------|----------|--------------------------------|------|
| Weekend**    |          |   | Sun.  | Oct. 16  | 7:00 6:20 7:10                 | 6:30 |
| Mon.         | Oct. 17  | _ | Sun.  | Oct. 23  | 7:05 6:10 7:15                 | 6:20 |
| Mon.         | Oct. 24  | - | Sat.  | Oct. 29  | 7:15 6:00 7:25                 | 6:10 |
|              |          |   |       |          | Pacific Standard Time          |      |
| Sun.         | Oct. 30  |   |       |          | 6:20 4:55 6:30                 | 5:00 |
| Mon.         | Oct. 31  | - | Sun.  | Nov. 6   | 6:25 4:50 6:40                 | 4:55 |
| Mon.         | Nov. 7   | - | Sun.  | Nov. 13  | 6:35 4:40 6:50                 | 4:45 |
| Mon.         | Nov. 14  | _ | Sun.  | Nov. 20  | 6:45 4:30 7:00                 | 4:40 |
| Mon.         | Nov. 21  | - | Sun.  | Nov. 27  | 6:55 4:25 7:10                 | 4:30 |
| Mon.         | Nov. 28  | _ | Sun.  | Dec. 4   | 7:05 4:20 7:20                 | 4:25 |
| Mon.         | Dec. 5   | - | Sun.  | Dec. 11  | 7:15 4:20 7:25                 | 4:25 |
| Mon.         | Dec. 12  | _ | Sun.  | Dec. 18  | 7:20 4:20 7:35                 | 4:25 |
| Mon.         | Dec. 19  | _ | Sun.  | Dec. 25  | 7:25 4:20 7:40                 | 4:25 |
| Mon.         | Dec. 26  | _ | Sun.  | Jan. 1   | 7:25 4:25 7:40                 | 4:30 |
| Mon.         | Jan. 2   | _ | Sun.  | Jan. 8   | 7:25 4:30 7:40                 | 4:40 |
| Mon.         | Jan. 9   | - | Sun.  | Jan. 15  | 7:25 4:40 7:35                 | 4:45 |
| Mon.         | Jan. 16  | - | Sun.  | Jan. 22  |                                | 4:55 |
| Mon.         | Jan. 23  | - | Sun.  | Jan. 29  | 7:15 5:00 7:25                 | 5:10 |
| Mon.         | Jan. 30  | - | Tues. | Jan. 31  | 7:10 5:05 7:20                 | 5:15 |
|              |          |   |       |          | East Slope Zone Far East Zone  |      |
|              |          |   |       |          | (Yakima times) (Spokane times) |      |
| Dates (Inclu | ısive)   |   |       |          |                                | P.M. |
| `            | ,        |   |       |          | Daylight Savings Time          |      |
| Thurs.       | Sept. 1  | - | Sun.  | Sept. 4  |                                | 7:30 |
| Mon.         | Sept. 5  | - | Sun.  | Sept. 11 |                                | 7:15 |
| Mon.         | Sept. 12 | - | Sun.  | Sept. 18 |                                | 7:05 |
| Mon.         | Sept. 19 | - | Sun.  | Sept. 25 |                                | 6:50 |
| Mon.         | Sept. 26 |   | Sun.  | Oct. 2   |                                | 6:35 |
| 3.7          | A        |   | ~     | • •      | (0)                            |      |

| Mon.     | Oct. 17 -     | Sun. Oct. 23           | 6:55                       | 6:05          | 6:45             | 5:55        |
|----------|---------------|------------------------|----------------------------|---------------|------------------|-------------|
| Mon.     | Oct. 24 -     | Sat. Oct. 29           | 7:05                       | 5:55          | 7:55             | 5:40        |
|          |               |                        | Pacific Standard Time      |               |                  |             |
| Sun.     | Oct. 30       |                        | 6:10                       | 4:50          | 6:00             | 4:35        |
| Mon.     | Oct. 31 -     | Sun. Nov. 6            | 6:15                       | 4:45          | 6:05             | 4:30        |
| Mon.     | Nov. 7 -      | Sun. Nov. 13           | 6:25                       | 4:35          | 6:15             | 4:20        |
| Mon.     | Nov. 14 -     | Sun. Nov. 20           | 6:35                       | 4:25          | 6:30             | 4:10        |
| Mon.     | Nov. 21 -     | Sun. Nov. 27           | 6:45                       | 4:20          | 6:40             | 4:05        |
| Mon.     | Nov. 28 -     | Sun. Dec. 4            | 6:55                       | 4:15          | 6:45             | 4:00        |
| Mon.     | Dec. 5 -      | Sun. Dec. 11           | 7:00                       | 4:15          | 6:55             | 4:00        |
| Mon.     | Dec. 12 -     | Sun. Dec. 18           | 7:10                       | 4:15          | 7:00             | 4:00        |
| Mon.     | Dec. 19 -     | Sun. Dec. 25           | 7:15                       | 4:20          | 7:05             | 4:00        |
| Mon.     | Dec. 26 -     | Sun. Jan. 1            | 7:15                       | 4:20          | 7:10             | 4:05        |
| Mon.     | Jan. 2 -      | Sun. Jan. 8            | 7:15                       | 4:30          | 7:10             | 4:15        |
| Mon.     | Jan. 9 -      | Sun. Jan. 15           | 7:15                       | 4:40          | 7:05             | 4:20        |
| Mon.     | Jan. 16 -     | Sun. Jan. 22           | 7:10                       | 4:45          | 7:00             | 4:30        |
| Mon.     | Jan. 23 -     | Sun. Jan. 29           | 7:00                       | 4:55          | 6:55             | 4:40        |
| Mon.     | Jan. 30 -     | Tues. Jan. 31          | 7:00                       | 5:05          | 6:50             | 4:50        |
|          |               |                        |                            |               |                  |             |
| West Slo | ne Zone: Fast | from I-5 to the Pacifi | c Crest Trail Far Fact Zon | e: From the F | ast Slone Zone b | oundam, (U: |
|          |               |                        |                            |               |                  |             |

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West Slope Zone: East from I-5 to the Pacific Crest Trail.

Coastal Zone: From the west coast of Washington, east to I-5.

East Slope Zone: East from the Pacific Crest Trail to Highway 21 where it intersects with the Canadian border, south on Highway 21 to its junction with Highway 395, south on Highway 395 to the Oregon border.

Far East Zone: From the East Slope Zone boundary (Highway 21 from Canadian border to its junction with Highway 395, south on Highway 395 to Oregon border) to the Idaho border.

Proposed [60]

<sup>\*</sup> Migratory game birds include ducks, geese, coots, snipe, and mourning doves. The lawful hunting hours for game animals and all other game birds during established seasons are one-half hour before sunrise to one-half hour after

sunset. For these species, hunters can use the Hunting Hour table for AM time and just add 30 minutes for PM time.

\*\* Opening Day - In Eastern Washington, upland bird, duck, goose, coot, and snipe seasons open at noon. In Western Washington, upland bird, duck, goose, coot, and snipe seasons open at 8:00 a.m.

#### **Exceptions:**

- 1) Western Washington Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. on designated pheasant release sites.
- 2) Western Washington Cottontail and snowshoe hare (Washington hare) hunting hours are 8:00 a.m. to 4:00 p.m. during the pheasant hunting season on designated pheasant release sites.
- 3) Bobcat and raccoons are exempt from hunting hour restrictions during established bobcat and raccoon season except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons are exempt from these hunting hours except on designated pheasant release sites.

#### Bobcat

Bag and Possession Limits: No limit.

Bobcat may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill bobcat with use of hounds during early archery seasons.

Bobcat may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill bobcat with use of hounds during early muzzleloader seasons.

#### Eastern Washington

#### **PURSUIT-ONLY SEASON**

(Bobcat may not be killed or injured.)

Sept. 1-30, Nov. 23-Dec. 14, 1994 and Jan. 16-31, 1995; Sept. 1-30, Nov. 22-Dec. 14, 1995 and Jan. 16-31, 1996; Sept. 4-30, Nov. 27-Dec. 14, 1996 and Jan. 16-31, 1997; except closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 14, 1994; Sept. 1-Oct. 13, 1995; and Sept. 4-Oct. 11, 1996.

#### OPEN SEASON

(Bobcat may be killed)

Oct. 15-31, 1994 and Dec. 15, 1994-Jan. 15, 1995; Oct. 14-31, 1995 and Dec. 15, 1995-Jan. 15, 1996; Oct. 12-31, 1996 and Dec. 15, 1996-Jan. 15, 1997.

#### Western Washington

#### **PURSUIT-ONLY SEASON**

(Bobcat may not be killed or injured.)

Aug. 1-Oct. 14, 1994; Aug. 1-Oct. 13, 1995; Aug. 1-Oct. 11, 1996; except CLOSED in GMU 522.

#### OPEN SEASON

(Bobcat may be killed.)

Oct. 15, 1994-Mar. 15, 1995; Oct. 14, 1995-Mar. 15, 1996; Oct. 12, 1996-Mar. 15, 1997; except CLOSED in GMU 522.

#### Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season EXCEPT for the following areas and dates. (This does not permit the hunting of deer or elk with the use of hounds.)

#### Eastern Washington

|                   | 1994          | 1995       | <u> 1996</u> |
|-------------------|---------------|------------|--------------|
| GMUs 100-124.     | Oct. 5-12     | Oct. 4-11  | Oct. 2-9     |
| GMUs 127-185.     | Nov. 10-17    | Nov. 9-16  | Nov. 14-2    |
| Yakima County     | Oct. 5-Nov. 1 | Oct. 14-31 | Oct. 12-29   |
| within two (2)    |               |            |              |
| miles of the      |               |            |              |
| Yakima River      |               |            |              |
| below Union Gap.  |               |            |              |
| Whitman and       | Oct. 29-      | Oct. 28-   | Oct. 26-     |
| Lincoln counties. | Nov. 13       | Nov. 12    | Nov. 10      |

#### Western Washington

Oct. 15-Nov. 20, 1994; Oct. 14-Nov. 19, 1995; Oct. 12-Nov. 24, 1996; in GMU 405 (west of Highway 9), GMUs 454, 627, 633, and the Columbia River Floodplain of Clark and Cowlitz counties with boundaries described as follows: Beginning at the Longview/Columbia River Bridge, then north and west on Oregon Way (Highway 432) to Tennant Way (Highway 432) to Interstate Highway 5, then south on I-5 to State Highway 14 to the Skamania County line, then south on county line to the Columbia River on state line to the Longview Bridge and point of beginning.

#### RACCOON

Bag and Possession Limits: No Limit.

Raccoon may be killed during archery deer or elk seasons with archery equipment if valid license and tags are in possession for deer or elk seasons, respectively. Archers may not kill raccoon with use of hounds during early archery seasons.

Raccoon may be killed during muzzleloader deer or elk seasons with muzzleloader equipment if valid license and tags are in possession for deer or elk seasons, respectively. Muzzleloaders may not kill raccoon with use of hounds during early muzzleloader seasons.

#### Eastern Washington

#### PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Sept. 1-Oct. 14, 1994; Sept. 1-Oct. 13, 1995; Sept. 4-Oct. 11, 1996; except CLOSED to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest.

#### OPEN SEASON

(Raccoon may be killed)

Oct. 15, 1994-Jan. 15, 1995; Oct. 14, 1995-Jan. 15, 1996; Oct. 12, 1996-Jan. 15, 1997.

#### Western Washington

PURSUIT-ONLY SEASON

(Raccoon may not be killed or injured).

Aug. 1-Oct. 14, 1994; Aug. 1-Oct. 13, 1995; Aug. 1-Oct. 11, 1996; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

#### OPEN SEASON

(Raccoon may be killed).

Oct. 15, 1994-Mar. 15, 1995; Oct. 14, 1995-Mar. 15, 1996; Oct. 12, 1996-Mar. 15, 1997; except CLOSED on Long Island within Willapa National Wildlife Refuge and GMU 522.

#### **FOX**

Bag and Possession Limits: No limits.

Statewide: Oct. 15, 1994-Mar. 15, 1995; Oct. 14, 1995-Mar. 15, 1996; Oct. 12, 1996-Mar. 15, 1997, except CLOSED within the exterior boundaries of the Mount Baker/Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 405, 410, and 522.

#### COYOTE

Coyote may be taken year around EXCEPT that coyote may only be killed and/or pursued with hounds during the following periods:

#### Eastern Washington

Sept. 1-Jan. 31, 1994-95; Sept. 1-Jan. 31, 1995-96; Sept. 4-Jan. 31, 1996-97; except year around in Grant, Adams, Benton, and Franklin counties.

#### Western Washington

Aug. 1-Mar. 15, 1994-95; Aug. 1-Mar. 15, 1995-96; Aug. 1-Mar. 15, 1996-97.

Coyote may not be taken by any means from September 15 to November 30 in the following closed areas: Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within external boundaries of the Mount Baker-Snoqualmie, Okanogan and Wenatchee national forests.

#### FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31 during 1994, 1995, and 1996; except CLOSED in GMU 522.

#### **PTARMIGAN**

Season closed statewide.

#### **UPLAND BIRDS**

Eastern Washington

#### Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Noon Oct. 15-Dec. 31, 1994; Noon Oct. 14-Dec. 31, 1995; Noon Oct. 12-Dec. 31, 1996.

#### Chukar Partridge

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna - Colfax - Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 24-Oct. 14, 1994; Sept. 22-Oct. 13, 1995; Sept. 21-Oct. 11, 1996.

Regular Season: Noon Oct. 15, 1994 - Jan. 15, 1995; Noon Oct. 14, 1995 - Jan. 7, 1996; Noon Oct. 12, 1996 - Jan. 12, 1997.

#### Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Early season in Asotin and Garfield counties; in that part of Whitman County south of the Washtucna - Colfax - Moscow Highway; in that part of Columbia County that is north and east of the Tucannon River: Sept. 24-Oct. 14, 1994; Sept. 22-Oct. 13, 1995; Sept. 21-Oct. 11, 1996.

Regular Season: Noon Oct. 15, 1994-Jan. 15, 1995; Noon Oct. 14, 1995-Jan. 7, 1996; Noon Oct. 12, 1996-Jan. 12, 1997.

#### Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Noon Oct. 15, 1994-Jan. 15, 1995; Noon Oct. 14, 1995-Jan. 7, 1996; Noon Oct. 12, 1996-Jan. 12, 1997.

#### Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Noon Oct. 15, 1994-Jan. 15, 1995; Noon Oct. 14, 1995-Jan. 7, 1996; Noon Oct. 12, 1996-Jan. 12, 1997.

Yakama Indian Reservation: The 1994-95 Upland Bird Season within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

#### Western Washington

#### Ring-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day on designated release sites, EXCEPT two (2) cock pheasants per day on other than designated release sites, with a total of fifteen (15) pheasants in possession at any time.

Early season: Sept. 24-30, 1994; Sept. 23-29, 1995; and Sept. 21-27, 1996 for juvenile hunters under 15 and senior hunters 65 years of age or older. Juvenile hunters must be accompanied by an adult.

Oct. 1-Nov. 30, 1994; Sept. 30-Nov. 30, 1995; and Sept. 28-Nov. 30, 1996; 8 a.m. to 4 p.m.; except Voice of America site (Clallam County) starting Oct. 15, 1994; Oct. 14, 1995; Oct. 12, 1996; except CLOSED in GMU 522.

A Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge in western Washington, in addition to a current hunting license. Pheasant kills only must be recorded. Upon taking a pheasant, the holder of a Western Washington Upland Bird Permit must immediately enter on the corresponding space the date and location of kill

There are three options available for the 1994, 1995, 1996 hunting season:

- (1) Full Season Option: Allows the harvest of ten (10) pheasants.
- (2) Juvenile (under 15): Allows the harvest of six (6) pheasants.
- (3) 2-Day Option: Allows the harvest of four (4) pheasants during two consecutive days.

Every person possessing a Western Washington Upland Bird Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per person is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Upland Bird Permit.

Special Restriction: Steelshot must be used in a shotgun to hunt pheasant on the Skagit Wildlife Area. Hunting is restricted on weekend mornings at Lake Terrell (all units including ARCO and INTELCO), Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and Smith Farm segments) wildlife areas. Only hunters with western Washington upland bird permits marked "odd" may hunt these sites from 8:00 a.m. until 12:00 noon on odd numbered weekend days. Only hunters with Western Washington Upland Bird Permits marked "even" may hunt these sites from 8:00 a.m. until 12:00 noon on even numbered weekend days. Hunters that select the two day option and juvenile hunters 14 years of age or younger may hunt during either weekend day morning. Juvenile hunters must be accompanied by an adult with an appropriately marked upland bird permit.

#### Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 15-Nov. 30, 1994; Oct. 14-Nov. 30, 1995; Oct. 12-Nov. 30, 1996; except CLOSED in GMU 522.

#### Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) valley or bobwhite quail per day, with a total of thirty (30) valley or bobwhite quail in possession at any time; straight or mixed bag.

Oct. 15-Nov. 30, 1994; Oct. 14-Nov. 30, 1995; Oct. 12-Nov. 30, 1996; except CLOSED in GMU 522.

#### TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 1995; April 15-May 15, 1996; and April 15-May 15, 1997.

Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 18-22, 1994; Nov. 17-21, 1995; Nov. 22-26, 1996.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 18-22, 1994; Nov. 17-21, 1995; Nov. 27-Dec. 1, 1996. Only hunters that successfully complete the Department of Fish and Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be in possession in addition to a valid hunting license and turkey tag while hunting in this area.

#### OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One turkey per calendar year for 1994. One turkey per day, with a total of three (3) per year; only one turkey from each subspecies may be killed per year in 1995 and 1996. Subspecies are defined by county of kill.

Eastern Wild Turkey: All of western Washington excluding Skamania and Klickitat counties.

Rio Grande Wild Turkey: All of eastern Washington excluding Klickitat, Ferry, Pend Oreille, and Stevens counties.

Merriam's Wild Turkey: Skamania, Klickitat, Pend Oreille, Ferry and Stevens counties.

Tag Sale Cutoff: To purchase multiple turkey tags, hunters shall send the appropriate tag fee (resident or non-resident) for each additional tag and their original 1995, 1996, or 1997 turkey tag to: Upland Bird Program, Washington Department of Fish and Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091. All multiple tag requests must be received by March 31, each year; a single statewide tag may be purchased at any time.

Hunting Hours: One-half hour before sunrise to one-half hour after sunset during spring and fall seasons.

#### SPECIAL REGULATIONS:

- 1. Turkey season is open for shotgun and bow-and-arrow hunting only.
- 2. A turkey tag is required for hunting turkey.
- 3. Each successful hunter must complete and return a game harvest report card to the Department of Fish and Wildlife within ten days after taking a turkey.
- 4. It is unlawful to use dogs to hunt turkeys.

#### Sage and Sharp-tailed Grouse

Season Closed Statewide, 1994, 1995, 1996.

BIRD DOG TRAINING SEASON Aug. 1, 1994-Mar. 15, 1995; Aug. 1, 1995-Mar. 15, 1996; and Aug. 1, 1996-Mar. 15, 1997, except from Oct. 1-Nov. 30, 1994, Sept. 30-Nov. 30,

1995, and Sept. 28-Nov. 30, 1996, dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites.

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E1/2 of Sec. 16); Region Two - Wahluke Wildlife Area north of Highway 24; Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Six - Scatter Creek Wildlife Area.

#### CANADA GOOSE SEPTEMBER SEASON

Early September Canada Goose season for ((portions of)) Clark, Cowlitz, Pacific, and Wahkiakum counties.

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Sept. 1-12, 1994; Sept. 1-12, 1995; ((Sept. 1-12, 1996.)) Sept. 1-15, 1996.

Open Area: ((Those portions of)) Clark, Cowlitz, Pacific, and Wahkiakum counties ((within the following boundary: Beginning at the Washington Oregon border on the Interstate 5 bridge near Vancouver, Washington, north on Interstate 5 to Kelso, west on Highway 4 from Kelso to Highway 401, south and west on Highway 401 to Highway 101 at the Astoria/Megler Bridge, then west on SR 101 to the city of Hwaco, then west on Gray Drive to Canby Road, then southwest on Canby Road to the north jetty, then southwest on the north jetty to its end, then southeast to the Washington Oregon state line, then upstream along the Washington/Oregon border to the point of origin)).

((Steel-Shot Requirement: No person shall hunt Canada geese in the open area of the September Canada goose season while using or possessing shotshells loaded with metal other than steel.))

Early September Canada Goose season for Asotin, Columbia, Garfield counties; parts of Whitman, Benton, and Klickitat Counties.

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

#### September 1-7, 1996.

Open Area: Asotin, Columbia, and Garfield counties, those parts of Whitman County south of State Highway 26 and U.S. Highway 195, those parts of Benton County within one-half mile of the Columbia River downstream from the Interstate 82 bridge, and those parts of Klickitat County within one-half mile of the Columbia River.

#### **BAND-TAILED PIGEON**

Closed Season Statewide, 1994, 1995, 1996.

#### MOURNING DOVE

Bag and possession limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15 1994; Sept. 1-15, 1995; and Sept. 1-15, 1996; except CLOSED in GMU 522.

#### RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and White-tailed Jackrabbit.

Bag and Possession Limits: Ten (10) rabbits or hares per day, with a total of thirty (30) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1994-Mar. 15, 1995; Sept. 1, 1995-Mar. 15, 1996; Sept. 1, 1996-Mar. 15, 1997; except CLOSED in GMU 522.

#### Black-tailed Jackrabbit

Bag and Possession Limits: Ten (10) Black-tailed jackrabbits per day, with a total of thirty (30) in possession at any time.

Statewide: Year-around.

#### **FALCONRY SEASONS**

#### Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Statewide: Sept. 1, 1994-Mar. 15, 1995; Sept. 1, 1995-Mar. 15, 1996; Sept. 1, 1996-Mar. 15, 1997.

#### Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Statewide: Sept. 1-15 and Oct. 1-Dec 31, 1994; Sept. 1-15 and Oct. 1-Dec. 31, 1995; Sept. 1-15 and Oct. 1-Dec. 31, 1996.

#### Rabbit and Hare - Falconry

Daily bag: Ten (10) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 1994-Mar. 15, 1995; Aug. 1, 1995-Mar. 15, 1996; Aug. 1, 1996-Mar. 15, 1997, for cottontail, snowshoe hare (or Washington hare), white-tailed and blacktailed jackrabbits.

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

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

#### WSR 96-06-069 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-029.

Title of Rule: Amending WAC 232-28-250 1995 Deer permit quotas.

Purpose: Deer permit quotas are modified each year to provide recreation opportunity or as a result of damage complaints. These permit hunts will enable the Fish and Wildlife Commission to target areas experiencing damage problems. On Guemes Island, permit hunters will be eligible to buy a second deer tag and harvest two deer.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

#### [AMENDATORY SECTION (Amending WSR 95-11-034, filed 5/10/95)]

#### WAC 232-28-250 ((1995)) 1996 Deer permit quotas

| Hunt<br>Choice     | Hunt         | Permit      | Permit Hunt                   | Special                       | (( <del>1996</del> ))<br>1995 |
|--------------------|--------------|-------------|-------------------------------|-------------------------------|-------------------------------|
| Number             |              | Season      | <b>Boundary Description</b>   | Restrictions                  | Permits                       |
| (( <del>1001</del> | Curlew       | Oct. 7-13   |                               | -Whitetail, Antlerless Only   | 100                           |
| 1002               | Boulder      | Oct. 7-13   | GMU 103                       | - Whitetail, Antlerless Only  | <del>150</del>                |
| 1002               | Kelly Hill   | Oct. 7-13   |                               | Whitetail, Antlerless Only    | <del>25</del> 0               |
| 1004               | Douglas      | Oct. 7-13   | GMU 108                       | - Whitetail, Antlerless Only  | 450                           |
| 1005               | Aladdin A    | Oct. 7-13   |                               | Whitetail, Antlerless Only    | <del>150</del>                |
| 1006               | Aladdin B    | Nov. 22-26  |                               | - Whitetail, Either Sex-      | <del>25</del>                 |
| 1007               | Selkirk      | Oct. 7-13   | GMU-113                       | Whitetail, Antlerless Only    | 50                            |
| 1008               | -Chewelah    | Oct. 7-13   | GMU-118                       | Whitetail, Antlerless Only    | 250                           |
| 1009               | Bover A      | Oct. 7-13   | GMU 119                       | - Whitetail, Antlerless Only  | 275                           |
| 1010               | Bover B      | Nov. 22-26  | - GMU-119                     | Whitetail, Either Sex         | 25                            |
| 1011               | Huckleberry  | Oct. 7-13   |                               | - Whitetail, Antlerless Only  | <del>900</del>                |
| 1012               | -Mt. Spokane | Oct. 7-13   | -GMU 124                      | Whitetail, Antlerless Only    | 600                           |
| 1013               | Cheney       | Oct. 7-13   |                               | - Antierless Only             | <del>150</del>                |
| 1014               | Roosevelt    | Oct. 7-13   | GMU 133                       | - Antlerless Only             | <del>55</del> 0               |
| 1015               | Harrington   | Nov. 8-19   | - GMU 136                     | Antlerless Only               | 175                           |
| 1016               | -Steptoe     | Nov. 8-19   | - GMU 139                     | Antlerless Only               | 300                           |
| 1017               | -Almota      | -Nov. 8-19  | GMU 142                       | -Antlerless Only              | <del>400</del>                |
| 1018               | -Mayview A   | Oct. 1-8    |                               | -Antlerless Only -            | <del>150</del>                |
| 1019               | Mayview B    | Nov. 8-19   |                               | -Antlerless Only              | <del>400</del>                |
| 1020               | -Starbuck    | Nov. 8-19   | GMU 148                       | Antlerless Only               | 250                           |
| 1021               | - Eureka     | - Nov. 8-19 |                               | -Antlerless Only              | <del>250</del>                |
| 1022               | Blue Creek A | - Nov. 8-19 |                               | Whitetail, Antierless Only    | <del>150</del>                |
| 1023               | -Touchet     | Nov. 8-19-  | GMU 160                       | -Whitetail, Antlerless Only   | <del>75</del>                 |
| 1024               | Eckler -     | Nov. 8-19   | GMU 161                       | Whitetail, Antlerless Only    | <del>75</del>                 |
| 1025               | -Marengo A   | Nov. 8-19   | GMU-163                       | -Whitetail, Antlerless Only - | <del>125</del>                |
| 1026               | -Marengo B   | Nov. 8-19   | GMU 163                       | -Antlerless Only              | 225                           |
| 1027               | Peola        | Nov. 8-19   | GMU 178                       | Antlerless Only               | <del>150</del>                |
| 1028               | -Couse       | Nov. 8-19   | - GMU 181                     | -Whitetail, Antlerless Only   | <del>100</del>                |
| 1029 -             | Blue Mtns.   | Nov. 8-21   | GMUs 148, 151, 154,           | Whitetail, 3 Pt. Min. or      | 100                           |
|                    | Foothills A  |             | <del>160, 161, 163, 166</del> | Antlerless                    |                               |

| 1030              | Blue Mtns.         | Nov. 8-21              | GMUs 145, 172, 175, 178, 181 | Whitetail, 3 Pt. Min. or   | 100  |
|-------------------|--------------------|------------------------|------------------------------|----------------------------|--|
| 1031              | East Okanogan      | Dec. 6-13              | - GMUs 200, 206              | - Whitetail, Either Sex    | 50   |
| 1031              | West Okanogan      | Dec. 6-13              | GMUs 209, 218, 224,          | Whitetail, Either Sex      | <del>50</del>                                    |
| 1032              | West Okulloguii    | DCC. 0-13              | <del>231, 233</del>          | Wintelan, Entire Sex       |  |
| 1033              | - Wannacut A       | Oct. 30 Nov. 5         | GMU 209                      | - Antlerless Only          | 50   |
| 1034              | Sinlahekin A-      | Oct. 30-Nov. 5         | - GMU 215                    | Whitetail, Antlerless Only | <del>50</del>                                    |
| 1035              | Sinlahekin B       | Dec. 6-13              | GMU 215                      | Whitetail, Either Sex      | 25   |
| <del>1036</del> — | Chewuch            | Oct. 30 Nov. 5         | GMU 218                      | Antierless Only            |  |
| 1037              | Pearrygin          | Oct. 30-Nov. 5         | GMU 224                      |                            | <del>5</del>                                     |
| 1037              | Gardner            |                        |                              | - Antlerless Only          | <del>50</del>                                    |
|                   |                    | Oct. 30-Nov. 5         | GMU-231 — —                  | Antlerless Only            | 5  |
| 1039              | Pogue              | Oct. 30-Nov. 5         | GMU-233                      | Antlerless Only            | <del>25</del>                                    |
| <del>1040</del>   | Big Bend A         | Oct. 16-22             | GMU 248                      | Antlerless-Only            | 100  |
| <del>1041</del>   | Badger -           | Oct. 16-22             | GMU-266                      | Antlerless Only            | 100  |
| <del>1042</del>   | Moses Coulee A     | Oct. 16-22             | GMU 269                      | - Antlerless Only          | <del>100</del>                                   |
| 1043              | -Beezley -         | -Oet. 16-22            | GMU 272                      | Antlerless Only            | 100  |
| 1044              | Wenatchee A-       | Nov. 1-15              | - Portion of GMU 314*        | Antlerless Only            | 150  |
| 1045              | - Guemes Island A- | Oct. 14-31             | Guemes Island in             | Either Sex                 | 100  |
| 10.0              | Cucinos Island 71  | Oct. 14 51             | GMU-405                      | Entire Sex                 | 100  |
| 1046              | Guernes Island B   | Nov 1-21               | Guernes Island in            | Either Sex                 | 100  |
| 1040              | Gueines Isiana B   | 1 <del>100. 1-21</del> |                              | - Either Sex-              | 100  |
| 40.45             | a                  |                        | GMU-405                      |                            |  |
| 1047              | Green River A      | Oct. 21-27             | GMU 485                      | Either Sex                 | <del>40</del>                                    |
| <del>1048</del>   | Green River B      | Oct. 21-27             | GMU 485                      | - Antlerless Only          | <del>30</del>                                    |
| <del>1049</del>   | Lincoln            | Oet. 21-31             | -GMU 501                     | Either Sex                 | <del>-150</del>                                  |
| 1050              | Mossyrock          | Oct. 21-31             | GMU 505                      | Either Sex                 | <del>100</del>                                   |
| 1051              | Willapa Hills      | Oct. 21-31             | GMU-506                      | Either Sex                 | <del>75</del>                                    |
| 1052              | Stormking          | Oct. 21-31             | -GMU 510                     | Either Sex                 | <del></del>                                      |
| 1053              | Sawtooth           | Oct. 21-31             | GMU-510<br>GMU-512           | Either Sex                 | 50   |
| 1055              | Packwood           | Oct. 21-31             | - GMU 516                    | Either Sex                 |  |
| 1055              |                    |                        |                              |                            | <del>30</del>                                    |
|                   | Ryderwood          | Oct. 21-31             | GMU 530                      | Either Sex                 | 50   |
| 1056-             | - Coweeman         | Oct. 21-31             | GMU-550                      | Either Sex                 | 60   |
| 1057              | Lewis River        | Oet. 21-31             | GMU 560                      | Either Sex                 | <del>50</del>                                    |
| 1058              | Siquxon -          | Oct. 21-31             | GMU 572                      | Either Sex                 | 50   |
| 1059              | Hoko               | Oct. 21-31             | GMU-601                      | Either Sex                 | 50   |
| <del>1060</del> — | Pysht              | Oct. 21-31             | GMU 603                      | Either Sex                 | <del>100</del>                                   |
| 1061              | Soleduck           | Oct. 21-31             | GMU-607                      | Either Sex                 | 35   |
| 1062              | - Goodman          | Oct21-31               | GMU 612                      | Either Sex                 | 50   |
| 1063              | Clearwater -       | Oct. 21-31             | GMU 615                      | Either Sex                 | <del>50</del>                                    |
| 1064              | Olympie            | Oct. 21-31             | GMU 621                      | Either Sex                 | <del></del>                                      |
| 1065              | Coyle —            | Oct. 21-31             | GMU 624                      | Either Sex                 |  |
|                   |                    |                        |                              |                            | 100  |
| 1066              | Mason Lake         | Oct. 21-31             | GMU 633                      | Either Sex                 |  |
| 1067              | - Skokomish-       | Oct. 21-31             | - GMU 636                    | 2 Pt. Min. or Antlerless   |  |
| 1068              | Wynoochee -        | Oct. 21-31 —           | GMU 648                      | Either Sex                 | <del>50</del>                                    |
| <del>1069</del> — |                    | Oct. 21-31             | GMU 658                      | Either Sex                 | <del>40</del>                                    |
| <del>1070</del>   | - Minot Peak       | Oct. 21-31             | <del>GMU 660</del>           | Either Sex                 | <del>75</del>                                    |
| <del>1071</del>   | Capitol Peak       | Oct. 21-31             | GMU-663                      | Either Sex                 | 25   |
| 1072              | Deschutes -        | Oct. 21-31             | GMU-666                      | Either Sex                 | <del>75</del>                                    |
| 1073              | Skookumehuek A     |                        | GMU 667                      | Either Sex                 |  |
| 1074              | Palix              | Oct. 21-31             | GMU-669                      | Either Sex                 |  |
| 1075              | Fall River         | Oct. 21-31             | GMU 672                      |                            |  |
| 1076              |                    |                        |                              | Either Sex                 |  |
|                   | Nemah              | Oct. 21-31             | GMU 678                      | Either Sex                 | <del>25</del>                                    |
| 1123              | Entiat -           | Nov. 1-12              | GMU 306, 308                 | Antlerless Only            | <del>500</del> ))                                |
| 1001              | Curlew             | Oct. 5-11              | <u>GMU 100</u>               | Whitetail, Antlerless Only | <u>100</u>                                       |
| 1002              | Boulder            | Oct. 5-11              | <u>GMU 103</u>               | Whitetail, Antlerless Only | 100  |
| <u>1003</u>       | Kelly Hill         | Oct. 5-11              | GMU 105                      | Whitetail, Antlerless Only |  |
| 1004              | Douglas            | Oct. 5-11              | GMU 108                      | Whitetail, Antlerless Only | 225  |
| 1005              | Aladdin A          | Oct. 5-11              | GMU 111                      | Whitetail, Antlerless Only | <u> 50</u>                                       |
| 1006              | Aladdin B          | Nov. 20-24             | GMU 111                      | Whitetail, Either Sex      | 25   |
| 1007              | Selkirk            | Oct. 5-11              | GMU 113                      | Whitetail, Antlerless Only | <u>23</u>  |
| 1007              | Chewelah           | Oct. 5-11              | GMU 118                      | Whiteful Anticless Only    | 122  |
| 1008              | Boyer A            | Oct. 5-11              | GMU 118                      | Whitetail, Antlerless Only | 100  |
| 1010              |                    |                        |                              | Whitetail, Antlerless Only | 125<br>225<br>50<br>25<br>25<br>100<br>100<br>25 |
| 1010              | Boyer B            | Nov. 20-24             | <u>GMU 119</u>               | Whitetail, Either Sex      | <u>25</u>  |
| Proposed          |                    |                        | 5.661                        |                            |  |

| 1011                | Huckleberry         | Oct. 5-11                | <u>GMU 121</u>      | Whitetail, Antlerless Only               | <u>250</u>   |
|---------------------|---------------------|--------------------------|---------------------|--|--|
| 1012                | Mt. Spokane         | Oct. 5-11                | GMU 124             | Whitetail, Antlerless Only               | 300  |
| 1012                | Mica Peak           | Oct. 5-11                | GMU 127             | Whitetail, Antlerless Only               | 150  |
|                     | Cheney              | Oct. 5-11                | GMU 130             | Antlerless Only                          | 100  |
| 1014                |                     |                          | GMU 133             | Antlerless Only                          | 350  |
| <u>1015</u>         | Roosevelt           | Oct. 5-11                |                     | Antlerless Only                          | 100  |
| <u>1016</u>         | <b>Harrington</b>   | Nov. 6-17                | GMU 136             |  | 150<br>150   |
| 1017                | Steptoe             | Nov. 6-17                | GMU 139             | Antlerless Only                          | 200  |
| 1018                | Almota A            | Nov. 6-17                | <u>GMU 142</u>      | Antlerless Only                          | <u>200</u>   |
| 1019                | Mayview A           | Oct. 22-29               | <u>GMU 145</u>      | Antlerless Only                          | 1/3  |
| 1020                | Mayview B           | Nov. 13-24               | GMU 145             | Antlerless Only                          | 100  |
| 1021                | Starbuck            | Nov. 13-24               | GMU 148             | Antlerless Only                          | <u>150</u>   |
| 1022                | Eureka              | Nov. 13-24               | GMU 151             | Antlerless Only                          | <u>200</u>   |
| 1023                | Blue Creek A        | Nov. 13-24               | GMU 154             | Whitetail, Antlerless Only               | <u>150</u>   |
| 1024                | Touchet             | Nov. 13-24               | GMU 160             | Whitetail, Antlerless Only               | <u>75</u>  |
| 1025                | Eckler              | Nov. 13-24               | GMU 161             | Whitetail, Antlerless Only               | <u>75</u>  |
| 1025                | Marengo A           | Nov. 13-24               | GMU 163             | Whitetail, Antlerless Only               | 125  |
| $\frac{1020}{1027}$ | Marengo B           | Nov. 13-24               | GMU 163             | Antlerless Only                          | 75   |
| 1027                | Peola               | Nov. 13-24               | GMU 178             | Antlerless Only                          | <del>50</del>  |
| 1028                |                     | Nov. 13-24               | GMU 181             | Whitetail, Antlerless Only               | <del>50</del>  |
| 1029                | Couse               | Nov. 13-26               | GMUs 148, 151, 154, | Whitetail, 3 Pt. Min. or Antlerless      | 200<br>175<br>100<br>150<br>200<br>150<br>75<br>75<br>125<br>75<br>50<br>100                 |
| 1030                | Blue Mtns.          | NOV. 13-20               | 160, 161, 163, 166  | Wintertain, 5 Tt. William of Trintertoop |  |
|                     | Foothills A         | N 10.06                  |                     | Whitetail, 3 Pt. Min. or Antlerless      | 100  |
| <u>1031</u>         | Blue Mtns.          | Nov. 13-26               | GMUs 145, 172, 175, | Winteran, 3 It. Will. of Antieriess      | 100  |
|                     | Foothills B         |                          | 178, 181            | White-tail Eishan Car                    | 100  |
| <u>1032</u>         | East Okanogan       | Dec. 4-11                | GMUs 200, 206       | Whitetail, Either Sex                    | 100<br>100   |
| 1033                | West Okanogan       | Dec. 4-11                | GMUs 209, 218, 224, | Whitetail, Either Sex                    | 100  |
|                     |                     |                          | <u>231, 233</u>     |  | 25   |
| 1034                | Wannacut A          | Nov. 4-10                | GMU 209             | Antlerless Only                          | <u>25</u>  |
| 1035                | Sinlahekin A        | Nov. 4-10                | GMU 215             | Whitetail, Antlerless Only               | <u>50</u>  |
| 1036                | Sinlahekin B        | Dec. 4-10                | GMU 215             | Whitetail, Either Sex                    | <u>25</u>  |
| 1037                | Chewuch             | Nov. 4-10                | GMU 218             | Antlerless Only                          | <u>25</u>  |
| 1038                | Pearrygin           | Nov. 4-10                | GMU 224             | Antlerless Only                          | 25<br>50<br>25<br>25<br>25<br>25<br>25<br>25<br>100  |
| 1039                | Gardner             | Nov. 4-10                | GMU 231             | Antlerless Only                          | <u>25</u>  |
| 1040                | Pogue               | Nov. 4-10                | GMU 233             | Antlerless Only                          | <u>25</u>  |
| $\frac{1040}{1041}$ | Big Bend A          | Oct. 14-20               | GMU 248             | Antlerless Only                          | 100  |
| 1041                | Badger              | Oct. 14-20               | GMU 266             | Antlerless Only                          | 100  |
| 1042                | Moses Coulee A      | Oct. 14-20               | GMU 269             | Antlerless Only                          | 100  |
|                     |                     | Oct. 14-20               | GMU 272             | Antlerless Only                          | 100<br>850<br>25<br>75   |
| 1044                | Beezley             |                          | GMUs 306, 308       | Antlerless Only                          | 850  |
| 1045                | Entiat              | Nov.1-12                 | Deer Area 020       | Buck Only                                | 25   |
| <u>1046</u>         | Desert A            | Nov. 1-15                | Portion of GMU 314* | Antlerless Only                          | <del>25</del><br>75  |
| <u>1047</u>         | Wenatchee A         | Nov. 1-15                |                     | Either Sex, 2 deer limit                 | <del>75</del>  |
| <u>1048</u>         | Guemes Island A     | Oct. 12-31               | Guemes Island in    | Either Sex, 2 deer ninn                  | <u> 13</u>   |
|                     |                     |                          | GMU 405             | Elder Con 2 dean limit                   | 75   |
| <u>1049</u>         | Guemes Island B     | Nov. 1-21                | Guemes Island in    | Either Sex, 2 deer limit                 | <u>75</u>  |
|                     |                     |                          | GMU 405             | Tru 0                                    | 20   |
| <u>1050</u>         | Green River A       | Oct. 19-25               | <u>GMU 485</u>      | Either Sex                               | <u>20</u>  |
| 1051                | Green River B       | Oct. 19-25               | GMU 485             | Antlerless Only                          | 20   |
| 1052                | Lincoln             | Oct. 19-31               | GMU 501             | Either Sex                               | 150  |
| 1053                | Mossyrock           | Oct. 19-31               | GMU 505             | Either Sex                               | <u>125</u>   |
| 1054                | Willapa Hills       | Oct. 19-31               | GMU 506             | Either Sex                               | <u>125</u>   |
| 1055                | Stormking           | Oct. 19-31               | GMU 510             | Either Sex                               | <u>50</u>  |
| 1056                | Sawtooth            | Oct. 19-31               | GMU 512             | Either Sex                               | <u>50</u>  |
| 1057                | Packwood            | Oct. 19-31               | GMU 516             | Either Sex                               | <u>75</u>  |
| 1058                | Ryderwood           | Oct. 19-31               | GMU 530             | Either Sex                               | <u>150</u>   |
| 1058                | Coweeman            | Oct. 19-31               | GMU 550             | Either Sex                               | <u>150</u>   |
|                     | Lewis River         | Oct. 19-31               | GMU 560             | Either Sex                               | 75   |
| 1060<br>1061        |                     | Oct. 19-31               | GMU 572             | Either Sex                               | <del>75</del>  |
| 1061                | Siouxon             | Oct. 19-31               | GMU 601             | Either Sex                               | 50   |
| 1062                | Hoko<br>Busht       | Oct. 19-31<br>Oct. 19-31 | GMU 603             | Either Sex                               | 100  |
| 1063                | Pysht<br>Soloduok   | Oct. 19-31               | GMU 607             | Either Sex                               | 35   |
| 1064                | Soleduck<br>Goodman | Oct. 19-31<br>Oct. 19-31 | GMU 612             | Either Sex                               | 20<br>50<br>150<br>125<br>125<br>50<br>50<br>75<br>150<br>150<br>75<br>50<br>100<br>35<br>50 |
| 1065                | Glooman             |                          | GMU 615             | Either Sex                               | <del>50</del>  |
| <u>1066</u>         | Clearwater          | Oct. 19-31               | ONIO 013            |  | <u>~~</u>  |
|                     |                     |                          |                     |  |  |

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| <u>1067</u>          | <u>Olympic</u>   | Oct. 19-31 | GMU 621        | Either Sex               | <u>75</u>              |
|----------------------|------------------|------------|----------------|--------------------------|------------------------|
| <u>1068</u>          | Coyle            | Oct. 19-31 | GMU 624        | Either Sex               | <u>80</u>              |
| <u> 1069</u>         | Mason Lake       | Oct. 19-31 | GMU 633        | Either Sex               | <u>60</u>              |
| 1070                 | Skokomish        | Oct. 19-31 | <b>GMU 636</b> | 2 Pt. Min. or Antlerless | <u>100</u>             |
| 1071<br>1072<br>1073 | Wynoochee        | Oct. 19-31 | <b>GMU 648</b> | Either Sex               | <u>50</u>              |
| <u>1072</u>          | North River      | Oct. 19-31 | GMU 658        | Either Sex               | $\overline{40}$        |
| <u>1073</u>          | Minot Peak       | Oct. 19-31 | <b>GMU</b> 660 | Either Sex               | 40<br>100              |
| 1074<br>1075         | Capitol Peak     | Oct. 19-31 | GMU 663        | Either Sex               | 50                     |
| <u> 1075</u>         | <u>Deschutes</u> | Oct. 19-31 | <u>GMU 666</u> | Either Sex               | <u>50</u><br><u>80</u> |
| 1076                 | Skookumchuck A   | Oct. 19-31 | <b>GMU</b> 667 | Either Sex               | <u>200</u>             |
| <u> 1077</u>         | <u>Palix</u>     | Oct. 19-31 | GMU 669        | Either Sex               | <u>25</u>              |
| <u> 1078</u>         | Fall River       | Oct. 19-31 | GMU 672        | Either Sex               | <u>90</u>              |
| 1077<br>1078<br>1079 | <u>Nemah</u>     | Oct. 19-31 | <b>GMU 678</b> | Either Sex               | 90<br>25               |
|                      |                  |            |                |                          |                        |

<sup>\*</sup>Successful applicants will be mailed a map of the hunt boundary.

| MUZZLEI<br>Hunt    | OADER ONLY       |                 |                             |                                     | 1006                             |
|--------------------|------------------|-----------------|-----------------------------|-------------------------------------|----------------------------------|
| Choice             | Hunt             | Permit          | Permit Hunt                 | Special                             | 1996                             |
| Number             |                  | Season          | Boundary Description        | Restrictions                        | (( <del>1995</del> ))<br>Permits |
| (( <del>1077</del> | Blue Creek B     | Nov. 22-Dec. 3  | GMU 154                     | Whitetail, 3 Pt. Min. or Antlerless | 50                               |
| 1078               | Wannacut B       | Nov. 11-19      | GMU 209                     | Mule Deer, Antierless Only          | <del>50</del>                    |
| 1070               | Walliacut B      | 1101. 11-15     | GMC 20)                     | Whitetail, Either Sex               | -50                              |
| 1079               | Chiliwist        | -Nov. 11-19     | GMU-239                     | Mule Deer, Antierless Only          | 100                              |
| 1077               | Cimi wist        | 1101. 11 15     | GMC 237                     | Whitetail, Either Sex               | 100                              |
| 1080               | Alta             | Nov. 11-19      | -GMU 242                    | Mule Deer, Antlerless Only          | 25                               |
| 1000               |                  | 1,0,, 11 12     | GM 212                      | Whitetail. Either Sex               | 2.5                              |
| 1081               | Moses Coulce B   | Nov. 25 Dec. 17 | GMU 269                     | Antierless Only                     | 50                               |
| 1082               | Manson           | Nov. 11-19      | GMU 300                     | -Either Sex                         | <del>200</del>                   |
| 1083               | Chiwawa          | Nov. 11-19      | GMU 304                     | Either Sex                          | 200                              |
| 1084               | Pilchuck         | Dec. 2-6        | Deer Area 041               | Antlerless Only                     | <del>50</del>                    |
| 1085               | Yale             | Nov. 22-Dec. 12 | GMU-554                     | Either Sex                          | <del>50</del> ))                 |
| <u>1080</u>        | Blue Creek B     | Nov. 27-Dec. 8  | GMU 154                     | Whitetail, 3 Pt. Min. or Antlerless |                                  |
| 1081               | Wannacut B       | Nov. 9-17       | GMU 209                     | Mule Deer, Antlerless Only          | <u>50</u><br><u>25</u>           |
|                    |                  |                 |                             | Whitetail, Either Sex               | _                                |
| <u>1082</u>        | <u>Chiliwist</u> | Nov. 9-17       | GMU 239                     | Mule Deer, Antlerless Only          | <u>50</u>                        |
|                    |                  |                 | <del>.</del>                | Whitetail, Either Sex               |                                  |
| <u>1083</u>        | <u>Alta</u>      | Nov. 9-17       | <u>GMU 242</u>              | Mule Deer, Antlerless Only          | <u>25</u>                        |
|                    |                  |                 |                             | Whitetail, Either Sex               |                                  |
| <u>1084</u>        | Moses Coulee B   | Nov. 23-Dec. 15 | <u>GMU 269</u>              | Antlerless Only                     | <u>50</u>                        |
| 1085               | <u>Manson</u>    | Nov. 9-17       | <u>GMU 300</u>              | Either Sex                          | <u>50</u><br>200                 |
| 1086               | <u>Chiwawa</u>   | Nov. 9-17       | GMU 304                     | Either Sex                          | 25<br>50                         |
| <u>1087</u>        | <u>Pilchuck</u>  | Nov. 30-Dec. 4  | Deer Area 041               | Antlerless Only                     | <u>25</u>                        |
| <u>1088</u>        | <u>Yale</u>      | Nov. 20-Dec. 10 | <u>GMU 554</u>              | Either Sex                          | <u>50</u>                        |
| YOUTH H            | UNTER OPPORTUNIT | Υ               |                             |                                     |                                  |
| Hunt               |                  |                 |                             |                                     | 1996                             |
| Choice             | Hunt             | Permit          | Permit Hunt                 | Special                             | (( <del>1995</del> ))            |
| Number             | Name             | Season          | <b>Boundary Description</b> | Restrictions                        | Permits                          |

1096

| Hunt               |              | •••        |                               |                           | 1996                              |
|--------------------|--------------|------------|-------------------------------|---------------------------|-----------------------------------|
| Choice             | Hunt         | Permit     | Permit Hunt                   | Special                   | (( <del>1995</del> ))             |
| Number             | r Name       | Season     | <b>Boundary Description</b>   | Restrictions              | Permits                           |
| (( <del>1086</del> | Northeast A  | Oct. 14 31 | GMUs 100 124                  | Whitetail, Either Sex     | 400                               |
| 1087               | Mica, Chency | Oct. 14-22 | GMUs 127, 130                 | 3 Pt. Min. or Antlerless  | <del>150</del>                    |
| 1088               | - Davenport  | Oct. 14-22 |                               | 3 Pt. Min. or Antlerless  | <del>150</del>                    |
| 1089               | - Whitman    | Oct. 14-22 | GMUs 139, 142                 | -3 Pt. Min. or Antlerless | 150                               |
| 1090               | Starbuck B   | Oct. 1-8   |                               | Antierless Only           | 90                                |
| 1091               | Marengo B    | Oct. 1-8   | GMU 163                       | Antierless Only           | $\frac{\cancel{90}}{\cancel{90}}$ |
| 1092               | Blue Mtns.   | Oct. 14-22 | GMUs 148, 151, 154,           | 3 Pt. Min. or Antlerless  | 125                               |
|                    | Foothills C  |            | <del>160, 161, 163, 166</del> |                           | 123                               |
| 1093               | Blue Mtns.   | Oct. 14-22 | GMUs 145, 172, 175,           | 3 Pt. Min. or Antlerless  | <del>125</del>                    |
| .0,0               | Foothills D  |            | <del>178, 181</del>           | 5 It. Will. of Antichess  | 123                               |
| 1094               | Big Bend B   | Oct. 14-22 | GMU 248                       | Either Sex                | 25                                |
| 1005               | Toutle       | Oct. 14-22 | CMU 556                       | Either Cov                | 25                                |

25

Proposed [ 68 ]

|                      |                                | ·                   |                                |                                     |                       |
|----------------------|--------------------------------|---------------------|--------------------------------|-------------------------------------|-----------------------|
| 1097 -               | -Satsop                        | Oct. 21-31          | GMU 651                        | -Either Sex                         | <del>10</del>         |
| 1098                 |                                | Oct. 21-31          | GMU 667                        | Either Sex                          | <del>40</del> ))      |
| 1089                 | Starbuck B                     | Oct. 1-8            | GMU 148                        | Antlerless Only                     | 20                    |
| 1090                 | Marengo B                      | Oct. 1-8            | GMU 163                        | Antlerless Only                     | $\frac{20}{20}$       |
| 1091                 | Blue Mtns.                     | Oct. 12-20          | GMUs 148, 151, 154,            | 3 Pt. Min. or Antlerless            | <u>100</u>            |
| 1021                 | Foothills C                    | 000. 12 20          | 160, 161, 163, 166             |                                     | · <del></del>         |
| 1092                 | Blue Mtns.                     | Oct. 12-20          | GMUs 145, 172, 175,            | 3 Pt. Min. or Antlerless            | 100                   |
| 1092                 | Foothills D                    | <u> </u>            | 178, 181                       |                                     |                       |
| 1093                 | Big Bend B                     | Oct. 12-20          | GMU 248                        | Either Sex                          | 25                    |
|                      | Toutle                         | Oct. 12-20          | GMU 556                        | Either Sex                          | <u>25</u><br>100      |
| 1094                 |                                | Oct. 19-Nov. 3      | GMU 574                        | 2 Pt. Min. or Antlerless            | 75<br>10<br>40        |
| 1095                 | Wind River                     | Oct. 19-31          | GMU 651                        | Either Sex                          | 10                    |
| 1096                 | Satsop                         |                     | GMU 667                        | Either Sex                          | 40                    |
| <u>1097</u>          | Skookumchuck B                 | Oct. 19-31          | GIVIO 007                      | Either Sex                          | <del>10</del>         |
| DEER ARG             | CHERY ONLY PERMIT              | r hunts             |                                |                                     |                       |
| Hunt                 |                                |                     |                                |                                     |                       |
| Choice               | Hunt                           | Permit              | Permit Hunt                    | Special                             | <u> 1996</u>          |
| Number               |                                | Season              | <b>Boundary Description</b>    | Restrictions                        | <u>Permits</u>        |
| 1098                 | Desert B                       | Sept. 1-30          | Deer Area 020                  | Buck Only                           | <u>_5</u>             |
|                      |                                |                     |                                |                                     |                       |
|                      | IUNTER OPPORTUNIT              | Y                   |                                |                                     | 1996                  |
| Hunt                 |                                |                     | -                              | S                                   |                       |
| 0110100              | Hunt                           | Permit              | Permit Hunt                    | Special                             | (( <del>1995</del> )) |
| Number               |                                | Season              | Boundary Description           | Restrictions                        | Permits               |
| (( <del>1099 -</del> | Northeast B -                  | Oct. 14-31          | -GMUs 100-124                  | - Whitetail, Either Sex             | <del>400</del>        |
| 1100                 | Southcentral                   | Oct. 14-22          | GMUs 127-142                   | -3 Pt. Min. or Antlerless           | 400                   |
| 1101                 | Starbuck C                     | Oct. 1-8            | GMU-148                        | Antierless Only                     | <del>90</del>         |
| 1102                 | Marengo C                      | Oct. 1-8            |                                | - Antierless Only                   | <del>90</del>         |
| 1103                 | Blue Mtns.                     | Oct. 14-22          | GMUs 148, 151, 154,            | -3 Pt. Min. or Antlerless           | 100                   |
|                      | Foothills E                    |                     | <del>-160, 161, 163, 166</del> |                                     |                       |
| 1104                 | Blue Mtns.                     | Oct. 14-22          | GMUs 145, 172, 175,            | 3 Pt. Min. or Antlerless            | <del>100</del>        |
| 1101                 | Foothills F                    |                     | <del>178, 181</del> ))         |                                     |                       |
| 1099                 | Starbuck C                     | Oct. 22-29          | GMU 148                        | Antlerless Only                     | <u>40</u>             |
| 1100                 | Marengo C                      | Oct. 22-29          | GMU 163                        | Antlerless Only                     | $\frac{40}{40}$       |
|                      |                                | <del></del>         |                                |                                     |                       |
|                      | ED HUNTER EDUCAT               | ION (AHE) PROGRAM   |                                |                                     | 1006                  |
| Hunt                 |                                |                     |                                | S                                   | 1996                  |
| <b>Choice</b>        |                                | Permit              | Permit Hunt                    | Special                             | (( <del>1995</del> )) |
| Number               |                                | Season              | <b>Boundary Description</b>    | Restrictions                        | Permits               |
| (( <del>1105</del>   | Roosevelt A                    | Nov. 22-26 -        | -GMU 133                       | Whitetail, 3 Pt. Min. or Antlerless | <del>40</del>         |
| 1106                 | -Almota                        | Nov. 22-26          | GMU 142                        | Whitetail, 3-Pt. Min. or Antlerless |                       |
| 1107                 | -Wenatchee B                   | Nov. 15-29          | Portion of GMU 314*            | Either Sex                          | <del>10</del>         |
| 1108                 | Mt. Adams                      | Oct. 1-12           | Elk Area 059                   | -2 Pt. Min. or Antlerless           | <del>5</del> ))       |
| 1101                 | Roosevelt B                    | Nov. 20-24          | GMU 133                        | Whitetail, 3 Pt. Min. or Antlerless | <u>50</u>             |
| 1102                 | Almota B                       | Nov. 20-24          | GMU 142                        | Whitetail, 3 Pt. Min. or Antlerless | <u>60</u>             |
| 1103                 | Wenatchee B                    | Nov. 13-27          | Portion of GMU 314*            | Either Sex                          | <u>5</u>              |
| 1104                 | Mt. Adams                      | Oct. 1-12           | Elk Area 059                   | 2 Pt. Min. or Antlerless            | 50<br>60<br>5<br>10   |
| 1107                 | IVIL. 1 Idams                  | <u> </u>            |                                |                                     |                       |
| *\$1100ess           | ful annlicants will b          | e mailed a map of t | he hunt boundary.              |                                     |                       |
| -                    | * *                            | -                   | ·                              |                                     |                       |
| SPECIAL              | HUNTS FOR (( <del>DISABI</del> | LED, BLIND OR VISUA | LLY-IMPAIRED)) PERSONS         | OF DISABILITY                       | 1006                  |
| Hunt                 |                                |                     |                                |                                     | 1996                  |
| Choice               | Hunt                           | Permit              | Permit Hunt                    | Special                             | (( <del>1995</del> )) |
| Number               | Name                           | Season '            | Boundary Description           | Restrictions                        | Permits               |
| (( <del>1109</del>   | Blue Mtns.                     | Nov. 8-21           | -GMUs 148, 151, 154,           | 3 Pt. Min. or Antlerless            | <del>10</del>         |
| ``                   | Foothills G                    |                     | <del>-160, 161, 163, 166</del> |                                     |                       |
| 1110                 | -Douglas                       | Nov. 22-26          | -GMU 108                       | -Whitetail, Either Sex              | <del>25</del>         |
| 1111                 | Big Bend C                     | Oct. 19-24          | GMU 248                        | Antlerless Only                     | <del>25</del>         |
| <del>1112</del>      | Entiat                         | Nov. 1-15           | GMU 308                        | Antlerless Only                     | <del>10</del>         |
| 1113                 | Green River C                  | Oct. 21-27          | GMU 485                        | Antlerless Only                     | 5                     |
| 1114                 | -Margaret                      | Oct. 14-31          | - GMU 524                      | Antlerless Only                     | <del>25</del>         |
| 7117                 | 171m 2m or                     |                     |                                | 2 De Min on Anthonor                | 2011                  |

GMUs 148, 151, 154,

160, 161, 163, 166

GMU 681

1115

1105

Bear River

Blue Mtns.

Foothills E

Oct. 14-31

Nov. 13-26

2 Pt. Min. or Antlerless

3 Pt. Min. or Antlerless

<del>20</del>))

<u>10</u>

| <u>1106</u>  | <u>Douglas</u> | Nov. 20-24 | <b>GMU</b> 108 | Whitetail, Either Sex    | 10              |
|--------------|----------------|------------|----------------|--------------------------|-----------------|
| 1107         | Big Bend C     | Oct. 17-22 | <b>GMU 248</b> | Antlerless Only          | <u>25</u>       |
| 1108<br>1109 | Entiat         | Nov. 1-15  | <b>GMU 308</b> | Antlerless Only          | 30              |
| 1109         | Green River C  | Oct. 19-25 | GMU 485        | Antlerless Only          | 5               |
| 1110         | Margaret       | Oct. 12-31 | GMU 524        | Antlerless Only          | <u>25</u>       |
| <u>1111</u>  | Bear River     | Oct. 12-31 | GMU 681        | 2 Pt. Min. or Antlerless | $\frac{20}{20}$ |
|              |                |            |                | <del></del>              | <u></u>         |

PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES

| Hunt<br>Choice  | Hunt     | Permit         | Permit Hunt                         | Special                        | 1996                             |
|-----------------|----------|----------------|-------------------------------------|--------------------------------|----------------------------------|
| Number          |          | Season         | Boundary Description                | Restrictions                   | (( <del>1995</del> ))<br>Permits |
| ((*             | Wilson A | Oct. 1-Dec. 31 | PLWMA 201                           |                                | 25                               |
| ((              |          |                |                                     | Buck Only                      | <del>25</del>                    |
| <del>1116</del> | Wilson B | Oct. 1 Dec. 31 | PLWMA 201                           | -Buck Only, Young Hunters      | <del>2</del>                     |
|                 |          |                |                                     | Only**                         |                                  |
| 1117            | Wilson C | Oct. 1-Dec. 31 | PLWMA 201                           | Antlerless Only, Young Hunters | 50                               |
|                 |          | ,              | · · · · · · · · · · · · · · · · · · | Only**                         | 30                               |
| 1118            | Wilson D | Oct. 1-Dec. 31 | PLWMA 201                           | - Antierless Only,             | 10                               |
|                 |          |                |                                     | Disabled or Blind/Visually     | 10                               |
|                 |          |                |                                     | Handicapped Hunters Only       |                                  |
| 1119            | Wilson E | Oct. 1 Dec. 31 | PLWMA-201                           | Antlerless Only,               | 10                               |
|                 |          |                |                                     | AHE Hunters Only               | 10                               |

\*No hunt number because hunter must contact landowner, David Stevens, for access.

\*\*Applicants must be 16 years old or younger-by-opening date of the permit season and must be accompanied by an adult during the hunt.))

| <u>1112</u> | Wilson B | Oct. 1-Dec. 31 | <u>PLWMA 201</u> | Buck Only, Youth Hunters Only*                               | <u>3</u>  |
|-------------|----------|----------------|------------------|--|-----------|
| <u>1113</u> | Wilson C | Oct. 1-Dec. 31 | <u>PLWMA 201</u> | Antlerless Only, Youth Hunters                               | <u>50</u> |
| <u>1114</u> | Wilson D | Oct. 1-Dec. 31 | <u>PLWMA 201</u> | Only* Antlerless Only,                                       | <u>10</u> |
| <u>1115</u> | Wilson E | Oct. 1-Dec. 31 | <u>PLWMA 201</u> | Persons of Disability Only Antlerless Only, AHE Hunters Only | <u>10</u> |

<sup>\*</sup>Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

((CHAMPION'S-KAPOWSIN-TREE FARM

#### Hunt

| Choice -        | -Hunt                         | <del>-Permit</del> | Permit Hunt                           | Special                        | 1005           |
|-----------------|-------------------------------|--------------------|---------------------------------------|--------------------------------|----------------|
|                 |                               |                    |                                       | opeciai .                      | 1773           |
| Number          | Nome                          | -Season            | Boundary Description                  | Restrictions                   | -Permits       |
|                 |                               |                    | · · · · · · · · · · · · · · · · · · · |                                | 1 CI IIIIG     |
| <del>1120</del> | <del>- Kapowsin North -</del> | Dec. 8-12          | PLWMA 401A North                      | Antlerless Only Conjor Hunters | 50             |
|                 | Trupobiii 1 ioi iii           | 200. 0 12          | I BOOM TOTAL TOTAL                    | muches Only, senior numers     | - 30           |
|                 |                               |                    |                                       | <del>(Age 65+)</del>           |                |
| <del>1121</del> | Vanaucin Control              | Dec. 9 12          | DI WMA 401D Control                   | Antlarlace Only                | 100            |
|                 | Trapowsiii Contrai            | DCC. 0-12          | TEWMIT TOTO CCINIUI                   | Anticress Only                 | 100            |
| 1122            | Vanausin Couth                | Dog 0 10           | DI WMA 401C South                     | Antlarlage Only Voungt on      | 100            |
| TILL            | Kupowsiii soutii              | Dec. 7, 10,        | 1 DWWWT TOTC BOURN -                  | Antlerless Only, Young* or     | <del>100</del> |
|                 |                               | <del>16, 17 </del> |                                       | - Disabled or Blind/Visually   |                |
|                 |                               | 10, 17             |                                       | Disabled of Diffic Visually    |                |
|                 |                               |                    |                                       | Handicapped Hunters Only       |                |

<sup>\*</sup>Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.))

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

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

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

WSR 96-06-070 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-029.

Title of Rule: Amending WAC 232-28-251 1995-96 Elk permit quotas.

Purpose: Elk permit quotas are established to provide recreation opportunity, or special permit hunting as a result of damage complaints. These permit hunts will enable the Fish and Wildlife Commission to target areas experiencing damage problems or where populations exceed carrying capacity.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

#### [AMENDATORY SECTION (Amending WSR 95-11-038, filed 5/10/95)]

#### WAC 232-28-251 ((1995-96)) 1996-97 Elk permit quotas

(ODERNI FIREARM REDMIT HUNTS (MUZZI EL CADEDS MAY APRI V)

| Hunt               | FIREARM PERMIT HU   | (                                |            |                                      |                               | 1996-97                  |
|--------------------|---------------------|----------------------------------|------------|--------------------------------------|-------------------------------|--------------------------|
| <b>Choice</b>      | Hunt                | Permit                           | Elk Tag    | Permit Hunt                          | Special                       | (( <del>1995-96</del> )) |
| Number             | Name                | Season                           | Prefix     | <b>Boundary Description</b>          | Restrictions                  | Permits                  |
| (( <del>2001</del> | - Aladdin           | Oct. 28-Nov. 5                   | —BC or BM  | -GMU-111                             | Antlerless Only               | 30                       |
| <del>2002 -</del>  | -Selkirk            | Oct. 28 Nov. 5                   | BC-or BM - | - GMU-113                            | Antlerless Only               | 35                       |
| 2003               | Mount Spokane       | Oct. 28 Nov. 5                   | BC or BM   | - GMU 124                            | - Antlerless Only             | <del>30</del>            |
| 2004               | Mica, Chency        | Oct. 28-Nov. 5                   | BC or BM   | <del>GMUs 127, 130 —</del>           | - Antlerless Only             | <del>250</del>           |
| 2005 —             | Blue Creek          | Oct. 25 Nov. 5                   | BC or BM   | GMU 154                              | Any Bull                      | 10                       |
| 2006               | Watershed           | Oct. 28-Nov. 5                   | BC or BM   | GMU 157                              | - 3 Pt. Min. or<br>Antlerless | 100                      |
| 2007               | Touchet             | Oct. 25 Nov. 5                   | BC-or-BM   | GMU 160                              | Any Bull                      | 10                       |
| <del>2008</del>    | - Eekler            | Oct. 25 Nov. 5                   | BC or BM   | GMU-161                              | Any Bull                      | 10                       |
| 2009               | -Tuennon            | Oct. 25 Nov. 5                   | BC or BM   | GMU-166                              | Any Bull                      | 10                       |
| <del>2010 -</del>  | - Wennha A          | Oct. 1-10                        | BC or BM   | GMU 169                              | Any Bull                      | 5                        |
| <del>2011</del>    | Wenaha B            | Oct. 25 Nov. 5                   | BC or BM-  | -GMU 169                             | Any Bull                      | 11                       |
| 2012               | -Mountain View A    | Oct. 25 Nov. 5                   | BC or BM   | GMU 172                              | Any Bull                      | 10                       |
| 2012               | -Couse -            | Oct. 25 Nov. 5                   | BC or BM   | GMU 181                              | Any Bull                      | 3                        |
| 2014               | Joseph, Black Butte | Oct. 25 Nov. 5                   | BC or BM   | GMU 184, 185                         | Any Bull                      | 1                        |
| 2015               | Chelan A            | Oct. 15 Nov. 1                   | CC or CM   | GMUs 300, 301, 304, 306, 308, 316    | Antlerless Only               | 20                       |
| <del>2016</del> —  | Chelan B            | Oct. 15-Nov. 1                   | CC or CM   | GMUs 300, 301,<br>304, 306, 308, 316 | Any Bull                      | 10                       |
| 2017               | Naneum-A            | Oct. 23-25                       | CC or CM   | GMU 328                              | Antlerless Only               | <del>150</del>           |
| <del>2017</del>    | Nancum B            | Oct. 26 Nov. 1                   | CC or CM   | - GMU 328                            | Any Bull                      | <del>40</del>            |
| <del>2019</del>    | - Malaga A          | -Sept. 1-Oct. 6                  | CC or CM   | Elk Area 032                         | Antlerless Only               | <del>150</del>           |
| <del>2020 —</del>  | Malaga B            | - Nov. 2-Jan. 15, -              | —CC or CM  | Elk Area 032                         | Antlerless Only               | 150                      |
| 2021 -             | Peshastin A         | Sept. 1-Oct. 6                   | CC or CM   | Elk Area 033                         | Either Sex                    | <del>150</del>           |
| 2022               | Peshastin B         | Nov. 2 Jan. 15,<br>-1996         | CC or CM   | Elk Area 033                         | Antlerless Only               | 150                      |
| <del>2023 —</del>  | Ouilomene A         | — <del>1990</del><br>—Oct. 23-25 | CC or CM   | GMU 329                              | -Antlerless Only              | 225                      |
| <del>2024</del> —  | -Ouilomene B        | Oct. 26-Nov. 1                   | —CC or CM  | GMU 329                              | Any Bull                      | 30                       |
| <del>2025</del> —  | West Bar A          | Oct. 23                          | CC or CM   | GMU-330                              | -Antlerless Only              | 25                       |
| <del>2026 —</del>  | West Bar B          | Oct. 24                          | CC or CM   | GMU-330                              | Antlerless Only               | <del>25</del>            |

| <del>2027</del>                        | -West Bar C              | Oct. 25  | CC or CM          | - GMU-330                    | Antlerless Only                 | 25                          |
|--|--------------------------|--|-------------------|------------------------------|---------------------------------|-----------------------------|
| <del>2028</del>                        | Swauk                    | Oct. 25-Nov. 13  | -CC or CM         | GMUs 302, 335                | Any Bull                        | <del>20</del>               |
|  | -                        |  | YC or YM          | G1 771 44 4                  |                                 |                             |
| <del>2029</del>                        | Tancum A                 | Nov. 1-4   | YC or YM          | GMU 336                      | Antlerless Only                 | 200                         |
| <del>2030 -</del><br><del>2031 -</del> | Manastash A Shushuskin A | Nov. 1-4<br>Nov. 23-Dec. 15                                  | YC or YM YC or YM | GMU 340<br>Elk Area 031      | Antierless Only                 | <del>200</del>              |
| <del>2031</del> <del>2032</del>        | Umtanum A                | Nov. 1-4   | YC or YM          | GMU 342                      | Antlerless Only Antlerless Only | <del></del>                 |
| <del>2033</del> —                      | Peaches Ridge            | Oct. 25 Nov. 13  | YC or YM          | GMUs 336, 346                | Any Bull                        | <del></del>                 |
| <del>2034</del>                        | Little Naches A          | Nov. 1-4   | - YC or YM        | GMU-346                      | - Antlerless Only               | <del>200</del>              |
| <del>2035</del>                        | Little Naches B          | Oct. 1-Nov. 13   | YC or YM          | GMU 346                      | - Any Bull                      | <del>15</del>               |
| 2036                                   | Observatory              | Nov. 5-13  | YC or YM          | -GMUs 340, 342               | Any Bull -                      | <del>40</del>               |
| <del>2037</del>                        | Goose Prairie A          | Oct. 25 Nov. 13  | YC or YM          | -GMUs-352, 356               | Any Bull                        | <del>40</del>               |
| <del>2038</del>                        | Nile                     | Nov. 1-4   | YC or YM          | - GMU 352-                   | Antlerless Only                 | <del>75</del>               |
| <del>2039</del>                        | Bumping                  | Nov. 1-4   | YC or YM          | GMU-356                      | Antlerless Only                 | 300                         |
| <del>2040</del>                        | Bethel A                 | Nov. 1-4   | YC or YM          | GMU 360                      | Antlerless Only                 | 50                          |
| <del>2041</del>                        | Bethel B                 | Nov. 5-13  | -YC or YM         | GMU 360-                     | Any Bull                        | <del>40</del>               |
| <del>2042</del>                        | Rimrock A                | Nov. 1-4   | YC or YM          | GMU-364                      | Antlerless Only                 | 300                         |
| <del>2043</del>                        | Rimrock B                | Oct. 25 Nov. 13  | YC or YM          | GMU-364                      | Any Bull                        | <del>10</del>               |
| <del>2044</del>                        | Cowiche A                | Nov. 1-4   | YC or YM          | - GMU-368                    | Antlerless Only                 | <del>150</del>              |
| 2045                                   | Cowiche B                | Nov. 5-13  | YC or YM          | - GMU 368-                   | Any Bull                        | <del>10</del>               |
| <del>2046</del>                        | White River A            | Nov. 1-13  | WC or WM          |                              | Any Bull                        | <del>25</del>               |
| <del>2047</del>                        | Green River              | <del>Nov. 11-15</del>  | - WC or WM        | GMU 485                      | Antlerless Only                 | 38                          |
| 00.40                                  | <del>-Cow A</del>        |  |                   | a                            |                                 |                             |
| <del>2048</del>                        | Green River              | Nov. 11-15   | WC or WM          | GMU 485                      | - 3 Pt. Bull Min.               | 12                          |
| 20.40                                  | Bull                     | NT 11.15   | WG WD4            | C) (I) 105                   | or Antlerless                   |                             |
| <del>2049</del>                        | Green River              | Nov. 11-15   | —WC or WM         | GMU 485                      | Spike or                        | <del>2_</del>               |
| 2050                                   | -Spike                   | Nov. 14.10   | WC or WM          | CMIL 501                     | Antlerless                      | 25                          |
| <del>2050 </del>                       | Willapa Hills            | Nov. 14-19<br>Nov. 14-19                                     | WC or WM          |                              | Antlerless Only                 | 25<br>50                    |
| <del>2051</del>                        | Packwood                 | Nov. 14-19   | WC or WM          |                              | Antlerless Only Antlerless Only | <del>50</del>               |
| 2053                                   | Margaret Cow             | Nov. 14-19   | WC or WM          |                              | Antierless Only                 | 30                          |
| <del>2054</del>                        | Margaret Bull            | Nov. 1-13  | WC or WM          |                              | 3 Pt. Bull Min.                 | 30                          |
| <del>2055</del>                        | Ryderwood                | Nov. 14-19   | WC or WM          |                              | Antlerless Only                 | <del>75</del>               |
| <del>2056</del> —                      | Toutle Cow               | Nov. 14-19   | WC or WM          |                              | Antlerless Only                 | <del>75</del>               |
| <del>2057</del> —                      | Toutle Bull              | Nov. 1-13  | -WC or WM         |                              | 3 Pt. Bull Min.                 | <del>200</del>              |
| 2058                                   | Marble                   | Nov. 14-19   | WC or WM          |                              | Antlerless Only                 | <del>60</del>               |
| 2059                                   | Lewis River              | Nov. 14-19   | WC or WM          |                              | Antlerless Only                 | <del>75</del>               |
| <del>2060</del>                        | Siouxon                  | Nov. 14-19   | WC or WM          | -GMU 572                     | Antlerless Only                 | <del> 50</del>              |
| <del>2061</del> —                      | Dickey Bull A            | Oct. 1-13  | WC or WM          | -GMU 602                     | 3 Pt. Bull Min.                 | <del>- 10</del>             |
| <del>2062</del>                        | Dickey Bull B            | Nov. 1-13  | WC or WM          | - GMU 602                    | 3 Pt. Bull Min.                 | <del>75</del>               |
| <del>2063</del>                        | Goodman                  | Nov. 14-19   | WC or WM          | -GMU-612                     | Antlerless Only                 | <del>30</del>               |
| <del>2064</del>                        | - Matheny                |  | WC or WM          |                              | Antlerless Only                 |                             |
| <del>2065</del> —                      | — Quinault Ridge —       |  | WC or WM          |                              | 3 Pt. Bull Min.                 |                             |
| <del>2066</del>                        | Wynoochee -              | Nov. 14-19   | WC or WM          |                              | Antlerless Only                 |                             |
| <del>2067</del>                        | Palix —                  | -Nov. 14-19  |                   | -GMU 669                     | Antlerless Only -               |                             |
| <del>2068</del>                        | Nemah                    | Nov. 14-19   |                   | GMU 678                      |                                 | 50                          |
| <del>2069</del>                        | Backbone A               | - Nov. 23-Dec. 13  |                   |                              | Antlerless Only                 |                             |
| <del>2070</del>                        |                          | Nov. 23-Dec. 13  |                   |                              | - Any Bull                      | <del>20</del>               |
| <del>2071</del>                        | Curtis Boistfort A       | Dec. 20-31   |                   | Elk Area 050                 | Antlerless Only                 |                             |
| <del>2072</del><br><del>2073</del> —   |                          | <del>Jan. 1-15, 1996 -</del><br><del>Jan. 1-15, 1996 -</del> |                   | Elk Area 054                 | Antierless Only                 | <del>50</del>               |
| <del>2073</del>                        | East Valley Carlton      | Oet. 1-13, 1990  |                   | Elk Area 055<br>Elk Area 057 | Antlerless Only 3 Pt. Bull Min. | <del>25</del>               |
| 2075                                   | West Goat Rocks          |  |                   | Elk Area 058                 | 3 Pt. Bull Min.                 |                             |
| <del>2076</del> —                      | Mt. Adams                |  |                   |                              | 3 Pt. Bull Min.                 |                             |
| <del>2077</del> —                      |                          |  |                   | Elk Area 067                 | Antierless Only                 |                             |
|  | le of Umatilla Nation    |  | WC OF WINE        | Dik Hica dor                 | rantieriess omy                 | ż                           |
| 2001                                   | Aladdin                  | Nov. 2-10  | BP or BM          | GMU 111                      | Antlerless Only                 | 15                          |
| $\frac{2001}{2002}$                    | Selkirk                  | Nov. 2-10  | BP or BM          | GMU 113                      | Antlerless Only                 | 15<br>15<br>50<br>250<br>10 |
| 2003                                   | Mount Spokane            | Nov. 2-10  | BP or BM          | GMU 124                      | Antlerless Only                 | <del>13</del><br>50         |
| 2004                                   | Mica, Cheney             | Oct. 12-Nov. 10  | BP or BM          | GMUs 127, 130                | Antlerless Only                 | 250                         |
| 2005                                   | Blue Creek               | Oct. 30-Nov. 10  | BP or BM          | GMU 154                      | Any Bull                        | 10                          |
|  | <del></del>              |  |                   |                              |                                 |                             |

| 2006                | Watershed                     | Nov. 2-10                          | BP or BM             | GMU 157                              | 3 Pt. Min. or                    | <u>75</u>  |
|---------------------|-------------------------------|------------------------------------|----------------------|--------------------------------------|----------------------------------|--|
|                     |                               | Oct. 30-Nov. 10                    | BP or BM             | GMU 160                              | Any Bull                         | <u>10</u>  |
| 2007<br>2008        | Touchet<br>Eckler             | Oct. 30-Nov. 10                    | BP or BM             | GMU 161                              | Any Bull                         | <u>10</u>  |
| 2009                | Tucannon                      | Oct. 30-Nov. 10                    | BP or BM             | GMU 166                              | Any Bull                         | <u>10</u>  |
| <u>2010</u>         | Wenaha A<br>Wenaha B          | Oct. 1-10<br>Oct. 30-Nov. 10       | BP or BM<br>BP or BM | GMU 169<br>GMU 169                   | Any Bull Any Bull                | 1 <u>8</u><br>15   |
| 2011<br>2012        | Mountain View A               |                                    | BP or BM             | GMU 172                              | Any Bull                         | 10<br>10<br>8<br>15<br>10<br>3<br>50                       |
| <u>2013</u>         | Peola A                       | Oct. 30-Nov. 10                    | BP or BM             | GMU 178                              | Any Bull                         | <u>3</u>   |
| <u>2014</u>         | Peola B                       | Nov. 2-10                          | BP or BM<br>BP or BM | GMU 178<br>GMU 184, 185              | Antlerless Only Any Bull         | <u>50</u>  |
| <u>2015</u>         | Joseph, Black Butte           | Oct. 30-Nov. 10                    | Dr UI DIVI           | GWIO 164, 165                        | Ally Dull                        | 1  |
| <u>2016</u>         | Chelan A                      | Oct. 15-Nov. 1                     | CP or CM             | GMUs 300, 301,                       | Antlerless Only                  | <u>20</u>  |
| <u>2017</u>         | Chelan B                      | Oct. 15-Nov. 1                     | CP or CM             | 304, 306, 308, 316<br>GMUs 300, 301, | Any Bull                         | <u>10</u>  |
| 2018                | Naneum A                      | Oct. 23-25                         | CP or CM             | 304, 306, 308, 316<br>GMU 328        | Antlerless Only                  | <u>150</u>   |
| <del>2019</del>     | Naneum B                      | Oct. 26-Nov. 1                     | CP or CM             | GMU 328                              | Any Bull                         | 40   |
| 2020                | Malaga A                      | Sept. 1-Oct. 6                     | CP or CM             | Elk Area 032                         | Antlerless Only                  | 1 <u>50</u>  |
| 2021                | Malaga B                      | Nov. 2-Jan. 15,<br>1997            | CP or CM             | Elk Area 032                         | Antlerless Only                  | <u>150</u>   |
| 2022                | Peshastin A                   | Sept. 1-Oct. 6                     | CP or CM             | Elk Area 033                         | Either Sex                       | <u>75</u><br><u>50</u>                                     |
| 2023                | Peshastin B                   | Nov. 2-Jan. 15,<br>1997            | CP or CM             | Elk Area 033                         | Antlerless Only                  | _  |
| <u>2024</u>         | Brushy                        | Sept. 21-23                        | CP or CM<br>CP or CM | Elk Area 035<br>GMU 329              | Antlerless Only Antlerless Only  | <u>75</u><br>150   |
| 2025<br>2026        | Quilomene A Quilomene B       | Oct. 23-25<br>Oct. 26-Nov. 1       | CP or CM             | GMU 329<br>GMU 329                   | Any Bull                         | 30   |
| <u>2020</u><br>2027 | West Bar A                    | Oct. 23                            | CP or CM             | GMU 330                              | Antlerless Only                  | $\frac{\overline{25}}{25}$                                 |
| 2028                | West Bar B                    | Oct. 24                            | CP or CM             | GMU 330                              | Antlerless Only                  | 30<br>25<br>25<br>25<br>25<br>20                           |
| 2029                | West Bar C                    | Oct. 25                            | CP or CM             | GMU 330                              | Antlerless Only                  | $\frac{25}{20}$  |
| 2030                | Swauk                         | Oct. 25-Nov. 15                    | CP or CM<br>YP or YM | GMUs 302, 335                        | Any Bull                         | <u>20</u>  |
| <u>2031</u>         | Taneum A                      | Nov. 1-4                           | YP or YM             | GMU 336                              | Antlerless Only                  | <u>200</u>   |
| 2032                | Manastash A                   | Nov. 1-4                           | YP or YM             | GMU 340                              | Antierless Only                  | 200<br>125   |
| 2033<br>2034        | Shushuskin A<br>Umtanum A     | Nov. 23-Dec. 15<br>Nov. 1-4        | YP or YM<br>YP or YM | Elk Area 031<br>GMU 342              | Antlerless Only Antlerless Only  | $\frac{123}{200}$  |
| $\frac{2034}{2035}$ | Peaches Ridge                 | Oct. 25-Nov. 15                    | YP or YM             | GMUs 336, 346                        | Any Bull                         | 40   |
| 2036                | Little Naches A               | Nov. 1-4                           | YP or YM             | GMU 346                              | Antlerless Only                  | <u>40</u><br><u>200</u>                                    |
| 2037                | Little Naches B               | Oct. 1-Nov. 13                     | YP or YM             | GMU 346<br>GMUs 340, 342             | Any Bull Any Bull                | 15<br>40   |
| 2038<br>2039        | Observatory Goose Prairie A   | Oct. 25-Nov. 15<br>Oct. 25-Nov. 15 | YP or YM<br>YP or YM | GMUs 352, 356                        | Any Bull                         | <del></del>  |
| 2040                | Nile                          | Nov. 1-4                           | YP or YM             | GMU 352                              | Antlerless Only                  | <u>75</u>  |
| 2041                | Bumping                       | Nov. 1-4                           | YP or YM             | GMU 356                              | Antlerless Only                  | <u>300</u>   |
| 2042                | Bethel A                      | Nov. 1-4                           | YP or YM<br>YP or YM | GMU 360<br>GMU 360                   | Antlerless Only Any Bull         | <u>50</u>  |
| 2043<br>2044        | Bethel B<br>Rimrock A         | Oct. 25-Nov. 15<br>Nov. 1-4        | YP or YM             | GMU 364                              | Antlerless Only                  | 40<br>75<br>300<br>50<br>40<br>350                         |
| $\frac{2011}{2045}$ | Rimrock B                     | Oct. 25-Nov. 15                    | YP or YM             | GMU 364                              | Any Bull                         | 10   |
| 2046                | Cowiche A                     | Nov. 1-4                           | YP or YM             | GMU 368                              | Antlerless Only                  | <u>150</u>   |
| 2047                | Cowiche B                     | Oct. 25-Nov. 15                    | YP or YM<br>WP or WM | GMU 368<br>GMU 472                   | Any Bull Any Bull                | $\frac{10}{25}$  |
| 2048<br>2049        | White River A Green River Cow | Nov. 6-17<br>Nov. 9-13             | WP or WM             | GMU 485                              | Antlerless Only                  | $   \begin{array}{r}                                     $ |
|                     | A                             |                                    | WD or WM             | CMII 495                             | 2 Dr. Dull Min                   |  |
| <u>2050</u>         | Green River Bull              | Nov. 9-13                          | WP or WM             | GMU 485                              | 3 Pt. Bull Min.<br>or Antlerless | <u>11</u>  |
| <u>2051</u>         | Green River Spike             | Nov. 9-13                          | WP or WM             | <u>GMU 485</u>                       | Spike or<br>Antlerless           | <u>1</u>   |
| <u>2052</u>         | Lincoln                       | Nov. 18-24                         | WP or WM             | GMU 501                              | Antlerless Only                  | <u>25</u><br>100   |
| 2053                | Willapa Hills                 | Nov. 18-24                         | WP or WM             | GMU 506                              | Antierless Only                  | 100  |
| 2054<br>2055        | Packwood<br>Margaret Cow      | Nov. 18-24<br>Nov. 18-24           | WP or WM<br>WP or WM | GMU 516<br>GMU 524                   | Antlerless Only Antlerless Only  | 30<br>30   |
| 2056<br>2056        | Margaret Bull                 | Nov. 6-17                          | WP or WM             | GMU 524                              | 3 Pt. Bull Min.                  | $\frac{50}{30}$ $\frac{30}{75}$                            |
| 2057                | Ryderwood                     | Nov. 18-24                         | WP or WM             | GMU 530                              | Antlerless Only                  | <u>75</u>  |

|   |   |   |   |  |   | ļ.   |
|---|---|---|---|--|---|--|
| 2058  | Toutle Cow  | Nov. 18-24  | WP or WM  | GMU 556  | Antlerless Only   | <u>50</u>  |
| $\frac{2050}{2059}$   | Toutle Bull   | Nov. 6-17   | WP or WM  | GMU 556  | 3 Pt. Bull Min.   | <u>150</u>   |
|   |   |   |   |  |   |  |
| <u>2060</u>   | <u>Marble</u>   | Nov. 18-24  | WP or WM  |  | Antlerless Only   | <u>60</u>  |
| <u>2061</u>   | Lewis River   | Nov. 18-24  | WP or WM  | GMU 560  | Antlerless Only   | <u>75</u>  |
| 2062  | <u>Siouxon</u>  | Nov. 18-24  | WP or WM  | GMU 572  | Antlerless Only   | 60<br>75<br>10<br>75<br>30<br>30<br>5<br>30<br>100<br>10<br>30<br>50<br>50<br>50<br>50<br>50<br>50<br>50<br>50<br>50<br>50<br>50<br>50<br>50 |
| 2063  | Dickey Bull A   | Oct. 1-11   | WP or WM  | GMU 602  | 3 Pt. Bull Min.   | 10   |
| <del>2064</del>   | Dickey Bull B   | Nov. 6-17   | WP or WM  | GMU 602  | 3 Pt. Bull Min.   | 75   |
|   |   |   |   |  |   | <u>/3</u>  |
| <u>2065</u>   | <u>Goodman</u>  | Nov. 18-24  | WP or WM  | GMU 612  | Antlerless Only   | <u>30</u>  |
| <u> 2066</u>  | <u>Matheny</u>  | Nov. 18-24  | WP or WM  | <u>GMU 618</u>   | Antlerless Only   | 30   |
| 2067  | Quinault Ridge  | Oct. 1-11   | WP or WM  | GMU 638  | 3 Pt. Bull Min.   |  |
| 2068  | Wynoochee   | Nov. 18-24  | WP or WM  | GMU 648  | Antlerless Only   | 30   |
| 2069  |   | Oct. 3-9  |   |  |   | 100  |
|   | Minot Peak  |   | WP or WM  | GMU 660  | Antlerless Only   | 100  |
| 2070  | Skookumchuck  | Nov. 18-24  | WP or WM  | <u>GMU 667</u>   | Antlerless Only   | <u>10</u>  |
| 2071  | Palix   | Nov. 18-24  | WP or WM  | GMU 669  | Antlerless Only   | 30   |
| 2072  | Nemah   | Nov. 18-24  | WP or WM  | GMU 678  | Antlerless Only   | 50   |
| $\frac{2072}{2073}$   | Backbone A  | Nov. 20-Dec. 11   | WP or WM  | Elk Area 025   | Antlerless Only   | 35   |
|   |   |   |   |  |   | <u>33</u>  |
| <u>2074</u>   | Backbone B  | Nov. 20-Dec. 11   | WP or WM  | Elk Area 025   | Any Bull  | <u>20</u>  |
| <u> 2075</u>  | <u>Curtis</u>   | Dec. 20-31  | WP or WM  | Elk Area 050   | Antlerless Only   | <u>50</u>  |
| 2076  | Boistfort A   | Jan. 1-15, 1997   | WP or WM  | Elk Area 054   | Antlerless Only   | 50   |
| $\overline{2077}$   | East Valley   | Jan. 1-15, 1997   | WP or WM  | Elk Area 055   | Antlerless Only   | 25   |
| $\frac{2077}{2078}$   | Carlton   | Oct. 1-11   | WP or WM  | Elk Area 057   | 3 Pt. Bull Min.   | <u> </u>   |
|   |   |   |   |  |   | 2  |
| 2079  | West Goat Rocks   | Oct. 1-11   | WP or WM  | Elk Area 058   | 3 Pt. Bull Min.   | 5  |
| <u> 2080</u>  | Mt. Adams   | Oct. 1-11   | WP or WM  | Elk Area 059   | 3 Pt. Bull Min.   | <u>5</u>   |
|   | DD III.   | () pp.ogp   |   |  |   | _  |
|   | ED HUNTER EDUCAT  | ION (AHE) PROGRAM   | •   |  |   |  |
| Hunt  |   |   |   |  |   | <u> 1996-97</u>  |
| Choice  | Hunt  | Permit  | Perm  | nit Hunt   | Special   | (( <del>1995-96</del> ))   |
| Number  | · Name  | Season  | Roun  |  | Restrictions  | Permits  |
|   | Shushuskin B  | Dec. 16-30  | Elk A   |  | Antlerless Only   | <del>20</del>  |
|   |   |   |   |  |   |  |
|   |   |   |   |  | 1 D. 14'  |  |
| <del>2079 —</del>   | Margaret  | Oet. 1-12   | GMU   |  | Pt. Min. or   | <del>10</del>  |
|   | -   |   |   | 7  | <del>Antlerless</del>   | <del>10</del>  |
| 2080  | Skookumehuek  | Oct. 7-12   | GMU<br>GMU  | 7  |   | <del>5</del>   |
| 2080  | Skookumehuek  | Oct. 7-12   | GMU   | J-667  | Antlerless<br>Either-Sex  | 10   |
| <del>2080</del>   | Skookumehuek South Bank A   | Oct. 7-12<br>Sept. 16-20  | GMU<br>Elk A  | J 667 J  | Antlerless<br>Either Sex<br>Antlerless Only   | 5  |
| 2080<br>2081<br>2082  | Skookumehuek South Bank A South Bank B  | Oet. 7-12<br>Sept. 16-20<br>Sept. 23-27   | GMU<br>Elk /<br>Elk /   | 7 667 1<br>Area 062 Area 062   | Antlerless<br>Either Sex<br>Antlerless Only<br>Antlerless Only  | 5  |
| 2080<br>2081<br>2082<br>2083  | South Bank A South Bank B South Bank C  | Oet. 7-12<br>Sept. 16-20<br>Sept. 23-27<br>Dec. 16-20   | GMU<br>Elk A<br>Elk A   | 1 667 1<br>Area 062 Area 062 Area 062 Area 062   | Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only   | 5<br>3<br>3  |
| 2080<br>2081<br>2082<br>2083<br>2084  | South Bank A South Bank B South Bank C South Bank C South Bank D  | Oet. 7-12<br>Sept. 16-20<br>Sept. 23-27<br>Dec. 16-20<br>Jan. 6-10, 1996  | GMU<br>Elk A<br>Elk A<br>Elk A  | 1-667   1-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2  | Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only   | 5<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083  | South Bank A South Bank B South Bank C  | Oet. 7-12<br>Sept. 16-20<br>Sept. 23-27<br>Dec. 16-20   | GMU<br>Elk A<br>Elk A<br>Elk A  | 1-667   1-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2  | Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only   | 5<br>  |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E   | Oet. 7-12<br>Sept. 16-20<br>Sept. 23-27<br>Dec. 16-20<br>Jan. 6-10, 1996<br>Jan. 20-24, 1996  | GMU Elk / Elk / Elk / Elk / Elk /   | 1 667<br>Area 062<br>Area 062<br>Area 062<br>Area 062  | Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only   | 5<br>3<br>3<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30  | GMU Elk A Elk A Elk A Elk A Elk A   | 1 667<br>Area 062<br>Area 062<br>Area 062<br>Area 062<br>Area 062<br>Area 031  | Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E   | Oet. 7-12<br>Sept. 16-20<br>Sept. 23-27<br>Dec. 16-20<br>Jan. 6-10, 1996<br>Jan. 20-24, 1996  | GMU Elk / Elk / Elk / Elk / Elk /   | 1 667<br>Area 062<br>Area 062<br>Area 062<br>Area 062<br>Area 062<br>Area 031  | Antlerless Either Sex Antlerless Only B Pt. Min. or   | 5<br>  |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  | GMU Elk A   | 1 667<br>Area 062<br>Area 062<br>Area 062<br>Area 062<br>Area 062<br>Area 031<br>I 524   | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless  | 5<br>3<br>3<br>3<br>3<br>3))<br>20<br>20   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret Skookumchuck  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10  | GMU Elk A Elk A Elk A Elk A Elk A GMU   | 1-667 Area 062 Area 062 Area 062 Area 062 Area 062 Area 031 1-524  | Antlerless Either Sex Antlerless Only B Pt. Min. or   | 5<br>3<br>3<br>3<br>3<br>3))<br>20<br>20   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  | GMU Elk A Elk A Elk A Elk A Elk A GMU   | 1-667 Area 062 Area 062 Area 062 Area 062 Area 062 Area 062 Area 031 1-524   | Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only B Pt. Min. or Antlerless Either Sex   | 5<br>3<br>3<br>3<br>3<br>3))<br>20<br>20   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997  | GMU Elk A Elk A Elk A Elk A GMU   | 1 667 Area 062 Area 062 Area 062 Area 062 Area 062 Area 031 Area 031 Area 067 Area 062  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3<br>3))<br>20<br>20   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret Skookumchuck  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10  | GMU Elk A Elk A Elk A Elk A GMU   | 1 667 Area 062 Area 062 Area 062 Area 062 Area 062 Area 031 Area 031 Area 067 Area 062  | Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only B Pt. Min. or Antlerless Either Sex   | 5<br>3<br>3<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997  | GMU Elk A Elk A Elk A Elk A GMU   | 1 667 Area 062 Area 062 Area 062 Area 062 Area 062 Area 031 Area 031 Area 067 Area 062  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3<br>3))<br>20<br>20   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997  | GMU Elk A Elk A Elk A Elk A GMU   | 1 667 Area 062 Area 062 Area 062 Area 062 Area 062 Area 031 Area 031 Area 067 Area 062  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3  |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt   | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997   | GMU Elk A Elk A Elk A Elk A Elk A GMU Elk A Elk A   | 1 667 Area 062 Area 062 Area 062 Area 062 Area 062 Area 031 I 524 I 667 Area 062 Area 062 Area 062 Area 062  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only   | 5<br>3<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3  |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice   | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997 Permit  | GMU Elk A Elk A Elk A Elk A GMU GMU Elk A Elk A   | 1 667 Area 062 Area 062 Area 062 Area 062 Area 062 Area 031 1 524 1 667 Area 062  | Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER<br>Hunt<br>Choice<br>Number  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt Name   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997 Permit Season   | GMU Elk A Elk A Elk A Elk A GMU Elk A GMU Elk A Elk A FElk A  | 667  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3<br>3<br>1996-97<br>((1995-96))<br>Permits   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice   | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997 Permit  | GMU Elk A Elk A Elk A Elk A GMU GMU Elk A Elk A   | 667   Area 062   Area 063   Area 064   Area 065   Are | Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER<br>Hunt<br>Choice<br>Number  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt Name   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997 Permit Season   | GMU Elk A Elk A Elk A Elk A GMU Elk A GMU Elk A Elk A FElk A  | 667  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3<br>3<br>1996-97<br>((1995-96))<br>Permits   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER<br>Hunt<br>Choice<br>Number<br>2086  | Skookumehuek South Bank A South Bank B South Bank C South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt Name   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14  | GMU Elk A Elk A Elk A Elk A GMU Elk A Elk A GMU Elk A Elk A Elk A   | 1667   1   1   1   1   1   1   1   1   1   | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3<br>3<br>1996-97<br>((1995-96))<br>Permits   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER<br>Hunt<br>Choice<br>Number  | Skookumehuek South Bank A South Bank B South Bank C South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997 Permit Season   | GMU Elk A Elk A Elk A Elk A GMU Elk A GMU Elk A Elk A FElk A  | 667   1   1   1   1   1   1   1   1   1  | Antlerless Either Sex Antlerless Only Antlerless Either Sex Antlerless Only   | 5<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3<br>3<br>1996-97<br>((1995-96))<br>Permits   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice<br>Number<br>2086   | Skookumehuek South Bank A South Bank B South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14  Sept. 1-14  | GMU Elk A Elk A Elk A Elk A GMU Elk A GMU Elk A Elk A Elk A BA BA   | ### 1667  Area 062  Area 063  Area 064  Area 065  GMUs 154, 160, 161, 166, 169  GMUs 178, 181, 184, 185  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only | 5<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3<br>3<br>3<br>((1995-96))<br>Permits<br>16   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice<br>Number<br>2086<br>2087   | Skookumehuek South Bank A South Bank B South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  Colockum  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14  Sept. 1-14  | GMU Elk A Elk A Elk A Elk A GMU Elk A GMU Elk A   | #667 Area 062 Area 063 Area 064 Area 066  GMUs 154, 160, 161, 166, 169 GMUs 178, 181, 184, 185 GMUs 328, 329   | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only Either Sex Any Bull Either Sex  | 5<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3<br>3<br>1996-97<br>((1995-96))<br>Permits   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice<br>Number<br>2086<br>2087   | Skookumehuek South Bank A South Bank B South Bank C South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  Colockum Robinson   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14 Sept. 1-14 Sept. 1-14  | GMU Elk A Elk A Elk A Elk A GMU Elk A GMU Elk A Elk A GMU Elk A Elk A CA YA   | #667 Area 062 Area 063 Area 064 Area 065 Area 065 Area 066  GMUs 154, 160, 161, 166, 169 GMUs 178, 181, 184, 185 GMUs 328, 329 GMUs 336, 340  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only Either Sex Any Bull Either Sex Either Sex Either Sex  | 5<br>3<br>3<br>3<br>3))<br>20<br>20<br>20<br>5<br>3<br>3<br>3<br>3<br>((1995-96))<br>Permits<br>16   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice<br>Number<br>2086<br>2087   | Skookumehuek South Bank A South Bank B South Bank D South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  Colockum  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14  Sept. 1-14  | GMU Elk A Elk A Elk A Elk A GMU Elk A GMU Elk A   | #667 Area 062 Area 063 Area 064 Area 066  GMUs 154, 160, 161, 166, 169 GMUs 178, 181, 184, 185 GMUs 328, 329   | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only Either Sex Any Bull Either Sex Either Sex Either Sex  | 5<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice<br>Number<br>2086<br>2087<br>2088<br>2089<br>2090                         | Skookumehuek South Bank A South Bank B South Bank C South Bank E Shushuskin B Margaret  Skookumchuck South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  Colockum Robinson Taneum B  | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14 Sept. 1-14 Sept. 1-14 Nov. 23-Dec. 8                                     | Elk A   | Permit Hunt Boundary Description GMUs 154, 160, 161, 166, 169 GMUs 328, 329 GMUs 336, 340 GMU 336  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only Either Sex Any Bull Either Sex Either Sex Either Sex Either Sex   | 5<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice<br>Number<br>2086<br>2087<br>2088<br>2089<br>2090<br>2091                 | Skookumehuek South Bank A South Bank B South Bank C South Bank E Shushuskin B Margaret  Skookumehuek South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  Blue Mtns. East  Colockum Robinson Taneum B Goose Prairie B                   | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14 Sept. 1-14 Sept. 1-14 Nov. 23-Dec. 8 Sept. 1-14                          | Elk A Elk A Elk A Elk A Elk A Elk A GMU Elk A Elk A GMU Elk A Elk A Elk A Elk A Elk A Elk A A Elk A | Permit Hunt Boundary Description GMUs 154, 160, 161, 166, 169 GMUs 178, 181, 184, 185 GMUs 328, 329 GMUs 336, 340 GMUs 352, 356  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only Either Sex  | 5<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice<br>Number<br>2086<br>2087<br>2088<br>2089<br>2090<br>2091<br>2092         | Skookumehuek South Bank A South Bank B South Bank C South Bank E Shushuskin B Margaret  Skookumehuek South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  Blue Mtns. East  Colockum Robinson Taneum B Goose Prairie B Divide            | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14 Sept. 1-14 Sept. 1-14 Nov. 23-Dec. 8 Sept. 1-14 Nov. 23-Dec. 8           | Elk A | Permit Hunt Boundary Description GMUs 154, 160, 161, 166, 169 GMUs 178, 181, 184, 185 GMUs 328, 329 GMUs 336, 340 GMUs 352, 356 Bow Areas 806, 807   | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only Either Sex  | 5<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice<br>Number<br>2086<br>2087<br>2088<br>2089<br>2090<br>2091<br>2092<br>2093 | Skookumehuek South Bank A South Bank B South Bank C South Bank E Shushuskin B Margaret  Skookumehuek South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  Blue Mtns. East  Colockum Robinson Taneum B Goose Prairie B Divide Cottonwood | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12 Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14 Sept. 1-14 Sept. 1-14 Nov. 23-Dec. 8 Sept. 1-14 Nov. 23-Dec. 8 Sept. 1-14 | Elk A | Permit Hunt Boundary Description GMUs 154, 160, 161, 166, 169 GMUs 178, 181, 184, 185 GMUs 328, 329 GMUs 336, 340 GMU 336 GMUs 352, 356 Bow Areas 806, 807 GMUs 364, 366, 368  | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only Either Sex  | 5<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3   |
| 2080<br>2081<br>2082<br>2083<br>2084<br>2085<br>2081<br>2082<br>2083<br>2084<br>2085<br>ARCHER'<br>Hunt<br>Choice<br>Number<br>2086<br>2087<br>2088<br>2089<br>2090<br>2091<br>2092         | Skookumehuek South Bank A South Bank B South Bank C South Bank E Shushuskin B Margaret  Skookumehuek South Bank A South Bank B Y ONLY  Hunt Name Blue Mtns. West  Blue Mtns. East  Colockum Robinson Taneum B Goose Prairie B Divide            | Oet. 7-12 Sept. 16-20 Sept. 23-27 Dec. 16-20 Jan. 6-10, 1996 Jan. 20-24, 1996 Dec. 16-30 Oct. 1-12  Oct. 5-10 Jan. 6-10, 1997 Jan. 20-24, 1997  Permit Season Sept. 1-14 Sept. 1-14 Sept. 1-14 Nov. 23-Dec. 8 Sept. 1-14 Nov. 23-Dec. 8           | Elk A | Permit Hunt Boundary Description GMUs 154, 160, 161, 166, 169 GMUs 178, 181, 184, 185 GMUs 328, 329 GMUs 336, 340 GMUs 352, 356 Bow Areas 806, 807   | Antlerless Either Sex Antlerless Only B Pt. Min. or Antlerless Either Sex Antlerless Only Antlerless Only Antlerless Only Antlerless Only Antlerless Only Either Sex  | 5<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3<br>3   |

[74] Proposed

|                    |                                | Washin                 | gton State Re                | gister, Issue 96-06             | · ·                             | WSR 96-06-070            |
|--------------------|--------------------------------|------------------------|------------------------------|---------------------------------|---------------------------------|--------------------------|
| ((PRIVAT           | E-LANDS-WILDLIEE               | MANAGEMENT-PERM        | I <del>T-OPPORTUNI</del> TI  | IEC                             |                                 |                          |
|                    | N'S KAPOWSIN TREE              |                        |                              |                                 |                                 |                          |
| 0111111111         | Hunt                           | -Permit-               | Elk Tag                      | Permit Hunt                     | Special                         | 1995-96                  |
| Number             |                                | Season -               | Prefix -                     | Boundary Description            | - Restrictions                  | Permits                  |
|                    | Kapowsin Bull A                | *                      | WA, WC,                      | -PLWMA 401A                     | -Any Bull                       | <u> </u>                 |
| 2073               | Kupowsin Dun A                 |                        | WM                           | TEWNIN AUTT                     | Thiry Dull                      | <del></del>              |
| 2006               | Vanamain Dull D                | *                      | - <del>WM</del><br>- WA, WC, | DI WAYA 401D 401C               | A D11                           | 2                        |
| 2096               | Kapowsin Bull B                |                        | WM WC,                       | PLWMA 401B, 401C                | Any Bull                        | 2                        |
| *Permit :          | season for archery t           | ag-holders-Sept. 1-1   | 4: modern fired              | arm Nov. 1-13; and muzzl        | eloader Nov. 22-D               | ee. 5.                   |
|                    | N-BRANCHED-ANTLI               |                        | ,                            | ·                               |                                 |                          |
| Hunt               | Hunt                           | Permit                 | Elk Tag                      | Permit Hunt                     | -Special                        | 1995-96                  |
| Number             | -Name                          | -Season                |                              | Boundary-Description-           |                                 | Permits                  |
| *                  | Champion Bull                  | Sept. 16-27            |                              | PLWMA 401                       | Branched Bull                   | 4                        |
|                    | Onumpion Dun                   | Sopul to S.            | 11                           |                                 | Only))                          | •                        |
| ((MU27L)           | ELOADER-ELK-PERMI              | TC.                    |                              |                                 | ····,                           |                          |
| Hunt               | Hunt                           | Permit                 | Elk Tag                      | Permit Hunt                     | Special                         | 1995-96                  |
| Number             |                                | Season                 | Prefix                       | Boundary Description            | -Restrictions                   | Permits                  |
| 2097               | Kapowsin North                 |                        | WM                           | PLWMA 401A                      | Antlerless Only                 |                          |
| 2098               | Kapowsin Central               |                        | WM -                         | PLWMA 401B                      | Antierless Only                 |                          |
| 2099               | Kapowsin South                 |                        | -WM                          | PLWMA 401C                      | Antieriess Only Antieriess Only | <del></del>              |
| 2077               | - rapowsiii souui              | NOV. 22-DCC. J         | - VV 1V1                     | TISWIM 401C                     | Antieriess Only                 | 8))                      |
|                    | HUNTS FOR (( <del>DISABI</del> | LED, BLIND OR-VISU     | ALLY-IMPAIRED                | )) <u>PERSONS OF DISABILITY</u> | •                               |                          |
| Hunt               |                                |                        |                              |                                 |                                 | <u> 1996-97</u>          |
| <u>Choice</u>      | Hunt                           | Permit                 | Elk Tag                      | Permit Hunt                     | Special                         | ((1995-96))              |
| Number             | Name                           | Season                 | Prefix                       | <b>Boundary Description</b>     | Restrictions                    | Permits                  |
| (( <del>3001</del> | Naches D                       | Oct. 1-13              | YC or YM                     | GMU 346                         | Antlerless Only                 | <del>-10</del>           |
| 3002               | Quilomene C                    | Nov. 1-13              | CC or CM                     | GMU 329                         | - Antlerless Only               | <del>10</del>            |
| 3003               | Manastash B                    | Nov. 1-13              | YC or YM                     | GMU-340                         | Antlerless Only                 |                          |
| 3004               | Green River                    | Nov. 11-15             | WC or WM                     | GMU-485                         | -Antlerless Only                |                          |
|                    | Cow B                          |                        |                              |                                 | ,                               | _                        |
| 3005               | Centralia Mine A               | Nov. 18-19             | Any Elk Toe                  | Portion of GMU 667*             | Antlerless Only                 | 4                        |
| 3006               | Centralia Mine B               | Nov. 25-26             |                              | Portion of GMU 667*             | Antlerless Only                 |                          |
| <del>3007</del>    | Centralia Mine C               | Dec. 2-3               |                              | Portion of GMU 667*             | -Either Sex                     | <del>-4</del> ))         |
| 3001               | Little Naches C                | Oct. 1-11              | YP or YM                     | GMU 346                         | Antlerless Only                 |                          |
| 3002               | Quilomene C                    | Nov. 1-13              | CP or CM                     | GMU 329                         |                                 | 10<br>10                 |
|                    |                                |                        |                              |                                 | Antlerless Only                 | 10                       |
| <u>3003</u>        | Manastash B                    | Nov. 1-13<br>Nov. 9-13 | YP or YM                     | GMU 340                         | Antlerless Only                 | $\frac{10}{5}$           |
| <u>3004</u>        | Green River<br>Cow B           | Nov. 9-13              | WP or WM                     | <u>GMU 485</u>                  | Antlerless Only                 | <u> 5</u>                |
| 3005               | Centralia Mine A               | Nov. 16-17             | Any Elk Tag                  | Portion of GMU 667*             | Antlerless Only                 | 4                        |
| 3006               | Centralia Mine B               | Nov. 30-Dec. 1         |                              | Portion of GMU 667*             | Either Sex                      | $\frac{1}{4}$            |
| 3007               | South Bank C                   | Dec. 16-20             |                              | Elk Area 062                    | Antlerless Only                 | $\frac{4}{4}$            |
|                    |                                | e mailed a map of t    | he hunt bounda               | <u>Бигион оод</u><br>мгу,       | Tintierress Omy                 | <u> ~</u>                |
|                    | OADER ONLY                     | •                      |                              | •                               |                                 |                          |
| Hunt               | O.DER ONE!                     |                        |                              |                                 |                                 | 1996-97                  |
| Choice             | Hunt                           | Permit                 | Elk Tag                      | Permit Hunt                     | Special                         | (( <del>1995-96</del> )) |
| Number             |                                | Season                 | Prefix                       |                                 |                                 | ***                      |
|                    |                                |                        |                              | Boundary Description            | Restrictions                    | Permits                  |
| ``                 | Mountain View B                |                        | -BM                          | GMU 172                         | Any-Bull                        | <del></del>              |
| 4002               | Mission                        | Oct. 5-11              | -CM                          | GMU 314                         | -Any Bull                       | <del></del>              |
| 4003               | Cle Elum A                     | Oct. 1-12              | -YM                          | ML Area 910                     | Either Sex                      | 30                       |
| 4004               | Cle Elum B                     | Nov. 16-Dec. 8         | -YM                          | ML Area 910                     | Either Sex                      | 30                       |
| 4005               | Umtanum B                      | Oct. 8-12              | -YM                          | GMU-342                         | -Either Sex                     | <del>-30</del>           |
| 4006               | Cowiehe C                      | Oct. 8-12              |                              | GMU 368 — — —                   | -Either Sex                     | <del>-40</del>           |
| 4007               | Stella                         | Nov. 22-Dec. 12        | -WM                          | -GMU-504                        | Either Sex                      | <del>75</del>            |
| 4008               | Boistfort B                    | Jan. 16-31, 1996       | -WM                          | Elk Area 054                    | Antierless Only                 | 50                       |

4009

4010

4011

4012

Yale

**Toledo** 

**Chinook** 

North River

Nov. 22-Dec. 12

Jan. 2-16, 1996

Jan. 16 Feb. 15,

Nov. 18-Dec. 6

<del>-1996</del>

WM

<del>WM</del>

**WM** 

**WM** 

**GMU-554** 

**GMU 658** 

Elk Area 029

Elk Area 069

Either Sex

Antlerless Only

Antlerless Only

Antlerless Only

75

150

-2

20

| 4013            | Elwha           | Dec. 15-Jan. 15,        | -WM                    | ML Area 962  | Antlerless Only | 5   |
|-----------------|-----------------|-------------------------|------------------------|--------------|-----------------|---|
| 4014            | South Elma      | Oct. 1-13               | -WM                    | Elk Area 063 | Antlerless Only | <del>50</del> ))                                    |
| <u>4001</u>     | Blue Creek      | Dec. 1-Jan. 31,<br>1997 | <u>BM</u>              | GMU 154      | Antlerless Only | <u>25</u>   |
| <u>4002</u>     | Mountain View B | Oct. 3-9                | <u>BM</u>              | GMU 172      | Any Bull        | <u>20</u>   |
| 4003            | Mission         | Oct. 3-9                | <u>CM</u>              | GMU_314      | Any Bull        | 20<br>25<br>30<br>30<br>30<br>40<br>100<br>50<br>75 |
| 4004            | Cle Elum A      | Sept. 1-30              | <u>YM</u>              | ML Area 910  | Either Sex      | <u>30</u>   |
| 4005            | Cle Elum B      | Nov. 16-Dec. 8          | <u>YM</u>              | ML Area 910  | Either Sex      | <u>30</u>   |
| 4006            | Umtanum B       | Oct. 3-9                | $\overline{YM}$        | GMU 342      | Either Sex      | <u>30</u>   |
| 4007            | Cowiche C       | Oct. 3-9                | YM                     | GMU 368      | Either Sex      | <u>40</u>   |
| 4008            | Stella          | Nov. 22-Dec. 12         | $\overline{\text{WM}}$ | GMU 504      | Either Sex      | 100   |
| 4009            | Boistfort B     | Jan. 16-31, 1997        | WM                     | Elk Area 054 | Antlerless Only | <u>50</u>   |
| <del>4010</del> | Yale            | Nov. 22-Dec. 12         | WM                     | GMU 554      | Either Sex      | <u>75</u>   |
| <u>4011</u>     | Toledo          | Jan. 2-16, 1997         | WM                     | Elk Area 029 | Antlerless Only | <u>150</u>  |
| <u>4012</u>     | North River     | Nov. 18-Dec. 6          | <u>WM</u>              | GMU 658      | Antlerless Only | <u>20</u>   |
| 4013            | <u>Elwha</u>    | Dec. 15-Jan. 15,        | $\overline{\text{WM}}$ | ML Area 962  | Antlerless Only | <u>5</u>  |

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

#### WSR 96-06-071 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-029.

Title of Rule: Amending WAC 232-28-252 1995 Moose permit quotas.

Purpose: Moose permit quotas are established to provide recreation opportunity, population regulation, or address nuisance complaints. Permit quotas vary each year and will be established by the Fish and Wildlife Commission in April.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

#### [AMENDATORY SECTION (Amending WSR 95-11-033, filed 5/10/95)]

#### WAC 232-28-252 199((5))6 Moose permit quotas

| Hunt<br><u>Choice</u><br>Number | Hunt<br>Name  | Permit<br>Season | Permit Hunt<br>Boundary Description | Special<br>Restrictions | <u>1996</u><br>(( <del>1995</del> ))<br>Permits |
|---------------------------------|---------------|------------------|-------------------------------------|-------------------------|---|
| 8001                            | Selkirk Mtns. | Oct. 1-Nov. 30   | GMU 113                             | Any Legal Weapon        | (( <del>10</del> )) <u>12</u>                   |
| 8002                            | Mt. Spokane   | Oct. 1-Nov. 30   | GMU 124                             | Any Legal Weapon        | $((\frac{5}{2}))$ 8                             |
| 8003                            | Chewelah      | Oct. 1-Nov. 30   | GMU 118                             | Any Legal Weapon        | $\frac{1}{5}$                                   |
| 8004                            | Boyer         | Oct. 1-Nov. 30   | GMU 119                             | Any Legal Weapon        | $((\frac{3}{2}))  \underline{4}$                |
| 8005                            | Aladdin       | Oct. 1-Nov. 30   | GMU 111                             | Any Legal Weapon        | $\overline{2}$                                  |

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

#### WSR 96-06-072 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-029.

Title of Rule: Amending WAC 232-28-253 1995 Mountain sheep (bighorn) permit quotas.

Purpose: Bighorn permit quotas are established each year to provide recreation opportunity based on bighorn population status.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

#### [AMENDATORY SECTION (Amending WSR 95-11-032, filed 5/10/95)]

#### WAC 232-28-253 199((5))6 Mountain sheep (bighorn) permit quotas

| Hunt        |                   |   |                      |                  | <u> 1996</u>                   |
|-------------|-------------------|---|----------------------|------------------|--------------------------------|
| Choice      | Hunt              | Permit                                      | Permit Hunt          | Special          | ((1995))                       |
| Number      | Name              | Season                                      | Boundary Description | Restrictions     | <b>Permits</b>                 |
| 5002        | Vulcan Mountain   | Sept. 15-Oct. (( <del>13</del> )) <u>11</u> | Sheep Unit 2         | Any Legal Weapon | 2                              |
| 5003        | Tucannon River    | Sept. 15-Oct. (( <del>13</del> )) 11        | Sheep Unit 3         | Any Legal Weapon | 1                              |
| 5005        | Umtanum           | Sept. 15-Oct. (( <del>13</del> )) 11        | Sheep Unit 5         | Any Legal Weapon | 3                              |
| <u>5007</u> | Clemon Mountain   | Sept. 15-Oct. 11                            | Sheep Unit 7         | Any Legal Weapon | 1                              |
| 5008        | Mountainview      | Sept. 15-Oct. (( <del>13</del> )) <u>11</u> | Sheep Unit 8         | Any Legal Weapon | $((2)) \ \overline{1}$         |
| 5009        | Blackbutte        | Sept. 15-Oct. (( <del>13</del> )) 11        | Sheep Unit 9         | Any Legal Weapon | $((\frac{2}{2})) \overline{0}$ |
| 5010        | Mt. Hull          | Sept. 15-Oct. (( <del>13</del> )) <u>11</u> | Sheep Unit 10        | Any Legal Weapon | 1                              |
| 5011        | Wenaha Wilderness | Sept. 15-Oct. (( <del>13</del> )) <u>11</u> | Sheep Unit 11        | Any Legal Weapon | (( <del>3</del> )) <u>1</u>    |

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

WSR 96-06-073 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-029.

Title of Rule: Amending WAC 232-28-254 1995 Mountain goat permit quotas.

Purpose: Mountain goat permits are established to provide recreation opportunity. Permit quotas vary annually in response to population abundance.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

[AMENDATORY SECTION (Amending WSR 95-11-031, filed 5/10/95)]

WAC 232-28-254 199((5))6 Mountain goat permit quotas

|                                |                    |                                     | •                           |                     |  |
|--------------------------------|--------------------|-------------------------------------|-----------------------------|---------------------|--|
| Hunt                           |                    |                                     | <del></del> .               |                     | 1996   |
| <u>Choice</u>                  | Hunt               | Permit                              | Permit Hunt                 | Special             | (( <del>1995</del> ))                        |
| Number                         | Name               | Season                              | <b>Boundary Description</b> | Restrictions        | Permits                                      |
| 6201                           | Mount Chopaka      | Sept. $1((6))4$ -Oct. 31            | Goat Unit 2-1               | Any Legal Weapon    | 1  |
| 6202                           | Methow             | Sept. $1((6))4$ -Oct. 31            | Goat Unit 2-2               | Any Legal Weapon    | 8  |
| (( <del>6302</del>             | N. Wenatchee Mtns. | Sept. 16 Oct. 31                    | Goat Unit 3-2               | Any Legal Weapon    |  |
| 6303                           | Goat & Davis Mtns. | -Sept. 16-Oct. 31                   | Goat Unit 3-3               | Archery Only        | <del></del>                                  |
| 6304                           | - Snoqualmie       | Sept. 16-Oct. 31                    | Goat Unit 3-4               | Any Legal Weapon    | <del>1</del>                                 |
| 6305                           | -Cle Elum          | -Sept. 16-Oct. 31                   | Goat Unit 3-5               | Muzzleloader Only   | <del>1</del> ))                              |
| 6306                           | Naches Pass        | Sept. $1((6))4$ -Oct. 31            | Goat Unit 3-6               | Any Legal Weapon    | (( <del>1</del> )) <u>10</u>                 |
| 6307                           | Bumping River      | Sept. $1((6))4$ -Oct. 31            | Goat Unit 3-7               | Any Legal Weapon    | ((1)) 3                                      |
| 6308                           | Bumping River      | Sept. $1((6))4$ -Oct. 31            | Goat Unit 3-8               | Muzzleloader Only   | $((1)) \ 3$                                  |
| 6309                           | Tieton River       | Sept. $1((6))4$ -Oct. 31            | Goat Unit 3-9               | Any Legal Weapon    | $((\frac{3}{2})) \ \overline{\underline{5}}$ |
| <u>6310</u>                    | Blazed Ridge       | Sept. 14-Oct. 31                    | Goat Unit 3-10              | Any Legal Weapon    | <u>3</u>                                     |
| <del>6311</del>                | Kachess Ridge      | Sept. 14-Oct. 31                    | Goat Unit 3-11              | Any Legal Weapon    | $\overline{1}$                               |
| <del>((6401</del>              | Ruth Creek         | Sept. 16-Oct. 31                    | Goat Unit 4-1               | Any Legal Weapon    | $\overline{7}$                               |
| 6403                           | Chowder Ridge      | Sept. 16-Oct. 31                    | Goat Unit 4-3               | - Any Legal Weapon- | 2  |
| 6404                           | Lincoln Peak       | Sept. 16-Oct. 31                    | Goat Unit 4-4               | Any Legal Weapon    | 2  |
| 6407                           | Avalanche Gorge    | Sept. 16-Oct. 31                    | Goat Unit 4-7               | Any Legal Weapon    | <del>5</del> ))                              |
| 6408                           | East Ross Lake     | Sept. $1((6))4$ -Oct. 31            | Goat Unit 4-8               | Any Legal Weapon    | 10   |
| 6409                           | Jack Mountain      | Sept. $1((6))4$ -Oct. 31            | Goat Unit 4-9               | Any Legal Weapon    | 2  |
| 6432                           | Foss River         | Sept. $1((6))4$ -Oct. 31            | Goat Unit 4-32              | Any Legal Weapon    | 10   |
| 6434                           | Pratt River        | Sept. $1((\frac{6}{9}))$ 4-Oct. 31  | Goat Unit 4-34              | Any Legal Weapon    | 10   |
| 6438                           | Corral Pass        | Sept. $1((6))4$ -Oct. 31            | Goat Unit 4-38              | Archery Only        | 4  |
| 6502                           | Tatoosh            | Sept. $1((6))\overline{4}$ -Oct. 31 | Goat Unit 5-2               | Any Legal Weapon    | 5  |
| 6503                           | Smith Creek        | Sept. $1((6))4$ -Oct. 31            | Goat Unit 5-3               | Archery Only        | 5  |
| 6504                           | Goat Rocks         | Sept. $1((6))4$ -Oct. 31            | Goat Unit 5-4               | Any Legal Weapon    | 10   |
| 660(( <del>2</del> )) <u>3</u> | Quilcene River     | Sept. $1((6))$ 4-Oct. 31            | Goat Unit 6-2               | Archery Only        | ((25)) 0                                     |
| 660(( <del>3</del> )) <u>4</u> | Hamma Hamma        | Sept. $1((6))4$ -Oct. 31            | Goat Unit 6-3               | Archery Only        | $((\frac{10}{10}))\frac{5}{5}$               |
| 500((5)) <u>+</u>              | River              |                                     |                             |                     | (()) =                                       |

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

WSR 96-06-074 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-029.

Title of Rule: Amending WAC 232-28-256 1995-96 Cougar permit quotas.

Purpose: Cougar permits are established to provide recreation opportunity and to address nuisance or damage problems. Permit quotas vary each year in response to population abundance.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504;

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and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

[AMENDATORY SECTION (Amending WSR 95-11-030, filed 5/10/95)]

WAC 232-28-256 ((1995-96)) 1996-97 Cougar permit quotas.

| Hunt<br>Choice<br>No. | Unit | Description             | 1996-97<br>((1995-96))<br>Permits |
|-----------------------|------|-------------------------|-----------------------------------|
| 9001                  | 1    | Pend Oreille            | (( <del>35</del> )) <u>40</u>     |
| 9002                  | 2    | Colville                | $((40)) \overline{45}$            |
| 9003                  | 3    | Republic                | $((40)) \ \overline{50}$          |
| 9004                  | 4    | Spokane                 | $((30)) \overline{35}$            |
| 9005                  | 5    | Blue Mountains          | 60                                |
| 9006                  | 6    | Wenaha                  | 15                                |
| 9007                  | 7    | Okanogan                | (( <del>45</del> )) 55            |
| 9008                  | 8    | Chelan                  | $((40)) \ \overline{60}$          |
| 9009                  | 9    | Yakima                  | 20                                |
| 9010                  | 10   | Nooksack                | 15                                |
| 9011                  | 11   | Skagit                  | 18                                |
| 9012                  | 12   | Snoqualmie              | 15                                |
| 9013                  | 13   | North Olympic Peninsula | 35                                |
| 9014                  | 14   | South Olympic Peninsula | 15                                |
| 9015                  | 15   | Rainier                 | 15                                |
| 9016                  | 16   | South Puget Sound       | 3                                 |
| 9017                  | 17   | Cowlitz                 | 2                                 |
| 9018                  | 18   | Skamania                | 2                                 |
| 9019                  | 19   | Pacific                 | 1                                 |
| (( <del>9020</del>    | 1-   | Pend Oreille            | <del>35</del>                     |
| <del>9021</del>       |      | Colville                | <del>40</del>                     |
| 9022                  | 3    | Republic                | <del>40</del>                     |
| 9023                  | -4   | Spokane                 | 30                                |

| 9024  | 5                 | Blue Mountains          | 60            |
|-------|-------------------|-------------------------|---------------|
| 9025  | -6                | - Wenaha                | 15            |
| 9026  | 7                 | - Okanogan              | <del>45</del> |
| 9027  | - 8 -             | Chelan                  | 40            |
| 9028  |                   | - Yakima                | <del>20</del> |
| 9029  | <del>10</del>     | Nooksack                | <del>15</del> |
| 9030  | 11                | Skagit                  | <del>18</del> |
| 9031  | <del>- 12</del> - | - Snoqualmie            | 15            |
| 9032- | 13                | North Olympic Peninsula | <del>35</del> |
| 9033  | -14-              | South Olympic Peninsula | <del>15</del> |
| 9034  | 15                | Rainier -               | <del>15</del> |
| 9035  | 16                | - South Duget Sound     | 13            |
| 9036  | 17                | Cowlitz                 | 3             |
| 9037  | 19                | Skamania                | 2             |
| 9038  | 19                | - Pacific               | <del></del>   |

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

#### WSR 96-06-075 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-029.

Title of Rule: Adopting WAC 232-28-261 1997 Elk and other big game auction permits.

Purpose: The Fish and Wildlife Commission will consider one auction permit each for elk, moose, and mountain goat. Funding for management of each of the species listed will be received if each species is authorized for auction. No negative impact to the populations will occur, since only one permit is being auctioned.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

#### **NEW SECTION**

### WAC 232-28-261 1997 Elk and other big game auction permits.

#### **AUCTIONING OF PERMIT**

The Director will select a conservation organization(s) to conduct the 1997 auction(s). Selection of the conservation organization will be based on criteria developed by the Washington Department of Fish and Wildlife. The organization shall notify the Department of the name of and address of the successful bidder within ten days of the auction.

**AUCTION PERMIT HUNT(S)** 

SPECIES - ONE ELK PERMIT

Hunting Season Dates: September 15-30, 1997

Hunt Area: GMU 485 (Green River) and GMU 346 (Little

Naches)

Bag Limit: One bull elk

#### **AUCTION HUNT PERMITTEE RULES**

- (1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.
- (2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.
- (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (4) If requested by the Department, the permittee is required to accompany Department officials to the site of the kill.

#### WSR 96-06-076 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-029.

Title of Rule: Adopting WAC 232-28-262 1997 Bighorn sheep auction permits.

Purpose: The Fish and Wildlife Commission will consider one auction permit for bighorn sheep in 1997. This auction permit will provide most of the funding for bighorn sheep management. This permit will not impact the bighorn sheep population, since only one permit will be auctioned.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

#### **NEW SECTION**

## WAC 232-28-262 1997 Bighorn sheep auction permits.

#### AUCTIONING OF PERMIT

The Director will select a conservation organization(s) to conduct the 1997 auction. Selection of the conservation organization will be based on criteria developed by the Washington Department of Fish and Wildlife. The organization shall notify the Department of the name and address of the successful bidder within ten days of the auction.

**AUCTION PERMIT HUNT(S)** 

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting Season Dates: September 1 - October 31, 1997

Hunt Area: Anywhere in eastern Washington south of Interstate 90.

Bag Limit: One Bighorn Ram

#### **AUCTION HUNT PERMITTEE RULES**

- (1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.
- (2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.
- (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (4) If requested by the Department, the permittee is required to accompany Department officials to the site of the
- (5) The permittee will present the head and carcass of the bighorn sheep killed to any Department office within 72 hours of date of kill.

# WSR 96-06-077 PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife) [Filed March 6, 1996, 11:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95--101.

Title of Rule: To repeal WAC 232-28-419 1995-96 Migratory waterfowl seasons and regulations.

Purpose: This establishes the season length, bag limits, area restrictions, and special regulations for hunting migratory waterfowl. This repealer is necessary to modify area restrictions for the September Canada goose season prior to adoption of 1996-97 migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040. Statute Being Implemented: RCW 77.12.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Lower Valley Elks Club, Highway 12 and Ray Road, Sunnyside, Washington 98944, on April 20, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by April 1, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 Evan Jacoby Legal Counsel

#### REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-419

1995-96 Migratory waterfowl seasons and regulations

## WSR 96-06-082 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed March 6, 1996, 11:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-03-149.

Title of Rule: Public records disclosure for the Department of Agriculture. WAC 16-06-150 through 16-06-235.

Purpose: To establish the Department of Agriculture's procedures when responding to requests for public records, explain the department's organization, the costs involved to copy documents, who the public can contact in the department.

Statutory Authority for Adoption: RCW 42.17.290. Statute Being Implemented: Chapter 42.17 RCW.

Summary: To establish the Department of Agriculture's procedures when responding to requests for public records, explain the department's organization, the costs involved to copy documents, who the public can contact in the department.

Reasons Supporting Proposal: The proposal will assist the public in following the public disclosure process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dannie McQueen, Administrative Regulations Manager, 1111 Washington Street S.E., Olympia, (360) 902-1809.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to ensure compliance by the Washington State Department of Agriculture with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340, 34.05.220 through 34.05.240, and 34.05.330.

Proposal Changes the Following Existing Rules: The proposed rule repeals the agency's existing public disclosure rules and establishes new sections that will assist the public in following the public disclosure process by clarifying the department's procedures when responding to requests for public records, explain the department's organization, the

costs involved to copy documents, and who the public can contact in the department.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is not economic impact, this is a procedural rule only.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Washington State Department of Agriculture is not a listed agency in section 201 and this is a procedural rule.

Hearing Location: Washington State Department of Agriculture, 1111 Washington Street S.E., 2nd Floor, Conference Room 205, P.O. Box 42560, Olympia, WA 98504-2560, on April 9, 1996, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by April 2, 1996, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Dannie McQueen, Administrative Regulations Manager, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2092, by April 9, 1996, at 5 p.m.

Date of Intended Adoption: April 12, 1996.

March 6, 1996 William E. Brookreson Assistant Director

#### **NEW SECTION**

WAC 16-06-150 The reason for the rule. The reason for this chapter is to ensure compliance by the Washington state department of agriculture with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340, and RCW 34.05.220 through 34.05.240 and RCW 34.05.330.

#### **NEW SECTION**

WAC 16-06-155 Definitions. (1) "Denial of disclosure" denotes any exempting from disclosure of any public record.

- (2) "Department" means the Washington state department of agriculture.
  - (3) "Disclosure" means inspection and/or copying.
- (4) "Public records" include 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 the department regardless of physical form or characteristics.
- (5) "Writing" means handwriting, typewriting, printing, photostating, telefaxing, photographing, and every other means of recording any form of communication or representation including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

#### **NEW SECTION**

WAC 16-06-160 Description of agency organization, address and telephone number of Olympia administrative offices. The administrative offices of the department are located in the Natural Resources Building, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-

2560. The information telephone number is (360) 902-1800. The department is organized into six divisions:

- (1) Agency operations division;
- (2) Consumer and producer protection division;
- (3) Food safety and animal health division;
- (4) Laboratory services division;
- (5) Pesticide management division; and
- (6) Plant services division.

The department maintains service locations or major field offices around the state. Several of these offices are headed by a supervisor or chief. The administrative offices located in Olympia will assist in determining office locations around the state. An organization chart of the department is available upon request from the Public Records Officer, Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560.

#### **NEW SECTION**

WAC 16-06-165 Agency organization description by division and program. An organizational description by division and program is as follows:

#### Director's office:

- Legislative affairs
- Internal program review
- Policy development and review

#### Agency operations division:

 Accounting, budget, payroll, forms and records, adjudicative proceedings, public disclosure, Washington administrative code filings, personnel office, data processing services, information office, market development activities and commodity commission and fairs commission activities

#### Consumer and producer protection division:

- Commission merchants program
- Livestock identification, brand registration and inspection
- Establishment of livestock markets
- Grain warehouse audit
- Weights and measures program

#### Food safety and animal health division:

- Dairy inspection program
- Food processing program
- Organic food program
- Egg inspection program
- Animal health program

#### Laboratory services division:

 Performs chemical and micro-biological analyses in support of the food safety and pesticide management programs, conducts state-wide grain inspection and administers hop inspection and analyses

#### Pesticide management division:

- Administers the regulations of pesticides, animal feeds and fertilizer laws, and waste disposal program broken down into three units of the division
- The compliance unit enforces state and federal pesticide laws, animal feed laws and fertilizer laws; investigates complaints of pesticide misuse
- The registration unit registers pesticides, fertilizers and animal feeds sold and used in the state
- The program development and certification unit conducts the waste pesticide disposal program;

provides interagency coordination on pesticiderelated issues; provides safety training on the use of pesticides, which includes public outreach and new program development; licenses pesticide application equipment, pesticide dealers, and commercial, public and private pesticide applicators, operators and consultants; approves recertification courses and tracks educational credits on pesticide licensees

#### Plant services division:

- Fruit and vegetable inspection program for quality, grade, condition, size and pack
- Pest management prevent the establishment of plus surveys and controls high risk exotic pests including insects, pathogens and noxious weeds
- Apiary program provides education and registration over Washington apiarists
- Nursery program certifies nursery stock and issues phytosanitary certificates for materials moving outof-state
- Seed program regulates the quality and labeling of various crop seeds in Washington

#### **NEW SECTION**

WAC 16-06-170 For assistance with disclosure of agency documents, you may contact a public records designee. The department shall designate in each departmental administrative unit including each office of the department located around the state, a public records designee from among its employees, who shall have the responsibility to respond to written requests for disclosure of the department's public records located in that office; or refer the person requesting disclosure to any other office where the record is located.

If you need help locating a department office in your location, please consult your local telephone directory; call the Olympia administrative office at (360) 902-1800; or write to the public records officer at the Olympia administrative offices at: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560.

#### **NEW SECTION**

WAC 16-06-175 You may also contact an agency public records coordinator for assistance. (1) Each assistant director of the department's divisions is designated a public records coordinator who shall have the authority to:

- (a) Respond to written requests for disclosure of the department's public records located in their division;
- (b) Provide input to the public records officer in cases where nondisclosure of a record is an issue;
- (c) Waive the requirement that a records request shall be made in written form.
- (2) The address for the public records coordinator is: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560; or you may also contact the information number of the Olympia administrative offices at (360) 901-1800 for assistance.

#### **NEW SECTION**

WAC 16-06-180 The agency's public records officer is available for assistance, appeals of denial of disclosure and information about the agency's index. (1) The department shall designate one public records officer, located in the agency operations division who shall:

- (a) Be responsible for implementing the department's process regarding disclosure of public records;
- (b) Coordinate departmental staff in this regard, generally ensuring the compliance of the staff with public records disclosure requirements;
- (c) Make the final decision if a records request has been denied and a petition for review is filed under the procedures in WAC 16-06-220;
- (d) Have the option of waiving the requirement that a records request be in written form;
- (e) Maintain the agency's index as required under chapter 42.17 RCW.
- (2) The address of the public records officer is: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560; or call the Olympia administrative office at (360) 902-1809.

#### **NEW SECTION**

WAC 16-06-185 Availability of public records. (1) All public records of the department are available for disclosure except as otherwise provided by law. Requests for public record may be initiated at any department office during customary business hours, Monday through Friday, excluding legal holidays.

- (2) The department shall respond promptly to requests for disclosure. Within five business days of receiving a public record request, the department shall respond by:
  - (a) Providing the record;
- (b) Acknowledging the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or
  - (c) Deny the public record request.
- (3) Additional time for the department to respond to a request may be based on the need to:
  - (a) Clarify the intent of the request;
  - (b) Locate and assemble the information requested;
- (c) Notify third persons or agencies affected by the request; or
- (d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.
- (4) In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the department need not respond to it.
- (5) If the department does not respond in writing within five business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:
  - (a) Consider the request denied; and
- (b) Petition the public records officer under WAC 16-06-180.

#### **NEW SECTION**

WAC 16-06-190 Request public records in writing using a department-issued form or the format provided in this rule. (1) All requests for the disclosure of a public record shall be in writing on a department of agriculture disclosure form as prescribed by WAC 16-06-235, or a format which substantially complies with WAC 16-06-235, and identifies the record being sought with reasonable certainty. The written request shall include but is not limited to:

- (a) The name, address and telephone number of the person requesting the record;
  - (b) The calendar date on which the request is made; and
- (c) Sufficient information to readily identify documents being requested.
- (2) A request for disclosure shall be made during customary office hours.
- (3) In all cases in which a member of the public is making the request, it shall be the obligation of department staff to assist the member of the public to appropriately identify the public record being requested.
- (4) A form for requesting department documents can be obtained from any administrative office of the department or a person can format a request in a similar format as prescribed in WAC 16-06-235.

#### **NEW SECTION**

- WAC 16-06-195 Disclosure procedure. (1) The public records designee and the public records coordinator shall review file materials prior to disclosure.
- (2) If the file does not contain materials exempt from disclosure, the public records designee or coordinator shall proceed with full disclosure.
- (3) If the record is not maintained in the office directly contacted, the public records designee or public records coordinator records officer will retrieve the record processing or will forward the request to the appropriate office for processing.
- (4) Responses to requests for public records shall be made promptly by agencies, following RCW 42.17.320 and WAC 16-06-185.
- (5) A denial of a request for disclosure shall be accompanied by a written statement of the specific exemption authorizing the withholding of the record, or part of the record, and a brief explanation of how the exemption applies to the record withheld.

#### **NEW SECTION**

WAC 16-06-200 Costs of disclosure. (1) No fee shall be charged for the inspection of public records.

- (2) The department shall charge a fee of fifteen cents per page of copy when copy charges exceed ten dollars for providing copies of public records. This charge is the amount necessary to reimburse the department for its costs incident to such copying and shall be payable at the time copies are furnished.
- (3) The department may charge the actual cost involved for the duplication of tape recordings, video tapes, photographs, slides, postage, delivery, if these costs exceed ten dollars.

(4) The public records officer or the public records coordinator may waive any of the foregoing costs.

#### **NEW SECTION**

WAC 16-06-205 Protection of public records. In order to adequately protect the public records of the department, the following will apply:

- (1) No public record shall be removed from the department's premises.
- (2) Inspection of any public record shall be conducted in the presence of a designated department employee.
- (3) No public record may be marked or altered in any manner during inspection.
- (4) Public records that are maintained in a file or jacket, or in chronological order, may not be dismantled except by a designated department employee for purposes of copying.
- (5) Upon request of a member of the public to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents, the department shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by chapter 42.17 RCW is contained therein.
- (6) When copying public documents, the copy machine will be operated by staff persons of the department only.

#### **NEW SECTION**

WAC 16-06-210 Exemptions. The department reserves the right to determine if a requested public record is exempt or nondisclosable under RCW 42.17.250 et seq. Nondisclosable records include, but are not limited to:

- (1) Personal information in any files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy pursuant to RCW 42.17.310 (1)(b).
- (2) Investigative material pursuant to RCW 42.17.310 (1)(d) and (e).
- (3) Test questions, scoring keys and other examination data used to administer a license, pursuant to RCW 42.17.-310 (1)(f).
- (4) Preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with action (RCW 42.17.310 (1)(i)).
- (5) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
- (6) Lists of individuals requested for commercial purposes. The department shall not disclose such records unless specifically authorized or directed to do so by law: Provided, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: Provided further, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW.
- (7) Information on commercial fertilizer distribution, pursuant to RCW 42.17.317.

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- (8) Information on commercial feed pursuant to RCW 15.53.9018.
- (9) Confidential information regarding individual company operations or production found in the Washington State Seed Act, RCW 15.49.370(8).
- (10) Business related information obtained under the Organic Food Products Act concerning an entity certified under that act or an applicant for such certification, which is found under RCW 15.86.110.
- (11) Privileged or confidential information or data required under the Washington Pesticide Control Act which contains trade secrets, commercial or financial information, which is found under RCW 15.58.065.

#### **NEW SECTION**

- WAC 16-06-215 Qualifications on nondisclosure. (1) To the extent that nondisclosable information can be deleted from the specific record sought, the remainder of the record shall be disclosed.
- (2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).
- (3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of a superior court.
- (4) Denial of disclosure of a public record will be in writing accompanied by a written statement of the reason the document was withheld.
- (5) A person who is denied a request for a public record shall have the right to appeal the denial to the public records officer of the department in the manner prescribed by WAC 16-06-220.

#### **NEW SECTION**

- WAC 16-06-220 Review of denial of request for inspection for copying of public records. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by submitting a written request for review to the department's public records officer located in the Olympia administrative office. The written request shall specifically refer to the written statement that constituted or accompanied the denial of disclosure.
- (2) Immediately after receiving a petition for review of a decision denying a public record, the public records designee or public records coordinator denying the request shall refer it to the public records officer. The public records officer shall review decisions denying disclosure in the most prompt fashion possible, and such review shall be deemed completed at the end of the second business day following receipt by the department of the petition for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320. If the public records officer neither approves nor disapproves the denial of the request before the end of the second business day following the denial of inspection, the denial of inspection shall be deemed approved by the department, and constitutes a final agency action pursuant to RCW 42.17.320.

#### **NEW SECTION**

- WAC 16-06-225 Records index. The public records officer of the department, located in the Olympia administrative office, shall develop and maintain an agency index of:
- (1)(a) Records issued prior to July 1, 1990, by relying on agency records retention schedules;
  - (b) Final orders;
  - (c) Declaratory orders entered after June 30, 1990;
  - (d) Interpretative statements;
  - (e) Policy statements;
  - (f) Agency rule docket; and
  - (g) Other agency information as required.

The schedule for revising and/or updating the index will occur annually on June 30 of each year.

(2) Information on obtaining or viewing the department's index should be directed to the public records officer at the department's headquarters office located at: Department of Agriculture, 1111 Washington Street, SE, P.O. Box 42560, Olympia, Washington 98504-2560.

#### **NEW SECTION**

- WAC 16-06-230 Interagency disclosure. (1) Unless prohibited by law, information may be disclosed by the department to outside agencies, including other state of Washington agencies or other states.
- (2) Outside agencies receiving information pursuant to subsection (1) of this section shall be subject to the same standards of disclosure as are required of the department.

#### **NEW SECTION**

WAC 16-06-235 Request for public records disclosure form. The department adopts the following "request for public records disclosure form" for use by all persons requesting inspection and/or copying of department public records. The form may be secured from any office of the department by contacting the office in or near your area; calling the Olympia administrative office at (360) 902-1800; or writing to the public records officer in Olympia at: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2460.



Washington State Department of Agriculture P.O. Box 42560 Olympia, WA 98504-2560

### REQUEST FOR PUBLIC RECORDS DISCLOSURE

| Mailing Address of Doguesters   |  |
|---|--|
| Mailing Address of Requester:   |  |
|   |  |
|   |  |
| Telephone Number of Requester: ()   |  |
|   | Time of Request:   |
|   |  |
| dentification of record(s) requested:   |  |
|   |  |
|   |  |
|   |  |
|   |  |
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#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-06-010 Purpose. WAC 16-06-020 Definitions.

WAC 16-06-030 Description of organization.

WAC 16-06-040 Operations and procedures.

WAC 16-06-050 Public records designees.

WAC 16-06-060 Availability of public records.

WAC 16-06-070 Requests for public records.

WAC 16-06-080 Fees.

WAC 16-06-090 Protection of public records.

WAC 16-06-100 Exemptions.

WAC 16-06-110 Denial of request.

WAC 16-06-120 Review of denial of request for inspection or copying of public records.

WAC 16-06-130 Records index.

WAC 16-06-140 Public records request form.

# WSR 96-06-085 PROPOSED RULES DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed March 6, 1996, 11:45 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Adjudicative rules.

Purpose: To establish consistent adjudicative rules for all divisions of the department.

Statutory Authority for Adoption: RCW 43.320.040 and 34.05.250.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: These rules provide guidance for any adjudicative proceedings before the department. The department adopts the model rules, chapter 10-08 WAC, with additions which clarify and adapt the model rules to the needs and circumstances unique to the department.

Reasons Supporting Proposal: The department needs standard adjudicative rules instead of different rules for each division.

Name of Agency Personnel Responsible for Drafting and Implementation: Victoria W. Sheldon, 300 General Administration Building, Olympia, (360) 902-8775.

Name of Proponent: Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Each division currently has a separate, outdated set of adjudicative rules. The proposed rules establish standard procedures for adjudicative proceedings before the department and adopt the model rules. The adoption of these rules will provide consistent guidance for the department and for parties regarding the conduct of adjudicative proceedings.

Proposal Changes the Following Existing Rules: Currently, divisions within the department have different rules governing adjudicative proceedings. The department will repeal those separate rules when the new adjudicative rules are adopted.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules are procedural and exempt from the requirement to prepare a small business economic impact statement.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are procedural only.

Hearing Location: 300 General Administration Building, Olympia, Washington, on April 17, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Victoria W. Sheldon by April 13, 1996, TDD (360) 664-8126

Submit Written Comments to: FAX (360) 586-5068, by April 13, 1996.

Date of Intended Adoption: April 20, 1996.

March 6, 1996 John L. Bley Director

#### **NEW SECTION**

WAC 208-08-010 Application of this chapter. This chapter applies to all adjudicative proceedings under the jurisdiction of the Department of Financial Institutions or the director of the Department of Financial Institutions. This chapter does not apply to investigations conducted under the authority granted by the acts administered by the department which may be going on at the same time as an adjudicative proceeding.

#### **NEW SECTION**

WAC 208-08-020 Adoption of rules of procedure. The department adopts the model rules of procedure as set forth in WAC 10-08-035 through 10-08-230. If there is a conflict between the model rules and this chapter, the rules in this chapter shall govern. Wherever the term "agency" appears in the model rules it means the Department of Financial Institutions.

#### **NEW SECTION**

WAC 208-08-030 Appearance and practice before the department. (1) Only the following persons may appear in a representative capacity before the department or its designated presiding officer:

- (a) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.
- (b) Attorneys at law duly qualified and entitled to practice before the highest court of record of another state, if attorneys at law are permitted to appear in a representative capacity before administrative agencies of that state, and if not otherwise prohibited by our state law.
- (c) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.
- (2) The presiding officer may allow other forms of representation if her or she deems the representation satisfactory.

#### **NEW SECTION**

WAC 208-08-040 Notice of appearance or withdrawal. (1) Appearance. Each attorney or other representative shall file a written notice of appearance with the department and the presiding officer. The notice shall contain the name, address and telephone number of the attorney or representative. Any person entering an appearance subsequent to the initiation of the proceeding shall serve a notice of appearance on all attorneys and representatives then of record and on all unrepresented parties.

(2) Withdrawal. Any attorney or representative who withdraws from representing a party shall file a written notice of withdrawal with the department and the presiding officer and shall serve the notice of withdrawal on all attorneys and representatives then of record and on all unrepresented parties. The notice shall contain the effective date of the withdrawal, and, if known, the name of the person who will represent the party from that time forward. Withdrawal of a party's attorney or representative after the service of a notice of hearing shall not be grounds for the continuance of the hearing unless good cause is shown.

#### **NEW SECTION**

WAC 208-050 Requests for adjudicative hearing. (1) Where filed—form. All requests that the department conduct an adjudicative hearing, including but not limited to requests for a hearing in a proceeding initiated by the department, shall be filed with the department on the form provided by the department or on a form that is substantially similar.

- (2) Time limits for request. The department must receive the request for an adjudicative hearing no later than twenty calendar days after the department serves the applicant with a written notice of an opportunity to request a hearing upon department action or contemplated department action. Service upon the applicant is completed when made in accordance with WAC 10-08-110 (2) and (3) or as provided by the statute under which the department initiated the action. If the statute under which the department initiated the action specifically provides for a different time limit, the time limit in that statute shall apply unless it has been superseded by the Administrative Procedure Act, Ch. 34.05 RCW, but in no case shall the time limit for requesting an adjudicative hearing be less than twenty calendar days.
- (3) Failure to request hearing. Failure of an applicant to file an application for an adjudicative hearing within the time limit set forth in subsection (2) of this section constitutes a default and results in the loss of the applicant's right to an adjudicative hearing. When an applicant defaults, the department may proceed to resolve the case pursuant to RCW 34.05.440(1).

#### **NEW SECTION**

WAC 208-08-060 Discovery. (1) Motion required. Unless discovery is included in the prehearing order, a party wishing to make discovery must file a motion for discovery with the presiding officer. The party must also serve the discovery motion on all other parties to the proceeding. Any party opposing the motion must file a response with the

presiding officer and serve it on all parties within ten calendar days after service of the motion.

- (2) **Hearing on discovery motion.** Any party may request a hearing on a discovery motion. If the presiding officer determines that a hearing on the motion is warranted, he or she shall give all parties at least three business days notice of the time and place for the hearing.
- (3) **Decision on motion.** The presiding officer may determine the extent and conditions of discovery in any adjudicative proceeding, considering the criteria set forth in RCW 34.05.446(3) and WAC 208-08-070 and -080. The presiding officer shall rule upon the motion only after all parties have responded or the time for response has passed.

#### **NEW SECTION**

WAC 208-08-070 Production of documents to parties. (1) Place of production. When production of documents is allowed, they shall be produced for inspection and copying at the department's headquarters, at such other place as the parties may agree in writing, or as the presiding officer orders. (a) In the case of documents produced by the department, a party may not remove the documents from the department's offices other than by written agreement of the department. This agreement shall specify the document subject to the agreement, the date for return of the document, and any other terms or conditions as are appropriate to provide for the safe keeping of the documents.

(2) Copying procedures and charges. The party requesting production may photocopy any documents produced. The requesting party is responsible for the cost of photocopying. The documents produced by the department may be copied at the department's offices or such other places the parties may agree. Charges for copies made by the department for a requesting party will be at a rate agreed upon by the parties, or as order by the presiding officer.

#### **NEW SECTION**

WAC 208-080 Depositions upon oral examination (1) Filing of transcripts. If a deposition is allowed, it shall be recorded, including all questions and objections. If one of the parties orders a transcript, the testimony shall be transcribed verbatim under the direction of the court reporter, who shall certify the transcript. The witness may sign the transcript or waive signature. If a deposition is transcribed, the court reporter shall file the original transcript and any exhibits to it with the presiding officer. The witness and any party may purchase a copy of the transcript from the court reporter.

- (2) Cost. The party requesting the deposition shall pay the cost of the deposition, including any sitting or facility fee. A party ordering a copy of a transcript must make appropriate arrangements to pay the court reporter.
- (3) Videotaping of depositions. If a videotaped deposition is allowed, Superior Court Civil Rule 30 (b)(8) shall apply.

Proposed [ 88 ]

#### **NEW SECTION**

WAC 208-08-090 Submission on stipulated facts. With the agreement of the department, a party may waive a hearing and submit its case upon stipulated facts and briefs. Submission of a case without a hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. The presiding officer shall review the submissions of the parties and shall enter a proposed order, including findings of fact and conclusions of law. If the parties agree, they may submit the stipulated facts to the director or designee for a final order, bypassing the presiding officer.

#### **NEW SECTION**

WAC 208-08-100 Consolidation of proceedings. If there are multiple adjudicative proceedings involving common issues, the department or a party may notify the presiding officer of the common issues and request consolidation of the actions. If no other party objects, the presiding officer shall consolidate the proceedings. If another party objects, the presiding officer, in his or her discretion, may consolidate the proceedings.

#### **NEW SECTION**

WAC 208-08-110 Prehearing conferences. The department encourages the use of prehearing conferences. If a party requests a prehearing conference, the presiding officer shall grant the request unless good cause is shown. WAC 10-08-130 governs the conduct of prehearing conferences.

#### **NEW SECTION**

WAC 208-08-120 Informal settlements. The department encourages informal settlement of matters before the agency. Any person who believes his or her interest in an adjudicative proceeding may be settled informally shall contact the department. The department specifically adopts WAC 10-08-230 setting forth procedures for informal settlements.

#### **NEW SECTION**

WAC 208-08-130 Prehearing and posthearing memoranda. The presiding officer shall grant all timely requests to submit prehearing and posthearing memoranda and shall set a reasonable time for the submission of the memoranda. If a party files a posthearing memorandum, the department reserves the right to file a response.

#### **NEW SECTION**

WAC 208-08-140 Transcript of proceedings (1) Recording and transcripts. Testimony and argument at the hearing shall be recorded either electronically or stenographically. Any party may purchase a transcript of the proceedings at his or her expense. Any party, upon motion, may order the court reporter to transcribe the proceedings at the party's expense. If any party orders a transcript of the proceedings, the original transcript shall be provided to the

presiding officer at no expense to the department, and upon such other terms as the presiding officer shall order.

(2) Correction of transcript. Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing. The presiding officer may call for the submission of proposed corrections and may dispose of them at appropriate times during the proceeding. If the opposing parties agree and the presiding officer approves, transcript corrections may be incorporated into the record at any time during the hearing or after the close of evidence, however all corrections must be made within ten calendar days after receipt of the transcript unless the presiding officer allows a different period.

## WSR 96-06-087 PROPOSED RULES HUMAN RIGHTS COMMISSION

[Filed March 6, 1996, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-087 [96-02-081].

Title of Rule: Chapter 162-08 WAC, Practice and procedure; chapter 162-36 WAC, Real estate transactions; chapter 162-38 WAC, Real estate transactions—Handicap discrimination.

Purpose: To implement and administer the state law against discrimination in real estate transactions (RCW 49.60.222 through 49.60.225) and to ensure that the state fair housing laws are substantially equivalent with the federal Fair Housing Act Amendments of 1988 for purposes of 42 USC Section 3610(f).

Statutory Authority for Adoption: RCW 49.60.120(3),

Statute Being Implemented: RCW 49.60.010 - [49.60.]040, 49.60.222 - [49.60.]227, 49.60.230 - [49.60.]350.

Summary: Chapter 162-08 WAC, Practice and procedure.

WAC 162-08-061(1), added language moved from WAC 162-08-061(2) as more appropriate to subject of subsection and revised for clarification.

WAC 162-08-061(2), language deleted as repetitive of WAC 162-08-061(1), confusing and/or unnecessary or moved to WAC 162-08-061(1) (see above). Added language addressing commission's primary goal is a clarification of existing language. Added language providing exception for complaints alleging unfair practices in real estate transactions provides consistency with RCW 49.60.340, as amended. References to RCW and WAC provisions added to provide clarification through more specific guidance.

WAC 162-08-062(1), language deleted in favor of new, clarifying language to the same substantive effect. Substituted language consistent with July 1995 amendments to RCW 49.60.340.

WAC 162-08-062(2), revised language consistent with RCW 49.60.226 and clarifies relationship of preservation of remedies provisions to worksharing agreement terms.

WAC 162-08-062 (3) and (4), language of new subsection moved from WAC 162-08-062(1) and revised for clarification and consistency with RCW 49.60.226.

WAC 162-08-071(1), corrected/updated citations to the RCW; added "aggrieved person" terminology to reflect RCW 40.60.040(15) [49.60.040(15)], as amended, and to ensure substantial equivalency with 42 U.S.C. Sec. 3610 (a)(1)(A)(i) and 42 U.S.C. Sec. 3602(i).

WAC 162-08-071(5), new language provides one year statute of limitations period for complaints alleging unfair real estate transactions, consistent with RCW 49.60.230(2), as amended, and with 42 U.S.C. 3610 (a)(1)(A)(i).

WAC 162-08-071(6), new language referencing one year statute of limitations updates rule to provide consistency with RCW 49.60.230(2), as amended, and 42 U.S.C. 3610 (a)(1)(A)(i), (1)(A)(i); other new language added to clarify methodology for computation of time.

WAC 162-08-072, corrected/updated citation.

WAC 162-08-093, substitution of more accurate and appropriate terminology.

WAC 162-08-094(1), new language ensures consistency of this rule with new proposed rule WAC 162-08-09401 (establishing procedures for complaints alleging unfair practices in real estate transactions) and substantial equivalency with 42 U.S.C. 3610.

WAC 162-08-094(2), grammatical correction.

New section WAC 162-08-09401 Real estate transactions—Procedures, establishes procedures for processing and investigating complaints of unfair practices in real estate transactions which are substantially equivalent to 42 U.S.C. 3610. Language of this new section tracks 42 U.S.C. 3610(a).

WAC 162-08-099(3), new language ensures consistency of this rule with July 1995 amendments to RCW 49.60.340 and substantial equivalency with 42 U.S.C. 3610(b).

WAC 162-08-102, proposed amendments to WAC 162-08-062 make addition of a reference [to] this section appropriate here.

WAC 162-08-104(1), new language providing exception for complaints alleging unfair practices in real estate transactions ensures consistency of this rule with the July 1995 amendments to RCW 49.60.340; remaining new language added for clarification.

WAC 162-08-104(2), new/revised language added for clarification.

WAC 162-08-106, new language providing an exception for complaints alleging unfair practices in real estate transactions ensures consistency of this rule with RCW 49.60.240, as amended, and substantial equivalency with 42 U.S.C. Sec. 3610(b).

New section WAC 162-08-107 Real estate transactions—Conciliation, reflects relevant provisions of RCW 49.60.240, as amended, governing conciliation of complaints of unfair practices in real estate transactions, and provides substantial equivalency with 42 U.S.C. Sec. 3610 (b)(1) - (4).

WAC 162-08-261, "aggrieved person" terminology added to provide consistency of this rule with RCW 49.60.040(15) and 49.60.230, as amended, and to ensure substantial equivalency with 42 U.S.C. 3610(a).

WAC 162-08-268(1), new language providing an exception for complaints alleging unfair practices in real estate transactions ensures consistency of this rule with RCW 49.60.240, as amended, and substantial equivalency with 42 U.S.C. Sec. 3610.

WAC 162-08-268(2), new language providing an exception for complaints alleging unfair practices in real estate transactions ensures consistency of this rule with RCW 49.60.340, as amended, and substantial equivalency with 42 U.S.C. Sec. 3610.

 WAC 162-08-268(3), new language added for clarification.

WAC 162-08-298 (4)(m) and (n), revised language provides consistency of this rule with RCW 49.60.250(5), 49.60.225 and 49.60.240, as amended, and substantial equivalency with 42 U.S.C. Sec. 3610 and 3612 (g)(3).

WAC 162-08-298 (4)(r), incorporation by reference of federal Fair Housing Act remedies added to ensure substantial equivalency with 42 U.S.C. 3612 (g)(3); remaining language revised for clarification.

WAC 162-08-298(5), exception for complaints alleging unfair practices in real estate transactions added to ensure consistency between this rule and RCW 49.60.225 and 49.60.340, as revised, and with 42 U.S.C. 3612.

WAC 162-08-298(6), subsection (6) added to incorporate the language and substance of 42 U.S.C. 3612 (g)(4) into state law.

WAC 162-08-298(9), new language added to ensure consistency between this regulation, RCW 49.60.260, as amended, and WAC 162-08-288.

WAC 162-08-304, new language added to ensure consistency between this regulation, RCW 49.60.260, as amended, and WAC 162-08-288.

Chapter 162-36 WAC, Real estate transactions.

New section WAC 162-36-001 Definitions, adds definition of terms relevant to complaints alleging unfair practices in a real estate transaction.

WAC 162-36-001(1), definition of "brokerage services" tracks language of 42 U.S.C. 3606; added to ensure substantial equivalency with federal law in scope of activities actionable.

WAC 162-36-001 (2), (3) and (5), definitions track language of RCW 49.60.040, as amended, and are consistent with 42 U.S.C. Sec. 3602 and 3605.

WAC 162-36-001(4), definition tracks language of 42 U.S.C. 3605 (b)(1); added to ensure substantial equivalency with federal law in scope of activities actionable.

WAC 162-36-001(6), definition of "creed" added to clarify that "creed" in state law encompasses the term "religion" in federal fair housing law for purposes of 42 U.S.C. 3604; added to ensure substantial equivalency with federal law in protected classes. Actionable.

New section WAC 162-36-005 Discrimination, lists actions constituting unfair practices in real estate transactions, utilizing language of July 1995 amendments to RCW 49.60.222 - [49.60.]224 and consistent with 42 U.S.C. 3604 - 3607.

WAC 162-36-005(1), proposed language reiterates language of RCW 49.60.222, as amended, and is consistent with 42 U.S.C. 3604 - 3607.

WAC 162-36-005(2), proposed language reiterates language of RCW 49.60.223, as amended, and is consistent with 42 U.S.C. 3604(e).

WAC 162-36-005(3), proposed language reiterates language of RCW 49.60.224(2), as amended.

WAC 162-36-005(4), proposed language tracks 42 U.S.C. 3605(c).

WAC 162-36-005(5), proposed language reiterates language of RCW 49.60.222(4) and is consistent with 42 U.S.C. 3607(b).

WAC 162-36-005(6), proposed language tracks RCW 49.60.222 and 42 U.S.C. 3607 (b)(1)-(b)(3).

New section WAC 162-36-006 Retaliation, reiterates language of RCW 49.60.2235 and adds clarifying new language.

WAC 162-36-010 (1) and (2), addition of protected classes and revised terminology to reflect amendments to RCW 49.60.222 and consistency with 42 U.S.C. 3604.

WAC 162-36-010(3), language deleted and/or revised for clarification and to eliminate repetition of WAC 162-36-020

WAC 162-36-020, new language added to ensure consistency with RCW 49.60.222 and for general clarification.

Chapter 162-38 WAC, Real estate transactions—Disability. WAC 162-38-010(1), term "disability" substituted for "handicap" to provide general consistency in terminology throughout chapter 49.60 RCW and accompanying regulations. Language referencing declaration of civil rights in RCW 49.60.030 deleted and moved to WAC 162-38-010(2)

as more appropriate subject matter for subsection (2); substitution of more concise citation form for listed RCW provisions.

WAC 162-38-010(2), deleted verbatim quotation of statutory language as unnecessary and substituted citations to the quoted statutory provisions. Addition of new language moved from subsection (1) referencing RCW 49.60.030.

WAC 162-38-010 (3) and (4), reference to related regulations moved from subsection (3) to proposed new subsection (4) to be consolidated with reference to related statutes. Addition of new language from WAC 162-38-020 revised and added in conjunction with the proposed repeal of WAC 162-38-020. Updated and expanded list of additional related RCW and WAC citations.

WAC 162-38-035, added RCW 49.60.2235 to list of RCW provisions; corrected WAC citation.

WAC 162-38-040 (1)-(2), deleted defined terms as unnecessary and repetitious of amended RCW 49.60.222 and proposed new WAC 162-36-001.

WAC 162-38-040(3), term "disability" substituted for "handicap" to provide general consistency in terminology (see above); term "standards for barrier-free facilities" substituted for existing terminology to ensure consistency in terminology with chapter 51-30 WAC and chapters 70.92 and 19.27 RCW; definition of "disability" added for convenience in reference; definition of term "structural" moved to this section from WAC 162-38-070 to be consolidated with other definitions.

WAC 162-38-050(1), substitution of updated and standardized terminology. Additional language moved from subsection (5) to subsection (1) to improve organization and clarity.

WAC 162-38-050(2), deletion of confusing and inherently inconsistent language ("What is a handicap" et seq.) in favor of definition of disability provided in proposed new subsection (2), consistent with chapter 49.60 RCW.

WAC 162-38-050(4), deletion of definition as unnecessary and repetitious of WAC 162-38-100.

WAC 162-38-050(5), see comment above regarding WAC 162-38-050(1).

WAC 162-38-060(1), deletion of unnecessary and confusing language; substitution of updated and standardized terminology.

WAC 162-38-060(2), deleted verbatim quotation of statutory language as unnecessary and substituted citations to the quoted statutory provisions. New language tracks 42 U.S.C. 3604 (f)(1) to ensure substantial equivalency with federal law and is consistent with RCW 49.60.222 (1)(f), as amended.

WAC 162-38-070(1), deleted verbatim quotation of statutory language as unnecessary.

WAC 162-38-070(2), substitution of updated and standardized terminology (see comment to WAC 162-38-040(3) above).

WAC 162-38-070 (1)(a)-(e), deleted summary descriptions and verbatim quotation of statutory language as unnecessary and substituted citations as appropriate; added citations to other relevant federal statutes.

WAC 162-38-070 (4)(a) and (b), substitution of updated and standardized terminology (see comment to WAC 162-38-040(3) above).

WAC 162-38-070 (4)(d), revised scope reflects July 1995 amendments to chapter 49.60 RCW.

WAC 162-38-070(5), subsection deleted and consolidated with WAC 162-38-040.

WAC 162-38-070(6), subsection deleted as unnecessary and repetitious of WAC 162-38-080.

WAC 162-38-080 (1)-(3), substitution of updated and standardized terminology (see comment to WAC 162-38-040(3) above).

WAC 162-38-080 (2)(b) and (c), language revised to provide clearer and more accurate statement of law; reference to RCW 49.60.222(2) added for clarification and consistency.

WAC 162-38-090, substitution of updated and standardized terminology (see comment to WAC 162-38-040(3) above).

WAC 162-38-100 (1)-(3) and (7), substitution of updated and standardized terminology (see comment to WAC 162-38-040(3) above) and to provide consistency with language of chapter 70.84 RCW.

WAC 162-38-100(4), language revised for clarification. WAC 162-38-100(6), definition of "service dog" added;

proposed language tracks RCW 70.84.021.

WAC 162-38-110, deleted verbatim quotation of statutory language as unnecessary and confusing; corrected citation in subsection (2); substitution of updated and standardized terminology (see comment to WAC 162-38-040(3) above).

WAC 162-38-120, substitution of updated and standardized terminology (see comment to WAC 162-38-040(3) above).

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Idolina Reta/Molly Current, Olympia/Seattle, (360) 586-5765/(206) 464-6551.

Name of Proponent: Washington State Human Rights Commission, governmental.

Rule is necessary because of federal law, 42 USC Section 3610 (f)(3) and (4), 24 CFR Part 115.

Explanation of Rule, its Purpose, and Anticipated Effects: The Washington State Human Rights Commission proposes to amend the rules governing claims of discrimination in real estate transactions for three reasons: (1) To ensure that the state law against discrimination is substantially equivalent to the federal Fair Housing Act, 42 USC Section 3601 et seq.; (2) update the language and content of appropriate rules to reflect and/or incorporate amendments to chapter 49.60 RCW passed in 1993 and 1995; and (3) make grammatical corrections to/or clarify language of appropriate rules without altering or materially affecting the meaning of the rules. The state must achieve substantially equivalent status under the terms of 42 USC 3610(f) and 24 CFR Part 115 by June 20, 1996, to remain eligible for the federally funded fair housing assistance program.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules are exempt from the small business economic impact requirement because they: (1) Are solely for the purpose of conformity or compliance with a federal statute or regulations (see RCW 19.85.061); (2) incorporate or adopt federal statutes or regulation or Washington state statutes without material change (see RCW 19.85.025(2) and 34.05.310 (4)(c)); or (3) correct typographical errors or clarify language of a rule without changing its effect (see RCW 19.85.025(2) and 34.05.310 (4)(d)).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Seattle Community College, 1701 Broadway, Room 1111, Seattle, WA, on April 10, 1996, at 5:30 p.m. - 7:30 p.m.

Assistance for Persons with Disabilities: Contact Jean Ciallella by April 1, 1996, TDD (800) 300-7525.

Submit Written Comments to: Molly D. Current, FAX (206) 464-7463, by April 5, 1996.

Date of Intended Adoption: April 18, 1996.

March 5, 1996 Merritt D. Long Executive Director

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-061 Relationship of commission to complainant. (1) Commission's role and objectives. In investigating cases the commission seeks to ascertain the facts in order to make an impartial finding of "reasonable cause" or "no reasonable cause." It has no predisposition in favor of either complainants or respondents. If "reasonable cause" is found, then the objective of the commission is to obtain the remedy that will best eliminate the unfair practices and prevent their recurrence. The judgment as to what will eliminate an unfair practice for purposes of reaching an agreement under RCW 49.60.240 is made initially by the executive director, or other staff persons pursuant to the executive director's direction, and ultimately by the commissioners. The judgment as to what will eliminate an unfair practice and carry out the purposes of the human rights law

after hearing under RCW 49.60.250 is made by the administrative law judge. The commission was not designed to compete with the courts as a forum for the vindication of private rights; its task is to work for the public good of eliminating and preventing discrimination. Although the facts and circumstances giving rise to a claim of discrimination may sometimes give rise to other claims based upon other statutes or principles of common law, the commission will investigate only claims of unfair practices arising under chapter 49.60 RCW et seq. The law against discrimination expressly preserves the right of complainants and/or aggrieved parties to seek other civil or criminal remedies in court or other available forums, either simultaneously with a complaint filed with the commission or in lieu of such a complaint, subject to any limitations or conditions provided in WAC 162-08-062 or elsewhere.

(2) Independence from complainant. ((A court confines its judgment to the parties before it; and it seeks to resolve in a single action the entire dispute between them. The commission was not designed to compete with the courts as a forum for the vindication of private rights; its task is to work for the public good of climinating and preventing discrimination. If the commission were obligated to dispose of every contention between a complainant and respondent arising out of the alleged discrimination, then its resources would be diverted from this central task. RCW 49.60.020 preserves the civil and criminal remedies of a person who has filed a complaint under the law against discrimination, and RCW 49.60.030 authorizes suits directly in court, in order to free the commission to work for the remedy best designed to eliminate and prevent discrimination.)) The commission's primary objective is to eliminate and prevent discrimination, which may or may not be consistent with the goals or objectives of a particular complainant or aggrieved person. In negotiating a settlement or seeking an order, the commission generally works for provisions restoring the complainant as nearly as possible to the position he or she would be in if he or she had not been discriminated against, because this is usually an effective way to eliminate the discrimination and prevent its recurrence. But where, in the commission's judgment, provisions fully restoring the complainant (for instance, reinstatement to the job with back pay) would be inadequate to eliminate a pattern of discrimination, the commission will hold out for additional terms, even though the respondent is willing to settle on the basis of full relief for the complainant only. ((In different circumstances)) Except as may be otherwise provided for complaints alleging unfair practices in real estate transactions, the commission may determine that discrimination will be effectively eliminated and prevented by an order that does not afford the complainant every item of relief to which he or she may have a legal claim. The commission assumes that persons who complain to it are as interested in the elimination and prevention of discrimination in general as in their individual cases. If a person is interested only in relief for himself or herself, he or she is advised to seek his or her remedy directly in court pursuant to RCW 49.60.020, 49.60.030 and/or WAC 162-08-062. ((In any event, a person who is dissatisfied with the commission's disposition of his or her complaint may still assert in court any outstanding personal claims which he or she may have against the respondent.))

WAC 162-08-062 Concurrent remedies—Other remedies. (((1) Other remedies.)) Except as otherwise provided by RCW 49.60.340, the law against discrimination preserves ((other remedies (RCW 49.60.020) and provides for lawsuits in court (RCW 49.60.030(2)) in addition to an administrative remedy. A person may simultaneously sue in state court, file a complaint with the commission, pursue federal remedies, and sometimes proceed under a local ordinance. Persons should be aware, however, that general rules of law prevent recovering more than once for the same item of injury and sometimes bind a litigant to the result of the first case that is determined, whatever its outcome.

- (2))) the right of a complainant or aggrieved person to simultaneously pursue other available civil or criminal remedies for an alleged violation of the law in addition to, or in lieu of, filing an administrative complaint of discrimination with the commission, with the following limitations:
- (1) Abeyance—Real estate transactions. ((Real estate transactions complaints)) A complaint of an unfair practice in a real estate transaction filed concurrently with the commission and another federal, state or local instrumentality with whom the commission has entered into a cooperative agreement under the terms of RCW 49.60.226 or other provision of law will be held in abeyance during the pendency of ((a federal)) the other proceeding unless the ((federal)) other proceeding has been deferred pending state action((, as is provided by RCW 49.60.226)) under the terms of the cooperative agreement.
- (((3))) (2) Abeyance—General rule. A complaint of an unfair practice other than in real estate transactions will be held in abeyance during the pendency of a case in federal or state court litigating the same claim, whether under the law against discrimination or a similar law, unless the executive director or the commissioners direct that the complaint continue to be processed. A complaint of an unfair practice other than in real estate transactions will not be held in abeyance during pendency of a federal, state, or local administrative proceeding, unless the executive director or commissioners determine that it should be held in abeyance.
- (3) No complainant or aggrieved person may secure relief from more than one governmental agency, instrumentality or tribunal for the same harm or injury.
- (4) Where the complainant or aggrieved person elects to pursue simultaneous claims in more than one forum, the factual and legal determinations issued by the first tribunal to rule on the claims may, in some circumstances, be binding on all or portions of the claims pending before other tribunals.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-071 Complaints by aggrieved persons. (1) Scope of section. This section applies to complaints by persons claiming to be aggrieved by an alleged unfair practice filed under RCW 49.60.230 (1)(a), ((and)) to complaints by employers or principals filed under RCW 49.60.230(((3))) (1)(c), and to complaints by "aggrieved

- persons" under RCW 49.60.040(15). Complaints issued by the commission are covered by WAC 162-08-072.
- (2) Signature and oath. A complaint shall be in writing, signed by the complainant or the complainant's lawyer, and sworn to before a notary public or other person authorized by law to administer oaths, or subscribed and signed under the following declaration: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct." Notarial service for this purpose is available without charge at all offices of the commission.
  - (3) Contents. A complaint shall contain the following:
  - (a) The name of the person making the complaint;
- (b) The name, address and telephone number, if any, of the person against whom the complaint is made, if known to the complainant;
  - (c) A specific charge of an unfair practice(s);
- (d) A clear and concise statement of the facts which constitute the alleged unfair practice(s);
- (e) The date or dates of the alleged unfair practice(s), and if the alleged unfair practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred.
- (4) Forms. Printed complaint forms are available at all commission offices.
- (5) Time for filing. For claims alleging an unfair practice in a real estate transaction under RCW 49.60.222 through 49.60.225, the complaint must be filed with the commission not later than one year after the alleged unfair practice occurred or was terminated. In all other unfair practice claims, the complaint must be filed within six months after the date of occurrence of the alleged unfair practice(s). RCW 49.60.230. If the alleged unfair practice is of a continuing nature, the date of the occurrence of the unfair practice shall be deemed to be any date subsequent to the commencement of the alleged unfair act up to and including the date when the alleged unfair practice stopped.
- (6) Computation of time. The one-year period for filing a complaint alleging an unfair practice in a real estate transaction expires at 5:00 p.m. on the day before the corresponding day of the year following the event. The sixmonth period for filing a complaint alleging any other unfair practice expires at 5:00 p.m. on the day before the corresponding day of the sixth month following the event. If ((this day)) the last day of the filing period is a Saturday, Sunday, or ((a)) legal holiday, the time expires at 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. For example, a complaint of an event occurring on 5 January would ordinarily have to be filed by 5:00 p.m. on 4 July, but since 4 July is a legal holiday, the time for filing the complaint would expire at 5:00 p.m. on 5 July, or at 5:00 p.m. Monday, if 5 July comes on a Saturday or Sunday.
- (7) **Technical defects.** A complaint shall not be considered defective if the defect is technical and can be corrected by subsequent amendment. The statutory requirements set forth in RCW 49.60.230, including the requirement of a signature under oath, are jurisdictional and failure to comply cannot be corrected by subsequent amendment.

- WAC 162-08-072 Complaints issued by commission. (1) Who may initiate. Complaints issued by the commission under RCW 49.60.230(((2))) (1)(b) may be initiated by the commissioners or by the executive director personally.
- (2) By commissioners. Initiation of a complaint by the commissioners shall be by motion at a meeting. The executive director shall transcribe a carried motion from the minutes onto a paper designated "complaint," attest it with a signature, and process it.
- (3) By executive director. The executive director may initiate a commission complaint by personally signing a document saying that the commission has reason to believe that the person shown as respondent has been engaged or is engaged in an unfair practice, identifying the nature of the unfair practice, and the facts on which it is based. The executive director shall notify each commissioner in advance of issuing a complaint, or if advance notice is not possible because of an emergency, or because a commissioner cannot be reached, or for other reason, the executive director shall give the notice as soon after issuing the complaint as possible. Any commissioner may have placed on the agenda of the next commission meeting the question of whether the complaint shall stand. If this is done, the commissioners shall vote to sustain or rescind the complaint, after such debate and deliberation as is appropriate, but without taking testimony, or hearing arguments or reports from anyone but commissioners and staff, except as the commission by vote may direct.
- (4) Basis for commission complaint. A commission complaint may be issued when the commission "has reason to believe that any person has been engaged in an unfair practice." RCW 49.60.230(2). The basis of belief for a complaint is different from the basis for a finding under RCW 49.60.240 of "reasonable cause for believing that an unfair practice has been or is being committed." The finding of reasonable cause or not is based on the commission's own investigation and ascertainment of facts after receipt of a complaint. The basis of belief for the purpose of initiating a commission complaint is information from any source sufficient, in the judgment of the commission, to justify an investigation and finding of whether or not there is reasonable cause for believing that an unfair practice has been or is being committed.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-093 ((Reference)) Referral to staff. Unless the chairperson of the commission directs otherwise for a particular complaint, all complaints shall be investigated by the section of the staff designated for that purpose by the executive director, and the executive director shall have full power to assign and reassign cases for investigation by particular staff persons, and to assign and reassign staff persons to the section of the staff that investigates complaints, on a full\_time or part\_time basis.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-094 Investigation. (1) Copy of complaint to respondent. Except as may be provided for complaints alleging an unfair practice in a real estate transaction, within a reasonably prompt time after a complaint is filed the staff shall furnish a copy of the complaint to the respondent and shall afford the respondent an opportunity to reply in writing. No error or omission in carrying out this step shall affect the validity of the complaint or prevent further processing of it.

- (2) Preliminary evaluation of complaint. ((If)) Whenever the allegations of the complaint, if true, show no basis for commission action, then the staff without further investigation may enter a finding of no reasonable cause or write a recommendation for a finding of no jurisdiction, or other appropriate disposition.
- (3) Scope of investigation. The investigation is limited to ascertaining the facts concerning the unfair practice(s) alleged in the complaint. RCW 49.60.240.

#### **NEW SECTION**

WAC 162-08-09401 Real estate transactions—Procedures. (1) Upon the filing of a complaint alleging an unfair practice in a real estate transaction, the commission shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under RCW 49.60.230 and 49.60.2235.

- (2) The staff shall, not later than ten days after such filing or the identification of an additional respondent under this subsection, serve on the respondent(s) a notice identifying the alleged unfair practice and advising such respondent of the procedural rights and obligations of respondents under this chapter, together with a copy of the complaint.
- (a) A person who is not named as a respondent in the course of investigation may be joined as an additional or substitute respondent upon written notice in accordance with subsection (2) of this section.
- (b) In addition to meeting the requirements of subsection (2) of this section, such notice shall state the basis for the commission's belief that the person to whom the notice is addressed is properly joined as a respondent.
- (3) Each respondent may file an answer to a complaint not later than ten days after receipt of notice from the commission.
- (4) Subsequent to the filing of a complaint alleging an unfair practice in a real estate transaction under RCW 49.60.222 through 49.60.225, the commission shall commence proceeding with respect to the complaint within thirty days after receipt of the complaint.
- (5) The commission shall complete its investigation of an allegation of an unfair practice in a real estate transaction within one hundred days of filing a duly prepared and signed complaint with the commission, unless it is impracticable to do so.
- (6) If the commission is unable to complete the investigation of the complaint within one hundred days of filing, commission staff will advise the parties in writing of the reasons for not completing the investigation in the time allotted.

- (7) The commission shall make final administrative disposition of a complaint alleging an unfair practice in a real estate transaction within one year of the date of receipt of the complaint, unless it is impracticable to do so. If the commission is unable to do so, it shall notify the parties in writing of the reasons therefor.
- (8) The commission may also investigate unfair practices in a real estate transaction to determine whether a complaint should be brought by the commission itself pursuant to RCW 49.60.230 (1)(b).

- WAC 162-08-099 Termination of a case without findings of fact. (1) Authorized. The commission in appropriate circumstances may terminate its action on a case without making findings of fact pursuant to RCW 49.60.240. This section provides procedures in some of the circumstances.
- (2) Withdrawal of complaint. No findings or other procedures in RCW 49.60.240 and 49.60.250 are necessary when the complainant has requested withdrawal of the complaint and the commissioners have consented to the withdrawal pursuant to WAC 162-08-091.
- (3) Settled before finding. ((A case)) Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, a complaint may be settled before findings of fact are made, when the commission's staff and a respondent have entered into a written settlement agreement (prefinding settlement). Prefinding settlement agreements shall be presented to the commissioners. The commissioners, if they approve, shall enter an order setting forth the terms of the agreement, using the same procedure as if the agreement were presented to the commissioners under RCW 49.60.240 and WAC 162-08-106 after findings of fact. A prefinding settlement is not binding on the commission until the commissioners vote to accept it and issue their order.
- (4) Administrative closure. A case may be administratively closed by vote of the commissioners when the complaint has been resolved informally, or has been adjudicated in another forum, or has become moot, or cannot be investigated because the complainant or respondent cannot be found, or when other circumstances justify administrative closure. Administrative closure is an official termination of work on a complaint prior to completion of the entire statutory process, letting the complaint lie in its present posture. A case that has been administratively closed can be administratively reopened by vote of the commissioners.

AMENDATORY SECTION (Amending Order 35, filed 9/2/77)

WAC 162-08-102 Objective of conciliation. The commission's staff in its endeavors to eliminate an unfair practice by conference, conciliation and persuasion under RCW 49.60.250 shall be guided by the purposes of the law against discrimination and by the policies and objectives of the commission, particularly as expressed in WAC 162-08-061, 162-08-062 and 162-08-298. Elimination of an unfair practice includes elimination of the effects of the unfair

practice, as well as assurance of the discontinuance of the unfair practice.

AMENDATORY SECTION (Amending Order 35, filed 9/2/77)

Endeavors of staff. ((The task of staff)) Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, the task of the commission is to endeavor to eliminate the unfair practice through agreement with the respondent. The extent of effort to be expended toward this end will depend on the likelihood that agreement on mutually acceptable terms can be reached. If, for example, it is apparent from an exchange of letters that agreement cannot be reached, it is not necessary to hold a conference. If a respondent has been afforded a reasonable opportunity to negotiate, ((the staff endeavor)) that is sufficient to satisfy the statutory requirements pertaining to conciliation of a complaint brought under chapter 49.60 RCW and this chapter.

(2) Reopening conciliation. The making and service of a finding that no agreement can be reached does not preclude renewing negotiations or reaching an agreement at a later time. The finding that no agreement can be reached is not affected by a renewal of negotiations, but it ((is)) may be superseded by ((an)) any subsequent agreement ((that is thereafter reached)) which resolves the unfair practices at issue in the complaint filed with the commission.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-106 Approval of agreements. Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, an agreement reached between the commission's staff and a respondent under RCW 49.60.240 shall be reduced to writing, signed by the respondent and a member of the commission's staff, and presented to the commissioners at a meeting. The agreement is not binding on the commission until the commissioners vote to accept it.

#### **NEW SECTION**

WAC 162-08-107 Real estate transactions— Conciliation. During the period beginning with the filing of a complaint of an unfair practice in a real estate transaction and ending with the filing of a charge or a dismissal by the commission, the commission shall, to the extent feasible, engage in conciliation with respect to the complaint.

- (1) An agreement arising out of conciliation efforts under this section shall be an agreement between the respondent and the complainant, and shall be subject to approval by the commission.
- (2) Each conciliation agreement shall be made public unless the complainant and respondent agree otherwise and the commission determines that disclosure is not necessary to further the purposes of chapter 49.60 RCW.

- WAC 162-08-261 Complainant's participation. (1) Notice of independent appearance. A complainant or aggrieved person under RCW 49.60.040(15) who desires to submit testimony or otherwise participate in the hearing as a party and not to leave the case in support of the complaint to be presented solely by counsel for the commission, must serve and file a notice of independent appearance within ten days after the notice of hearing is served on that complainant. The notice shall state the address where notices to the complainant shall be sent and it shall state whether the complainant elects to prove additional charges as provided in ((paragraph)) subsection (2) of this ((rule)) section.
- (2) Election to prove additional charges. A complainant or aggrieved person under RCW 49.60.040(15) who has filed a notice of independent appearance stating an intention to prove additional charges in accordance with RCW 49.60.250(2), may at the hearing offer proof of averments included in the original complaint or in amendments to the original complaint made by the complainant, whether or not the averments are included in the amended complaint under which counsel for the commission is proceeding. For purposes of this section, the complainant may amend the original complaint without regard to intervening amendments made by the commission. The complainant may serve and file an amended complaint with a notice of independent appearance, or thereafter as provided by these rules. If no amended complaint is served with a notice of independent appearance that states an intention to prove additional charges, the clerk shall promptly place the original complaint in the file for the administrative law judge. Nothing done by the complainant under this rule shall place any duty on counsel for the commission to seek to prove matters not averred in the amended complaint accompanying the notice of hearing, or subsequent amendments by the commission.
- (3) Appearance without election. If the complainant or aggrieved person under RCW 49.60.040(15) files a notice of independent appearance which does not state that he or she elects to prove additional charges, then the complainant's participation in the hearing shall be confined to the matters raised by the amended complaint filed with the notice of hearing, and subsequent amendments made by the commission.
- (4) When no independent appearance. If the complainant or aggrieved person under RCW 49.60.040(15) does not file a notice of independent appearance as provided by this rule, the case in support of the complaint shall be presented solely by counsel for the commission.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-268 Voluntary dismissal. (1) Prior to day of hearing. ((Prior to)) Except as may be provided for cases alleging unfair practices in real estate transactions, on the day when the hearing of a case commences the commission or any other party on the side supporting the complaint may voluntarily dismiss the party's case or a claim by serving and filing a written notice of dismissal.

(2) After hearing commenced. Except as may be provided for cases alleging unfair practices in real estate

transactions, after a hearing has commenced the commission or any other party on the side supporting the complaint may move for voluntary dismissal of the party's case or a claim. A motion that is made before the party rests at the conclusion of its opening case shall be granted as a matter of right. A motion made after that time may be granted if good cause is shown, and the grant may be subject to such terms and conditions as the administrative law judge deems proper.

(3) Effect of dismissal. A voluntary dismissal concludes the administrative proceeding as to the dismissed party or claim, but is not an adjudication of the merits of the issues before the administrative law judge (that is, the merits may still be adjudicated in another forum if the party has a right to sue in another forum and timely files such claim with the other forum). A voluntary dismissal of one claim does not extinguish any other claim, and a voluntary dismissal by one party does not dismiss any other party. If the commission takes a voluntary dismissal of the case in support of the complaint the entire case is closed, unless the complainant has appeared independently under WAC 162-08-261 or another person has intervened as a party on the side of the complaint pursuant to WAC 162-08-288(4), in which circumstance the hearing shall proceed with the remaining parties.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-288 Parties. (1) Who are parties. The parties to the hearing shall be the commission, through its counsel presenting the case in support of the complaint, a complainant or aggrieved person under RCW 49.60.040(15) who has filed a notice of independent appearance under WAC 162-08-261, the respondent or respondents named in the notice of hearing or an amended notice of hearing, and ((a)) any other person who moves to intervene and is permitted to do so by order of the administrative law judge.

- (2) Adding parties. Any party may move to join an additional party or parties. The motion must be directed to the administrative law judge. If the motion is granted, the administrative law judge shall cause to be issued an amended notice of hearing showing the addition of the party or parties and making such other provisions as are appropriate for an orderly hearing.
- (3) Substituting parties. If death, incompetency, transfer of interest, or other occurrence should make the substitution of parties necessary or desirable, the administrative law judge may make the substitution by order. The administrative law judge may act on his or her own motion, or on motion of a party or of the person asking to be substituted for a party.
- (4) Intervention. A person claiming an interest in the subject matter of the hearing may move to intervene. The motion must be directed to the administrative law judge. The administrative law judge shall grant or deny the motion as a matter of discretion.
- (5) Factors considered. The administrative law judge in ruling on a motion to add a party shall be guided by whether the presence of the party will be helpful in carrying out the purposes of the law against discrimination (compare WAC 162-08-061). In addition, the administrative law judge shall consider whether adding the party will cause unneces-

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sary delay or will divert the hearing from the objectives of the statute and of the commission's amended complaint. The administrative law judge need not follow court rules or precedents on the joinder of parties.

(6) Not class actions. Hearings under RCW 49.60.250 are not class actions, in the technical sense of that term in court practice. The commission, presenting the case in support of a complaint, may ask that a respondent be ordered to pay back pay or to afford other relief to all persons injured by an unfair practice, and the administrative law judge may issue such an order to carry out the purposes of the law against discrimination (WAC 162-08-298(6)). If such an order is made, the right to have the payments made will belong to the commission, not to the injured persons (WAC 162-08-305). The legal rights of persons of the class alleged to have been injured are not at issue in the case, and those persons are not bound by the administrative law judge's decision unless they accept the benefits of it in full satisfaction of their potential claims. Only the commission and the respondent and other persons named as parties are bound by the order of an administrative law judge.

# AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

- WAC 162-08-298 Remedies. (1) Power of administrative law judge. The administrative law judge has the power to exercise the general jurisdiction of the commission to eliminate and prevent discrimination by means of orders to respondents who have been found after hearing to have engaged in an unfair practice or practices.
- (2) General objectives. An order should generally both eliminate the effects of an unfair practice and prevent the recurrence of the unfair practice. The effects of an unfair practice are eliminated by restoring the victims of the unfair practice as nearly as possible to the position they would have been in if the unfair practice had not occurred. It is appropriate to eliminate the effects of the unfair practice on persons other than the complainant or complainants, and to consider the deterrent effect of an order on persons other than the respondent or respondents. The objective of the law is to eliminate and prevent discrimination, not merely to provide treatment for victims of discrimination.
- (3) Cease and desist. In every case where the administrative law judge finds that a respondent has engaged in an unfair practice the administrative law judge shall order the respondent to cease and desist from that unfair practice.
- (4) Examples of remedies. Included among remedies that will effectuate the purposes of the law against discrimination in an appropriate case are the following:
- (a) An order to hire persons who have been unfairly denied employment;
- (b) An order to reinstate persons who have been unfairly terminated, downgraded, or reclassified;
- (c) An order to upgrade persons who have been unfairly denied promotion;
- (d) An order to pay back pay to a person or persons who would have had a job but for the unfair practice of the respondent;
- (e) An order to pay an amount equal to the difference in pay between the job the persons had and the job they would have had but for the unfair practice of the respondent;

- (f) An order restoring employment benefits, such as insurance benefits, retirement contributions, sick leave, vacation benefits, seniority standing, etc., lost or not gained because of an unfair practice;
- (g) An order to admit persons to membership in a union which has unfairly excluded the persons and dispatch them to jobs in accordance with uniform rules applicable to all members;
- (h) An order to merge or otherwise restructure a seniority system that unfairly disadvantages a protected class of persons;
- (i) An order to rent or sell real property to persons who have been unfairly denied the property;
- (j) An order to grant credit to persons who have been unfairly denied credit:
- unfairly denied credit;
  (k) An order to reimburse or compensate persons for the
- excess cost of credit caused by an unfair practice;
  (I) An order to issue or renew insurance to persons who have been unfairly denied the insurance;
- (m) Except as may be provided for complaints of unfair practices in real estate transactions, an order to pay a sum of money of up to ((one)) ten thousand dollars to compensate persons for humiliation and mental suffering caused by an unfair practice;
- (n) ((An order to pay a sum of money up to one thousand dollars to a complainant who has been denied the right to be free from discrimination in a real property transaction, based simply on the loss of the statutory right (RCW 49.60.225);)) An order assessing a civil penalty against the respondent as authorized by RCW 49.60.225 (1) and (2);
- (o) An order to pay interest on money that should have been paid at an earlier time, but for the unfair practice. Interest may be calculated at the current market rate for unsecured personal loans from institutions other than small loan companies licensed under chapter 31.08 RCW;
- (p) An order to not retaliate against a complainant, witness, or other person for filing a complaint, testifying, or assisting in any proceeding under chapter 49.60 RCW;
- (q) An order to institute affirmative programs, practices, or procedures that will eliminate an unfair practice or its effects, or will prevent the recurrence of the unfair practice;
- (r) An order for any other remedy which is available under comparable civil rights laws of the United States or other states, including the federal Fair Housing Amendments Act of 1988, 42 U.S.C. sec. 3601 et seq.

This list is not exhaustive. An administrative law judge may make any order that will effectuate the purposes of the law against discrimination, ((that)) provided the order is in compliance with the rules of the commission((,)) and ((that)) is not otherwise prohibited by law.

- (5) Remedies not authorized. Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, an administrative law judge is not authorized to order:
  - (a) The payment of punitive damages;

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- (b) The payment of fines payable to the state.
- (6) No order effectuating the law against discrimination in real estate transactions shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrance-

er or tenant without actual notice of the complaint filed under this chapter.

- (7) Treatment of unemployment compensation. When an order is made for payment of wages lost during a time when the beneficiary of the order was receiving unemployment compensation, the amount of the award shall not be reduced by the amount of unemployment compensation received. The order may make provision for payment of the portion of the award covered by unemployment compensation jointly to the beneficiary and the Washington state department of employment security, or to the department alone. (Under Washington law, it is the duty of the employee to reimburse the department of employment security when back pay is received for a period during which the employee collected unemployment compensation.)
- (((7))) (8) Persons for whom relief can be ordered. The administrative law judge may order that remedies for an unfair practice be paid or accorded to the named complainant or complainants, and, in addition, to any other persons identified as having been injured by the unfair practice.
- (((8))) (9) Nature and purpose of order. An administrative order is one means of carrying out the public purpose of the law against discrimination: To eliminate and prevent certain discrimination. The administrative law judge in framing its order shall be guided by this public purpose. The administrative law judge's task is not the determination of private rights. See WAC 162-08-061, 162-08-062. The administrative law judge is not required to observe conventional common law or equity principles in fashioning the order. The guiding principle for the administrative law judge is whether a particular remedy will effectuate the purposes of the law against discrimination. An order requiring a respondent to pay money to a person as back pay, or to compensate for some other loss, is not a private award of damages, but is a public reparation order. Except as may be otherwise provided in RCW 49.60.260 and WAC 162-08-288, only the commission can enforce the order. The beneficiary has no property right in the money until he or she receives it. See WAC 162-08-305.
- (((9))) (10) Retention of jurisdiction. In appropriate cases the administrative law judge in his or her order may retain jurisdiction for a reasonable period of time for the purpose of determining compliance with his or her order or issuing orders supplementing or modifying the original order. If the administrative law judge does not retain jurisdiction through a provision of his or her order he or she has no jurisdiction to modify or supplement his or her order, except on reconsideration (WAC 162-08-311). Retention of jurisdiction by the administrative law judge under this subsection does not prevent the administrative law judge's order from being final for the purpose of judicial review or enforcement.

AMENDATORY SECTION (Amending WSR 89-23-020, filed 11/7/89, effective 12/8/89)

WAC 162-08-305 Nature of orders—Enforcement.

(1) Nature of orders. Orders obtained by counsel for the commission are public reparation orders, not adjudications of private rights between respondents and persons aggrieved by the respondents' unfair practices. When a respondent is ordered to rehire or compensate a person, the person who is

the beneficiary of the order has no property right in the job, money, etc., until the person receives it.

- (2) **Enforcement of order.** Except as may be otherwise provided in RCW 49.60.260 and WAC 162-08-288, only the commission, through its counsel, has the authority to enforce an order of an administrative law judge. RCW 49.60.260.
- (3) Compromise of order. Except as may be otherwise provided for a complaint alleging an unfair practice in a real estate transaction, the commission, acting in good faith, may compromise an order of an administrative law judge, with or without the consent of the beneficiaries of the order.

#### **NEW SECTION**

- WAC 162-36-001 Definitions. (1) "Brokerage services" means access to or membership or participation in a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings;
- (2) "Dwelling" means any building, structure or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;
- (3) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;
- (4) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property; transacting or applying for a real estate loan; the provision of brokerage services; or the making or purchasing of loans secured by residential real estate;
- (5) "Real property" includes buildings, structures, dwellings, real estate, land, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;
- (6) "Unfair practices on the basis of creed" or "discrimination on the basis of creed" includes, but is not limited to religious discrimination under the federal Fair Housing Amendments Act of 1988.

#### **NEW SECTION**

WAC 162-36-005 Discrimination. (1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person:

- (a) To refuse to engage in a real estate transaction with a person;
- (b) To discriminate against a person in the terms, conditions, or privileges or a real estate transaction or in the furnishing of facilities or services in connection therewith;

- (c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (d) To refuse to negotiate for a real estate transaction with a person;
- (e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property:
- (f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting;
- (g) To make, print, publish, circulate, post, mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
- (h) To offer, solicit, accept, use, or retain listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
  - (i) To expel a person from occupancy of real property;
- (j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions;
- (k) To attempt to do any of the unfair practices defined in this chapter or chapter 49.60 RCW.
- (2) It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, national origin, families with children status, or with any sensory, mental or physical disability and/or the use of a trained guide dog or service dog by a disabled person.
- (3) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under RCW 49.60.224(1) or to honor or attempt to honor such a provision in the chain of title.
- (4) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, creed, national origin, sex, disability, or families with children status.
- (5) Nothing in this chapter limits the applicability of any reasonable federal, state or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- (6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal Fair Housing Amendments Act of 1988, 42 U.S.C. sec 3607 (b)(1) through (3).

#### **NEW SECTION**

WAC 162-36-006 Retaliation. It is an unlawful practice to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, rights regarding real estate transactions, regardless of the merits of the underlying claim, contentions or allegations at issue.

## AMENDATORY SECTION (Amending Order 14, filed 7/16/73)

WAC 162-36-010 Soliciting buyers from neighbors of listed house. Some real estate firms have a practice of sending letters, post cards or printed circulars to residents of a neighborhood where they have a home listed for sale in order to obtain referrals of prospective buyers of the home. Such a practice does not necessarily discriminate against persons on the basis of race, creed, color, national origin, sex, ((er)) marital status, families with children status, the presence of a sensory, mental or physical disability or the use of a trained guide dog or service dog by a disabled person. However, the practice can have a discriminatory effect, and thereby constitute an unfair practice in a real estate transaction within the meaning of this chapter, where:

- (1) It is used only in neighborhoods occupied entirely or predominantly by persons of a single race, creed, color, national origin, sex, ((or)) marital status, families with children status, have the presence of a sensory, mental or physical disability, or who use a trained guide dog or service dog as a disabled person, or
- (2) Persons of a particular race, creed, color, national origin, sex, ((or)) marital status, families with children status, have the presence of a sensory, mental or physical disability, or use a trained guide dog or service dog as a disabled person living in the same neighborhood are not sent solicitations, or
- (3) The content or language of the solicitation ((is worded so as to suggest that the recipient can control the character or type of person to whom the property will be sold.

Use of the neighborhood solicitations under the above eircumstances or in the above manner is an unfair practice under RCW 49.60.222.

Further rules on the content of the neighborhood solicitations are given in WAC 162-36 020)) invites, promotes or perpetuates residential segregation or discrimination on the basis of race, creed, color, national origin, sex, marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained guide dog or service dog by a disabled person.

# AMENDATORY SECTION (Amending Order 14, filed 7/16/73)

WAC 162-36-020 Content and language of solicitation. Residential segregation on the basis of race, creed, ((and other considerations)) national origin or other ethnic classification is rooted in the history of this country and fixed in the patterns of thought of many ((person)) people. The ((wording)) content and language of a solicitation of

names of prospective purchasers directed to neighbors of a house listed for sale, must be examined in this context in assessing whether the solicitation constitutes an unfair practice within the meaning of RCW 49.60.222 and WAC 162-36-010. A solicitation which indicates that the recipient of the solicitation can control the type of persons who will move into the neighborhood by referring appropriate prospective buyers, is likely to be understood as an invitation to discriminate on the basis of race, creed, color, national origin, sex ((or)), marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained guide dog or service dog by a disabled person. Phrases such as "uphold the standards of the community" (when the "standards" are unspecified) are likely to be understood the same way. Accordingly, it is an unfair practice under RCW 49.60.222 and WAC 162-36-010 ((to word)) for the content or language of a neighborhood solicitation ((so that it)) to:

- (1) Suggest((s)) in any way that the solicitor ((or the)), buyer or seller((, or any one or more of them,)) has the power to control the type or character of the person or persons to whom the property involved may be sold;
- (2) Invite((s)) or provoke((s)) discriminatory feelings, actions, or responses from the person or persons being solicited;
- (3) Make((9)) reference to an assumed standard of the community which the solicitor, buyer or seller must or will uphold, unless the particular community standard is identified specifically, and the standard does not have the effect of excluding persons of a particular race, creed, color, national origin, sex, ((or)) marital status, families with children status, the presence of a sensory, mental or physical disability, or the use of a trained guide dog or service dog by a disabled person.

## AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-010 Scope and purpose of chapter. (1) Confined to unfair practices. This chapter interprets and implements the ((handieap)) disability discrimination coverage ((of the sections of)) provided by the law against discrimination ((governing)) regarding unfair practices in real estate transactions, RCW 49.60.222((, 49.60.223, 49.60.224, 49.60.225, and 49.60.226. This chapter does not define the seope of the civil right to be free from discrimination because of handicap declared in RCW 49.60.030 (quoted in WAC 162 38 030) or interpret other statutes)) through 49.60.340. This chapter applies to the unfair practices which the commission is empowered by RCW 49.60.120(4) to eliminate and prevent through the administrative process provided in RCW 49.60.230 through 49.60.270.

(2) Principal statutes interpreted. The ((legislation)) statutes principally interpreted in this chapter ((is the following portion of RCW 49.60.222:

"It is an unfair practice for any person, whether acting for himself or another, because of . . . the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person:

"(1) To refuse to engage in a real estate transaction with a person;

- "(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- "(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- "(4) To refuse to negotiate for a real estate transaction with a person;
- "(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;
- "(6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
- "(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
- "(8) To expel a person from occupancy of real property;
  "(9) To discriminate in the course of negotiating,
  executing, or financing a real estate transaction whether by
  mortgage, deed of trust, contract, or other instrument
  imposing a lien or other security in real property, or in
  negotiating or executing any item or service related thereto
  including issuance of title insurance, mortgage insurance,
  loan guarantee, or other aspect of the transaction. . . . ; or
- "(10) To attempt to do any of the unfair practices defined in this section.

\*\* . . -

"This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law. Nothing in this section affects the rights and responsibilities of landlords and tenants pursuant to chapter 59.18 RCW."

- (3) Related regulations. Regulations of the commission on handicap discrimination in public accommodations are in chapter 162-26 WAC. Commission regulations governing handicap discrimination in employment are in chapter 162-22 WAC and other regulations governing employment. General regulations governing unfair practices in real estate transactions are in chapter 162-36 WAC. Regulations governing credit transactions are in chapter 162-40 WAC)) are RCW 49.60.222 through 49.60.225. This chapter does not define the scope of the civil right to be free from discrimination because of a disability declared in RCW 49.60.030 or interpret other statutes.
- (3) Sources of policy guidance. In applying and interpreting the provisions of the law against discrimination regarding discrimination in real estate transactions based upon the presence of a sensory, mental or physical disability or the use of a trained guide dog or service dog by a disabled person, the commission is guided by the following:
- (a) Legislative policy statements found in RCW 49.60.010, 49.60.030, 70.84.010 and 70.92.100; and
- (b) The federal Fair Housing Amendments Act of 1988, 42 U.S.C. 3601, et seq.

Proposed

(4) Related statutes and regulations. Chapter 70.92 RCW (provisions in buildings for aged and disabled persons); chapter 70.84 RCW ("white cane law" for disabled persons); chapter 19.27 RCW (state building code); chapter 162-26 WAC (disability discrimination in public accommodations); chapter 162-22 WAC (disability discrimination in employment); chapter 162-40 WAC (disability discrimination in credit transactions); chapter 162-36 WAC (unfair practices in real estate transactions); and chapter 51-30 WAC (standards for barrier-free facilities).

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-035 Concurrent remedy in court. Courts have jurisdiction under RCW 49.60.030(2) to remedy violations of RCW 49.60.222, 49.60.223, 49.60.2235 and 49.60.224 as interpreted and implemented by this chapter, concurrently with the commission. When the commission learns that an action on the same facts has been filed in court, the commission will administratively close the case before it in compliance with RCW 49.60.226 and WAC 162-08-062(((2))).

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-040 Definitions. (((1) Real estate transaction. RCW 49.60.040 gives the following definitions:

"'Real property' includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate ecoperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"'Real estate transaction' includes the sale, exchange, purchase, rental, or lease of real property."

(2) General definitions. General definitions applicable throughout the commission's regulations are set out in WAC 162-04-010. These include the following:

"'Handicap' is short for the term 'the presence of any sensory, mental, or physical handicap' used in the law against discrimination, and means the full term."

(3) Definitions special to this chapter:)) The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person who is ((handicapped)) disabled, with reasonable effort and in reasonable safety.

(("Barrier free design standards")) "Standards for barrier-free facilities" means ((ehapter-51-10 WAC, setting of barrier free design)) standards for making building and facilities accessible to physically disabled persons, ((e) eomponent of the state building eode)) pursuant to chapter 51-30 WAC and chapter 70.92 RCW. See WAC 162-38-030(2), 162-38-070.

(("Dog guide" means a trained dog guide used by a blind or deaf person. See WAC-162-38-100.))

"Disability" is short for "the presence of a sensory, mental or physical disability."

"Landlord" means anyone other than the occupant of real property who attempts to control use of the property under claim of right arising out of an ownership interest in real property by that person or another person for whom that person acts. The term includes owners of rental property, trustees, receivers, persons controlling the common areas used in connection with condominiums, and agents or others acting in the interest of any such persons.

"Rental property" includes real property that is rented or leased, offered for rental or lease, or built or maintained for rental or lease.

"Structural" ((is defined in WAC 162 38 070(5))) means the load-bearing members and essential structure or composition of a place, as distinguished from its finish, decorations or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting and other floor covers.

"Tenant" is a person who rents or seeks to rent real property.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-050 Who is protected. (1) ((Statutes.)) Scope. RCW 49.60.222 defines practices in connection with real estate transactions that are unfair when done because of "the presence of any sensory, mental, or physical ((handieap)) disability, or the use of a trained ((dog)) guide dog or service dog by a blind ((of)), deaf or physically disabled person." ((RCW 49.60.223 and 49.60.224 are worded similarly with respect to handicap.

- (2) What is a handicap. A person's condition is a "sensory, mental, or physical handicap" if it is abnormal and is a reason why the person was not treated fairly in a real estate transaction. A person is handicapped by a sensory, mental, or physical condition if she or he is discriminated against because of the condition. The law protects all persons from discrimination because of handicap, whether the handicap is severe or slight.
- (3) When handicap present.)) Nothing in this chapter or in chapter 49.60 RCW, however, prohibits treating disabled persons more favorably in a real estate transaction than persons who are not disabled.
- (2) Presence of disability. The presence of a sensory, mental, or physical ((handicap)) disability includes, but is not limited to, ((circumstances where a sensory, mental, or physical condition)) an abnormal condition that:
  - (a) Is medically cognizable or diagnosable;
  - (b) Exists as a record or history; or
  - (c) Is perceived to exist, whether or not it exists in fact.
- (((4) Person using dog guide. WAC 162-38-100 defines who is protected as a person using a trained dog guide.
- (5) Nonhandicapped not-protected. The law protects against discrimination because of the "presence" of a handicap. It does not prohibit treating handicapped persons more favorably than nonhandicapped persons. Compare WAC 162-22-060 (employment).))

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AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

- WAC 162-38-060 General rules. (1) General principles apply. The unfair practices in real estate transactions as defined in RCW 49.60.222 through 49.60.225 apply to ((race-discrimination, sex discrimination, and other kinds of discrimination as well as handicap)) claims of disability discrimination. This chapter deals with special questions as to the application of the law to ((handicap)) disability discrimination. Where no special provision is made by the statute, by this chapter, or by exception by the commissioners under WAC 162-06-030, general principles of nondiscrimination apply.
- (2) Statutory rules. It is an unfair practice ((under RCW 49.60.222)) for any person to do any of the ((following things)) acts enumerated in RCW 49.60.222 through 49.60.225 because of ((handicap or the use of a trained dog guide by a blind or deaf person:
- "(1) To refuse to engage in a real estate transaction with a person;
- "(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- "(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- "(4) To refuse to negotiate for a real-estate transaction with a person;
- "(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;
- "(6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
- "(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
- "(8) To expel a person from occupancy of real property;
  "(9) To discriminate in the course of negotiating,
  executing, or financing a real estate transaction whether by
  mortgage, deed of trust, contract, or other instrument
  imposing a lien or other security in real property, or in
  negotiating or executing any item or service related thereto
  including issuance of title insurance, mortgage insurance,
  loan guarantee, or other aspect of the transaction. . . .
- "(10) To attempt to do any of the unfair practices defined in this section."
- (3) Exceptions may be granted. The commission will grant exceptions to the rules of this chapter under the standards set out in WAC 162-06-030)) the presence of a sensory, mental or physical disability or the use of a trained guide dog or service dog by a disabled person. For purposes of this chapter, an unfair practice in a real estate transaction on the basis of a disability includes discrimination because of a disability of the buyer or renter, a person residing in or

intending to reside in that dwelling after it is so sold, rented or made available, or any person associated with that buyer or renter.

AMENDATORY SECTION (Amending Order 43, filed 12/23/82)

WAC 162-38-070 ((Structural barriers to))  $\underline{\mathbf{A}}$  ccessibility. (1) ((Statute. RCW 49.60.222 says:

"This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law."

- (2))) Laws requiring accessibility. The principal laws that require that buildings be made accessible are:
- (a) The state building code, chapter 19.27 RCW, which includes the <u>standards for</u> barrier free ((design standards adopted in chapter 51-10 WAC)) facilities in chapter 51-30 WAC, promulgated under the authority of chapter 70.92 RCW. ((The barrier free design standards apply with some exceptions to "buildings, structures, or portions thereof, ... which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC-51-10-003.))
- (b) ((Chapter 219, Laws of 1971 1st ex. sess.; in effect from August 9, 1971, through June 30, 1976. This statute required that plans and specifications for the erection or remodeling of any public accommodation must provide for access by physically handicapped persons, for toilet facilities designed for use by the physically handicapped, and for additional facilities specified in a national standard.
- (e) Chapter 35, Laws of 1967, in effect from June 8, 1967, through June 30, 1976. This statute was substantially the same as the 1971 statute described in paragraph (b) of this subsection, but was limited in its coverage to public buildings.
- (d) RCW 35.68.075, requiring eurb ramps in sidewalks constructed or replaced after June 7, 1973.
- (e) United States law; particularly 45 CFR § 8423, implementing section 504 of the Rehabilitation Act of 1973 (29 USC § 794), which requires that facilities constructed after April 28, 1977, with federal assistance be readily accessible to and usable by handicapped persons.)) The federal Fair Housing Amendments Act of 1988, codified at 42 U.S.C. 3601, et seq., and accompanying regulations (chapter 24 CFR Part 100).
- (c) The Americans With Disabilities Act of 1990, codified at 42 U.S.C. 12101, et seq.
- (d) The Rehabilitation Act of 1973, codified at 29 U.S.C. 791, et seq., and accompanying regulations (45 CFR 8423).
- (e) The Architectural Barriers Act, codified at 29 U.S.C. 791, et seq.
- (3) Practices that are not unfair. It is not an unfair practice under RCW 49.60.222:
- (a) To engage in a real estate transaction involving real property with structural barriers that were lawful when constructed and that are presently lawful under the state building code and other law outside of the law against discrimination; or
- (b) To maintain real property with structural barriers to accessibility when the structural barriers were lawful when

constructed and are presently lawful under the state building code and other law outside of the law against discrimination.

- (4) Unfair practices. It is an unfair practice under RCW 49.60.222:
- (a) To build or remodel in violation of the <u>standards for</u> barrier free ((<del>design standards</del>)) <u>facilities</u>, chapter ((<del>51-10</del>)) <u>51-30</u> WAC, or other requirement of law on accessibility <u>as</u> defined herein.
- (b) To fail to maintain or fail to continue the accessibility of real property that was required by law to be accessible when built, remodeled, or rehabilitated.
- (c) To take any action of the types set out in RCW 49.60.222 (((1))) through (((10))) 49.60.225 against a ((handicapped)) disabled person because the real property transaction involves real property that is not accessible.
- (d) For an owner of ((ten)) four or more units of rental property who is making nonstructural changes in the rental property to fail to eliminate barriers to accessibility when this can be done without substantially changing the scope or cost of the project or requiring structural changes that are not otherwise required by law. Specifically, it is an unfair practice:
- (i) When installing a nonstructural fixture or component, to choose and install one that is not accessible to the handicapped or that makes the place of public accommodation less accessible to the handicapped.
- (ii) When replacing a nonstructural fixture or component, to replace it with one that is not accessible to the handicapped or one that makes the place of public accommodation less accessible to the handicapped.
- (iii) When relocating a nonstructural fixture or component, to relocate it to a place that is not accessible to the handicapped, unless no suitable place is accessible.
- (iv) When modifying a nonstructural fixture or component, to do so in a way that does not eliminate barriers to the handicapped, when possible.
- (((5) What is "structural." "Structural" for purposes of RCW 49.60.222 means the load bearing members and essential structure or composition of a place, as distinguished from its finish, decorations, or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting or other floor covers.
- (6) Modifications by tenant. Rules with respect to allowing tenants to make structural or other changes in order to achieve or improve accessibility are set out in WAC 162-38-080.))

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-080 Modifications or additions made by tenants. (1) Landlord need not pay. Except as required by law (((explained in WAC 162-38-070))), a landlord is not required to pay for alterations or additions to real property needed to make it accessible by ((handieapped)) disabled persons.

- (2) Unfair to unreasonably prohibit modifications needed by ((handicapped)) disabled tenant. Whether or not the landlord permits tenants in general to make alterations or additions to a structure, it is an unfair practice under RCW 49.60.222 for a landlord to refuse to allow a ((handicapped)) disabled tenant to make reasonable alterations or additions to the structure or fixtures under the following conditions:
- (a) The alterations or additions are paid for by the tenant((-)); and
- (b) ((The landlord may reserve the right to approve the design, quality, and construction of the alterations or additions in order to minimize damage to the building and enforce standards of quality and architectural compatibility.)) The tenant agrees to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted; or
  - (c) As otherwise required by RCW 49.60.222(2).
- (3) Examples of appropriate modifications. The following are examples of alterations or additions commonly needed to make real property ((usable by handicapped)) accessible to disabled persons:
  - (a) Ramps for wheelchairs or walkers.
- (b) Lights to indicate to a deaf person that the doorbell or telephone is ringing, or for similar purposes.
  - (c) Grab bars in bathrooms.
  - (d) Roll-out shelves in kitchens.
- (e) Simplified locking systems for use by a mentally handicapped person.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-090 Public areas of rental property. (1) Are covered as places of public accommodation. RCW 49.60.040 includes the following in its broad definition of place of public accommodation:

- "... public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants."
- (2) Applicable law. Public areas as defined in this section are governed by the public accommodations coverage of the law against discrimination, RCW 49.60.215, and chapter 162-26 WAC, public accommodations, ((handicap)) disability discrimination, as well as by the real estate transaction coverage of the law against discrimination and this chapter of the commission's regulations.
- (3) Public areas. "Public" areas for purposes of public accommodations coverage of rental property include all areas intended for use by more than one tenant, or by one or more tenants and the resident owner. The area need not be open to the public at large. The area is covered if it is open to all tenants, or any two tenants, or the owner and one or more tenants. In addition to public halls, public elevators and public washrooms, public areas include garbage disposal facilities, recreation facilities, laundry or other work areas, and open space.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-100 Persons with ((dog guides)) guide dogs or service dogs. (1) Are protected. RCW 49.60.222 protects ((blind or deaf)) disabled persons from discrimination because of their use of a trained ((dog)) guide dog or service dog the same as it protects them from discrimination directly because of ((handieap)) disability.

(2) General rule. The same rules that apply to ((the treatment of persons because of handicap)) disability discrimination under RCW 49.60.222 and this chapter apply to the treatment of ((blind or deaf)) disabled persons because they use a trained ((dog)) guide dog or service dog.

(3) Landlord's duty. It is an unfair practice for a landlord to refuse to rent to a ((blind or deaf)) disabled person because the person uses a trained ((dog)) guide dog or service dog. A landlord's no-pet policy cannot be applied to the ((dog)) guide dog or service dog of a ((blind or deaf)) disabled person.

- (4) Cleaning or damage deposits not unfair. It is not an unfair practice for a landlord to ((enforce on a blind or deaf)) require a disabled tenant to pay its standard cleaning or damage deposit for dogs provided that nondisabled tenants with dogs are required to pay the same deposit. ((It is not an unfair practice for a landlord who otherwise doesn't allow dogs in the rented property to require a reasonable cleaning or damage deposit for the dog when renting to a deaf or blind person using a trained dog guide.))
- (5) (("Dog guide")) "Guide dog" or "service dog" defined. For purposes of RCW 49.60.222 ((the term "dog guide," means a trained dog guide used by a blind or deaf person. It has the same meaning as "guide dog" in RCW 70.84.020:

"The term 'guide dog' shall mean), the term "guide dog" means a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind persons ((or)), a dog which is trained or approved by an accredited school engaged in training dogs for the purpose of assisting hearing impaired persons((:")) or as otherwise defined by RCW 70.84.020.

- (6) "Service dog" defined. For purposes of RCW 49.60.222, the term "service dog" means a dog that is trained or approved by an accredited school, or state institution of higher education, engaged in training dogs for the purposes of assisting or accommodating a disabled person related to the person's disability.
- (7) Identification of trained ((dog)) guide dog. A trained ((dog)) guide dog used by a blind person is identified by the harness with rigid stirrup for the hand of the guided person that such dogs wear when in service. A trained ((dog)) guide dog used by a deaf person shall be identified by a credential presented by the deaf person on request, or by a tag or other identifying device that is adopted and promulgated so as to become generally known.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-110 Inquiries to ((handicapped)) disabled applicants. (1) ((Statute, RCW 49.60.222

includes the following as an unfair practice with respect to handicap:

- "(6) To . . . make a . . . inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;"
- (2))) Unfair practice. It is an unfair practice under RCW 49.60.222(((6))) (1)(g) for a landlord to inquire into matters personal to a ((handieapped)) disabled applicant beyond what is necessary and appropriate to the landlord-tenant relationship. For example, the landlord may inquire as to how many persons will occupy the unit, but ordinarily will have no other reason to know whether a ((handieapped)) disabled person is assisted by an aide, and when.
- (((3))) (2) Reference to employment rules. The commission's rules on pre-employment inquiries, chapter 162-12 WAC, implement a parallel statute and furnish analogies for the application of this portion of the real estate transactions law.

AMENDATORY SECTION (Amending Order 41, filed 9/22/82)

WAC 162-38-120 Unfair to request or require waiver of rights. It is an unfair practice for any person as a condition of entering into or continuing a real estate transaction to request or require another person to waive rights or hold anyone harmless because the real property will be occupied by a ((handicapped)) disabled person.

#### **REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 162-38-020 Purpose of chapter. WAC 162-38-030 Related law.

Proposed [ 104 ]

# WSR 96-05-024 PERMANENT RULES NORTHWEST AIR POLLUTION AUTHORITY

[Filed February 13, 1996, 12:42 p.m.]

Date of Adoption: February 8, 1996.

Purpose: To amend, add and delete subsections of the Northwest Air Pollution Authority regulation to reflect changes in the state and federal rules and to clarify requirements that will promote effective air pollution control.

Citation of Existing Rules Affected by this Order: Amending sections 104, 133, 200, 300, 302, 310, 312, 320, 322, 340, 341, 342, 460, 520, 580, and 590.

Statutory Authority for Adoption: Chapter 70.94 RCW. Adopted under notice filed as WSR 96-01-089 on December 19, 1995.

Summary of Northwest Air Pollution Authority Regulation Changes-February 8, 1996

#### Subsections:

- 104.2 Recently promulgated federal rules will be adopted by reference.
- Maximum civil penalty increased to \$11,225 per day per violation to account for inflation.
- 200 The following definitions have been deleted as they are ambiguous or they are in conflict with other rules: Alteration, plant source, and unavoidable accident.

The following definitions have been added to be consistent with other rules: Emissions unit, notice of construction application, and unavoidable excess emissions.

The following definitions have been modified for consistency with state rules and for clarity: Order of approval and fuel burning equipment.

- All references to alteration have been deleted and replaced with modification to be consistent with the Washington State Clean Air Act, chapter 70.94 RCW.
- The phrase "all known, available, and reasonable" has been replaced with Best Available Control Technology. Current wording now refers to source or emission unit to be consistent with other sections in the regulations.
- Delete all references to registration and replace with wording that addresses only approval to operate. The requirement to have an approval to operate for orders of approval takes effect February 8, 1996.
- 312.1 Wording has been added to specifically exempt SEPA rules as an applicable requirement for the operating permit process.
- Add language that exempts operating permit sources from the registration program.
- The Northwest Air Pollution Authority notification requirement for portable sources does not supersede any requirements in federal statutes.

- The Northwest Air Pollution Authority requires notification if an air release occurs that requires notification under the CERCLA (40 CFR 302) or SARA (40 CFR 355) programs.
  - For clarity, Subsection 340.3 has been reworded and a new subsection, 340.4 has been added to address unavoidable excess emissions.
- Add a new subsection, 341.4, to address unavoidable excess emissions.
- Add a new subsection, 342.4, to address unavoidable excess emissions.
- Sulfur weight/heat rate standard is a monthly average. Delete term "plant sources" for consistency with definition section. Add terms emission unit where appropriate.
- 520 Add a subsection, 520.2, that exempts ocean going vessels, small waste oil heaters, and waste oil collection programs from sulfur limits in fuel.
- 580.1 Remove requirement for BACT for VOC sources as it is already required in Section 301.
- Definitions, replace definition of volatile organic compound to reflect current EPA determinations.
- 580.26 New subsection that exempts sources from complying with applicable sections of 580 if a federal standard already applies.
- New section adopting a local rule for perchloroethylene dry cleaners. The rule is equal in stringency to the federal rule with the exception that transfer machines will be phased out by December 31, 1999, and compliance with the rule is to begin upon passage of this section. The rule will simplify the understanding of requirements that affect dry cleaning operations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 12, 1996 James B. Randles Assistant Control Officer

#### **AMENDATORY SECTION**

SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

104.1 All provisions of State Law as it now exists or may be hereafter amended, which is pertinent to the operation the Authority is hereby adopted by reference and made part of the Regulation of the Authority as of ((June 24, 1995)) February 8, 1996. Specifically, there is adopted by reference the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.04) and RCW 43.21A and 43.21B and the following state rules: WAC 173-400, WAC 173-401, WAC-405, WAC 173-410, WAC 173-415, WAC-420, WAC-421, WAC-422, WAC 173-425, WAC 173-430, WAC 173-433, WAC 173-434, WAC-435, WAC-450, WAC 173-460, WAC 173-470, WAC 173-474, WAC 173-475, WAC 173-480, WAC 173-481, WAC 173-490, WAC 173-491, WAC-492, WAC-495, and WAC 173-802.

All provisions of the following federal rules are 104.2 hereby adopted by reference and made part of the Regulation of the Authority as of ((October 13, 1994)) February 8, 1996: 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, B, C, Ca, Cb, D, Da, Db, Dc, E, Ea, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV; and 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, T, V, W, Y, BB, FF and 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) Subparts A, B, C, D, F, G, H, I, L, M, N, O, Q, R, T, W, Y, CC, ((and)) EE, GG, II, and JJ.

Amended: September 8, 1993, December 8, 1993, October 13, 1994, May 11, 1995, February 8, 1996

#### **AMENDATORY SECTION**

SECTION 133 - CIVIL PENALTY

133.1 In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW, chapter 70.120 RCW, any of the rules in force under such chapters, including the Regulation of the Northwest Air Pollution Authority shall be liable for a civil penalty in an amount of not more than eleven thousand two hundred twenty five dollars (\$11,225) ((<del>(\$11,000)</del>)) per day per violation. Each violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order shall be liable for a civil penalty of not more than eleven thousand two hundred twenty five dollars (\$11,225) (((\$11,000))) for each day of continued noncompliance.

133.2 Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the Control Officer of the Authority describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the Hearings Board. Within fifteen days after the notice is

#### **AMENDATORY SECTION**

**SECTION 200 - DEFINITIONS** 

<u>AGRICULTURAL OPERATION</u> - The growth of crops, the raising of fowl, animals or bees as a gainful occupation.

<u>AIR CONTAMINANT</u> - Means dust, fumes, mist, smoke, other particulate matter, vapor gas, odorous substance, or any combination thereof.

<u>AIR CONTAMINANT SOURCE</u> - Is a point or points from which one or more air contaminants originate.

AIR POLLUTION - Is present in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant, or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

<u>AIR QUALITY OBJECTIVE</u> - The concentration and exposure time of one or more air contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

AIR QUALITY STANDARD - An established concentration, exposure time and frequency of occurrence of one or more air contaminants in the ambient air which shall not be exceeded.

((ALTERATION - Any addition to or enlargement or replacement of; or any major modification or fuel change or change of design, capacity, process or arrangement, or any increase in the connected loading of, equipment or control facility which may, in the opinion of the Control Officer, increase or adversely affect the kind or amount of air contaminant emitted or which results in the emission of any air pollutant not previously emitted for which ambient or emission standards are in effect.))

AMBIENT AIR - The surrounding outside air.

AMBIENT AIR MONITORING STATION - A station so designated by the Control Officer for the purpose of measuring air contaminant concentrations in the ambient air. The station location and sampling probe locations shall be designated by the Control Officer utilizing as a guide CFR Title 40, Part 58, Appendix "D" Network Design and Appendix "E" Probe Siting Criteria.

<u>AUTHORITY</u> - Northwest Air Pollution Authority (NWAPA).

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BEST AVAILABLE CONTROL TECHNOLOGY (BACT) -

An emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part

<u>EMISSION STANDARD</u> - Limitation on the release of one or more contaminants to the ambient air.

EMISSIONS UNIT - Any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the Federal Clean Air Act, Chapter 70.94 RCW, or Chapter 70.98 RCW.

<u>EQUIPMENT</u> - Any stationary or portable device or any part thereof capable of causing the emission of any contaminant into the atmosphere or ambient air.

<u>EXCESS EMISSIONS</u> - Emissions of an air pollutant in excess of any applicable emission standard.

EXISTING STATIONARY FACILITY - A stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

FEDERAL CLEAN AIR ACT (FCAA) - 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.

<u>FIELD GRASSES</u> - Canary grass, bromegrass, oatgrass, timothy, ryegrass, wheatgrass, and orchard grass planted for seed production.

FIRE CHIEF - A state, county, or city fire marshal, city fire chief, chief of each County Fire Protection District or authorized forestry officials from the Washington State Department of Natural Resources.

((FUEL-BURNING-EQUIPMENT - Any equipment, device, or contrivance, used for the burning of any fuel, and all appurtenances thereto, including duets, breachings, control

equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc.))

FUEL BURNING EQUIPMENT - means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

FUGITIVE DUST - A particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

<u>FUGITIVE EMISSIONS</u> - Emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

is: (a) equal to 50% or greater of replacement cost or (b) less than 50% of replacement cost but may result in an increase in the total air contaminant emissions compared to the original or present emissions.

NEW SOURCE - (a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and (b) Any other project that constitutes a new source under the Federal Clean Air Act.

NO BURN DAY - A day designated by the Control Officer, or other duly authorized person, on which, due to atmospheric, or other meteorological conditions, all outdoor fires are prohibited.

NONHIGHWAY MOBILE SOURCE - A source which is neither used on nor does ordinarily travel on the public roadways and is powered by an internal combustion or other type engine. These sources include, but are not limited to, farm tractors, bulldozers, earthmovers, ships, boats, railroad locomotives and non-commercial aircraft.

NOTICE OF CONSTRUCTION APPLICATION - A written application to permit construction of a new source((7)) or modification of an existing stationary source ((or replacement or substantial alteration of control technology at an existing stationary source)).

<u>ODOR</u> - That property or a substance which allows its detections by the sense of smell and/or taste.

OPACITY - Opacity means the degree to which an emission reduces the transmission of light and obscures the view of any object in the background.

ORDER OF APPROVAL OR APPROVAL ORDER - A regulatory order issued by the authority to approve the notice of construction application for a proposed new source or modification((, or the replacement or substantial alteration of control technology at an existing stationary source)).

<u>OUTDOOR FIRE</u> - A fire where any material is burned in the open, in receptable other than a furnace, incinerator, or other equipment connected to a stack or chimney.

<u>OWNER OR AGENT</u> - Includes the person who leases, supervises or operates the equipment or control facility.

<u>PARTICLE</u> - A small discrete mass of solid or liquid matter.

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<u>PARTICULATE MATTER</u> - Small discrete masses of liquid or solid, exclusive of uncombined water.

<u>PATHOLOGICAL WASTE</u> - Human and animal remains consisting of carcasses, organs and solid organic wastes, consisting of up to 85% moisture, 5% incombustible solids.

<u>PERSON</u> - Means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

PETROLEUM LIQUIDS - Petroleum condensate, and any finished intermediate product manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in A.S.T.M. D396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D2880-71, or diesel fuel oils Number 2-D and 4-D as specified in A.S.T.M. D975-68.

((PLANT SOURCE - Any process or group of processes operated by any person at a single geographic location, regardless of the number of emission points, will constitute an emission as if they were from a single source.))

<u>PORTABLE EQUIPMENT</u> - Equipment designated to be transported from place to place for temporary operation.

<u>PORTLAND CEMENT PLANT</u> - Any facility manufacturing Portland cement by either the wet or dry process.

<u>PM-10</u> - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

<u>PROCESS</u> - A physical and/or chemical modification or treatment of a material from its previous state or condition.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - The lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

<u>REFUSE</u> - Putrescrible and non-putrescible solid waste including garbage, rubbish, ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings and industrial wastes including waste disposal in industrial salvage.

<u>REFUSE BURNING EQUIPMENT</u> - Equipment designed to burn (refuse) waste material, scrap or combustion remains.

<u>REGISTRATION</u> - Registration shall mean the prmcess of identifying, delineating and itemizing all air contaminant sources within the jurisdiction of the Authority including the making of periodic reports, as required, by the persons

operating or responsible for such sources and may contain information concerning location, size, height of contaminant outlets, processes employed, nature of the contaminant emissions and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

<u>RESIDENTIAL BURNING</u> - Means small outdoor fires, at a one or two family residence, consisting of leaves, clippings, pruning and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling resulting from activities connected with said dwelling and burned on such lands by the property owner or his designee.

SMALL OUTDOOR FIRE - Means a fire in a pile no more than four (4) feet in diameter and three (3) feet in height.

<u>SMOKE</u> - Gas borne particulate matter in a sufficient amount to be observable.

SOURCE - 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.

<u>STACK</u> - Duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air contaminants

STANDARD CONDITIONS - Standard Conditions (A) is a temperature of 60 degrees F and a pressure of 29.92 inches of mercury. Standard Conditions (B) is a temperature of 0 degrees C and 760 mm of mercury. Standard Conditions (C) is a temperature of 25 degrees C and 760 mm of mercury.

STANDARD CUBIC FOOT OF GAS - That amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 psia and a temperature of 60 degrees F.

STATE ACT - Washington Clean Air Act (RCW 70.94) and RCW 43.21A and 43.21B.

<u>STRAW</u> - All vegetative material of agricultural origin other than seed removed by swathing, combining or cutting.

TON - Short ton or 2000 pounds.

TOTAL SUSPENDED PARTICULATE - Particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

TRUE VAPOR PRESSURE - The equilibrium pressure exerted by a hydrocarbon at storage conditions.

<u>TURF GRASSES</u> - All blue grasses, fescues, and bentgrass planted for seed production.

((UNAVOIDABLE ACCIDENT - A casualty or breakdown of process or control - equipment which cannot be foreseen,

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with the possibility of it occurring being so remote that no special steps were or could be taken to prevent it.))

UNAVOIDABLE EXCESS EMISSIONS - Air contaminants emitted in excess of a standard that are excused and not subject to penalty by reason that the event(s) meet the criteria in WAC 173-400-107 (4), (5), or (6).

<u>U.S. ENVIRONMENTAL PROTECTION AGENCY</u> - Shall be known as EPA in this Regulation.

#### AMENDATORY SECTION

SECTION 300 - NOTICE OF CONSTRUCTION WHEN REQUIRED

- 300.1 No person shall construct, install, establish, or modify ((or alter)) an air contaminant source or emission unit, except those ((sources)) excluded in Section 322 of the Regulation, without first filing with the Authority a "Notice of Construction and Application for Approval," on forms prepared and furnished by the Authority, obtaining written approval of the Board prior to the said construction, installation, or modification, ((or establishment,)) receiving approval as provided in Section 302, and paying the appropriate fees as provided in Section 324.2. The Authority may only grant approval of the "Notice of Construction and Application for Approval" if the requirements of Sections 301 and 302 have been met.
- A "Notice of Construction and Application for Approval" shall not be required ((to commence an alteration)) in advance of a modification of equipment or a control facility in the event of breakdown or if delaying the ((alteration)) modification may endanger life or have other serious consequences. The authority shall be notified in writing of the ((alteration)) modification on the first working day after the ((alteration)) modification is commenced and a "Notice of Construction and Application for Approval" shall be filed within fourteen (14) days after the ((alteration)) modification is commenced.
- 300.3 A separate Notice and Application shall be submitted for each unit of equipment or control facility, unless identical units of equipment or control facility are to be installed, constructed or established in an identical manner on the same premises; provided that, said identical units may, as a group, be listed on one application but that identical units subsequently added shall require a separate Notice and Application; provided also, that, the owner has the option to give notice and apply for approval of a process with a detailed inventory of contaminant sources and emissions related to said process.
- 300.4 Where work for which a Notice of Construction is required, is commenced, or is performed prior to making application and receiving approval, the Control Officer may assess an investigation fee, in addition to the fees of Section 324.2. The investigation fee shall be assessed in an amount equal to three times the plan examination fees identified in

Section 324.2. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

Amended: October 12, 1989, February 14, 1990, April 14, 1993, October 13, 1994, February 8, 1996

#### AMENDATORY SECTION

SECTION 302 - ISSUANCE OF APPROVAL OR OR-DER

- 302.1 If on basis of plans, specifications, or other information required pursuant to Section 301, the Board determines that the proposed construction, installation or establishment will be in accord with this Regulation, applicable air pollution control regulations of the Washington State Department of Ecology ((DOE)), and the laws of the State of Washington, ((and will provide all known available and reasonable methods of emission control)), it shall, within thirty (30) days issue a determination of whether the operation of the new air contaminant source or emission unit at the location proposed will cause any ambient air quality standard to be exceeded.
- 302.2 No approval will be issued unless the information supplied as required by Section 301.1 of this Regulation provides evidence to the Board or Control Officer that:
  - 302.21 The equipment is designed and will be installed to operate without causing a violation of applicable emission standards.
  - 302.22 The equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the equipment.
  - 302.23 The project ((shall)) employs ((all known, available, and reasonable air pollution control technology for all pollutants)) Best Available Control Technology (BACT).
  - 302.24 The project shall not result in a violation of any ambient air quality standard for criteria air pollutants.
  - 302.25 The project shall not impact any Class I area or non-attainment area.
  - 302.26 All State Environmental Policy Act requirements have been fulfilled.
  - 302.27 The project shall comply with all applicable federally mandated programs.
- 302.3 If the Board determines that all the requirements of Section 302.2 have been met an Order of Approval shall be issued along with any operating and reporting conditions that will ensure compliance with all applicable air pollution standards. It shall be unlawful for an operator of a source or emission

<u>unit</u> to not abide by the operating and reporting conditions in the Order of Approval.

302.4 If the Board determines that the construction, installation or establishment of a new air contaminant source or emission unit will not meet the emission standards or the ambient air standards or other prohibition established by this Regulation, or will not employ BACT ((provide all known available and reasonable means of emission control)), the Board shall, within sixty (60) days of receipt of the "Notice of Construction and Application for Approval", issue an Order under Section 121 for the prevention of the construction, installation or establishment of the air contaminant source or emission unit(s) ((sources)), and,

302.41 The Order shall be in writing;

#### AMENDATORY SECTION

SECTION 310 - APPROVAL TO OPERATE REQUIRED

((310.1 Before any article, machine, equipment, facility or other contrivance, the use of which may cause emission of air contaminants, may be operated or used, it must first be registered with this Authority under this Section and written approval to operate secured from the Control Officer, unless specifically excluded by Section 322. If at the end of not more than one year of operation of said air contaminant emission source, the source meets the emission requirements of this Regulation, then the emission source will be registered under Section 320.

310.2 In lieu of a formal registration, any person operating a registerable air contaminant source within the jurisdiction of the Authority for more than thirty (30) days, but less than two (2) years, may be issued a Certificate of Approval to Operate by the Control Officer. Provided: that the Certificate of Approval to Operate must be renewed annually.))

Any person operating an air contaminant source or emission unit in compliance with the terms of an Order of Approval for a Notice of Construction shall receive a Certificate of Approval to Operate from the Authority within one year of start-up unless an alternate schedule is approved by the Control Officer. This provision does not apply to sources or emission units existing prior to February 8, 1996.

Any ((Registration,)) Certificate of Approval to Operate or Approval of Construction is subject to review at the end of one year of operation of the facility. If in that time, the facility or item which was approved has not been implemented or other action taken towards operation and/or completion of the project, ((any registration,)) the Certificate of Approval to Operate or approval of Construction is revoked except as otherwise provided in Section 302. The owner or applicant may

refile at any time under the provisions of this Section.

Passed:

January 4, 1970

Amended: February 14, 1973, August 9, 1978, April 14,

1993, February 8, 1996

#### AMENDATORY SECTION

SECTION 312 - ENVIRONMENTAL POLICY GUIDE-LINES

#### 312.1 AUTHORITY

The Northwest Air Pollution Authority (NWAPA) adopts this regulation under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules, WAC 197-11-904.

This regulation contains NWAPA's SEPA procedures and policies. This section shall not be an applicable requirement of the air operating permit process for sources subject to Section 326 of this Regulation or WAC 173-401, the operating permit program.

The SEPA rules, Chapter 197-11 WAC must be used in conjunction with this regulation.

#### 312.2 GENERAL REQUIREMENTS

This part contains the basic requirements that apply to the SEPA process. The NWAPA adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference:

#### WAC

197-11-040 Definitions.

197-11-050 Lead Agency.

197-11-055 Timing of the SEPA process.

197-11-060 Content of environmental review.

197-11-070 Limitations on actions during SEPA process

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

#### 312.21 ADDITIONAL DEFINITIONS

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this regulation, the following terms shall have the following meanings, unless the context indicates otherwise:

312.211 "Department" means NWAPA establishment pursuant to Chapter 70.94 RCW.

312.212 "SEPA Rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

312.213 "Early Notice" means NWAPA's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of non-significant (DNS) procedures).

#### AMENDATORY SECTION

#### SECTION 320 - REGISTRATION REQUIRED

- 320.1 All existing air contaminant sources within the jurisdiction of the Authority ((except any of the air contaminant sources which are listed in Section 322, which is attached hereto and made a part hereof, as now constituted or as hereafter amended)) shall be registered by the Authority((-)), except:
  - a) sources or emission units subject to WAC 173-401, or
  - b) any of the categories of air contaminant sources which are listed in Section 322.
- 320.2 All new air contaminant sources within the jurisdiction of the Authority shall be registered by the Authority within one year of the beginning of operation ((except as provided for in Section 310)).

Passed: January 8, 1969

Amended: February 14, 1973, August 9, 1978, April 14,

1993, February 8, 1996

#### AMENDATORY SECTION

#### SECTION 322 - EXEMPTIONS FROM REGISTRATION

Exclusion from registration does not absolve the owner, lessee, or his registered agent from all other requirements of the Regulation of this Authority. Exemption from registration does not apply to any control facility or device required to be installed in order to meet the emission and/or ambient standards of this Regulation.

- 322.1 Air conditioning or ventilating systems not designed to remove air contaminants generated by or released from equipment.
- 322.2 Asphalt laying equipment.
- 322.3 Atmosphere generators used in connection with metal heat treating processes.
- 322.4 Blast cleaning equipment which uses a suspension of abrasive in liquid water.
- 322.5 Fuel burning equipment, other than smoke house generators, which:
  - 322.51 Is used solely for a private dwelling serving less than five families;
  - 322.52 Has a BTU input of not more than 400,000 BTU/hour, provided that equipment burning natural gas or liquified petroleum gas (LPG) exclusively may excluded up to 2,500,000 BTU/hour.
  - 322.53 If used oil is burned the maximum heat input shall be less than 0.4 million BTU per hour (0.5 GJ/hr) provided that:
    - The used oil burned is either generated on site or received from do-it-yourself oil changers; and

- b. The used oil burned is not contaminated with added dangerous wastes.
- 322.6 Insecticide spray equipment, non commercial.
- 322.7 Laboratory equipment used exclusively for chemical or physical analyses.
- 322.8 Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.
- 322.9 Portable equipment which is used within the jurisdiction of the Authority for less than ninety (90) days, provided that the operator notifies the NWAPA at least (10) days prior to start-up. The notification requirement does not supersede any requirement established in federal statutes.
- 322.10 Sewing equipment.
- 322.11 Surface coating by use of aqueous solution or suspension.
- 322.12 Steam cleaning equipment used exclusively for that purpose.
- 332.13 Storage tanks, reservoirs, or containers:
  - 322.131 Of a capacity of 6,000 gallons or less used for organic substances unless, in the opinion of the Control Officer, Section 535 may be violated.
  - 322.132 Of a capacity of 40,000 gallons or less used for liquid fuels including gasoline and lubricating oils.
  - 322.133 Containing organic liquid mixtures whose True Vapor Pressure is equal to or less than 1.5 psia under actual storage conditions.
  - 322.134 Containing liquids which are not vented to the atmosphere.
- 322.14 Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminants from one to another source.
- 322.15 Vents used exclusively for:
  - 322.151 Sanitary or storm drainage systems.
  - 322.152 Safety valves.
  - 322.153 Storage tanks.
- 322.16 Washing or draining equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.
- 322.17 Welding, brazing and soldering equipment unless the person operating such equipment otherwise qualifies for registration.
- 322.18 Restaurants and other retail food preparing establishments.
- 322.19 Piping modifications on existing process units that result in increases in fugitive hydrocarbon emissions of less than 2.0 tons per year.

- 322.20 New emission units or activities with potential emissions below the following threshold levels:
  - (a) 5 tons per year of carbon monoxide;
  - (b) 2 tons per year of nitrogen oxides;
  - (c) 2 tons per year of sulfur oxides;
  - (d) 2 tons per year of volatile organic compounds (VOC);
  - (e) 0.75 tons per year of  $PM_{10}$  (as defined in WAC Chapter 173-400-030(53)
  - (f) 0.03 tons per year of lead;
  - (g) Threshold levels for Hazardous Air Pollutants as defined in WAC Chapter 173-401-531.
- 322.21 Portable sandblasting operations provided that the operator notifies the NWAPA at least ten (10) days prior to start-up.
- 322.22 Portable asphalt plants, portable soil treaters, and portable rock crushing plants that operate in the NWAPA jurisdiction for less than ninety (90) days in a calendar year and have a valid "Notice of Construction" approval order from another air quality permitting authority within the State of Washington and are not subject to review under 40 CFR 60 Standards of Performance for New Stationary Sources. The operator is required to notify the NWAPA at least ten (10) days prior to start-up.

Amended - October 13, 1982, November 14, 1984, April 14, 1993, October 13, 1994, May 11, 1995, February 8, 1996

#### AMENDATORY SECTION

SECTION 340 - REPORT OF BREAKDOWN AND UP-SET

- 340.1 If a breakdown or upset condition occurs which results in or may have resulted in ((the)) an exceedance of an emission and/or ambient air quality standard established by the Regulation of this Authority or an emission release to the air that requires agency notification as specified in 40 CFR 302 (CERCLA) or 40 CFR 355 (SARA) ((being exceeded)), the owner or operator of the source shall take the following actions:
  - 340.11 The upset or breakdown shall be reported as promptly as possible and in no event later than twelve (12) hours to the Authority.
  - 340.12 The person responsible shall, upon the request of the Control Officer, submit a full report within ten (10) days including the known causes, corrective measures taken, and preventive measures to be taken to minimize or eliminate a recurrence.
- 340.2 Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this Regulation nor from the resulting liabilities for failure to comply.
- 340.3 ((It shall be prima facie evidence of violation of this Regulation if any control equipment or other

- equipment creating emissions to the atmosphere is turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1.)) It shall be prima facie evidence of violation of this Regulation if:
- any control equipment is turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1, or
- b) any other equipment creates new or increased emissions to the atmosphere as the result of being turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1.
- 340.4 Excess emissions due to breakdowns and upsets shall be considered unavoidable provided the source adequately demonstrates that:
  - a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
  - b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
  - c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice.
  - The emissions did not result in a violation of an ambient air quality standard.

Amended: November 14, 1984, October 14, 1987, April 14, 1993, October 13, 1994, February 8, 1996

#### **AMENDATORY SECTION**

SECTION 341 - ((<del>SCHEDULE</del>)) REPORT OF SHUT-DOWN OR STARTUP

- 341.1 If the operator of any air contaminant source registered in the NWAPA jurisdiction or operating under a Title V air operating permit issued by the Authority schedules a total or partial shutdown or startup of control or process equipment which may result in emissions or any additional emissions to the atmosphere which are expected to ((may)) temporarily exceed the emission standards of this Regulation; the operator or owner of the source shall notify the Authority prior to the shutdown or startup.
- 341.2 Notification shall be made within the ten (10) day period prior to a scheduled shutdown or startup. The operator or owner of the source shall submit a general schedule of steps to be taken to minimize the release of air contaminants to the atmosphere including the reasons for and duration of the proposed shutdown or startup, the nature of the action to be taken, the date and time for the action and an estimate of the anticipated rate and concentration of emission.

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- 341.3 Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with the requirements of this Regulation nor from the resulting liabilities for failure to comply.
- Excess emissions due to shutdown or startup shall be considered unavoidable provided the source adequately demonstrates that the excess emissions could not have been prevented through careful planning and design, the emissions did not result in a violation of an ambient air quality standard and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

Amended: November 14, 1984, April 14, 1993, September 8, 1993, May 11, 1995, February 8, 1996

#### AMENDATORY SECTION

#### SECTION 342 - OPERATION AND MAINTENANCE

- 342.1 All air contaminant sources are required to keep any process and/or air pollution control equipment in good operating condition and repair. If a breakdown or upset condition occurs and it is determined by the Control Officer to be due to poor operating and maintenance procedures, the Control Officer may take any legal steps necessary to prevent a recurrence of the breakdown or upset condition.
- 342.2 Operation and maintenance instructions and schedules for process and/or control equipment must be available and may be required to be posted on the site. This section is specifically applicable to the operation of equipment where untrained personnel may operate or otherwise have access to or use the equipment.
- 342.3 If a breakdown or violation occurs and is due to the improper operation or maintenance of equipment, the owner or operator of the source will, in addition to filing a report of breakdown under Section 340, submit a report on what measures will be taken in training or re-orienting personnel to prevent a recurrence of the breakdown.
- Excess emissions due to scheduled maintenance shall be considered unavoidable provided the source adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance, better operation and maintenance practices, and emissions did not result in a violation of an ambient air quality standard.

Amended: April 14, 1993, September 8, 1993, May 11, 1995, February 8, 1996

#### AMENDATORY SECTION

SECTION 460 - WEIGHT/HEAT RATE STANDARD - EMISSION OF SULFUR COMPOUNDS

- 460.1 ((It shall be unlawful for any person to cause or allow the)) Emission of sulfur compounds, calculated as sulfur dioxide, monthly average, from ((any)) a source as defined in 460.4 shall not ((to)) exceed ((the following)):
  - 460.11 ((All plant sources are limited to an emission not to exceed)) One and one-half (1.5) pounds of sulfur dioxide per million BTU of input heat per hour.
  - 460.12 ((All s)) Sources ((not defined as plant sources)) may be exempt from subsection 460.11 of this Regulation under the following conditions:
    - 460.121 That such exemption is not in excess of thirty (30) days in the aggregate in any calendar year.
    - 460.122 That the owner or operator notify the Control Officer immediately when such exemption is contemplated, or as soon as possible after an emergency has occurred, indicating the expected length of time of such exemption and when normal operations have been resumed.
    - 460.123 That the Control Officer or Board may require from the owner or operator any additional information deemed necessary to determine conditions of the proposed exemption and any impose additional restrictions or conditions on the exemption if it is determined that Section 410 and/or 462 may be violated and/or other applicable ambient air standards exceeded.
- 460.2 ((All plant s)) Sources subject to Section 460 shall submit a proposed schedule of compliance with this Section not less than one hundred and eighty (180) days after ((the effective date of this Regulation)) start-up providing the following:
  - 460.21 The heat capacity of the ((entire plant)) source, the average heat output and the capacity and normal operating conditions of each ((individual source)) emission unit which shall be submitted, reviewed and determined annually at a time and using a method determined by the Control Officer.
  - ((460.23 Any new plants or alterations to existing plants shall be required to use Best Available Technology which has been adequately demonstrated to achieve compliance with this regulation.))
- 460.3 ((All plant s)) Sources subject to Section 460 shall submit a monitoring proposal and monitoring schedule within one hundred and ((twenty (120))) eighty (180) days of start-up ((the effective date of this Regulation)). Each proposal shall include:
  - 460.31 At least one recording meteorological station equipped to record wind speed and direction and located and operated as approved by the Control Officer. The data shall be capable of

being recorded and interpreted as hourly averages.

- 460.32 The sulfur content and quantity of all materials, gaseous or liquid, fed to any boilers, furnaces, heaters, flares or any other facility capable of generating heat, resulting in emissions to the atmosphere. The sulfur content shall be expressed in pounds/hour of sulfur dioxide and shall contain an explanation of how this quantity was actually determined. The sulfur content of the fuel shall be averaged over a period of time as determined and specified by the Control Officer.
- 460.33 The sulfur content and quantity of <u>fuel burned</u> at any other <u>emission unit</u> ((individual source)) capable of emitting sulfur to the atmosphere in quantities in excess of one hundred (100) pounds/day of sulfur compounds calculated as sulfur dioxide. Provided that all <u>emission units</u> ((sources)) emitting less than one hundred (100) pounds/day of sulfur compounds, calculated as sulfur dioxide may be estimated collectively as a single emission.
- 460.34 The monitoring proposal complies with provisions of Section 365.
- 460.4 ((For the purposes of this Regulation, all sources))

  Except as noted in 460.12 all sources with an input heat capacity greater than five hundred million BTU/hour ((shall be classified as plant sources)) are subject to Section 460.
- 460.5 The total emissions of all sources located in that portion of Sections 2, 3, 4, 5, 9, Township 34 North and Sections 21, 27, 28, 29, 32, 33, 34, 35, in Township 35 North, Range 2 East, Willamette Meridian, all in Skagit County Washington, and commonly known as March Point heavy industrial area; shall not exceed seven thousand (7,000) pounds/hour of sulfur compounds, calculated as sulfur dioxide.

When the Control Officer reasonably believes that there exists a substantial likelihood that this total is likely to be exceeded, he or she shall establish additional temporary restrictions on any or all sources of sulfur compounds in said area to maintain a total emission of less than seven thousand (7,000) pounds/hour. Said restrictions to remain in force only so long as the total emission will exceed 7,000 pounds/hour.

460.6 Emissions from flares, torches and waste gas burners used by any ((plant)) source subject to this Section shall be governed by the provisions set forth in this Section. Provided that emissions from said sources that exceed the limits established by the Regulation of this Authority, shall also be subject to Section 340 "Report of Breakdown" when conditions set forth therein are applicable.

Passed: November 11, 1971

Amended: February 14, 1973, January 9, 1974, August 9, 1978, April 14, 1993, February 8, 1996

#### AMENDATORY SECTION

#### SECTION 520 - SULFUR COMPOUNDS IN FUEL

- 520.1 It shall be unlawful for any person to burn, sell, or make available for sale for burning in fuel burning equipment, or refuse burning equipment, within the jurisdiction of this Authority, any fuel containing a weight of sulfur in excess of that allowed by Subsection 520.11, 520.12, 520.13, 520.14 and 520.15.
  - 520.11 Distillate fuel oil classified as Grade No. 1 (ASTM designation: D396-69) shall contain three tenths percent (0.3%) or less sulfur by weight.
  - 520.12 Distillate fuel oil classified as Grade No. 2 (ASTM Designation: D396-69) shall contain five-tenths percent (0.5%) or less sulfur by weight.
  - 520.13 All other grades or kinds of fuel oil intended for use in fuel oil burning equipment including ASTM Designation: D396-69 Grades No. 4, 5, and 6 shall contain two percent (2.0%) or less sulfur by weight.
  - 520.14 Gaseous fuel shall contain 50 grains (412 ppm @ standard conditions) or less sulfur per 100 standard cubic feet except that this subsection shall not apply to those sources subject to Section 460.
  - 520.15 Solid fuel (such as, but not limited to, coal, coke, and refuse) shall contain two percent (2.0%) or less sulfur by weight.

#### 520.2 This section does not apply to:

- a. Ocean going vessels;
- b. Used oil burned in space heaters that have a maximum heat input of less than 0.4 million BTU/hr;
- c. Persons in the business of collecting used oil from residences authorized by a city, county, or the Utilities and Transportation Commission.

Amended: April 14, 1993, May 11, 1995, February 8, 1996

#### AMENDATORY SECTION

### SECTION 580 - VOLATILE ORGANIC COMPOUND CONTROL

580.1 The Board of Directors has noted the measurement of ozone concentrations (one hour ave.) nearing the Federal ambient standard at the northern and southern boundaries of the NWAPA jurisdiction. The expanding population and the presence of four large refineries contribute volatile organic compound (VOC) emissions to the atmosphere. Photochemically reactive VOC's are precursors to ozone formation. In order to maintain the current attain-

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ment status for ozone, the Board has adopted specific measures to control VOC emissions. Reasonable Available Control Technology (RACT) is required for existing refinery operations, gasoline marketing, and in the use of cutback asphalt. RACT is defined as the lowest emission limit that a particular source is capable of meeting by the application of control that is reasonably available considering technological and economic feasibility. ((Best Available Control Technology for VOC will be required on all new sources.))

SECTION 580 - DEFINITIONS

BOTTOM LOADING - means the filling of a tank through a submerged fill line.

BULK GASOLINE PLANT - means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks. See also "gasoline station" and "gasoline loading terminal."

<u>CERTIFIED VAPOR RECOVERY SYSTEM</u> - means a stage II vapor recovery system which has been certified by the California Air Resources Board.

<u>CLOSED REFINERY SYSTEM</u> - means a disposal system that will process or dispose of those VOC collected from another system.

<u>CUTBACK ASPHALT</u> - means an asphalt that has been blended with more than seven percent petroleum distillates by weight.

<u>DISPOSAL SYSTEM</u> - means a process or device that reduces the mass quantity of the uncontrolled VOC emissions by at least ninety percent.

GASOLINE - Means a petroleum distillate having a true vapor pressure greater than 28.0 kilopascals (kPa) (4 pounds per square inch absolute -p.s.i.a.) - at 20 degrees Celsius (20 C) temperature, that is a liquid at standard conditions of 102.9 Kpa (14.7 psi) and 20 C, and is used as a fuel for internal combustion engines.

GASOLINE STATION - means any facility dispensing gasoline into fuel tanks of motor vehicles, from stationary storage tanks. See also "bulk gasoline plant" and "gasoline loading terminal."

GASOLINE LOADING TERMINAL - means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks. See also "bulk gasoline plant" and "gasoline station."

<u>LEAK FREE</u> - means a liquid leak of less than four drops per minute.

<u>VAPOR BALANCING</u> - means use of a vapor balance system.

<u>VAPOR RECOVERY SYSTEM</u> - means a process which prevents emission to the atmosphere of volatile organic compounds released by the operation of any transfer, storage, or process equipment.

((VOLATILE ORGANIC COMPOUND or VOC - means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater then 0.01 Kpa (0.002 psia) at a temperature of 20 C and pressure of 102.9 Kpa (14.7 psi). Excluded compounds are methane, ethane, methylene chloride, 1, 1, 1-trichlorocthane (methyl chloroform), trichlorofluoromethane (CFC 11), dichlorodifluoromethane (CFC 12), chlorodifluoromethane (CFC 22), trichlorotrifluorocthane (CFC 113), dichlorotetrafluorocthane (CFC 114), and chloropentafluorocthane (CFC 115).))

VOLATILE ORGANIC COMPOUND or VOC - means an organic compound that participates in atmospheric photochemical reactions. This excludes all compounds determined to have negligible photochemical reactivity by the U.S. Environmental Protection Agency and listed in 40 CFR 51.100(s).

WAXY, HEAVY POUR CRUDE OIL - means a crude oil with a pour point of 10 C or higher (determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils").

PASSED: December 13, 1989

Amended: April 14, 1993, October 13, 1994, February 8,

1996

#### SECTION 580.2 - Petroleum Refineries

- 580.21 This section shall apply to all petroleum refineries with a crude oil or feed stock capacity greater than three hundred eighteen thousand liters (2,000 barrels) per day.
- 580.22 It shall be unlawful for any person to cause or allow the disposal of VOC from the vacuum producing systems covered under this subsection except as follows:
  - 580.221 Noncondensable VOC shall be piped to an appropriate firebox, incinerator or to a closed refinery system.
  - 580.222 Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.
- 580.23 It shall be unlawful for any person to cause or allow the operation of a wastewater separator with annual VOC emissions estimated by the Authority to exceed 25 tons, when such operation does not comply as follows:
  - 580.231 Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or a double deck-type cover equipped with closure seals between the cover edge and compartment wall. Collected vapors shall not be discharged to the atmosphere.
  - 580.232 Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall

be closed with suitable covers when not in use

- 580.24 It shall be unlawful for any person to cause or allow a process unit turnaround which does not comply with the following conditions:
  - 580.241 The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.
  - 580.242 The VOC pressure in a process unit following depressurization for turnaround shall be less than five pounds per square inch gauge (psig) before venting to the ambient air.
  - 580.243 The owner or operator shall keep a record of each process unit turnaround not in compliance with 580.242.
  - 580.244 The owner or operator shall keep a record of each process unit turnaround listing the date the unit was shut down, the estimated vessel VOC concentration when the VOC was first emitted, and the estimated total quantity of VOC emitted.
- 580.25 Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with accepted industrial practices.
- Any petroleum refinery process unit, storage facility or other operation (including drains) subject to federal VOC or HAP standards (NSPS, Benzene Waste NESHAP, Petroleum Refinery NESHAP, etc.) is exempt from the requirements of NWAPA 580.3 through NWAPA 580.10. Such exemption shall take effect upon the date of required compliance with the federal standard.

PASSED: December 13, 1989 Amended: February 8, 1996

#### **NEW SECTION**

SECTION 590 PERCHLOROETHYLENE DRY CLEAN-ERS

- 590.1 Applicability. This section applies to all dry cleaning systems using perchloroethylene.
- 590.2 General Requirements. It shall be unlawful for any person to cause or allow the operation of a perchloroethylene dry cleaning system unless all the air-perchloroethylene gas-vapor stream is vented through a carbon adsorber or refrigerated condenser. Dry cleaning machines installed after September 21, 1993 shall use a refrigerated condenser.
- 590.3 General Operation and Maintenance Requirements.
  It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry

cleaning system unless all of the following conditions are met:

- 590.31 Conduct a visual inspection of the dry cleaning system at least once a week for perceptible leaks. All perceptible leaks shall be repaired within 24 hours of detection. If repair parts must be ordered to repair a leak, the parts shall be ordered within 2 working days of detecting the leak, and the repair parts shall be installed within 5 working days after receipt;
- 590.32 Drain cartridge filters in their housing or other sealed container for at least 24 hours before discarding the cartridges;
- 590.33 Close the door of each dry cleaning machine except when transferring articles to or from the machine;
- 590.34 Store all perchloroethylene, and wastes containing perchloroethylene, in a closed container; and
- 590.35 Operate and maintain the dry cleaning system according to the manufacturer's specifications and recommendations.
- 590.4 Requirements for Refrigerated Condensers. It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system using a refrigerated condenser unless all of the following conditions are met:
  - 590.41 The air temperature at the outlet of the refrigerated condenser installed on a dry-to-dry machine, dryer, or reclaimer must reach 45°F (7°C) or less during the cool-down period. Compliance shall be determined by continuously monitoring the outlet temperature during the cool-down period using a permanently installed temperature sensor that is accurate to within 2°F (1°C);
  - 590.42 The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11°C). Compliance shall be determined by continuously monitoring the inlet and outlet temperatures during the cooldown period using permanently installed temperature sensors that are accurate to within 2°F (1°C);
  - 590.43 The refrigerated condenser shall be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machine is open; and
  - 590.44 The refrigerated condenser shall not vent the air-perchloroethylene gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened.
- 590.5 Requirements for Carbon Adsorbers. It shall be unlawful for any person to cause or allow the

operation of any perchloroethylene dry cleaning system using a carbon adsorber unless all of the following conditions are met:

- 590.51 The concentration of perchloroethylene at the exhaust of the carbon adsorber shall not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber; and
- 590.52 Compliance shall be determined by weekly measurements of the concentration of perchloroethylene at the outlet of the carbon adsorber using a colorimetric detector tube that is accurate to within 25 ppm. If the dry cleaning system was constructed on or before December 8, 1991, monitoring shall commence by September 23, 1996. If the dry cleaning system was constructed after December 8, 1991, monitoring shall commence immediately.
- 590.6 Recordkeeping. Each dry cleaning facility shall have an Operation and Maintenance Plan that includes the following records:
  - 590.61 A record of dates and results of all monitoring, inspections, and repair of the dry cleaning system.
  - 590.62 If a refrigerated condenser is used on a dry-todry machine, dryer, or reclaimer, a weekly record of the air temperature measured at the outlet of the refrigerated condenser during the cool-down period to verify compliance with Subsection 590.41.
  - 590.63 If a refrigerated condenser is used on a washer, a weekly record of the difference between the air temperatures measured at the inlet and outlet of the refrigerated condenser to verify compliance with Subsection 590.42.
  - 590.64 If a carbon adsorber is used on a dry cleaning system, a weekly record of outlet perchloroethylene concentration to verify compliance with 590.51.
  - 590.65 A record of the volume of perchloroethylene purchased each month including receipts of perchloroethylene purchases and a calculation of the amount of perchloroethylene purchased over the previous 12 months.
- 590.7 Prohibitions. It shall be unlawful to operate a multi-machine dry cleaning operation in which washing and drying are performed in different machines (transfer system) after December 31, 1999.
- 590.8 Major Source Requirements. If the dry cleaning system is located at a facility that emits 10 tons or more of perchloroethylene annually, the facility must meet the additional requirements set forth in 40 CFR Part 63, Subpart M.

590.9 Exemptions. Dry cleaning systems that commenced construction or reconstruction prior to December 8, 1991 are exempt from 590.4 and 590.5 if the amount of perchloroethylene purchased over the previous 12 months is less than 140 gallons.

PASSED: February 8, 1996

**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.

**Reviser's note:** The spelling errors in the above material occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

# WSR 96-06-025 PERMANENT RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 28, 1996, 1:58 p.m., effective April 1, 1996]

Date of Adoption: February 28, 1996.

Purpose: Adopt April 1, 1996, base rate revisions.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-895 and 296-17-920.

Statutory Authority for Adoption: RCW 51.16.035 and 51.32.073.

Adopted under notice filed as WSR 96-03-115 on January 23, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: April 1, 1996.

February 28, 1996 Dorette M. Markham for Mark O. Brown Director

AMENDATORY SECTION (Amending WSR 95-23-080, filed 11/20/95, effective 1/1/96)

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

| ((Base Ra | tes            | <b>Effective</b>  |
|-----------|----------------|-------------------|
| January   | <del>/ 1</del> | <del>, 1996</del> |

|       | Accident                   | Medical Aid        |  |  |
|-------|----------------------------|--------------------|--|--|
|       | - Fund                     |                    |  |  |
|       |                            |                    |  |  |
| 0101  | 1.4172                     | <del></del>        |  |  |
| 0102- | 1.4854                     | 0.6170             |  |  |
| 0103  | 1.8132                     | 0.7254             |  |  |
| 0104- | 2.0801                     | 0.7529             |  |  |
|       | 1.3798                     |                    |  |  |
|       | 1.4288                     |                    |  |  |
| 0108  | 0.0758                     | 0.4055             |  |  |
| 0109  | 4.3956                     | 1 4176             |  |  |
| 0201  | <del>3.4169</del>          | 1.2550             |  |  |
| 0202  | 3.6615                     | 1.3351             |  |  |
|       | 2.0484                     |                    |  |  |
| 0301  | 0.6105                     | 0.2680             |  |  |
| 0302  | 2.2865<br>1.0155           | 0.7455             |  |  |
| 0306  | 1.0155                     | 0.7155             |  |  |
| 0307  | 0.7527                     | 0.3840             |  |  |
|       | 1.5550                     |                    |  |  |
|       | 1.5176                     |                    |  |  |
| 0504  | 1 5026                     | 0.6164             |  |  |
| 0506  | 5.1355                     | 1.8101             |  |  |
| 0507  | 5.1355<br>3.4887           | 1.5784             |  |  |
| 0508  | 3.9724                     | 1.1176             |  |  |
| 0509  | 1.8942                     | 0.7103             |  |  |
|       | 1.4694                     |                    |  |  |
| 0511- | 1.0721                     | 0.5259             |  |  |
| 0512  | 1 8231                     | 0.7620             |  |  |
| 0513  | 0.7743                     | 0.3254             |  |  |
| 0514  | <del>1.4694</del>          | 0.6454             |  |  |
| 0515  | 3.1835                     | 1.0775             |  |  |
|       | 1.4694                     |                    |  |  |
|       | 1.6642                     |                    |  |  |
| 0518  | 1.7432                     | 0.6389             |  |  |
| 0519  | 1.7432<br>1.6574           | 0.8660             |  |  |
| 0601  | 0.6904                     | 0.3315             |  |  |
|       | 0.4142                     |                    |  |  |
| 0603  | 1.0539                     | 0.4178             |  |  |
| 0604  | - 1. <del>2062</del>       | <del>0.6635</del>  |  |  |
| 0606  | 0.2494                     | 0.1791             |  |  |
| 0607  | 0.2704                     | <del>0.1837</del>  |  |  |
|       | 0.2834                     |                    |  |  |
|       | 2.8143                     |                    |  |  |
| 0803  | 0.3385                     | <del>0.1885</del>  |  |  |
| 0804  | 1.0371                     | <del>0.4216</del>  |  |  |
| 0901  | 1.6607<br>0.7664           | <del>0.7050</del>  |  |  |
| 1002  | 0.7664                     | 0.4244             |  |  |
| 1003  | <del>0.7456</del> —        | 0.3635             |  |  |
|       | <del>0.5326</del> —        |                    |  |  |
| 1005  | 6.5179                     | <del>2.2936</del>  |  |  |
| 1007  | 0.3419                     | 0.1720             |  |  |
| 1101  | 0.5148                     | <del> 0.3196</del> |  |  |
| 1102  | 1.2942                     | 0.5709             |  |  |
| 1103  | 0.5178                     | 0.3014             |  |  |
| 1104  | <del>0.4510 -</del>        | 0.3173             |  |  |
| 1106  | 0.2010 -                   | 0.1785             |  |  |
| 1108  | 0.2764                     | 0.2618             |  |  |
| 1109  | 0.6371<br>0.6371<br>0.3563 | <del>0.4659</del>  |  |  |
| 1301  | 0.3563                     | 0.2224             |  |  |
|       |                            |                    |  |  |

| <del>1303</del>   | 0.1687            | 0.0933                       |
|-------------------|-------------------|------------------------------|
| 1304              | 0.0194            | 0.0143                       |
| <del>1305</del>   | 0.3498            | 0.2279                       |
| 1401              | 0.5856            | 0.3604                       |
|                   | 0.5199            |                              |
|                   | <del>0.4696</del> |                              |
| <del>1501</del>   | 0.3728            | 0.2062                       |
| 1507              | 0.2707            | 0.1773                       |
| 1701              | 1.8836            | 0.6601                       |
| <del>1702</del>   | 1.9135            | 0.7256                       |
| <del>1703</del>   | 0.3517            | 0.1739                       |
| <del>1704</del>   | 0.7873            | 0.3885                       |
| <del>1801 -</del> | 0.9288            | 0.4103                       |
| 1802              | 1.1467            | 0.4951                       |
| 2002              | 0.4988            | 0.3366                       |
| <del>2003</del>   | 0.3486            | 0.2370                       |
| 2004              | 0.5495            | 0.3423                       |
| <del>2007</del>   | 0.4413            | 0.2883                       |
| <del>2008</del>   | 0.2531            | 0.1489                       |
| 2009              | 0.2825            | 0.2007                       |
| 2101              | 0.5575            | 0.2245                       |
| 2102              | 0.3887            | 0.2727                       |
| 2104              | 0.2166            | 0.1754                       |
| 2105              | 0.5301            | 0.2652                       |
| 2106              | 0.3026            | 0.2000                       |
| <del>2201</del>   | 0.2343            | 0.1407                       |
| 2202              | 0.5112            | 0.3500                       |
| 2203              | 0.2409            | 0.1850                       |
| 2401              | 0.3615            | 0.2710                       |
| 2903              | 0.5959            | <del>0.4045</del>            |
| 2904              | 0.6647            | 0.4304                       |
| 2905              | 0.4210            | 0.3061                       |
| <del>2906</del>   | 0.3179            | 0 1733                       |
| 2907              | 0.4682            | 0.3037                       |
| <del>2908</del>   | 0.9149            | 0.5218                       |
| 2909              | 0.4764            | 0.3140                       |
| 3101              | 0.8167            | 0.3055                       |
| 3102              | 0.2806            | 0.1870                       |
| 3103              | <u>0.7763</u>     | 0 27/7                       |
| 3104              | 0.4080            | 0.2476                       |
| 3105              | 0.7579            | 0.4351                       |
| 3303              | 0.2107            | 0.1412                       |
| 3304              | 0.5411            | 0.3456                       |
| 3309              | 0.3439            | 0.2532                       |
| 3401              | 0.3827            | 0.2182                       |
| 3402              | 0.4719            | 0.2611                       |
| 3403              | 0.2034            | 0.1172                       |
| 3404              |                   | 0.2718                       |
| 3405              | 0.3065            | <del>- 0.1646</del>          |
| 3406              | 0.2081            | 0.1481                       |
| 3407              | 0.2785            | 0.1807                       |
| 3408              |                   | 0.0580                       |
| 3409              | 0.0795            | 0.0626                       |
| 3410              | 0.1636            | 0.0020                       |
|                   | <del></del>       |                              |
| 3503              | <del>0.2249</del> | 0.7000                       |
| 3506              | 0.9452            | 0.2270                       |
| 3509              | 0.3570            | 0.5 <del>401</del><br>0.2475 |
| 3510              | 0.3762            | 0.2501                       |
| 3511              | 0.5641            | 0.2567                       |
| 3512              | 0.3006            | 0.2580                       |
| 3602              | 0.0895            | 0.2303                       |
| 5002              | J.0073            | 0.0721                       |

| 3603            | 0.3388                                 | <del>-0.2735</del>  |
|-----------------|--|---------------------|
| 3604            | 1.3109                                 | <del>0.7452</del>   |
| 3605            | 0.4369                                 | <del>0.2582</del>   |
| 3701            | 0.2382                                 | <del>0.1609</del>   |
| 3702            | 0.4611                                 | <del>0.2676</del>   |
| 3707            | 0.4308                                 | <del>- 0.3834</del> |
| 3708            | 0.3314                                 | <del> 0.2178</del>  |
| 3801            | 0.2714                                 | <del>0.1596</del>   |
| 3802            | 0.1556                                 | <del> 0.1136</del>  |
|                 | 0.2900-                                |                     |
|                 | 0.1544                                 |                     |
| 3902            | 0.3432<br>0.9713                       | 0.2503              |
| 3903            |  | 0.7328              |
| 3905            |  | 0.1164              |
| 3906            | 0.1554                                 | 0.2700              |
| 4002            | 0.8284                                 | 0.1201              |
| 4101            | —————————————————————————————————————— | 0.3092              |
| 4101            | 0.2041                                 | 0.1371              |
| 4107            | 0.1228                                 | 0.0970              |
| 4108            | <del>0.122</del> 0                     | 0.1053              |
| 4109            | 0.1962-                                | 0.1394              |
| 4201            | 0.3532                                 | <del>0.1573</del>   |
| 4301            | 0.6919                                 | <del> 0.4417</del>  |
| 4302            | 0.6578                                 | <del>- 0.3106</del> |
| 4304            | 0.5683                                 | <del> 0.3786</del>  |
| 4305            | —————————————————————————————————————— | 0.4554              |
| 4401            | 0.4242                                 | 0.2749              |
| 4402 —          |  | 0.3923              |
| 4404            |  | 0.2428              |
| 4502            |  | 0.0052              |
| 4504            | 0.0708                                 | 0.0257              |
| 4601            | <del>0.5520</del>                      | <del>-0.3744</del>  |
| 4802            | 0.1959                                 | <del>0.1365</del>   |
| 1803            | 0.1749                                 | 0.1416              |
| 4804            | 0.4269                                 | 0.3238              |
| 4805            | <del>-0.2778</del>                     | <del>0.1826</del>   |
| 4806            | 0.0553                                 | <del>0.0402</del>   |
|                 | 0.4313                                 |                     |
| 4809            | <del></del>                            | <del>- 0.1553</del> |
| 4810 —          |  | 0.1622              |
| 4811            | 0.2908                                 | 0.1023              |
| 4812            | 0.1999                                 | 0.1042              |
| 4001            | 0.0448                                 | 0.1410              |
| 4002            | 0.0588                                 | 0.0358              |
| 4003            |  | <del>-0.0273</del>  |
| 4904            | 0.0211                                 | <del>0.0166</del>   |
| 4905            | 0.1988                                 | <del> 0.1832</del>  |
|                 | 0.0694                                 |                     |
|                 |  |                     |
| 4908            | 0.0546                                 | <del></del>         |
| 4909            | 0.0275                                 | <del> 0.0466</del>  |
| 4910            | <del></del>                            | <del></del>         |
| <del>5001</del> | 4.8459<br>                             | 1.6341              |
|                 |  |                     |
|                 | 1.5740                                 |                     |
| 5005            | 1.3740<br>1.4172                       | 0.5551              |
| 5101            | 0.6534                                 | 0.4584              |
| 5103            | 0.5867                                 | <del>- 0.4236</del> |
|                 | <del></del> -                          | _                   |

| 5106               | 0.5849                       | 0.4178               |
|--------------------|------------------------------|----------------------|
|                    | 0.5873                       |                      |
| 5100               | 0.6227                       | 0.3175               |
| 5201               | 0.3060                       | 0.1739               |
|                    | 0.9533                       |                      |
|                    | <del></del>                  |                      |
| <del>5207</del>    | 0.1086                       | 0.1104               |
| <del>5208</del> —— | 0.8609                       | <del>0.4701</del>    |
| 5209               |                              | <del>0.3935</del>    |
|                    |                              |                      |
| 5305               | 0.0352<br>0.0409             | 0.0272               |
| 5300               | 0.3101                       | 0.0300               |
| 6102               | 0.0431                       | 0.1723               |
| 6104               |                              | 0.1602               |
| 6105               | 0.1665                       | <del>- 0.1130</del>  |
| 6107               | <del> 0.1014</del>           | <del>0.0840</del>    |
| 6108               | 0.4076                       | <del>0.3121</del>    |
| 6109               | 0.0558                       | <del>0.0379</del>    |
| 6110               | <del>0.4166</del>            | 0.2688               |
| 6201               | 0.2464                       | <del>0.1455</del>    |
|                    | 0.5323                       |                      |
|                    | 0.0674                       |                      |
| 6204               | 0.1567<br>0.1567             | 0.1276               |
| 6205               | 0.1567<br>0.1567             | 0.1276               |
| 6207               | 0.8677                       | 0.1270               |
| 6209               | 0.1940                       | 0.1954               |
|                    | 0.1954                       |                      |
| 6301               | 0.1205                       | 0.0660               |
| 6302               | 0 1360                       | 0.0999               |
| 6303               | 0.0610                       | <del>0.0426</del>    |
| 6304               | 0.1302                       | 0.1233               |
|                    | 0.0605                       |                      |
|                    | 0.2344                       |                      |
| 6308 -             | 0.0431                       | 0.0301               |
| 6309               | 0.1105<br>                   |                      |
| 6402               | 0.1636                       | 0.1667               |
| 6404               | 0.1151                       | 0.1420               |
|                    | 0.5351                       |                      |
|                    | 0.0687                       |                      |
| 6407               | 0.1731                       | <del>0.1308</del>    |
| 6408               | 0.3077                       | 0.2036               |
| 6409               | 0.4872                       | 0.2804               |
|                    | 0.1363                       |                      |
|                    | 0.0839                       |                      |
| 6502               | 0.0221                       | <del>0.0182</del>    |
| 6503               | 0.0685                       | 0.0328               |
| 6504               | 0.3112                       | 0.2923               |
| 6505               |                              | 0.0702               |
|                    | 0.3065                       |                      |
| 6500               | 0.30 <del>03</del><br>0.1910 | 0.2201               |
| 6601               | 0.1510<br>                   | 0.1021               |
| 6602               | 0.4006                       | 0.2731               |
| 6603               | 0.2564                       | 0.1759               |
| 6604               | <del></del>                  | <del>- 0.0413</del>  |
| 6605               | <del></del>                  | 0.2323               |
| 6607               | <del></del>                  | <del>0.1091</del>    |
| 6608               | 0.2925                       | <del>0.1433</del>    |
| 6614               | 283.7000**                   | <del>185.0000*</del> |

| 6615<br>6616                     | 211.7000**<br>27.7000**<br>20.7000** | 137.0000**<br>16.0000**<br>13.0000**   |                         |                          | Base Rates April 1,     |                         |
|----------------------------------|--------------------------------------|--|-------------------------|--------------------------|-------------------------|-------------------------|
| 6618                             | 80.7000**                            | 68.0000**                              |                         | •                        | Accident                | Medical Aid             |
| 6620                             | <del></del>                          | <del>- 0.4741</del>                    | (                       | Class                    | Fund                    | Fund                    |
| 6704                             | 0.1132                               | 0.0821                                 |                         |                          |                         | <u> </u>                |
| 6705                             | 0.6240                               | <del>0.5642</del>                      | 9                       | <u> </u>                 | 1.0345                  | 0.4173                  |
| <del>6706 –</del>                | 0.2995                               | <del> 0.2683</del>                     |                         | 0102                     | 1.0843                  | 0.4505                  |
| <del>6707</del>                  | 10.88*                               | <del>9.04*</del>                       |                         | 0103                     | 1.3236                  | 0.5296                  |
| 6708                             | 4.0470                               | <del>4.3290</del>                      |                         | 0104                     | 1.5184                  | 0.5497                  |
| 6709——<br>6801——                 | 0.1408                               | 0.1356<br>0.1416                       |                         | 0105                     | 1.0073                  | 0.4978                  |
| 6802                             | 0.2939                               | <del></del>                            | -                       | 0107<br>0108             | 1.0430<br>0.7123        | 0.3753                  |
| 6803                             | 1.1663                               | 0.2311                                 |                         | 0109                     | 3.2088                  | <u>0.2961</u><br>1.0349 |
| 6804                             | 0.1742                               | 0.2311                                 |                         | 0201                     | 2.4943                  | 0.9162                  |
| 6809                             | 2.3483                               | 3.5833                                 |                         | 0202                     | $\frac{2.6729}{2.6729}$ | 0.9747                  |
| 6901                             | 0.0000                               | <del>0.0386</del>                      |                         | 0206                     | 1.4953                  | 0.4747                  |
| 6902                             | 0.9111                               | <del>0.3011</del>                      | 9                       | 0301                     | $\overline{0.4522}$     | 0.2687                  |
| 6903                             | 4.0416                               | 1.7992                                 |                         | <u>)302</u>              | 1.6691                  | 0.5443                  |
| 6904                             | 0.2107                               | <del>- 0.1257</del>                    |                         | <u> </u>                 | 0.7413                  | <u>0.3252</u>           |
| 6905                             | 0.2314                               | <del>0.1571</del>                      |                         | )307                     | 0.5494                  | 0.2804                  |
| 6906<br>6907                     |                                      |  |                         | )403<br>)502             | 1.1351                  | 0.5565                  |
| 6908                             | 0.3672                               | <del>0.3869</del><br><del>0.2416</del> |                         | 0 <u>502</u><br>0504     | 1.1078<br>1.1626        | 0.4056<br>0.4500        |
| 6909                             | 0.0754                               | <del>0.0602</del>                      |                         | )50 <del>4</del><br>)506 | 3.7489                  | 1.3214                  |
| 7101                             | 0.0275                               | <del>0.0195</del>                      |                         | )507                     | $\frac{3.7465}{2.5467}$ | $\frac{1.3214}{1.1523}$ |
| 7102                             | 16.56*                               | <del>24.24*</del>                      |                         | 0508                     | 2.8999                  | 0.8159                  |
| 7103                             | 0.2839                               | <del>0.1561</del>                      |                         | )509                     | 1.3827                  | 0.5186                  |
| 7104                             | 0.0207                               | 0.0180                                 |                         | <u> </u>                 | 1.0727                  | 0.4712                  |
| 7105                             | 0.0243                               | <del>0.0182</del>                      |                         | <u>)511</u>              | <u>0.7826</u>           | 0.3840                  |
| <del>7106</del>                  | 0.1510<br>0.2423                     | <del>0.0925</del>                      |                         | <u>)512</u>              | 1.3309                  | 0.5563                  |
| <del>7107</del> <del>7108 </del> | 0.1697                               | 0.1537<br>0.1442                       |                         | 0 <u>513</u><br>0514     | <u>0.5652</u><br>1.0727 | 0.2376                  |
| 7109                             | 0.1819                               | 0.1467                                 |                         | )51 <del>5</del>         | $\frac{1.0727}{2.3240}$ | $\frac{0.4712}{0.7866}$ |
| 7110                             | 0.3464                               | <del>0.1787</del>                      |                         | )516                     | 1.0727                  | 0.4712                  |
| 7111                             | 0.4379                               | 0.2811                                 |                         | <u> 517</u>              | 1.2149                  | 0.6219                  |
| 7112                             | 0.6007                               | <del>0.3453</del>                      |                         | <u> 518</u>              | 1.2725                  | 0.4665                  |
| 7113                             | 0.6496                               | <del>0.3309</del>                      | _                       | 519                      | 1.2099                  | 0.6322                  |
| 7114 -                           | 0.5444                               | <del>0.5040</del>                      |                         | 601                      | 0.5039                  | 0.2421                  |
| 7115                             |                                      | 0.3098<br>0.3123                       |                         | 602                      | 0.3023                  | 0.1463                  |
| <del>7116</del>                  | 1.1217                               | <del>0.9123</del><br><del>0.9047</del> |                         | 603<br>604               | 0.7693<br>0.8805        | 0.3051<br>0.4844        |
| 7118                             | 2.5270                               | 1.4928                                 |                         | 606                      | 0.1821                  | 0.1308                  |
| 7119                             | 1.8565                               | 1.0001                                 |                         | 607                      | 0.1973                  | 0.1342                  |
| 7120                             | 5.1221                               | <del>3.2106</del>                      |                         | 608                      | 0.2069                  | 0.1409                  |
| 7121                             | 5.5649                               | <del>3.1963</del>                      | $\overline{\mathbf{c}}$ | 701                      | 2.0545                  | 0.4841                  |
| 7201                             | 1.0186                               | <del>0.4659</del>                      |                         | 803                      | 0.2471                  | 0.1377                  |
| 7202                             | 0.0468                               | 0.0303                                 |                         | 804                      | 0.7571                  | 0.3078                  |
| <del>7203</del>                  |                                      | 0.094 <del>5</del><br>0.0000           |                         | 901                      | 1.2123<br>2.5524        | 0.5147                  |
| 7301                             | 0.5289                               | <del>0.3009</del>                      |                         | 002<br>003               | 0.5594                  | 0.3099                  |
| 7302                             | <del>0.5251</del>                    | <del>0.4101</del>                      |                         | 003<br>004               | 0.5443<br>0.3888        | 0.2654<br>0.1945        |
| 7307                             | 0.5511                               | 0.4135                                 |                         | 005                      | 4.7581                  | 1.6744                  |
| 7308                             | 0.1742                               | <del>0.1680</del>                      |                         | 007                      | 0.2496                  | $\frac{1.0744}{0.1256}$ |
| 7309                             | 0.1408                               | <del>0.1356</del> ))                   |                         | 101                      | 0.3758                  | 0.2334                  |
|                                  |                                      |  |                         | 102                      | 0.9448                  | 0.4168                  |
|                                  |                                      |  |                         | 103                      | 0.3780                  | 0.2201                  |
|                                  |                                      |  |                         | 104                      | 0.3292                  | 0.2317                  |
|                                  |                                      |  |                         | 106<br>108               | 0.1467                  | 0.1304                  |
|                                  |                                      |  |                         | 108<br>109               | 0.2747<br>0.4650        | 0.1912<br>0.3402        |
|                                  |                                      |  |                         | 301                      | 0.4630<br>0.2601        | 0.3402<br>0.1624        |
|                                  |                                      |  | [16]                    | <del></del>              | 0.2001                  | 0.1027                  |

Permanent [ 16 ]

|                 |                                | 0.0400                           | 2602                               | 0.2473                         | 0.1997                         |
|-----------------|--------------------------------|----------------------------------|------------------------------------|--------------------------------|--------------------------------|
| 1303<br>1304    | <u>0.1231</u><br>0.0142        | 0.0682<br>0.0105                 | 3603<br>3604                       | 0.9569                         | 0.5441                         |
| 1305            | $\frac{0.0142}{0.2554}$        | 0.1664                           | 3605                               | 0.3190                         | 0.1885                         |
| <u>1401</u>     | 0.4275                         | 0.2631                           | <u>3701</u>                        | 0.1739<br>0.3366               | 0.1175<br>0.1954               |
| 1404            | 0.3795                         | $\frac{0.2073}{0.2112}$          | 3702<br>3707                       | 0.3145                         | 0.1934                         |
| 1405<br>1501    | 0.3428<br>0.2721               | 0.1506                           | <del>3708</del>                    | 0.2419                         | 0.1591                         |
| 1507<br>1507    | 0.1976                         | 0.1295                           | 3801                               | 0.1981                         | 0.1166                         |
| 1701            | 1.3751                         | 0.4819                           | 3802<br>3808                       | 0.1136<br>0.2117               | 0.0830<br>0.1254               |
| 1702<br>1703    | 1.3969<br>0.2567               | 0.5297<br>0.1270                 | <u>3808</u><br><u>3901</u>         | $\frac{0.2117}{0.1127}$        | 0.0828                         |
| 1703<br>1704    | <u>0.5747</u>                  | 0.2837                           | 3902                               | 0.2505                         | 0.1828                         |
| 1801            | <u>0.6780</u>                  | 0.2996                           | <u>3903</u>                        | 0.7090<br>0.0893               | 0.5496<br>0.0865               |
| 1802            | 0.8371<br>0.3641               | 0.3615<br>0.2458                 | 3905<br>3906                       | 0.3539                         | 0.0003                         |
| 2002<br>2003    | 0.3041                         | $\frac{0.2438}{0.1737}$          | 3909                               | <u>0.1135</u>                  | 0.0923                         |
| <del>2004</del> | 0.4012                         | $\overline{0.2499}$              | 4002                               | 0.6047                         | 0.2842                         |
| <u>2007</u>     | 0.3222                         | $\frac{0.2105}{0.1088}$          | $\frac{4101}{4103}$                | $\frac{0.1432}{0.1490}$        | $\frac{0.1018}{0.1275}$        |
| 2008<br>2009    | $\frac{0.1847}{0.2062}$        | 0.1 <u>088</u><br>0.14 <u>66</u> | $\frac{4105}{4107}$                | 0.0896                         | 0.0709                         |
| 2101            | <u>0.4070</u>                  | 0.2442                           | 4108                               | 0.1137                         | 0.0769                         |
| <u>2102</u>     | 0.2838                         | 0.1991                           | 4109                               | $\frac{0.1432}{0.2578}$        | 0.1018<br>0.1149               |
| 2104            | 0.1581<br>0.3869               | 0.1281<br>0.1937                 | 420 <u>1</u><br>430 <u>1</u>       | 0.2378<br>0.5051               | $\frac{0.1145}{0.3225}$        |
| 2105<br>2106    | 0.2209                         | $\frac{0.1957}{0.1467}$          | 4302                               | 0.4802                         | 0.2268                         |
| 2201            | <u>0.1710</u>                  | 0.1028                           | 4304                               | 0.4149                         | $\frac{0.2764}{0.3325}$        |
| 2202            | 0.3731                         | 0.2556<br>0.1351                 | 4305<br>4401                       | $\frac{0.6971}{0.3097}$        | 0.3323                         |
| 2203<br>2401    | 0.1759<br>0.2639               | 0.1331                           | 4402                               | $\overline{0.4236}$            | 0.2864                         |
| <del>2903</del> | 0.4350                         | 0.2953                           | 4404                               | 0.2772                         | 0.1773                         |
| 2904            | 0.4853                         | 0.3142                           | 4501<br>4502                       | 0.0885<br>0.0256               | <u>0.0652</u><br><u>0.0188</u> |
| 2905<br>2906    | $\frac{0.3073}{0.2320}$        | 0.2235<br>0.1266                 | 450 <u>4</u>                       | 0.0517                         | 0.0480                         |
| 290 <u>7</u>    | $\frac{0.2320}{0.3417}$        | 0.2218                           | 4601                               | 0.4029                         | 0.2734                         |
| <b>2908</b>     | 0.6678                         | 0.3810                           | 4802                               | $\frac{0.1430}{0.1277}$        | 0.0997<br>0.1034               |
| <u>2909</u>     | 0.3477<br>0.5962               | 0.2293<br>0.2888                 | 4803<br>4804                       | $\frac{0.1277}{0.3117}$        | $\frac{0.1054}{0.2364}$        |
| 3101<br>3102    | 0.2049                         | 0.13 <u>72</u>                   | 4805                               | 0.2027                         | 0.1334                         |
| 3103            | 0.5667                         | 0.2736                           | <u>4806</u>                        | 0.0404                         | $\frac{0.0294}{0.1714}$        |
| 3104            | 0.3635<br>0.5533               | 0.1808<br>0.3177                 | 4808<br>4809                       | 0.3148<br>0.1535               | <u>0.1714</u><br><u>0.1134</u> |
| 3105<br>3303    | 0.5532<br>0.1538               | $\frac{0.3177}{0.1031}$          | <del>4810</del>                    | 0.0858                         | 0.0739                         |
| <u>3304</u>     | 0.3950                         | 0.2523                           | 4811                               | <u>0.1546</u>                  | 0.1185                         |
| 3309            | 0.2510                         | 0.1849                           | <u>4812</u><br>4813                | <u>0.2123</u><br><u>0.1460</u> | $\frac{0.1345}{0.1034}$        |
| 3401<br>3402    | 0.2794<br>0.3444               | 0.1594<br>0.1907                 | <del>4901</del>                    | $\frac{0.1700}{0.0327}$        | 0.0200                         |
| 3403            | 0.1485                         | 0.0856                           | 4902                               | 0.0429                         | 0.0262                         |
| 3404            | 0.3134                         | 0.1985                           | <u>4903</u><br>4904                | $\frac{0.0327}{0.0154}$        | 0.0200                         |
| 3405<br>3406    | 0.2238<br>0.1519               | <u>0.1202</u><br><u>0.1082</u>   | <del>4904</del><br><del>4905</del> | <u>0.0154</u><br><u>0.1451</u> | $\frac{0.0122}{0.1338}$        |
| 340 <u>7</u>    | 0.2033                         | 0.1320                           | 4906                               | 0.0507                         | 0.0329                         |
| 3408            | 0.0650                         | 0.0424                           | 4907                               | 0.0418<br>0.0399               | 0.0271<br>0.0697               |
| <u>3409</u>     | <u>0.0580</u><br><u>0.1194</u> | 0.0458<br>0.1037                 | <u>4908</u><br>4909                | 0.0399                         | 0.0341                         |
| 3410<br>3501    | $\frac{0.1194}{0.6627}$        | 0.3509                           | <u>4910</u>                        | 0.2469                         | 0.1745                         |
| 3503            | 0.1641                         | 0.1664                           | <u>5001</u>                        | 3.5376                         | 1.1929                         |
| <u>3506</u>     | 0.6900                         | <u>0.2542</u><br><u>0.1807</u>   | <u>5002</u><br><u>5003</u>         | <u>0.3444</u><br>1.2217        | 0.1980<br>0.4512               |
| 3509<br>3510    | $\frac{0.2606}{0.2747}$        | 0.1807<br>0.1826                 | 5004                               | 1.1490                         | 0.6812                         |
| <u>3511</u>     | 0.4118                         | 0.2604                           | 5005                               | 1.0345                         | $\frac{0.4173}{0.3347}$        |
| 3512            | 0.2194<br>0.0653               | $\frac{0.1891}{0.0527}$          | <u>5101</u><br>5103                | 0.477 <u>0</u><br>0.4283       | $\frac{0.3347}{0.3093}$        |
| <u>3602</u>     | 0.0653                         | 0.0321                           | [17]                               | <u>0.1200</u>                  | <u>0.0055</u><br>Pe            |
|                 |                                |                                  | L                                  |                                |                                |

|                     |                                | J                       | g :, :   |                                    |                    |
|---------------------|--------------------------------|-------------------------|--|------------------------------------|--------------------|
| <u>5106</u>         | 0.4269                         | 0.3051                  | <u>6615</u>  | 211.7000*                          | 137.0000°          |
| 5108                | 0.4287                         | 0.2355                  | <u>6616</u>  | 27.7000*                           | 16.0000            |
| <u>5109</u>         | 0.4546                         | 0.2318                  | <u>6617</u>  | 20.7000*                           | 13.0000*           |
| <u>5201</u><br>5204 | 0.2234                         | 0.1270                  | 6618   | 80.7000*                           | 68.0000*           |
| <u>5204</u><br>5206 | 0.6959<br>0.3699               | 0.3872<br>0.1785        | 6620   | 0.4064                             | 0.3461             |
| <u>5200</u><br>5207 | 0.0793                         | 0.0806                  | 6704<br>6705                                       | 0.0826<br>0.4555                   | 0.0600             |
| <u>5208</u>         | 0.6285                         | 0.3432                  | 6706   | 0.4333                             | 0.4119<br>0.1959   |
| 5209                | $\frac{0.4612}{0.4612}$        | 0.2873                  | <u>6707</u>  | 0.9928                             | 0.1939             |
| <u>5301</u>         | 0.0186                         | 0.0138                  | <u>6708</u>  | 2.9544                             | 3.1602             |
| <u>5305</u>         | 0.0257                         | 0.0199                  | <u>6709</u>  | 0.1028                             | 0.0990             |
| <u>5306</u>         | 0.0299                         | 0.0224                  | 6801   | 0.1652                             | 0.1034             |
| 5307                | 0.2264                         | 0.1260                  | 6802   | 0.2145                             | 0.1987             |
| 6103                | 0.0314                         | 0.0349                  | 6803   | 0.8514                             | 0.1688             |
| 6104<br>6105        | 0.1456<br>0.1216               | 0.1170<br>0.0825        | <u>6804</u>  | 0.1272                             | 0.0840             |
| 6107                | $\frac{0.1216}{0.0740}$        | 0.0823<br>0.0614        | 6809<br>6901                                       | 1.7142                             | 2.6159             |
| 6108                | $\frac{0.0740}{0.2975}$        | $\frac{0.0014}{0.2279}$ | 6902   | 0.0000<br>0.6651                   | 0.0282<br>0.2199   |
| 6109                | 0.0408                         | 0.0277                  | <u>6903</u>  | 2.9503                             | 1.3135             |
| 6110                | 0.3041                         | 0.1963                  | 6904   | $\frac{2.5555}{0.1538}$            | 0.0918             |
| <u>6201</u>         | 0.1798                         | 0.1063                  | 6905   | 0.1690                             | 0.1147             |
| 6202                | 0.3886                         | 0.2410                  | 6906   | 0.0000                             | 0.1147             |
| 6203                | 0.0492                         | 0.0418                  | <u>6907</u>  | 0.7989                             | 0.4285             |
| 6204<br>6205        | 0.1144                         | 0.0932                  | 6908   | 0.2681                             | 0.1764             |
| 620 <u>6</u>        | $\frac{0.1144}{0.1144}$        | $\frac{0.0932}{0.0932}$ | <u>6909</u><br>7101                                | 0.0550                             | 0.0440             |
| <u>6207</u>         | $\frac{0.1144}{0.6335}$        | 0.6676                  | $\frac{7101}{7102}$                                | 0.0201<br>1.5111                   | 0.0143<br>2.3945   |
| 6208                | 0.1416                         | 0.1427                  | $\frac{7102}{7103}$                                | $\frac{1.5111}{0.2073}$            | 0.1140             |
| 6209                | 0.1426                         | 0.1220                  | 7104   | <u>0.0151</u>                      | 0.0132             |
| <u>6301</u>         | 0.0880                         | 0.0482                  | <u>7105</u>  | 0.0178                             | 0.0133             |
| 6302                | 0.0999                         | 0.0730                  | 7106   | 0.1102                             | 0.0676             |
| 6303<br>6304        | 0.0445<br>0.0950               | 0.0312                  | 7107   | 0.1768                             | 0.1123             |
| 6305                | 0.0441                         | 0.0901<br>0.0350        | 7108<br>7109                                       | 0.1239<br>0.1328                   | 0.1053             |
| 6306                | $\frac{0.0441}{0.1711}$        | 0.1204                  | $\frac{7109}{7110}$                                | 0.1328<br>0.2529                   | 0.1071<br>0.1305   |
| 6308                | 0.0315                         | 0.0220                  | $\frac{7110}{7111}$                                | 0.3196                             | 0.1303             |
| 6309                | 0.0806                         | 0.0647                  | $\frac{7112}{}$                                    | 0.4385                             | 0.2521             |
| 6402                | <u>0.1858</u>                  | 0.1232                  | <u>7113</u>  | 0.4742                             | 0.2416             |
| 6403                | 0.1194                         | 0.1037                  | <u>7114</u>  | <u>0.3974</u>                      | 0.3680             |
| 6404                | 0.0841                         | 0.0777                  | 7115   | 0.3765                             | 0.2262             |
| <u>6405</u><br>6406 | <u>0.3906</u><br><u>0.0501</u> | $\frac{0.2316}{0.0430}$ | <u>7116</u><br>7117                                | 0.3945                             | 0.2280             |
| <del>6407</del>     | 0.1264                         | 0.0955                  | $\frac{7117}{7118}$                                | 0.8188<br>1.8447                   | 0.6605<br>1.0898   |
| 6408                | $\frac{0.2246}{0.2246}$        | 0.1487                  | $\frac{7118}{7119}$                                | 1.3553                             | 0.7301             |
| 6409                | 0.3557                         | 0.2047                  | 7120   | 3.7391                             | 2.3438             |
| <u>6410</u>         | 0.0995                         | 0.0747                  | 7121   | 4.0623                             | 2.3334             |
| <u>6501</u>         | 0.0612                         | 0.0428                  | <u>7201</u>  | 0.7435                             | 0.3402             |
| 6502                | 0.0162                         | 0.0133                  | <u>7202</u>  | 0.0341                             | 0.0222             |
| 6503<br>6504        | $\frac{0.0500}{0.2272}$        | 0.0240                  | $\frac{7203}{7204}$                                | 0.0641                             | <u>0.0690</u>      |
| 6505                | 0.0556                         | $\frac{0.2134}{0.0513}$ | <u>7204</u>  | 0.0000                             | 0.0000             |
| <u>6506</u>         | 0.0451                         | 0.0313                  | 7301<br>7302                                       | 0.3861                             | 0.2197             |
| 6508                | $\frac{0.2238}{0.2238}$        | <u>0.1607</u>           | 7302<br>7307                                       | $\frac{0.3834}{0.4023}$            | 0.2994<br>0.3019   |
| 6509                | 0.1394                         | 0.1184                  | $\frac{7307}{7308}$                                | $\frac{0.4023}{0.1272}$            | 0.1227             |
| <u>6601</u>         | 0.1102                         | 0.0938                  | 7309   | 0.1028                             | 0.0990             |
| 6602                | 0.2925                         | 0.1994                  | ((*Daily rate. The daily                           | <del></del>                        |                    |
| 6603<br>6604        | 0.1871                         | 0.1285                  | <del>calendar day in whic</del>                    | <del>h any duties are perfor</del> | med that are incid |
| 6604<br>6605        | $\frac{0.0382}{0.1872}$        | 0.0302                  | the profession of the  **))* These rates are calcu | worker.                            |                    |
| 6607                | 0.1872<br>0.0891               | 0.1696<br>0.0797        | tracks and are base ra                             | ated.                              | oasis for parimut  |

6608

<u>6614</u>

0.2135

283.7000\*

0.1047

185.0000\*

calculated on a per license basis for parimutuel race tracks and are base rated.

WAC 296-17-920 Assessment for supplemental pension fund. The amount of ((23.6)) 17.2 mills (((\$.0236))) (\$.0172) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. ((Provided that in classifications 6707 and 7102, the employer shall retain nineteen cents per day from each worker.)) The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

#### WSR 96-06-029 PERMANENT RULES DEPARTMENT OF HEALTH

[Filed February 28, 1996, 4:32 p.m.]

Date of Adoption: January 4, 1996.

Purpose: To outline delegation protocols that will facilitate and guide safe delegation of nursing tasks.

Statutory Authority for Adoption: Chapter 18.88A RCW.

Adopted under notice filed as WSR 95-23-114 on November 22, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

January 31, 1996 Patty Hayes, R.N. Executive Director

#### **NEW SECTION**

WAC 246-841-405 Nursing assistant delegation. Provision for delegation of certain tasks.

(1) Nursing assistants may perform the following tasks, when delegated by a registered nurse, for residents in certified community residential programs for the developmentally disabled, residents in licensed adult family homes, and to residents of licensed boarding homes contracting to provide assisted living services:

- (a) Oral and topical medications and ointments;
- (b) Nose, ear, eye drops, and ointments;
- (c) Dressing changes and urinary catheterization using clean techniques;
- (d) Suppositories, enemas, and ostomy care in established and healed condition;
  - (e) Blood glucose monitoring; and
- (f) Gastrostomy feedings in established and healed condition.
- (2) Any nursing assistant who receives authority to perform such delegated nursing task must, before performing any delegated task:
- (a) For nursing assistants-registered, complete both the basic caregiver training and core delegation training as established by the department of social and health services.
- (b) For nursing assistants-certified, complete the core delegation training as established by the department of social and health services.
- (c) Comply with requirements and protocol established by the nursing care quality assurance commission in WAC 246-840-910 through 246-840-980.
- (3) Any nursing assistant performing a delegated nursing care task pursuant to this section, shall perform the task:
- (a) Only for the specific resident who was the subject of the delegation;
  - (b) Only with the resident's consent; and
- (c) In compliance with all requirements and protocols established by the nursing care quality assurance commission in WAC 246-840-910 through 246-840-980.
- (4) A nursing assistant may consent or refuse to consent to perform a delegated nursing care task listed in subsection (1) of this section, and shall be responsible for their own actions with regard to the decision to consent or refuse to consent and the performance of the delegated nursing care task.

# WSR 96-06-030 PERMANENT RULES NOXIOUS WEED CONTROL BOARD

[Filed February 29, 1996, 1:53 p.m.]

Date of Adoption: February 21, 1996.

Purpose: The State Noxious Weed Control Board amends the state noxious weed list to add species determined to be noxious, to change areas designated for control of some noxious weeds, and to correct errors in common and scientific names and designations. Additions and changes are made to provide for more effective state-wide noxious weed control.

Citation of Existing Rules Affected by this Order: Amending WAC 16-750-005, 16-750-011, and 16-750-015.

Statutory Authority for Adoption: RCW 17.10.080.

Adopted under notice filed as WSR 95-24-112 on December 6, 1995.

Changes Other than Editing from Proposed to Adopted Version: One proposed Class A noxious weed was not adopted, the designations of two proposed Class B noxious weeds were narrowed to more accurately reflect infestations. Both changes were the result of public input during the rule-making process.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Chapter 17.10 RCW requires the State Noxious Weed Control Board to prepare written findings on any new species added to the noxious weed list. This had been completed for the new species added.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 29, 1996 Ray Fann, Chair by Laurie Penders Executive Secretary

# AMENDATORY SECTION (Amending WSR 93-01-004, filed 12/2/92, effective 1/2/93)

# WAC 16-750-005 State noxious weed list—Class A noxious weeds.

#### Common Name

bean-caper, Syrian blueweed, Texas buffalobur cordgrass, salt meadow crupina, common four o'clock, wild hawkweed, mouseear hogweed, giant hydrilla johnsongrass knapweed, bighead knapweed, Vochin mallow, Venice nightshade, silverleaf peganum sage, Mediterranean starthistle, purple thistle, Italian thistle, milk thistle, slenderflower unicorn-plant velvetleaf

#### Scientific Name

Zygophyllum fabago Helianthus ciliaris Solanum rostratum Spartina patens Crupina vulgaris Mirabilis nyctaginea Hieracium pilosella Heracleum mantegazzianum Hydrilla verticillata Sorghum halepense Centaurea macrocephala Centaurea nigrescens Hibiscus trionum Solanum elaeagnifolium Peganum harmala Salvia ((aethiopsis)) aethiopis Centaurea calcitrapa Carduus pycnocephalus Silybum marianum Carduus tenuiflorus Proboscidea louisianica Abutilon theophrasti Isatis tinctoria

# AMENDATORY SECTION (Amending WSR 95-06-002, filed 2/16/95, effective 3/19/95)

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name

- Will be a "Class B designate" in all lands lying within:
- (1) blackgrass
  Alopecurus myosuroides
- (2) blueweed Echium vulgare
- (a) regions 1,2,3,5,6,8,9,10
- (b) Ferry, Stevens, Pend Oreille counties of region 4
- (c) Adams County of region 7.
- (a) regions 1,2,3,4,5,6,8,9,10
- (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning. (a) regions 3,4,6,7,9,10.
- (3) broom, Scotch Cytisus scoparius
- (4) bryony, white Bryonia alba
- (5) bugloss, common Anchusa officinalis
- (6) bugloss, annual Anchusa arvensis
- (7) <u>fanwort</u> <u>Cabomba caroliniana</u>
- (8) camelthorn
  Alhagi ((pseudalhagi))
  maurorum

- (a) regions 1,2,3,4,5,6,8,9
- (b) region 7 except Whitman County
- (c) Franklin County of region 10.
- (a) regions 1,2,3,5,6,8,9,10
- (b) region 4 except Stevens and Spokane counties
- (c) Lincoln, Adams, and Whitman counties of region 7.
- (a) regions 1,2,3,4,5,6,8,9
- (b) Lincoln and Adams counties
- (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.
- (a) regions 1,2,3,4,5,6,7,9,10
- (b) region 8 except T8N, R3W of Cowlitz County.
- (a) regions 1,2,3,4,5,7,8,9
- (b) region 6 except those portions of Sections 23,24,25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County
- (c) Franklin, Columbia, Garfield, and Asotin counties of region 10
- (d) an area beginning at the Washington
   Oregon border at the southwest
  portion of section 15, R32E, T6N,
  then north to the northwest corner
  of section 3, R32E, T7N, then east
  to the northeast corner of
  section 3, R36E, T7N, then south to
  southeast portion of section 15,
  R36E, T6N, at the Washington —
  Oregon border, then west along the
  Washington Oregon border to the
  point of beginning.
- (a) regions 3,4,6,7,9,10.

(((8)))
(9) catsear, common
Hypochaeris radicata

woad, dyers

#### (10) cinquefoil, sulfur Potentilla recta

- ((<del>(9)</del>))
- (11) Cordgrass, smooth Spartina alterniflora
- ((<del>(10)</del>))
- (12) cordgrass, common Spartina anglica
- ((<del>(11)</del>))
- (13) daisy, oxeye ((Chrysanthemum leucanthemum)) Leucanthemum vulga<u>re</u>
- (((12)))
- (14) deadnettle, hybrid Lamium hybridum
- (15) elodea, Brazilian Egeria densa ((((14)))
- (16) fieldcress, Austrian Rorippa austriaca
- ((<del>(15)</del>))
- (17) gorse Ulex europaeus
- ((<del>(16)</del>))
- (18) hawkweed, orange Hieracium aurantiacum
- (((17)))
- (19) hawkweed, yellow Hieracium ((pratense)) caespitosum
- ((<del>(18) hedge parsley</del>))
- (20) hedgeparsley Torilis arvensis
- ((<del>(19)</del>))
- (21) indigobush Amorpha fruticosa

- (a) regions 1,3,6,8,10
- (b) region 2 except Skagit County
- region 4 except Stevens and Pend Oreille counties
- region 5 except Thurston County (d)
- region 7 except Spokane County (e)
- region 8 except Lewis County <u>(f)</u>
- region 9 except Klickitat County.
- (a) regions 1,3,4,5,6,7,9,10
- (b) region 2 except bays and estuaries of Skagit County
- (c) region 8 except bays and estuaries of Pacific County.
- (a) regions 1,3,4,5,6,7,8,9,10
- region 2 except bays and estuaries of Skagit, Island, and Snohomish counties.
- (a) regions 7,10
- (b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East
- (c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.
- (a) regions 1,3,4,5,6,7,8,9,10
- (b) region 2 except Skagit County.
- (a) regions 3,4,6,7,9,10
- (b) Lewis County of region 8.
- (a) regions 1,2,3,4,5,6,8,9
- (b) regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.
- (a) regions 3,4,6,7,9,10
- Skagit County of region 2 (b)
- Thurston and Pierce counties of
- Wahkiakum, Cowlitz, and Lewis counties of region 8.
- (a) regions 3,6,9,10
- (b) Ferry County of region 4
- Thurston County of region 5 (c)
- (d) Lincoln and Adams counties of region 7.
- (a) regions 1,2,3,5,6,7,8,9,10
- (b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County.
- (a) regions 1,2,3,4,5,6,7,8,10
- Yakima, Benton, Franklin counties
- Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E.
- (a) regions 1,2,3,4,5,6
- regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
- (c) regions 8, 9, and 10 except within 200 feet of the Columbia River.

- $((\frac{(20)}{(20)}))$
- (22) knapweed, black Centaurea nigra
- (((21)))
- (23) knapweed, brown Centaurea jacea
- ((<del>(22)</del>))

((<del>(23)</del>))

(((24)))

((<del>(25)</del>))

((<del>(26)</del>))

 $((\frac{(27)}{}))$ 

((<del>(28)</del>))

(25) knapweed, meadow

(26) knapweed, Russian

(27) knapweed, spotted

biebersteinii

(28) lepyrodiclis

holosteoides

(29) loosestrife, garden

(30) loosestrife, purple

Lythrum salicaria

Lysimachia vulgaris

Centaurea ((maculosa))

Lepyrodiclis ((holstcoides))

Acroptilon repens

Centaurea jacea x nigra

- (24) knapweed, diffuse Centaurea diffusa
- (a) regions 1,2,3,4,5,7,9,10
- (b) region 6 except Kittitas County
- (c) region 8 except Clark County.
- (a) regions 1,2,3,4,5,7,9,10
- (b) region 6 except Kittitas County
- (c) region 8 except Clark County.
- (a) regions 1,2,5,8
- (b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5,6,7,8,17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M.
- (c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22,26,27,28, 31.32.33 and 34; T15N, R37E, western half of Sections 23, 24 and 25: T15N, R38E, Sections 2,10, 11,14,15,19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6
- (d) Franklin County of regions 9 and 10.
- (b) region 6 except Kittitas County
- (c) region 8 except Clark County.

(a) regions 1,2,3,4,5,7,9,10

- (a) regions 1,2,5,7,8
- (b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County
- (c) Adams County of region 6
- Intercounty Weed District No. 52
- region 10 except Franklin County.
- (a) regions 1,2,3,5,6,8,9
- (b) Ferry County of region 4
- Adams and Whitman counties of region 7
- (d) region 10 except Garfield County.
- (a) regions 1,2,3,4,5,6,8,9,10
- (b) region 7 except an area within Whitman County east of the Pullman Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
- (a) regions 1,2,3,4,6,7,8,9,10
  - (b) region 5 except King County.
  - (a) regions 1,4,7,8
  - (b) region 2 except Snohomish County
  - (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
  - (d) region 5 except King County

Permanent

((<del>(29)</del>))

((<del>(30)</del>))

(32) nutsedge, yellow

Cyperus esculentus

(31) loosestrife, wand

Lythrum virgatum

- (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
- (f) region 9 except Benton County
- (g) region 10 except Walla Walla County
- (h) Intercounty Weed Districts No. 51 and No. 52.
- (a) regions 1,4,7,8
- (b) region 2 except Snohomish County
- (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
- (d) region 5 except King County
- (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
- (f) region 9 except Benton County
- (g) region 10 except Walla Walla County
- (h) Intercounty Weed Districts No. 51 and No. 52.

(a) regions 1,2,3,4,5,7,8

- (b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.
- (c) region 9 except:
  - except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/ Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River.

((<del>(31)</del>))

(33) oxtongue, hawkweed Picris hieracioides ((32) parrot feather))

(34) parrot feather

Myriophyllum ((<del>brasiliense</del>)) aquaticum

((<del>(33)</del>))

(35) pepperweed, perennial Lepidium latifolium

((<del>(34)</del>))

(36) ragwort, tansy Senecio jacobaea Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.

- (ii) an area lying southerly of State Route ((4)) 14 and within T2N, Ranges 13 and 14 E of Klickitat County
- (d) region 10 except Walla Walla County.
- (a) regions 1,2,3,4,5,6,7,9,10
- (b) region 8 except Skamania County.
- (a) regions 1,2,3,4,5,6,7,9,10
- (b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
- (a) regions 1,2,3,4,5,7,8,10
- (b) Grant County lying northerly of Township 21, North, W.M.
- (c) Intercounty Weed Districts No. 51 and 52
- (d) Adams County of region 6.
- (a) regions 3,4,6,7,9,10
- (b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
- ((<del>(35)</del>))
- (37) sandbur, longspine Cenchrus longispinus

((<del>(36)</del>))

(38) skeletonweed, rush Chondrilla juncea

- (a) regions 1,2,3,4,5,7,8
- (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52
- (c) Intercounty Weed District No. 51.
- (a) regions 1,2,3,5,8,9
- (b) Franklin County except T13N, R36E; and T14N, R36E
- (c) Adams County except those areas lying west of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road. then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.

Permanent

- (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E Northwest
- (e) Pend Oreille and Stevens counties north of Township 33 North
- (f) Ferry County

(((37)))

((<del>(38)</del>))

((<del>(39)</del>))

(39) sowthistle, perennial

Sonchus arvensis

Euphorbia esula

(41) starthistle, yellow

Centaurea solstitialis

<u>ssp.</u> arvensis

(40) spurge, leafy

- (g) Asotin County of region 10
- (h) Garfield and Columbia counties south of Highway 12
- (i) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.
- (a) regions 1,2,3,4,5,7,8,9,10
- (b) Adams County of region 6.
- (a) regions 1,2,3,4,5,6,8,9,10
- (b) region 7 except as follows:
  - (i) T27N, R37E, Sections 34,35,36; T27N, R38E, Sections 31,32,33; T26N, R37E, Sections 1,2,3,10, 11,12,13,14,15,16,26; T26N, R38E, Sections 5, 6,7,8 of Lincoln County
  - (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.

(a) regions 1,2,3,5,6,8

- (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25
- (c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho horder
- (d) Franklin County
- (e) region 9 except Klickitat County
- (f) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25,26,27,28,29,31,32,33,34, and 35; T11N, R45E, Sections 21,22,23, and 25; T11N, R36E, Sections 19,20,21, 28,29,30,31,32, and 33; T10N, R44E, Sections 1,2,3,4,5,6,8,9,10,11, 12,15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7,8,17,18,19,20,21,22,27, 34, and 35; T9N, R46E, Sections 1,2,12,13,14,23,24,25,26,35, and 36; T9N, R47E, Sections 18,19,30, and 31; T8N, R46E, Sections 1,2,3, 9,10,11,12,13,14,15,16,23, and 24; T8N, R47E, Sections 8,17,18,19, 20,29,30,31, and 32.

((<del>(40)</del>))

(42) Swainsonpea Sphaerophysa salsula

- ((<del>(41)</del>))
- (43) thistle, musk Carduus nutans ((42)))
- (44) thistle, plumeless Carduus acanthoides

((<del>(43)</del>)) · (45) thistle, Scotch

Onopordum acanthium

(((44)))
(46) toadflax, Dalmatian
((Linaria genistifolia
spp. dalmatica))
Linaria dalmatica
ssp. dalmatica

((<del>(45)</del>))

[ 23 ]

((43))
(47) watermilfoil,
Eurasian
Myriophyllum spicatum

- (a) regions 1,2,3,4,5,7,8
- (b) Columbia, Garfield, Asotin, and Franklin counties
- (c) an area beginning at the Washington — Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest comer of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning
- (d) Weed District No. 3 of Grant County
- (e) Adams County of region 6.
- (a) regions 1,2,3,5,6,7,8,9,10
- (b) Spokane and Pend Oreille counties.
- (a) regions 1,2,3,5,6,7,8,9,10
- (b) region 4 except those areas within Stevens County lying north of State Highway 20.
- (a) regions 1,2,3,4,5,6,8,9
- (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
- (c) Franklin County.
- (a) regions 1,2,5,8,10
- (b) Kittitas, Chelan, Douglas, and Adams counties of region 6
- (c) Intercounty Weed District No. 51
- (d) Weed District No. 3 of Grant County
- (e) Lincoln and Adams counties
- (f) The western two miles of Spokane County of region 7
- (g) region 9 except as follows:
  - (i) those areas lying within Yakima County
  - (ii) those areas lying west of the Klickitat River and within Klickitat County.
- (a) regions 1,9,10
- (b) region 7 except Spokane County
- (c) region 8 except within 200 feet of the Columbia River
- (d) Adams County of region 6
- (e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.

AMENDATORY SECTION (Amending WSR 95-06-002, filed 2/16/95, effective 3/19/95)

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

toadflax, yellow

thistle, Canada

whitetop, hairy

wormwood, absinth

thistle, bull

Common Name Scientific Name babysbreath Gypsophila paniculata bindweed, field Convolvulus arvensis ((canary-grass)) canarygrass, reed Phalaris arundinacea carrot, wild Daucus carota chervil, wild Anthriscus sylvestris ((einquefoil, sulphur Potentilla recta)) cockle, white ((Lychnis-alba)) Silene latifolia ssp. alba cocklebur, spiny Xanthium spinosum cress, hoary Cardaria draba dodder, smoothseed alfalfa Cuscuta approximata ((garden rocke) Eruca vesicaria spp. sativa)) goatgrass, jointed Aegilops cylindrica henbane, black Hyoscyamus niger houndstongue Cynoglossum officinale knotweed, Japanese Polygonum cuspidatum kochia Kochia scoparia mayweed, scentless ((Matricaria maritima var. agrestis)) Matricaria perforata mullein, common Verbascum thapsus nightshade, bitter Solanum dulcamara poison-hemlock Conium maculatum puncturevine Tribulus terrestris rocket, garden Eruca vesicaria ssp. sativa rye, cereal Secale cereale saltcedar Tamarix species snapdragon, dwarf Chaenorrhinum minus spikeweed Hemizonia pungens St. Johnswort, common Hypericum perforatum tansy, common Tanacetum vulgare

# WSR 96-06-031 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Linaria vulgaris

Cirsium vulgare

Cirsium arvense

Cardaria pubescens

Artemisia absinthium

(Public Assistance)

[Order 3947—Filed February 29, 1996, 3:02 p.m., effective April 1, 1996]

Date of Adoption: February 29, 1996.

Purpose: To revise the definition of recent work history.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-020(68) Definitions.

Statutory Authority for Adoption: RCW 74.04.050.

Adopted under notice filed as WSR 96-03-013 on January 5, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: April 1, 1996.

February 29, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3894, filed 9/7/95, effective 10/6/95)

WAC 388-49-020 Definitions. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

- (2) "Administrative error overissuance" means any overissuance caused solely by:
- (a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or
- (b) Department failure to timely implement an intentional program violation disqualification; or
- (c) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.
- (3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.
- (4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.
- (5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.
- (6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.
- (7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.
- (8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.
- (9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.
- (10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), or (c) who is a person:
- (a) Paying reasonable compensation to the household for lodging and meals; or
  - (b) In foster care.
- (11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

- (12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.
- (13) "Child" means someone seventeen years of age or younger, and under parental control.
- (14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.
- (15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.
- (16) "Department" means the department of social and health services.
- (17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.
- (18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.
- (19) "Disabled person" means a person who meets one of the following criteria:
- (a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;
- (b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;
  - (c) Is a veteran:
- (i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or
- (ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.
  - (d) Is a surviving:
- (i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or
- (ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;
  - (e) A surviving spouse or child of a veteran and:
- (i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and
- (ii) Has a disability considered permanent under section 221(i) of the Social Security Act.
- (f) Receives disability retirement benefits from a federal, state, or local government agency because of a disability considered permanent under section 221(i) of the Social Security Act;
- (g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:
- (i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or
- (ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.
- (h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.
- (20) "Documentary evidence" means written confirmation of a household's circumstances.
- (21) "Documentation" means the process of recording the source, date, and content of verifying information.

- (22) "Elderly person" means a person sixty years of age or older.
  - (23) "Eligible food" means:
- (a) For a homeless food stamp household, meals prepared and served by an authorized homeless meal provider; or
- (b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.
- (24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.
- (25) "Equity value" means fair market value less encumbrances.
- (26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:
- (a) Has liquid resources of one hundred dollars or less; and
- (b) Has gross monthly income under one hundred fifty dollars; or
- (c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:
- (i) Standard utility allowance as set forth in WAC 388-49-505; or
  - (ii) Limited utility allowance; or
  - (iii) Actual utility costs, whichever is higher; or
- (d) Includes all members who are homeless individuals; or
  - (e) Includes a destitute migrant or seasonal farmworker.
- (27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.
- (28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.
- (29) "Food coupon" means food stamps and the two terms are interchangeable.
- (30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.
- (31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.
- (32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.
- (33) "Group living arrangement" means a public or private nonprofit residential setting which:
- (a) Serves not more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and
- (b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.
- (34) "Head of household" means the person designated by the household to be named on the case file, identification card, and FCA card.
  - (35) "Household employment representative" means:
- (a) The household member selected as the head of household for employment and training purposes and voluntary quit provisions. Selection is limited to households with:
- (i) An adult parent of children, of any age, living in the household; or

- (ii) An adult who has parental control over children, under eighteen years of age, living in the household; or
- (b) The principal wage earner if no selection is made by the household, or the household is not entitled to make a selection.
- (36) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.
- (37) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:
- (a) Supervised shelter designed to provide temporary accommodations;
- (b) Halfway house or similar institution providing temporary residence for persons needing or coming out of institutionalization;
- (c) Temporary accommodation in the residence of another person; or
- (d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.
- (38) "Homeless meal provider" means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and ((nutrition)) consumer service ((FNS))) (FCS).
- (39) "Household" means the basic client unit in the food stamp program.
- (40) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.
- (41) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.
- (42) "Inadvertent household error overissuance" means any overissuance caused by either:
- (a) Misunderstanding or unintended error by a household:
- (i) Not determined categorically eligible under WAC 388-49-180(1); or
- (ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or
- (b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.
- (43) "Ineligible household member" means the member excluded from the food stamp household because of:
  - (a) Disqualification for intentional program violation;
- (b) Failure to apply for or provide a Social Security
- (c) Failure to comply with work requirements as described under WAC 388-49-360;
  - (d) Status as an ineligible alien; or
- (e) Failure to sign the application attesting to the member's citizenship or alien status.
- (44) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.
- (45) "Institution of higher education" means any institution normally requiring a high school diploma or

equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

(46) "Intentional program violation" means intentionally:

- (a) Making a false or misleading statement;
- (b) Misrepresenting, concealing, or withholding facts; or
- (c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.
- (47) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.
- (48) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.
- (49) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:
  - (a) Income tax refunds,
  - (b) Rebates,
  - (c) Retroactive payments, and
  - (d) Insurance settlements.
- (50) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.
- (51) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.
- (52) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.
- (53) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:
  - (a) Roomer:
  - (b) Live-in attendant;
  - (c) Ineligible student; or
- (d) Person who does not purchase and prepare meals with the food stamp household except for persons described under WAC 388-49-190(2).
  - (54) "Nonstriker" means any person:
- (a) Exempt from work registration the day before the strike for reasons other than their employment;
- (b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;
- (c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death: or
- (d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.
- (55) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.
- (56) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.
- (57) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.
- (58) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment

is affected by information reported on the monthly report for the budget month.

- (59) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.
- (60) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.
- (61) "Principal wage earner" means the household member with the greatest source of earned income in the two months prior to the month of violation of employment and training and voluntary quit provisions, including members not required to register.
- (62) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.
- (63) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.
- (64) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.
- (65) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.
- (66) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.
- (67) "Quality control review period" means the twelvemonth period from October 1 of each calendar year through September 30 of the following calendar year.
- (68) "Recent work history" means ((receipt of)) being employed and receiving earned income in one of the two months prior to the payment month.
- (69) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.
- (70) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.
- (71) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.
- (72) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.
- (73) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.
- (74) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.
  - (75) "Shelter costs" means:
- (a) Rent or mortgage payments plus taxes on a dwelling and property;
- (b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;
  - (c) Assessments;

- (d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;
  - (e) Standard basic telephone allowance;
  - (f) Initial installation fees for utility services; and
- (g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.
- (76) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.
- (77) "Sibling" means a natural or an adopted brother, sister, half brother, half sister, or stepbrother or stepsister.
- (78) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.
- (79) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.
  - (80) "Spouse" means:
  - (a) Married under applicable state law; or
- (b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.
  - (81) "Striker" means any person:
- (a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or
- (b) Involved in any concerted slowdown or other concerted interruption of operations by employees.
  - (82) "Student" means any person:
  - (a) At least eighteen but less than fifty years of age;
  - (b) Physically and mentally fit for employment; and
- (c) Enrolled at least half time in an institution of higher education.
- (83) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.
- (84) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.
- (85) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.
- (86) "Under parental control" means living with any adult other than the parent. A person is not under parental control when that person is:
- (a) Receiving an AFDC grant as the person's own payee;
- (b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-250-1400(2);
  - (c) Married and living with a spouse; or
  - (d) Living with the person's own child.

- (87) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.
- (88) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:
- (a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or
- (b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.
- (89) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

#### WSR 96-06-041 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3949-Filed March 1, 1996, 4:17 p.m.]

Date of Adoption: March 1, 1996.

Purpose: To place in administrative rule, medical audit procedures concerning sampling and projection of overpayments. Statute also excludes the twenty day notice to providers for third party liability audits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-501-0130 Administrative controls.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.09.290.

Adopted under notice filed as WSR 96-03-066 on January 16, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0. repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing. March 1, 1996 Merry A. Kogut, Supervisor Rules and Policies Assistance Unit AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-501-0130 Administrative controls. The department shall establish and enforce such administrative controls as may be necessary to prevent abuses by vendors or clients including, but not limited to, determination of need for and duration of services, assurance of justification of services, reasonableness of costs, and operation of the program within limits of the legislative appropriation.

(1) The department shall conduct audits and investigations of providers of medical and other services provided as authorized by chapter 74.09 RCW to determine compliance

with the rules and regulations of the program.

- (a) In the conduct of such audits or investigations, the secretary or authorized representative may examine only those records or portion thereof, including patient records. pertaining to services rendered by a health care provider and reimbursed by the department. Copies of, but not original, records shall be removed from the premises of the health care provider. The secretary shall destroy all copies of client medical records made during an audit or investigation. This destruction will take place not later than ninety days after the date when no further actions, concerning a particular audit. can be taken or are going to be taken by the department, the provider, or the courts. The department shall notify the provider in writing that such destruction has taken place.
- (b) The department shall give twenty days advance notice to a provider that the patient medical records are to be audited for compliance with program rules and standards. This notice shall not:
- (i) Apply to provider investigations for fraudulent or abusive practices; ((and))
- (ii) Include names of patient files to be reviewed. For the purposes of this section, prescriptions or records of drugs dispensed are not to be defined as patient medical records: and
- (iii) Apply to Medicaid provider business and financial records and patient financial records when reviewed as part of a third-party liability compliance audit.
- (c) The department shall work with the provider to minimize inconvenience and disruption of health care delivery.
- (2) In conducting a probability sample audit, the department shall select the sample on the basis of recognized and generally accepted sampling methods. The department shall examine the sample for compliance with relevant federal and state laws and regulations, department billing instructions and department numbered memoranda. The department shall use a sample that is sufficient to ensure a minimum ninety-five percent confidence level when projecting the overpayment.
- (a) The department shall recover statistically calculated overpayments made to Washington state Title XIX providers when the department utilizes probability sampling and the audit findings demonstrate an overpayment has been made. The department shall ensure all overpayments and underpayments reflected in the probability sample are totaled and extrapolated to the universe from which the sample was drawn to calculate the amount to be recovered. The department shall not consider nonbilled services or supplies in the calculation of underpayments and overpayments.

- (b) When the results of a probability sample are used to extrapolate the amount to be recovered, the department shall ensure the demand for recovery is accompanied by a clear description of:
  - (i) The universe from which the sample was drawn;
- (ii) The sample size and method used to select the sample; and
- (iii) The formulas and calculation procedures used to determine the amount to be recovered.
- (c) As used in this section, the department shall apply the following definitions:
- (i) "Extrapolation" means the methodology whereby an unknown value can be estimated by projecting the results of a probability sample to the universe from which the sample was drawn with a calculated precision (margin of error); and
- (ii) "Probability sampling" means the standard statistical methodology in which a sample is selected based on the theory of probability (a mathematical theory used to study the occurrence of random events).
- (3) Based upon the findings of an audit, investigation, or other proceeding, the secretary or authorized representative may order repayment of excess benefits or payments received by the provider, plus interest on the amount of excess benefits and assess civil penalties as provided for in chapter 74.09 RCW. The department shall assess civil penalties in an amount not to exceed three times the amount of excess benefits or payments received by the provider.
- (((3))) (4) When the department imposes a civil penalty or suspends or terminates a provider from the program, the department shall give written notice of the action taken to the appropriate licensing agency and/or disciplinary board. The department may refer to the appropriate disciplinary board providers who have demonstrated a significant noncompliance with the provisions of the medical care program through the results of an audit, investigation, or utilization review function. The Washington state medical disciplinary board shall generally serve in an advisory capacity to the secretary in the conduct of audits or investigations of physicians.
- (((4))) (5) The secretary or authorized representative shall refer all cases to the appropriate prosecuting authority for possible criminal action where the department finds substantial evidence supporting a finding of fraud. Prima facie evidence does not, in itself, provide a substantial basis for criminal prosecution.

# WSR 96-06-042 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3948—Filed March 1, 1996, 4:20 p.m.]

Date of Adoption: March 1, 1996.

Purpose: Implement U.S. 9th Circuit Court of Appeals decision. (*Garcia vs. Concannon*, 67 Fed. 3rd 256 and U.S. Department of Agriculture.)

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-670 (6)(a)(b) Intentional program violations—Disqualification penalties.

Statutory Authority for Adoption: RCW 74.04.510.

Adopted under notice filed as WSR 96-03-095 on January 19, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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Effective Date of Rule: Thirty-one days after filing.

March 1, 1996

Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3894, filed 9/7/95, effective 10/6/95)

WAC 388-49-670 Intentional program violations— Disqualification penalties. (1) The department shall disqualify the person or persons committing an intentional program violation as defined in WAC 388-49-020.

- (2) The department shall apply the following disqualification penalties to a person committing an intentional program violation for offenses not related to those described in subsection (3) of this section:
  - (a) Six months for the first disqualification;
  - (b) Twelve months for the second disqualification; and
  - (c) Permanently for the third disqualification.
- (3) The department shall apply disqualification penalties against a person for trading or receiving food coupons for controlled substances or firearms. The department shall impose:
- (a) A one-year disqualification penalty for a first conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or
  - (b) A permanent disqualification for:
- (i) The second conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or
- (ii) The first conviction by a federal, state, or local court of the trading or receiving of food coupons for firearms, ammunition, or explosives.
- (4) The department shall consider multiple violations as only one disqualification when the violations occur before the department notified the household of the penalties, as described in subsection (2)(a) of this section.
- (5) When a court of law convicts a person of an offense which qualifies as an intentional program violation, the department shall:

- (i) Recommend that a disqualification penalty, as provided in subsection (2) or (3) of this section, be imposed in addition to any civil or criminal intentional program violation penalties:
- (ii) Impose a disqualification period as specified in subsection (2) or (3) of this section if the court fails to address disqualification or specify a disqualification period;
- (iii) Initiate the disqualification period for the currently eligible person or persons within forty-five days of the date
- (A) Disqualification is ordered if the court does not specify a date; or
- (B) Court finds such person or persons guilty if the court specifies a disqualification date; and
- (iv) Not initiate or continue an intentional program violation disqualification period contrary to a court order.
- (6) ((The department shall provide written notice of disqualification to the person or persons before the disqualification. The department shall ensure the notice informs the:
- (a) Participating person or persons of the disqualification and the effective date of the disqualification; or
- (b) Nonparticipating person or persons that the disqualification period will be deferred until such time as the person or persons applies for and is found eligible for benefits)) Before the disqualification is implemented, the department shall provide written notice informing the disqualified person of the disqualification and effective date.
- (7) The department shall provide written notice to the remaining household member or members, if any:
- (a) Of the allotment the household will receive during the period of disqualification; or
- (b) That the household must re-apply because the certification period has expired.
- (8) The department shall recognize an intentional program violation determined in another state or political jurisdiction.

#### WSR 96-06-045 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3950-Filed March 5, 1996, 9:37 a.m.]

Date of Adoption: March 5, 1996.

Purpose: The Department of Social and Health Services has decided to amend its assistance unit rules for the aid to families with dependent children (AFDC) program to be consistent with the State Court of Appeals decision in Sams v. DSHS. In addition the Department of Social and Health Services decided to settle existing claims filed by families who have been adversely affected by the policy which the Sams' court found to be inconsistent with federal law. These settlements will include the continuation of assistance for dependent children adversely affected by the current rule as well as forgiving any debts incurred by the families which resulted from the application of the current rule.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1600 Assistance units and 388-215-1610 Assistance units—Optional members.

Statutory Authority for Adoption: RCW 74.04.050 Department to administer public assistance programs.

Other Authority: Sections 406(a) and 407(a) of the Social Security Act - Definitions.

Adopted under notice filed as WSR 96-03-099 on January 19, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 2, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify. Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 5, 1996

Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

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

WAC 388-215-1600 Assistance units. Except as specified under WAC 388-215-1620, the department shall include, in a single assistance unit, the following persons living together:

- (1) A woman in her third trimester of pregnancy who has no other child; or
- (2) Except as specified under WAC 388-215-1610, the child((;)), including all full, half, or adopted brothers and sisters of such child; and
- (3) The parent(((s))), adoptive parent(((s))), or stepparent(((s))) with whom the child lives as defined under WAC 388-215-1050; and
- (4) A minor parent's parent who claims to be the needy caretaker relative of:
  - (a) The minor parent:
  - (b) The minor parent's child; or
  - (c) The minor parent's full or half brother or half sister.

AMENDATORY SECTION (Amending Order 3806, filed 11/9/94, effective 12/10/94)

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 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) The sibling(s) of an SSI child;
- (4) For recipient assistance units, the child of unmarried parents when the child is living with both parents.

# WSR 96-046 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3951—Filed March 5, 1996, 9:40 a.m.]

Date of Adoption: March 5, 1996.

Purpose: To reduce the food stamp standard deduction from \$138 to \$134.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-500 Income—Deductions.

Statutory Authority for Adoption: USDA Administrative Notice 96-03.

Other Authority: RCW 74.04.050 and USDA.

Adopted under notice filed as WSR 96-03-097 on January 19, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 5, 1996

Merry A. Kogut, Supervisor Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3907, filed 10/11/95, effective 11/11/95)

WAC 388-49-500 Income—Deductions. (1) The department shall allow the following deductions when computing net income:

(a) A standard deduction of one hundred ((thirty-eight)) thirty-four dollars per household per month;

- (b) An earned income deduction of twenty percent of gross earned income except as provided in WAC 388-49-640(8);
- (c) A dependent care deduction of the actual amount incurred not to exceed two hundred dollars for each dependent one year of age or younger, and one hundred seventy-five dollars for each other dependent when care is necessary for a household member to:
  - (i) Seek, accept, or continue employment; or
- (ii) Attend training or education preparatory to employment.
- (d) A deduction for nonreimbursable monthly medical expenses over thirty-five dollars incurred or anticipated to be incurred by an elderly or disabled household member;
- (e) A deduction for legally obligated child support paid for a person who is not a member of the household;
- (f) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, medical, child support, and dependent care deductions. The shelter deduction shall not exceed two hundred forty-seven dollars; and
- (g) An excess shelter deduction for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions for households containing an elderly or disabled person.
  - (2) Shelter costs may include:
- (a) Costs for a home not occupied because of employment, training away from the home, illness, or abandonment caused by casualty loss or natural disaster if the:
  - (i) Household intends to return to the home;
- (ii) Current occupants, if any, are not claiming shelter costs for food stamp purposes; and
- (iii) Home is not being leased or rented during the household's absence.
- (b) Charges for the repair of the home substantially damaged or destroyed due to a natural disaster;
- (c) The standard utility allowance when a household incurs any separate utility charges for heating or cooling costs or the limited utility allowance when a household incurs any separate utility charges other than telephone costs and is not entitled to the standard utility allowance. A household may incur a separate utility charge when the household:
  - (i) Has not yet received a billing for utilities;
- (ii) Is billed monthly by the landlord for actual usage as determined through individual metering; or
- (iii) Shares residence and utility costs with other persons, in which case the deduction is for the household's prorated share of the standard or limited utility allowance.
- (d) Actual utility costs rather than the standard or limited utility allowance if the household is:
- (i) Not entitled to the standard or limited utility allowance: or
- (ii) Requesting use of actual utility bills. The department shall allow a monthly telephone standard for households incurring telephone expenses if the household is not entitled to claim the standard or limited utility allowance.
- (e) A shelter amount of one hundred forty-three dollars when all household members are homeless as specified under WAC 388-49-020(36) and the household incurs or expects to incur:

- (i) Monthly shelter costs no greater than one hundred forty-three dollars; or
- (ii) Unverified shelter costs exceeding one hundred forty-three dollars.
- (3) A household may switch between actual utility costs and the standard or limited utility allowance:
  - (a) At each recertification; and
- (b) One additional time during each twelve-month period following the initial certification action.
- (4) The department shall provide excess medical or shelter deductions effective with supplemental security income (SSI) eligibility when households:
- (a) Become categorically eligible within the time limits specified under WAC 388-49-120 and 388-49-150 after a food stamp application;
- (b) Receive food stamps as a nonassistance household until becoming categorically eligible; or
- (c) Become categorically eligible after denial of nonassistance food stamps.
- (5) The department shall not provide a deduction for that portion of a deductible expense, described under this section, paid by an excluded:
  - (a) Reimbursement; or
- (b) Vendor payment, except for Low Income Home Energy Assistance Act (LIHEAA) payments.

# WSR 96-05-068 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3946—Filed February 20, 1996, 2:23 p.m.]

Date of Adoption: February 20, 1996.

Purpose: Provide an appeal process for persons disqualified from employment in child care because of findings or allegations of child abuse or neglect. New WAC 388-330-035 Appeal of disqualification.

Citation of Existing Rules Affected by this Order: Amending WAC 388-150-090, 388-155-090, 388-160-090, 388-330-010, 388-73-030, 388-151-090, 388-73-036, and 388-160-120.

Statutory Authority for Adoption: RCW 74.15.030.

Other Authority: U.S. Court of Appeals Docket #93-7183, 7-21-95 Memo-Employee Disqualification, Letter-American Civil Liberties Union of Washington.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The Attorney General's Office has determined that such persons have a constitutional right to a hearing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 8, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 8, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 8, repealed 0.

Effective Date of Rule: Immediately.

February 20, 1996 Merry A. Kogut, Supervisor Rules and Policy Assistance Unit

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-030 General qualifications of licensee, adoptive applicant, and persons on the premises. (1) The adoptive applicant, licensee, staff, and other person on the premises shall be a person of good character.

- (2) The licensee or adoptive applicant shall demonstrate that the licensee or adoptive applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.
- (3) ((The licensee, adoptive applicant, staff, and other person on the premises shall not have been:

- (a) Convicted of, found to be a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; nor
  - (b) Found to:
- (i) Be a perpetrator of substantiated or founded child abuse; nor
- (ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation)) A person shall be disqualified from providing care if the department determines that the person is ineligible to provide care under chapter 388-330 WAC or has committed child above, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130.
- (4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to children in care meet the qualifications in subsections (1), (2), and (3) of this section. This information may include, but is not limited to:
  - (a) Sexual deviancy evaluations;
  - (b) Substance and alcohol abuse evaluations;
  - (c) Psychiatric evaluations;
  - (d) Psychological evaluations; and
  - (e) Medical evaluations.

AMENDATORY SECTION (Amending WSR 92-08-056, filed 3/26/92, effective 4/26/92)

WAC 388-73-036 Licensure—Denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant, licensee, and chief executive officer, if any, to operate the agency under the law and this chapter. Such persons shall be considered separately and jointly as applicants or licensees and if any one be deemed disqualified by the department in accordance with chapter 74.15 RCW or this chapter, the department may deny, suspend, revoke, or not renew the license:

(a) The department shall disqualify any individual engaging in illegal use of drugs or excessive use of alcohol;

- (b) The department shall disqualify any individual who has ((been convicted of an offense listed in)) committed child abuse, neglect, or exploitation as defined in RCW 26.44.030 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such person on the premises;
- (c) The department shall disqualify any individual convicted of a felony or released from a prison within seven years of the date of application for the license because of the conviction, if:
- (i) The conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, or administration of an agency; and
- (ii) The department determines, after investigation, the person has not been sufficiently rehabilitated to warrant public trust.
- (d) The department shall not grant a license to an applicant who, in this state or elsewhere:
- (i) Has been denied a license to operate an agency for the care of children, expectant mothers, or developmentally disabled adults; or

- (ii) Had a license to operate such an agency suspended or revoked.
- (e) An applicant may establish by clear, cogent, and convincing evidence the ability to operate an agency under this chapter. The department may waive the provision in subdivision (1)(d) of this section and license the applicant.
- (2) The department may deny, suspend, revoke, or not renew a license for failure to comply with the provisions of chapter 74.15 RCW, and rules contained in this chapter. The department shall deny, suspend, revoke, or not renew for any of the following reasons:
- (a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation including:
- (i) Making materially false statements on the application; or
- (ii) Material omissions which would influence appraisal of the applicant's suitability.
- (b) Permitting, aiding, or abetting the commission of any illegal act on the premises;
- (c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to a person under care:
  - (d) Repeatedly:
- (i) Providing insufficient personnel relative to the number and types of persons under care; or
- (ii) Allowing a person unqualified by training, experience, or temperament to care for or be in contact with the person under care.
- (e) Misappropriation of the property of a person under care;
- (f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;
- (g) Failure to provide adequate supervision to a person under care;
- (h) Refusal to admit authorized representatives of the department or state fire marshal to inspect the premises;
- (i) Refusal to permit authorized representatives of the department to have access to the records necessary for the operation of the agency or to permit the department representatives to interview agency staff and clients;
- (j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on the application for employment or volunteer service; and
- (k) Refusal or failure to supply necessary additional department-requested information.
- (3) The department may deny, suspend, revoke, or not renew or modify a license for violation of any condition or limitation upon licensure including, but not limited to, providing care for:
- (a) More children than the number for which the agency is licensed; or
- (b) Children of ages different from the ages for which the agency is licensed.
- (4) The department's notice of a denial, revocation, suspension, or modification of a license is governed by RCW 43.20A.205. The provider's right to an adjudicative proceeding is in the same law.
- (a) A provider contesting a department licensing 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 office of appeals; 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 department decision being contested.
- (b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20A.-205, this chapter, and chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.
- (5) The department may deny, suspend, revoke, or not renew a license when the agency fails to comply with the federal Indian Child Welfare Act, P.L. 95-608, chapters 13.04 and 13.34 RCW, WAC 388-73-044, Special Requirements Regarding American Indians, or WAC 388-70-600 through 388-70-640, relating to local Indian child welfare advisory committees.

AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

- WAC 388-150-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:
- (a) Shall consider the persons' qualifications separately and jointly; and
- (b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.
- (2) The department shall deny, suspend, revoke, or not renew the license of a person who:
- (a) ((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person)) Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;
- (b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;
- (c) Engages in illegal use of a drug or excessive use of alcohol;
- (d) Commits, permits, aids, or abets the commission of an illegal act on the premises;
- (e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;
- (f) Refuses to permit an authorized representative of the department, state fire marshal, state auditor's office, or department of health to inspect the premises; or
- (g) Refuses to permit an authorized representative of the department, the department of health, or state auditor's office access to records related to operation of the center or to interview staff or a child in care.

- (3) The department may deny, suspend, revoke, or not renew a license of a person who:
- (a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:
- (i) Making a materially false statement on the application; or
  - (ii) Omitting material information on the application.
- (b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;
- (c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care:
- (d) Violates any condition or limitation on licensure including, but not limited to:
- (i) Permitting more children on the premises than the number for which the center is licensed; or
- (ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.
- (e) Fails to provide adequate supervision to a child in care:
- (f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center:
  - (g) Misappropriates property of a child in care;
- (h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;
- (i) Refuses or fails to supply necessary, additional department-requested information; or
- (j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.
- (4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.
- (5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing is governed under RCW 43.20A.205.

### AMENDATORY SECTION (Amending Order 3493, filed 12/30/92, effective 1/30/93)

- WAC 388-151-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:
- (a) Shall consider their qualifications separately and jointly; and
- (b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.
- (2) The department shall deny, suspend, revoke, or not renew the license of a person who:
- (a) ((Is a perpetrator of child-abuse, or has been convicted of a crime involving child abuse or physical harm

- to another person)) Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;
- (b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;
- (c) Engages in illegal use of a drug or excessive use of alcohol;
- (d) Commits, permits, aids, or abets the commission of an illegal act on the premises;
- (e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;
- (f) Refuses to permit an authorized representative of the department, state fire marshal's office, or department of health to inspect the premises; or
- (g) Refuses to permit an authorized representative of the department or the department of health access to records related to operation of the center or to interview staff or a child in care.
- (3) The department may deny, suspend, revoke, or not renew a license of a person who:
- (a) Seeks to obtain or retain a license by fraudulent means or misrepresentation including, but not limited to:
- (i) Making a materially false statement on the application; or
  - (ii) Omitting material information on the application.
- (b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;
- (c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care:
- (d) Violates any condition or limitation on licensure including, but not limited to:
- (i) Permitting more children on the premises than the number for which the center is licensed; or
- (ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.
- (e) Fails to provide adequate supervision to a child in care;
- (f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center:
  - (g) Misappropriates property of a child in care;
- (h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;
- (i) Refuses or fails to supply necessary, additional department requested information; or
- (j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.
- (4) The department shall not issue a license to a person who has been denied, suspended, revoked, or not renewed a license to operate a facility for the care of the children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.
- (5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's

or licensee's right to a hearing, shall be governed under RCW 43.20.205.

AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

WAC 388-155-090 License denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

- (a) Shall consider the persons' qualifications separately and jointly; and
- (b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.
- (2) The department shall deny, suspend, revoke, or not renew the license of a person who:
- (a) ((Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person)) Has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130, is ineligibility to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;
- (b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;
- (c) Engages in illegal use of a drug or excessive use of alcohol;
- (d) Commits, permits, aids, or abets the commission of an illegal act on the premises;
- (e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;
- (f) Refuses to permit an authorized representative of the department, state fire marshal, department of health, or state auditor's office to inspect the premises; or
- (g) Refuses to permit an authorized representative of the department, the department of health, or the state auditor's office access to records related to operation of the home or to interview an assistant or a child in care.
- (3) The department may deny, suspend, revoke, or not renew a license of a person who:
- (a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:
- (i) Making a materially false statement on the application; or
  - (ii) Omitting material information on the application.
- (b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;
- (c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care:
- (d) Violates any condition or limitation on licensure including, but not limited to:
- (i) Permitting more children on the premises than the number for which the home is licensed; or
- (ii) Permitting on the premises a child of an age different from the ages for which the home is licensed.
- (e) Fails to provide adequate supervision to a child in care;

- (f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the home:
  - (g) Misappropriates property of a child in care;
- (h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;
- (i) Refuses or fails to supply necessary, additional department-requested information; or
- (j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.
- (4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the home in accordance with the rules of this chapter.
- (5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing shall be governed under RCW 43.20A.205.

AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

WAC 388-160-090 General qualifications of licensee, applicant, and persons on the premises. (1) The applicant, licensee, staff, and other person on the premises shall be a person of good character.

- (2) The licensee or applicant shall demonstrate that the licensee or applicant, child care staff, volunteer, and other person having access to a person under care have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, and social needs of the person under care.
- (3) ((The licensee, applicant, staff, and other person on the premises shall not have been:
- (a) Convicted of, found a perpetrator of, or have a charge pending of child abuse and/or any crime involving physical harm to another person; or
  - (b) Found to:
- (i) Be a perpetrator of substantiated or founded child abuse; or
- (ii) Have been an alleged perpetrator of an incident of child abuse where the department found the evidence supports the allegation)) A person shall be disqualified from providing care if the department determines that the person is ineligible to provide care under chapter 388-330 WAC or has committed child abuse, neglect, or exploitation as defined in RCW 26.44.020 and WAC 388-15-130.
- (4) The department may, at any time, require the licensee or person on the premises to provide additional information so the department can determine whether the licensee, adoptive applicant, child care staff, volunteer, and other person having access to a child in care meet the qualifications under subsections (1), (2), and (3) of this section. The department may require the licensee or person on the premises to provide additional information including, but not limited to:
  - (a) Sexual deviancy evaluations;

- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and
- (e) Medical evaluations.

### AMENDATORY SECTION (Amending Order 3541, filed 7/21/93, effective 8/21/93)

WAC 388-160-120 Licensure—Denial, suspension, or revocation. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant, licensee, and chief executive officer, if any, to operate the agency under the law and this chapter. The department shall consider such persons separately and jointly as applicants or licensees and if any one be deemed disqualified by the department under chapter 74.15 RCW or this chapter, the department may deny, suspend, revoke, or not renew the license. The department shall deny, suspend, revoke, or not renew a license for the following reasons:

- (a) The department shall disqualify any person engaging in illegal use of drugs or excessive use of alcohol;
- (b) The department shall disqualify any person who has ((been convicted of an offense listed)) committed child abuse, neglect, or exploitation as defined in RCW 26.44.030 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such person on the premises;
- (c) The department shall disqualify any person convicted of a felony or released from a prison within seven years of the date of application for the license because of the conviction, when:
- (i) The person's conviction is reasonably related to the person's competency to exercise responsibilities for ownership, operation, or administration of an agency; and
- (ii) The department determines, after investigation, the person has not been sufficiently rehabilitated to warrant public trust.
- (d) The department shall not grant a license to an applicant who, in this state or elsewhere:
- (i) Has been denied a license to operate an agency for the care of a child, an expectant mother, or a developmentally disabled adult; or
- (ii) Had a license to operate such an agency suspended or revoked.
- (2) An applicant of an overnight youth shelter may establish by clear, cogent, and convincing evidence the ability to operate an agency under this chapter. The department may waive the provision and license the applicant as described under subdivision (1)(d) of this section.
- (3) The department may deny, suspend, revoke, or not renew a license for failure to comply with the provisions of chapter 74.15 RCW and rules contained in this chapter. The department shall deny, suspend, revoke, or not renew a license for the following reasons:
- (a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation, including:
- (i) Making materially false statements on the application; or
- (ii) Material omissions which would influence appraisal of the applicant's or provider's suitability.

- (b) Permitting, aiding, or abetting the commission of any illegal act on the premises;
- (c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to a person under care;
  - (d) Repeatedly:
- (i) Providing insufficient personnel relative to the number and types of persons under care; or
- (ii) Allowing a person unqualified by training, experience, or temperament to care for, or be in contact with, the person under care.
- (e) Misappropriation of the property of a person under care:
- (f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;
- (g) Failure to provide adequate supervision to a person under care;
- (h) Refusal to admit authorized representatives of the department, department of health, or state fire marshal to inspect the premises;
  - (i) Refusal to permit:
- (A) Authorized representatives of the department and the department of health to have access to the records necessary for the operation of the agency; or
- (B) The department representatives to interview agency staff and clients.
- (j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on the application for employment or volunteer service; and
- (k) Refusal or failure to supply necessary additional department-requested information.
- (4) The department may deny, suspend, revoke, or not renew or modify a license for violation of any condition or limitation upon licensure including, but not limited to, providing care for:
- (a) More children than the number for which the agency is licensed; or
- (b) Children of ages different from the ages for which the agency is licensed.
- (5) The department shall deny, suspend, or revoke a licensee's license when the applicant, licensee, or person on the premises is a perpetrator of child abuse or has been convicted of a crime as listed under WAC 388-330-030(1). The department may grant a licensee or provider a waiver if it is demonstrated by clear, cogent, and convincing evidence that such person is rehabilitated and is able to comply with licensing requirements. In making this determination, the department shall consider:
- (a) The seriousness and circumstances of the person's illegal act;
- (b) The number of crimes of which the person was convicted;
- (c) The amount of time passed since the person committed the illegal act;
  - (d) The age of the person at the time of convictions;
- (e) Whether the person has entered and successfully completed all appropriate rehabilitative services, including those services ordered by a court;
- (f) The behavior of the person since the illegal act was committed;

- (g) Recommendations of persons closely associated with the person;
- (h) The duties the person would perform at the agency, and the vulnerability of the persons under care; and
  - (i) Other evidence of rehabilitation.

If the department licenses or approves a person under this section, the department may place limitations or conditions on the person in the performance of the person's duties at the agency.

- (6) The department's notice of a denial, revocation, suspension, or modification of a license shall be governed by RCW 43.20A.205. The provider's right to an adjudicative proceeding is in the same law.
- (a) A provider contesting a department licensing 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 office of appeals; and
  - (ii) Include in or with the application:
  - (A) A specific statement of the issues and law involved;
- (B) The grounds for contesting the department decision; and
  - (C) A copy of the department decision.
- (b) The proceeding shall be governed by the Administrative Procedure Act chapter 34.05 RCW, RCW 43.20A.-205, this chapter, and chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 3534, filed 7/13/93, effective 8/13/93)

WAC 388-330-010 Purpose and authority. This chapter establishes policy within the department of social and health services for conducting ((eriminal history portions of)) background inquiries and checks of Washington state ((patrol's)) child abuse information files on those licensed or authorized by the department to care for children or developmentally disabled persons and those employed by or associated with a licensed agency. Such inquiries are required under RCW 74.15.030.

#### **NEW SECTION**

WAC 388-330-035 Appeal of disqualification. (1) Whenever a person in good faith desires employment in an agency licensed under chapter 74.15 RCW, the person, prior to applying for employment, upon request, shall receive from the department an informal meeting on whether the person is disqualified from employment for not meeting the minimum requirements pursuant to chapter 74.15 RCW or rules promulgated thereunder.

(a) Prior to receiving an informal meeting under this subsection, it shall be the responsibility of a person requesting the meeting to demonstrate a good faith desire for employment in an agency licensed under chapter 74.15 RCW. Such demonstration of good faith shall include, but not be limited to, a showing of educational qualifications, employment history information, current employment, and plans for obtaining employment in a licensed agency in the near future. The department's determination regarding whether the person requesting the meeting has demonstrated

a good faith desire for employment is final and not subject to a proceeding under chapter 34.05 RCW. The department shall notify such person of its determination in writing.

- (b) If the department determines, subsequent to an informal meeting under this subsection, that a person is disqualified, the department shall give written notice of the disqualification to the person. The notice shall state what the person is disqualified from doing, the reasons for the disqualification, the applicable law under which the person is disqualified, and their right to an adjudicative proceeding under chapter 34.05 RCW.
- (2) If the department during employment or at the time of employment, determines that a person is disqualified from employment with a child care agency for not meeting minimum requirements under chapter 74.15 RCW or rules promulgated thereunder, the department shall give written notice of disqualification to the person. The notice shall state what the person is disqualified from doing, reasons for the disqualification, and the applicable law under which the person is disqualified, and their right to an adjudicative proceeding under chapter 34.05 RCW.
- (3) The procedures in RCW 43.20A.205 shall apply whenever the department issues a notice of disqualification to a person under this section. If the disqualified person requests an adjudicative proceeding, the department shall have the burden of proving disqualification by a preponderance of the evidence.
- (4) A licensee under chapter 74.15 RCW may not allow a person disqualified under this section to be employed by or associate with the licensee's agency. Disqualification of a person may not be contested by a licensee.
- (5) The provisions of this section do not preclude the department from taking any action against a licensee in accordance with chapter 74.15 RCW or rules promulgated thereunder.
- (6) If a notice of disqualification is based on a prior department finding of abuse or neglect, and after a hearing under chapter 34.05 RCW it is determined that the allegations are not supported by a preponderance of the evidence, the department's records shall be supplemented to so state.
- (7) The department in accordance with WAC 388-330-030 may remove a disqualification based on conviction of a crime. The department may remove a disqualification based on a reason other than conviction of a crime if the disqualified person demonstrates by clear, cogent, and convincing evidence that the person is sufficiently rehabilitated to warrant public trust and to comply with the requirements of chapter 74.15 RCW, and the rules promulgated thereunder.

#### WSR 96-06-005 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries)

[Order 96-22—Filed February 22, 1996, 4:43 p.m.]

Date of Adoption: February 22, 1996. Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300H; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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 sea urchins exist in Sea Urchin Districts 1 and 2.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

February 22, 1996
Judith Freeman
Deputy
for Robert Turner
Director

#### **NEW SECTION**

WAC 220-52-07300H Sea urchins Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice, it is unlawful for non-treaty sea urchin harvesters to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Red sea urchins: Sea Urchins District 1 and 2 are open only on February 26, 1996. The maximum daily landing for a vessel is 900 pounds of red sea urchins. It is unlawful to harvest red sea urchins larger than 5.5 inches diameter or smaller than 4.0 inches diameter exclusive of spines.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 27, 1996:

WAC 220-52-07300H Sea urchins. (96-22)

WSR 96-06-006 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries)
[Order 96-20—Filed February 22, 1996, 4:47 p.m.]

Date of Adoption: February 22, 1996. Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule establishes recreational-only crab fishing areas. Since the original filing of this rule in response to the federal court order, the state has begun a comprehensive discussion with tribal interests, involving this rule and concurrent sport rules (see WSR 95-22-111 and 96-05-005). This second filing is the result of the change in conditions leading to overall settlement of the recreational/commercial and treaty/nontreaty issues of Puget Sound crab allocation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

February 22, 1996
Judith Freeman
Deputy
for Robert Turner
Director

#### **NEW SECTION**

WAC 220-52-04600N Crab fishery—Seasons and areas: Notwithstanding the provisions of WAC 220-52-046:

- (1) Effective immediately until further notice, it shall be lawful to fish for Dungeness crab for commercial purposes in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C and 28D.
- (2) It is unlawful to pull or set commercial crab gear in the waters of Puget Sound from one half hour after sunset to one half hour before sunrise.
- (3) It is unlawful to fish for Dungeness crab taken for commercial purposes in the following areas:
- (a) That portion of Marine Fish/Shellfish Catch Area 20A in Birch Bay east of a line from the western boundary of Birch Bay State Park to Birch Point;
- (b) That portion of Marine Fish/Shellfish Catch Area 21A which includes all waters inside of Chuckanut Bay;
- (c) That portion of Marine Fish/Shellfish Catch Area 21B in Samish Bay south of a line from William Point to

Oyster Creek, except for waters deeper than 60 feet (mean low low water);

- (d) That portion of Marine Fish/Shellfish Catch Area 22A in Blind Bay south of a line projected due west from Point Hudson to its intersection of Shaw Island;
- (e) That portion of Marine Fish/Shellfish Catch Area 22A in Deer Harbor north of a line from Steep Point to Pole Pass:
- (f) That portion of Marine Fish/Shellfish Catch Area 22A in Fisherman Bay south of an east-west line projected through the red #4 buoy at the entrance to Fisherman Bay;
- (g) That portion of Marine Fish/Shellfish Catch Area 22A in Mud Bay south of a line projected through Crab and Fortress Islands and intersecting Lopez Island on both ends;
- (h) That portion of Marine Fish/Shellfish Catch Area 22B in Fidalgo Bay south of a line from the red #4 buoy at the Cap Sante Marina entrance to the northern end of the eastern most oil dock and thence to shore;
- (i) That portion of Marine Fish/Shellfish Catch Area 24A within a line from Rocky Point on Camano Island to Strawberry Point, thence to Brown Point, thence following the shoreline to the point of origin;
- (j) That portion of Marine Fish/Shellfish Catch Area 24B west of a line projected southeast from Barnum Point to Mountain View on Camano Island;
- (k) That portion of Marine Fish/Shellfish Catch Area 24C inshore of the 400 foot depth contour within an area described by two lines projected north easterly from Sandy Point and the entrance to the marina at Langley;
- (1) That portion of Marine Fish/Shellfish Catch Area 24C inshore of the 200 foot depth contour within an area described by lines projected westerly from Rocky Point on Camano Island to Onamac Point;
- (m) That portion of Marine Fish/Shellfish Catch Area 25D within a line projected from the Point Hudson marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin;
- (n) That portion of Marine Fish/Shellfish Catch Area 26A in Useless Bay north and and east of a line from Indian Point to a point on shore 1.5 miles northeast along the shoreline from Double Bluff;
- (o) All waters of Lummi Bay east of a line from the entrance buoy at Sandy Point to Gooseberry Point and all waters of Bellingham Bay west of a line from the exposed boulder at Point Francis to Stevie Point;
- (p) All waters of Similk Bay east of a line projected from the most westerly tip of Kiket Island through the center of Turner's Bay and all waters of Skagit Bay within a line projected from the Hope Island Inn to Seal Rocks, thence to the green #1 buoy at the entrance to Swinomish Channel, thence to the northern tip of goat Island and thence to the southern tip of McGlinn Island;
- (q) All waters east of a line projected from the five meter tower between Gedney Island and Priest Point to Point Barnum and south of a line projected west from Kayak Point, and north of a line projected from the five meter tower to Priest Point.

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

#### WSR 96-06-007 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

(Wildlife)

[Order 96-11—Filed February 23, 1996, 8:45 a.m., effective March 11, 1996]

Date of Adoption: February 3, 1996.

Purpose: Modify game fish rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is needed for protection of spring chinook, and is consistent with recommendations of the Columbia River Compact made January 30, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: March 11, 1996.

February 3, 1996 Mitchell S. Johnson Commission

#### **NEW SECTION**

WAC 232-28-61900P Regional exceptions to permanent game fish rules. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to fish for or possess the following species taken from the following waters during the periods provided for herein:

- (1) Effective March 11 through March 31, 1996, it is unlawful to fish for steelhead in the waters of the Columbia River downstream from Bonneville Dam.
- (2) Effective April 1 through June 15, 1996, it is unlawful to fish for game fish in the waters of the North Fork Lewis River from Johnson Creek upstream to Colvin Creek.
- (3) Effective April 1 through June 15, 1996, it is unlawful to fish for game fish from the south side of the Cowlitz River in those waters downstream from the Barrier Dam to a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

#### REPEALER

The following section of the Washington Administrative Code is hereby repealed effective 12:01 a.m. June 16, 1996:

WAC 232-28-61900P Regional exceptions to permanent game fish rules.

#### WSR 96-06-052 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries)

[Order 96-21—Filed March 6, 1996, 9:24 a.m., effective March 11, 1996]

Date of Adoption: March 6, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-28500G; and amending WAC 220-56-285 and 220-57-160.

Statutory Authority for Adoption: RCW 75.08.080.

Under 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: Reduced seasons are necessary to protect depressed stocks of spring chinook salmon. These rules are consistent with results of a Washington/Oregon state hearing on January 30, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: March 11, 1996.

March 6, 1996 Robert Turner Director

[9]

#### **NEW SECTION**

WAC 220-56-28500G Shad—Areas and seasons. Notwithstanding the provisions of WAC 220-56-285, effective March 11, 1996 through May 15, 1996 it is unlawful to take shad in the Columbia River from Bonneville Dam downstream to the mouth.

#### **NEW SECTION**

WAC 220-57-16000D Columbia River—Salmon seasons and areas. Notwithstanding the provisions of WAC 220-57-160(7) effective March 11, 1996 until further notice it is unlawful to take, fish for or possess salmon in the Columbia River from the Interstate 5 bridge downstream to the mouth.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 16, 1996:

WAC 220-56-28500G Shad—Areas and seasons.

#### WSR 96-06-001 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF FINANCIAL INSTITUTIONS

(Mortgage Broker Commission) [Memorandum—February 20, 1996]

#### Mortgage Broker Commission Meetings

3rd Wednesday of every other month:

9 a.m. - 12 noon March 20, 1996 9 a.m. - 12 noon May 15, 1996 9 a.m. - 12 noon July 17, 1996 9 a.m. - 12 noon September 18, 1996 9 a.m. - 12 noon November 20, 1996

Locations to be announced. Please call the agency for details.

#### WSR 96-06-002 NOTICE OF PUBLIC MEETINGS WASHINGTON STATE LIBRARY

[Memorandum—February 22, 1996]

The Washington State Library Commission will hold the following meetings as listed below:

#### WSL COMMISSION MEETING WITH WASHINGTON STATE ADVISORY COUNCIL ON LIBRARIES (WSACL)

DATE: TIME:

Thursday, March 14, 1996

1:30 - 4:00

LOCATION:

John Cherberg Building Conference Room B&C Olympia, Washington

#### WSL COMMISSION BRIEFING MEETING

DATE:

Thursday, March 14, 1996

TIME:

4:30

LOCATION:

Washington State Library

Conference Room Olympia, Washington

#### WSL COMMISSION QUARTERLY BUSINESS MEETING

DATE:

Friday, March 15, 1996

TIME:

10:00 a.m.

LOCATION:

Timberland Regional Library

415 Airdustrial Way S.W.

Olympia, WA

For additional information, please do not hesitate to contact Cathy M. Stussy at (360) 753-2914, FAX (360) 586-7575 or e-mail cstuussy@wln.com.

#### WSR 96-06-003 NOTICE OF PUBLIC MEETINGS **COUNTY ROAD** ADMINISTRATION BOARD

[Memorandum—February 14, 1996]

MEETING NOTICE:

April 3, 1996

Red Lion Inn - Pasco 2525 North 20th

Pasco, WA 99301 9:00 a.m. - 5:00 p.m.

\* 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 (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

#### WSR 96-06-004 PROCLAMATION OFFICE OF THE GOVERNOR

[February 22, 1996]

WHEREAS, the major flooding which began February 7, 1996, is continuing to cause extensive damage throughout Washington State; and

WHEREAS, flooding has caused and is still causing extensive damage to county roads and bridges, private roads, homes, businesses, and agricultural land in Lincoln County;

WHEREAS, flooding has caused extensive damage to state roads and bridges in Pacific County;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of February 8, 1996, and further proclaim that a State of Emergency exists in Lincoln and Pacific Counties and authorize execution of the Washington State Comprehensive Emergency Management Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this twenty-second day of February, A.D., nineteen hundred and ninetysix.

> Mike Lowry Governor of Washington

#### BY THE GOVERNOR

Michelle Burkheimer

Acting Deputy Secretary of State

#### WSR 96-06-011 DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed February 23, 1996, 1:56 p.m., effective June 1, 1996]

Effective June 1, 1996, the following sections in Title 419 WAC will be recodified into the Division of Credit Unions area of Title 208 WAC:

Old WAC New WAC Title Number Number

DIVISION OF CREDIT UNIONS

Examination and supervision charges for

credit unions

Collection of examination and supervision 208-418-020 costs-Collection method.

419-18-020

|                          |                            | · · · · · · · · · · · · · · · · · · ·   |
|--------------------------|----------------------------|---|
| 419-18-030               | 208-418-030                | Hourly charge for examinations.   |
| 419-18-040               | 208-418-040                | Semiannual asset charge.  |
| 419-18-045               | 208-418-045                | Credit union examination fund—Minimum cash balance                                |
| 419-18-050               | 208-418-050                | Hourly charge for legal assistance.   |
| 419-18-060               | 208-418-060                | Supervisory review of examinations.   |
| 419-18-070               | 208-418-070                | Special examinations.   |
| 419-18-080               | 208-418-080                | Scheduled increases in rate of examination and supervision charges.               |
|                          |                            |   |
|                          |                            | Rules governing supervisory approval of credit union investment practices         |
| 419-36-010               | 208-436-010                | Application to make investments not other-  |
|                          |                            | wise permitted by law.  |
| 419-36-020<br>419-36-030 | 208-436-020<br>208-436-030 | Supplementary application information.  Investments previously approved for other |
| 417-30-030               | 208-430-030                | state chartered credit unions.  |
| 419-36-040               | 208-436-040                | Investment practice permitted to federally  |
| 419-36-050               | 208-436-050                | chartered credit unions.  Investment practice not previously permitted            |
| 417-30-030               | 200-430-030                | to any credit union.  |
| 419-36-060               | 208-436-060                | Supervisor action on application.   |
| 419-36-070               | 208-436-070                | Engagement in unauthorized investment   |
| 419-36-080               | 208-436-080                | practice prohibited.  Modification or revocation of investment                    |
|                          |                            | practices previously authorized.  |
| 419-36-090               | 208-436-090                | Investment limitations—Other requirements.  |
|                          |                            | Rules on credit union participation in  |
| 419-40-010               | 208-440-010                | commercial business activities Credit union financial interest in commercial      |
| 419-40-010               | 206-440-010                | enterprise.   |
| 419-40-020               | 208-440-020                | Endorsements of commercial products or  |
| 419-40-030               | 208-440-030                | services.  Offering of gifts, prizes and premiums.                                |
| 419-40-030               | 208-440-040                | Use of credit union space to advertise com-                                       |
|                          |                            | mercial products and services.  |
| 419-40-050               | 208-440-050                | Commercial programs offered to credit union members.                              |
|                          |                            | •   |
| 419-44-010               | 208-444-010                | Miscellaneous credit unlon rules State chartered credit unions—Acceptance         |
|                          | 200 / 010                  | of audit instead of examination.  |
|                          |                            | Credit union member business loans  |
| 419-64-010               | 208-464-010                | Purpose.  |
| 419-64-020               | 208-464-020                | Definitions.  |
| 419-64-030               | 208-464-030                | Policy requirements.  |
| 419-64-040               | 208-464-040                | Underwriting review requirements.   |
| 419-64-050               | 208-464-050                | Loans to one borrower.  |
| 419-64-060               | 208-464-060                | Allowance for loan losses.  |
| 419-64-070               | 208-464-070                | Minimum reserves-to-assets ratio.   |
| 419-64-080<br>419-64-090 | 208-464-080<br>208-464-090 | Prohibitions, director and employee loans. Prohibitions, other.                   |
| 419-04-090               | 208-404-090                | ,   |
|                          |                            | Credit union field of membership expan-<br>sion                                   |
| 419-72-010               | 208-472-010                | Purpose.  |
| 419-72-012               | 208-472-012                | General requirement.  |
| 419-72-015               | 208-472-015                | Definitions.  |
| 419-72-020               | 208-472-020                | Expansion of a group with a common bond   |
| 419-72-025               | 208-472-025                | of occupation. Application.   |
| 419-72-041               | 208-472-041                | Streamlined procedures for small occupa-  |
|                          |                            | tional groups.  |
| 419-72-045               | 208-472-045                | Expansion of a group with a common bond of association.                           |
| 419-72-050               | 208-472-050                | Application.  |
| 419-72-060               | 208-472-060                | Expansion of a group with a common bond   |
| 000                      |                            | of community.   |
| 419-72-065               | 208-472-065                | Application.  |
| 419-72-070               | 208-472-070                | Application deemed complete.  |
| 419-72-075               | 208-472-075                | Approval.   |
| 419-72-080               | 208-472-080                | Special circumstances.  |
|                          |                            | Real estate appraisals  |
| 419-80-010               | 208-480-010                | Definitions.  |
| 419-80-020               | 208-480-020                | Appraisals required.  |
|                          |                            |   |

| 419-80-030 | 208-480-030 | Transactions for which a state-certified appraiser is required.                          |
|------------|-------------|--|
| 419-80-040 | 208-480-040 | Transactions for which either a state-certified or state-licensed appraiser is required. |
| 419-80-050 | 208-480-050 | Appraisal standards.   |
| 419-80-060 | 208-480-060 | Appraiser independence.  |
| 419-80-070 | 208-480-070 | Professional association membership—Com-<br>petency.                                     |

J. Parker Cann, Assistant Director Division of Credit Unions

#### WSR 96-06-012 NOTICE OF PUBLIC MEETINGS BOARD FOR VOLUNTEER FIREFIGHTERS

[Memorandum—February 21, 1996]

The April 1996 meeting of the State Board for Volunteer Firefighters has been rescheduled. The meeting will take place at 9:00 a.m. on **April 19, 1996**, in Suite 112 of the Olympia Forum Building, 601 11th Avenue S.E., not on April 26 as had been originally scheduled.

### WSR 96-06-013 PROCLAMATION OFFICE OF THE GOVERNOR

[February 23, 1996]

WHEREAS, the major flooding which began February 7, 1996, is continuing to cause extensive damage throughout Washington State; and

WHEREAS, flooding has caused extensive damage to county roads and bridges, private roads, homes, and public facilities in Spokane County; and

WHEREAS, flooding has caused extensive damage to roads in Clallam County;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of February 8, 1996, and further proclaim that a State of Emergency exists in Spokane and Clallam Counties and authorize execution of the Washington State Comprehensive Emergency Management Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this twenty-third day of February, A.D., nineteen hundred and ninetysix.

Mike Lowry
Governor of Washington

BY THE GOVERNOR

Ralph Munro
Secretary of State

Starting

#### WSR 96-06-015 NOTICE OF PUBLIC MEETINGS HEALTH CARE POLICY BOARD

[Memorandum—February 26, 1996]

MEETING SCHEDULE FOR 1996

| Day/Date  | Location  | Starting<br>Times |
|---|---|-------------------|
| Board Meeting<br>February 29, 1996<br>Thursday        | Olympia-Capitol Campus<br>John A. Cherberg Building<br>Hearing Room 2<br>304 15th Avenue      | 6:00 p.m.         |
| Eastern Advisory Forum<br>March 13, 1996<br>Wednesday | Spokane<br>Group Health Northwest<br>5615 West Sunset Highway                                 | 10:30 a.m.        |
| Western Advisory Forum<br>March 15, 1996<br>Friday    | Tukwila<br>Best Western at Southcenter<br>15901 West Valley Highway                           | 9:00 a.m.         |
| Board Meeting<br>March 28, 1996<br>Thursday           | Sea-Tac Marriott<br>Snoqualmie Ballroom<br>3201 South 176th                                   | 9:00 a.m.         |
| Western Advisory Forum<br>April 18, 1996<br>Thursday  | Site to be determined   | 9:00 a.m.         |
| Eastern Advisory Forum<br>April 19, 1996<br>Friday    | Site to be determined   | 11:00 a.m.        |
| Board Meeting<br>April 25, 1996<br>Thursday           | Spokane<br>Cavanaugh's Inn at the River<br>Shoreline A Room<br>North 700 Division Street      | 9:00 a.m.         |
| Board Meeting<br>May 30, 1996<br>Thursday             | Sea-Tac Marriott<br>Snoqualmie Ballroom<br>3201 South 176th                                   | 9:00 a.m.         |
| Western Advisory Forum<br>June 3, 1996<br>Monday      | Video Conference<br>Site to be determined   | 9:00 a.m.         |
| Eastern Advisory Forum<br>June 3, 1996<br>Monday      | Video Conference<br>Site to be determined   | 9:00 a.m.         |
| Board Meeting<br>June 27<br>Thursday                  | Renton Valley Medical Center Medical Arts Auditorium 4033 Talbot Road South                   | 9:00 a.m.         |
| Board Meeting<br>July 25, 1996<br>Thursday            | SeaTac<br>Sea-Tac Marriott<br>Snoqualmie Ballroom<br>3201 South 176th                         | 9:00 a.m.         |
| Board Meeting<br>August 29, 1996<br>Thursday          | SeaTac<br>WestCoast Sea-Tac Hotel<br>18220 Pacific Highway South                              | 9:00 a.m.         |
| Board Meeting<br>September 26, 1996<br>Thursday       | Yakima<br>Cavanaugh's Yakima<br>Center/Downtown<br>607 East Yakima Avenue                     | 9:00 a.m.         |
| Board Meeting<br>October 31, 1996<br>Thursday         | Lacey<br>Attorney General's Conference<br>Room<br>RoweSix, Building 1<br>4224 6th Avenue S.E. | 9:00 a.m.         |
| Board Meeting<br>November 21, 1996<br>Thursday        | Lacey<br>Attorney General's Conference<br>Room<br>RoweSix, Building 1<br>4224 6th Avenue S.E. | 9:00 a.m.         |

Board Meeting December 19, 1996 Thursday Lacey 9:00 a.m.
Attorney General's Conference
Room
RoweSix, Building 1
4224 6th Avenue S.E.

#### WSR 96-06-016 NOTICE OF PUBLIC MEETINGS HEALTH CARE POLICY BOARD

[Memorandum—February 26, 1996]

Health Care Policy Board Meeting Notice
February 29, 1996
6:00 p.m. Starting Time
John A. Cherberg Building
Hearing Room 2
Capitol Campus
304 15th Avenue
Olympia, WA

Persons with disabilities who need assistance should contact Paulette Nelson at (360) 407-0130.

# WSR 96-06-024 NOTICE OF PUBLIC MEETINGS COMMISSION ON JUDICIAL CONDUCT

[Memorandum—February 27, 1996]

The Commission on Judicial Conduct's business meeting, previously scheduled for 11:00 a.m. on August 2, 1996, at the Sea-Tac Holiday Inn, 17338 Pacific Highway South, SeaTac, WA, 98188, has been rescheduled for 11:00 a.m. on August 9, 1996, at the same hotel.

#### WSR 96-06-035 DEPARTMENT OF ECOLOGY

[Filed March 1, 1996, 10:30 a.m.]

### REVISED NOTICE OF PUBLIC HEARING Washington State Implementation

Plan (SIP) March 28, 1996

Due to an error in the announcement of two March 5, 1996, hearings, we have rescheduled them to a later date. We apologize for any inconvenience or misunderstandings this error may have caused.

RESCHEDULED: The Washington State Department of Ecology will be conducting two public hearings at the Department of Ecology's Eastern Regional Office, North 4601 Monroe, Large Conference Room, Spokane, WA, on Thursday, March 28, 1996, at 7:00 p.m.

The purpose of the hearings will be to receive comments on forwarding revisions to the 1982 and 1992 Spokane SIP submittals to the Environmental Protection Agency (EPA) with a request that these amendments be included in the Washington State Implementation Plan (SIP). The revisions consist of the removal of two transportation control measures

from the 1982 Spokane SIP and some additions to the 1993 Spokane SIP.

Interested persons may provide written or oral comments at the hearing. Written comments will be considered if postmarked no later than March 28, 1996, and should be sent to Fred Greef, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For information on the SIP submittals, or for a list of locations where a copy of the draft documents can be reviewed, please contact Lydia Blalock at (360) 407-6860.

For information on the contents of the draft documents, please contact Fred Greef, Department of Ecology, at (360) 407-6099.

\* Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Lydia Blalock at (360) 407-6860 (voice) or (360) 407-6006 (TDD only).

#### WSR 96-06-037 NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGES

[Memorandum—February 26, 1996]

The Seattle Community College District board of trustees will hold their regular meeting at 6:00 p.m. on Tuesday, March 5, 1996, in the President's Board Room, at North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

The meeting will be preceded by a reception to award faculty tenure at 5:30 p.m., in Room CC253.

#### WSR 96-06-043 PROCLAMATION OFFICE OF THE GOVERNOR

[March 1, 1996]

WHEREAS, the major flooding which began February 7, 1996, is continuing to cause extensive damage throughout Washington State; and

WHEREAS, flooding has caused extensive damage to homes, businesses, roads, bridges, and agricultural land in Kitsap County;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of February 8, 1996, and further proclaim that a State of Emergency exists in Kitsap County and authorize execution of the Washington State Comprehensive Emergency Management Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this first day of March, A.D., nineteen hundred and ninety-six.

Mike Lowry
Governor of Washington

BY THE GOVERNOR

Ralph Munro

Secretary of State

## WSR 96-06-054 NOTICE OF PUBLIC MEETINGS WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

[Memorandum-March 5, 1996]

MEETING NOTICE

THE GOVERNOR'S TASK FORCE
ON SCHOOL-TO-WORK TRANSITION
QUARTERLY MEETING
April 23, 1996
10:00 a.m. to 11:00 a.m.
(Immediately following the
Task Force's Keynote Presentation)

In Cascade 12 SeaTac Red Lion

(The Cascade rooms are located on the second level of the hotel.) There is a map and directions in the hotel.)

The task force will discuss the oversight and implementation of the state's school-to-work transition system including progress reports by agency partners.

The meeting site is barrier free. People needing special accommodations, please call Jan Hills at least ten days in advance at (360) 586-4530.

#### **KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

#### Symbols:

AMD = Amendment of existing section

A/R = Amending and recodifying a section

DECOD = Decodification of an existing section

NEW = New section not previously codified

OBJEC = Notice of objection by Joint Administrative

Rules Review Committee

PREP = Preproposal comments

RE-AD = Readoption of existing section

RECOD = Recodification of previously codified

section

REP = Repeal of existing section

RESCIND = Rescind previous emergency rule

REVIEW = Review of previously adopted rule

#### Suffixes:

-P = Proposed action

-C = Continuance of previous proposal

-E = Emergency action

S = Supplemental notice

-W = Withdrawal of proposed action

No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

| WAC #      |                | WSR #                  | WAC #       |            | WSR #     | WAC #       |              | WSR #     |
|------------|----------------|------------------------|-------------|------------|-----------|-------------|--------------|-----------|
|            | DD ED          | 96-05-081              | 16-529-150  | AMD        | 96-03-151 | 50-20-130   | AMD          | 96-04-013 |
| 4-25-530   | PREP           | 96-05-082              | 16-532-010  | AMD-P      | 96-05-086 | 50-20-130   | DECOD        | 96-04-013 |
| 4-25-722   | PREP           | 96-05-083              | 16-532-040  | PREP       | 96-02-082 | 50-20-140   | AMD          | 96-04-013 |
| 4-25-750   | PREP           | 96-05-084              | 16-532-0402 | NEW-P      | 96-05-086 | 50-20-140   | DECOD        | 96-04-013 |
| 4-25-810   | PREP           | 96-05-082              | 16-532-0404 | NEW-P      | 96-05-086 | 50-20-150   | AMD          | 96-04-013 |
| 16-06-010  | REP-P          | 96-06-082              | 16-532-0406 | NEW-P      | 96-05-086 | 50-20-150   | DECOD        | 96-04-013 |
| 16-06-020  | REP-P          |                        | 16-532-0408 | NEW-P      | 96-05-086 | 50-20-160   | AMD          | 96-04-013 |
| 16-06-030  | REP-P          | 96-06-082              | 16-532-0410 | NEW-P      | 96-05-086 | 50-20-160   | DECOD        | 96-04-013 |
| 16-06-040  | REP-P          | 96-06-082              | 16-532-0410 | NEW-P      | 96-05-086 | 50-20-170   | REP          | 96-04-013 |
| 16-06-050  | REP-P          | 96-06-082              | 16-532-0414 | NEW-P      | 96-05-086 | 50-20-180   | DECOD        | 96-04-013 |
| 16-06-060  | REP-P          | 96-06-082              | 16-540-040  | AMD        | 96-03-150 | 50-20-190   | AMD          | 96-04-013 |
| 16-06-070  | REP-P          | 96-06-082              |             | AMD-C      | 96-03-093 | 50-20-190   | DECOD        | 96-04-013 |
| 16-06-080  | REP-P          | 96-06-082              | 16-750      | AMD-C      | 96-06-030 | 50-20-200   | REP          | 96-04-013 |
| 16-06-090  | REP-P          | 96-06-082              | 16-750-005  | AMD        | 96-06-030 | 50-30-005   | NEW          | 96-03-059 |
| 16-06-100  | REP-P          | 96-06-082              | 16-750-011  | AMD        | 96-06-030 | 50-30-005   | DECOD        | 96-03-059 |
| 16-06-110  | REP-P          | 96-06-082              | 16-750-015  | AMD<br>AMD | 96-03-155 | 50-30-010   | AMD          | 96-03-059 |
| 16-06-120  | REP-P          | 96-06-082              | 44-10-010   | NEW        | 96-03-155 | 50-30-010   | DECOD        | 96-03-059 |
| 16-06-130  | REP-P          | 96-06-082              | 44-10-020   |            | 96-03-155 | 50-30-015   | NEW          | 96-03-059 |
| 16-06-140  | REP-P          | 96-06-082              | 44-10-030   | AMD        | 96-03-155 | 50-30-015   | DECOD        | 96-03-059 |
| 16-06-150  | NEW-P          | 96-06-082              | 44-10-031   | NEW        | 96-03-155 | 50-30-019   | AMD          | 96-03-059 |
| 16-06-155  | NEW-P          | 96-06-082              | 44-10-040   | AMD        | 96-03-155 | 50-30-020   | DECOD        | 96-03-059 |
| 16-06-160  | NEW-P          | 96-06-082              | 44-10-050   | AMD        |           | 50-30-025   | NEW          | 96-03-059 |
| 16-06-165  | NEW-P          | 96-06-082              | 44-10-060   | AMD        | 96-03-155 | 50-30-025   | DECOD        | 96-03-059 |
| 16-06-170  | NEW-P          | 96-06-082              | 44-10-070   | AMD        | 96-03-155 | 50-30-030   | AMD          | 96-03-059 |
| 16-06-175  | NEW-P          | 96-06-082              | 44-10-080   | AMD        | 96-03-155 | 50-30-030   | DECOD        | 96-03-059 |
| 16-06-180  | NEW-P          | 96-06-082              | 44-10-090   | AMD        | 96-03-155 | 50-30-035   | NEW          | 96-03-059 |
| 16-06-185  | NEW-P          | 96-06-082              | 44-10-100   | AMD        | 96-03-155 |             | DECOD        | 96-03-059 |
| 16-06-190  | NEW-P          | 96-06-082              | 44-10-110   | AMD        | 96-03-155 | 50-30-035   | AMD          | 96-03-059 |
| 16-06-195  | NEW-P          | 96-06-082              | 44-10-120   | AMD        | 96-03-155 | 50-30-040   | DECOD        | 96-03-059 |
| 16-06-200  | NEW-P          | 96-06-082              | 44-10-130   | AMD        | 96-03-155 | 50-30-040   |              | 96-03-059 |
| 16-06-205  | NEW-P          | 96-06-082              | 44-10-140   | AMD        | 96-03-155 | 50-30-050   | AMD<br>DECOD | 96-03-059 |
| 16-06-210  | NEW-P          | 96-06-082              | 44-10-150   | AMD        | 96-03-155 | 50-30-050   |              | 96-03-059 |
| 16-06-215  | NEW-P          | 96-06-082              | 44-10-160   | AMD        | 96-03-155 | 50-30-060   | AMD          | 96-03-059 |
| 16-06-220  | NEW-P          | 96-06-082              | 44-10-165   | REP        | 96-03-155 | 50-30-060   | DECOD        | 96-03-059 |
| 16-06-225  | NEW-P          | 96-06-082              | 44-10-170   | AMD        | 96-03-155 | 50-30-065   | NEW          |           |
| 16-06-230  | NEW-P          | 96-06-082              | 44-10-180   | AMD        | 96-03-155 | 50-30-065   | DECOD        | 96-03-059 |
| 16-06-235  | NEW-P          | 96-06-082              | 44-10-200   | AMD        | 96-03-155 | 50-30-068   | NEW          | 96-03-059 |
| 16-168-010 | NEW-P          | 96-05-027              | 44-10-210   | AMD        | 96-03-155 | 50-30-068   | DECOD        | 96-03-059 |
| 16-168-020 | NEW-P          | 96-05-027              | 44-10-220   | REP        | 96-03-155 | 50-30-070   | AMD          | 96-03-059 |
| 16-168-030 | NEW-P          | 96-05-027              | 44-10-221   | NEW        | 96-03-155 | 50-30-070   | DECOD        | 96-03-059 |
|            | NEW-P          | 96-05-027              | 44-10-222   | NEW        | 96-03-155 | 50-30-075   | NEW          | 96-03-059 |
| 16-168-040 | NEW-P          | 96-05-027              | 44-10-223   | NEW        | 96-03-155 | 50-30-075   | DECOD        | 96-03-059 |
| 16-168-050 | NEW-P          | 96-05-027              | 44-10-230   | REP        | 96-03-155 | 50-30-080   | AMD          | 96-03-059 |
| 16-168-060 | NEW-P          | 96-05-027              | 44-10-300   | AMD        | 96-03-155 | 50-30-080   | DECOD        | 96-03-059 |
| 16-168-070 |                | 96-05-027              | 44-10-310   | AMD        | 96-03-155 | 50-30-085   | NEW          | 96-03-059 |
| 16-168-080 | NEW-P<br>NEW-P | 96-05-027              | 44-10-320   | REP        | 96-03-155 | 50-30-085   | DECOD        | 96-03-059 |
| 16-168-090 |                | 96-05-027              | 50-20-100   | AMD        | 96-04-013 | 50-30-090   | AMD          | 96-03-059 |
| 16-168-100 | NEW-P          | 96-03-027<br>96-04-058 | 50-20-100   | DECOD      | 96-04-013 | 50-30-090   | DECOD        | 96-03-059 |
| 16-300-010 | AMD            |                        | 50-20-110   | AMD        | 96-04-013 | 50-30-095   | NEW          | 96-03-059 |
| 16-319-041 | AMD-P          | 96-03-065              | 50-20-110   | DECOD      | 96-04-013 | 50-30-095   | DECOD        | 96-03-059 |
| 16-400-040 | AMD-P          | 96-05-071              | 50-20-110   | AMD        | 96-04-013 | 50-30-100   | AMD          | 96-03-059 |
| 16-400-100 | AMD-P          | 96-05-071              | 50-20-120   | DECOD      | 96-04-013 | 50-30-100   | DECOD        | 96-03-059 |
| 16-400-210 | AMD-P          | 96-05-071              | 30-20-120   | DECOD      | 70-04-013 | 1 20 20 .00 |              |           |

| WAC #                      |                | WSR #                  | WAC #                      |                | WSR #                  | WAC #                      |                | WSR #                  |
|----------------------------|----------------|------------------------|----------------------------|----------------|------------------------|----------------------------|----------------|------------------------|
| 50-30-110                  | REP            | 96-03-059              | 162-08-268                 | AMD-P          | 96-06-087              | 173-354-680                | NEW-W          | 96-05-020              |
| 50-44-020                  | AMD            | 96-04-022              | 162-08-288                 | AMD-P          | 96-06-087              | 173-354-700                | NEW-W          | 96-05-020              |
| 50-44-025                  | NEW            | 96-04-022              | 162-08-298                 | AMD-P          | 96-06-087              | 173-354-720                | NEW-W          | 96-05-020              |
| 50-60-010                  | DECOD          | 96-04-028              | 162-08-305                 | AMD-P          | 96-06-087              | 173-354-800                | NEW-W          | 96-05-020              |
| 50-60-020                  | DECOD          | 96-04-028              | 162-36                     | PREP           | 96-02-081              | 173-354-900                | NEW-W          | 96-05-020              |
| 50-60-030                  | DECOD          | 96-04-028              | 162-36-001                 | NEW-P          | 96-06-087              | 173-354-990                | NEW-W          | 96-05-020              |
| 50-60-035<br>50-60-040     | DECOD<br>DECOD | 96-04-028<br>96-04-028 | 162-36-005<br>162-36-006   | NEW-P          | 96-06-087              | 173-400-030                | AMD-P          | 96-06-036              |
| 50-60-042                  | DECOD          | 96-04-028<br>96-04-028 | 162-36-010                 | NEW-P<br>AMD-P | 96-06-087<br>96-06-087 | 173-400-045                | AMD-P          | 96-06-036              |
| 50-60-045                  | DECOD          | 96-04-028              | 162-36-020                 | AMD-P          | 96-06-087              | 173-400-070<br>173-400-075 | AMD-P<br>AMD-P | 96-06-036<br>96-06-036 |
| 50-60-050                  | DECOD          | 96-04-028              | 162-38                     | PREP           | 96-02-081              | 173-400-075                | AMD-P          | 96-06-036              |
| 50-60-060                  | DECOD          | 96-04-028              | 162-38-010                 | AMD-P          | 96-06-087              | 173-400-115                | AMD-P          | 96-06-036              |
| 50-60-070                  | DECOD          | 96-04-028              | 162-38-020                 | REP-P          | 96-06-087              | 173-400-116                | AMD-P          | 96-06-036              |
| 50-60-080                  | DECOD          | 96-04-028              | 162-38-030                 | REP-P          | 96-06-087              | 173-400-141                | AMD-P          | 96-06-036              |
| 50-60-08005                | DECOD          | 96-04-028              | 162-38-035                 | AMD-P          | 96-06-087              | 173-806                    | PREP           | 96-06-018              |
| 50-60-08010                | DECOD          | 96-04-028              | 162-38-040                 | AMD-P          | 96-06-087              | 174-120                    | PREP           | 96-03-138              |
| 50-60-08015                | DECOD          | 96-04-028              | 162-38-050                 | AMD-P          | 96-06-087              | 180-16-238                 | PREP           | 96-04-070              |
| 50-60-08020<br>50-60-08025 | DECOD<br>DECOD | 96-04-028<br>96-04-028 | 162-38-060                 | AMD-P          | 96-06-087              | 180-51-050                 | AMD-P          | 96-04-071              |
| 50-60-08030                | DECOD          | 96-04-028<br>96-04-028 | 162-38-070<br>162-38-080   | AMD-P<br>AMD-P | 96-06-087<br>96-06-087 | 180-79-086                 | AMD-P          | 96-04-047              |
| 50-60-08035                | DECOD          | 96-04-028              | 162-38-090                 | AMD-P          | 96-06-087              | 180-79-311<br>180-79-334   | AMD-P          | 96-04-048              |
| 50-60-08040                | DECOD          | 96-04-028              | 162-38-100                 | AMD-P          | 96-06-087              | 180-79-334                 | AMD-P<br>NEW   | 96-04-049<br>96-04-073 |
| 50-60-085                  | DECOD          | 96-04-028              | 162-38-110                 | AMD-P          | 96-06-087              | 180-83-020                 | NEW            | 96-04-073              |
| 50-60-090                  | DECOD          | 96-04-028              | 162-38-120                 | AMD-P          | 96-06-087              | 180-83-030                 | NEW            | 96-04-073              |
| 50-60-09005                | DECOD          | 96-04-028              | 173-224-040                | AMD            | 96-03-041              | 180-83-040                 | NEW            | 96-04-073              |
| 50-60-09010                | DECOD          | 96-04-028              | 173-224-050                | AMD            | 96-03-041              | 180-83-050                 | NEW            | 96-04-073              |
| 50-60-09015                | DECOD          | 96-04-028              | 173-224-070                | REP            | 96-03-041              | 180-83-060                 | NEW            | 96-04-073              |
| 50-60-09020                | DECOD          | 96-04-028              | 173-224-090                | AMD            | 96-03-041              | 180-83-070                 | NEW            | 96-04-073              |
| 50-60-100<br>50-60-110     | DECOD<br>DECOD | 96-04-028              | 173-303-515                | REP-W          | 96-05-020              | 180-85-025                 | AMD-P          | 96-04-074              |
| 50-60-120                  | DECOD          | 96-04-028<br>96-04-028 | 173-330-010<br>173-330-020 | REP-W          | 96-05-020              | 180-85-032                 | NEW-P          | 96-04-074              |
| 50-60-125                  | DECOD          | 96-04-028              | 173-330-020                | REP-W<br>REP-W | 96-05-020<br>96-05-020 | 180-86<br>180-87-093       | PREP           | 96-06-038              |
| 50-60-130                  | DECOD          | 96-04-028              | 173-330-040                | REP-W          | 96 <sub>2</sub> 05-020 | 182-08-010                 | NEW-P<br>AMD-P | 96-04-072<br>96-02-079 |
| 50-60-140                  | DECOD          | 96-04-028              | 173-330-050                | REP-W          | 96-05-020              | 182-08-015                 | NEW-P          | 96-02-079              |
| 50-60-145                  | DECOD          | 96-04-028              | 173-330-060                | REP-W          | 96-05-020              | 182-08-020                 | AMD-P          | 96-02-079              |
| 50-60-150                  | DECOD          | 96-04-028              | 173-330-070                | REP-W          | 96-05-020              | 182-08-030                 | REP-P          | 96-02-079              |
| 50-60-160                  | DECOD          | 96-04-028              | 173-330-900                | REP-W          | 96-05-020              | 182-08-040                 | REP-P          | 96-02-079              |
| 50-60-165                  | DECOD          | 96-04-028              | 173-340-200                | AMD            | 96-04-010              | 182-08-060                 | REP-P          | 96-02-079              |
| 50-60-170                  | DECOD<br>DECOD | 96-04-028              | 173-340-440                | AMD            | 96-04-010              | 182-08-090                 | NEW-P          | 96-02-079              |
| 50-60-190<br>50-60-200     | DECOD          | 96-04-028<br>96-04-028 | 173-340-530<br>173-340-700 | AMD<br>AMD     | 96-04-010              | 182-08-110                 | REP-P          | 96-02-079              |
| 50-60-210                  | DECOD          | 96-04-028              | 173-340-706                | AMD            | 96-04-010<br>96-04-010 | 182-08-120<br>182-08-160   | AMD-P<br>AMD-P | 96-02-079              |
| 55-01-010                  | AMD-E          | 96-03-104              | 173-340-740                | AMD            | 96-04-010              | 182-08-165                 | AMD-P          | 96-02-079<br>96-02-079 |
| 55-01-020                  | AMD-E          | 96-03-104              | 173-340-745                | AMD            | 96-04-010              | 182-08-170                 | REP-P          | 96-02-079              |
| 55-01-030                  | AMD-E          | 96-03-104              | 173-354-008                | NEW-W          | 96-05-020              | 182-08-180                 | AMD-P          | 96-02-079              |
| 55-01-040                  | AMD-E          | 96-03-104              | 173-354-010                | NEW-W          | 96-05-020              | 182-08-190                 | AMD-P          | 96-02-079              |
| 55-01-050                  | AMD-E          | 96-03-104              | 173-354-020                | NEW-W          | 96-05-020              | 182-08-195                 | REP-P          | 96-02-079              |
| 55-01-060                  | AMD-E          | 96-03-104              | 173-354-050                | NEW-W          | 96-05-020              | 182-08-200                 | AMD-P          | 96-02-079              |
| 55-01-070<br>82-05-010     | AMD-E<br>NEW   | 96-03-104<br>96-03-048 | 173-354-070<br>173-354-090 | NEW-W          | 96-05-020              | 182-08-210                 | AMD-P          | 96-02-079              |
| 82-05-020                  | NEW            | 96-03-048              | 173-354-100                | NEW-W<br>NEW-W | 96-05-020<br>96-05-020 | 182-08-220<br>182-08-300   | AMD-P          | 96-02-079              |
| 82-05-030                  | NEW            | 96-03-048              | 173-354-150                | NEW-W          | 96-05-020              | 182-12-110                 | REP-P<br>AMD-P | 96-02-079<br>96-02-080 |
| 82-05-040                  | NEW            | 96-03-048              | 173-354-200                | NEW-W          | 96-05-020              | 182-12-111                 | AMD-P          | 96-02-080              |
| 82-05-050                  | NEW            | 96-03-048              | 173-354-230                | NEW-W          | 96-05-020              | 182-12-115                 | AMD-P          | 96-02-080              |
| 131-28-026                 | AMD            | 96-03-049              | 173-354-300                | NEW-W          | 96-05-020              | 182-12-117                 | NEW-P          | 96-02-080              |
| 132N-276                   | PREP           | 96-03-101              | 173-354-320                | NEW-W          | 96-05-020              | 182-12-119                 | NEW-P          | 96-02-080              |
| 139-01-810                 | AMD-P          | 96-03-025              | 173-354-340                | NEW-W          | 96-05-020              | 182-12-122                 | REP-P          | 96-02-080              |
| 154                        | PREP           | 96-06-079              | 173-354-360                | NEW-W          | 96-05-020              | 182-12-130                 | REP-P          | 96-02-080              |
| 162-04<br>162-08           | PREP<br>PREP   | 96-02-081<br>96-02-081 | 173-354-380                | NEW-W          | 96-05-020              | 182-12-132                 | AMD-P          | 96-02-080              |
| 162-08-061                 | AMD-P          | 96-06-087              | 173-354-400<br>173-354-440 | NEW-W<br>NEW-W | 96-05-020              | 182-12-145                 | AMD-P          | 96-02-080              |
| 162-08-062                 | AMD-P          | 96-06-087              | 173-354-460                | NEW-W<br>NEW-W | 96-05-020<br>96-05-020 | 182-12-151<br>182-12-160   | REP-P          | 96-02-080              |
| 162-08-071                 | AMD-P          | 96-06-087              | 173-354-500                | NEW-W          | 96-05-020              | 182-12-165                 | REP-P<br>REP-P | 96-02-080              |
| 162-08-072                 | AMD-P          | 96-06-087              | 173-354-515                | NEW-W          | 96-05-020              | 182-12-103                 | AMD-P          | 96-02-080<br>96-02-080 |
| 162-08-093                 | AMD-P          | 96-06-087              | 173-354-525                | NEW-W          | 96-05-020              | 182-12-215                 | AMD-P          | 96-02-080              |
| 162-08-094                 | AMD-P          | 96-06-087              | 173-354-535                | NEW-W          | 96-05-020              | 182-12-220                 | AMD-P          | 96-02-080              |
| 162-08-09401               | NEW-P          | 96-06-087              | 173-354-545                | NEW-W          | 96-05-020              | 184-10-140                 | NEW-C          | 96-03-033              |
| 162-08-099                 | AMD-P          | 96-06-087              | 173-354-555                | NEW-W          | 96-05-020              | 192-12-300                 | PREP           | 96-03-158              |
| 162-08-102                 | AMD-P          | 96-06-087              | 173-354-600                | NEW-W          | 96-05-020              | 192-12-305                 | PREP           | 96-03-158              |
| 162-08-104<br>162-08-106   | AMD-P<br>AMD-P | 96-06-087<br>96-06-087 | 173-354-620                | NEW-W          | 96-05-020              | 192-16-002                 | AMD-P          | 96-04-065              |
| 162-08-107                 | NEW-P          | 96-06-087<br>96-06-087 | 173-354-640<br>173-354-660 | NEW-W<br>NEW-W | 96-05-020<br>96-05-020 | 192-16-024                 | NEW-P          | 96-04-065              |
| 162-08-261                 | AMD-P          | 96-06-087              | 173-354-670                | NEW-W          | 96-05-020<br>96-05-020 | 192-16-051<br>192-16-052   | AMD-P          | 96-04-065              |
| Table                      | 1              | 20.007                 | . 175-557-070              |                | 70 <del>-</del> 03-020 | 1 172-10-032               | NEW-P          | 96-04-065              |
| ( unie                     |                |                        |                            | F 2 1          |                        |                            |                |                        |

Table [2]

| WAC #                      |                | wsr #_                 | WAC#                           |                | WSR #                  | WAC #                          |                | WSR #                  |
|----------------------------|----------------|------------------------|--------------------------------|----------------|------------------------|--------------------------------|----------------|------------------------|
|                            |                |                        |                                |                |                        | 200 ((0 100                    | RECOD          | 96-04-028              |
| 192-28-105                 | PREP           | 96-03-159              | 208-620-050                    | NEW            | 96-04-013              | 208-660-190<br>208-660-200     | RECOD          | 96-04-028              |
| 192-28-120                 | PREP           | 96-03-159              | 208-620-060                    | NEW            | 96-04-013              | 208-660-210                    | RECOD          | 96-04-028              |
| 204-56                     | PREP           | 96-06-060              | 208-620-070                    | NEW            | 96-04-013              | 208-680A                       | PREP           | 96-06-084              |
| 208-08-010                 | NEW-P          | 96-06-085              | 208-620-080                    | NEW            | 96-04-013<br>96-04-013 | 208-680A-010                   | RECOD          | 96-05-018              |
| 208-08-020                 | NEW-P          | 96-06-085              | 208-620-090                    | NEW<br>REÇOD   | 96-04-013              | 208-680A-020                   | RECOD          | . 96-05-018            |
| 208-08-030                 | NEW-P          | 96-06-085              | 208-620-100                    | RECOD          | 96-04-013              | 208-680A-030                   | RECOD          | 96-05-018              |
| 208-08-040                 | NEW-P          | 96-06-085              | 208-620-110<br>208-620-120     | RECOD          | 96-04-013              | 208-680A-040                   | RECOD          | 96-05-018              |
| 208-08-050                 | NEW-P          | 96-06-085              | 208-620-120                    | RECOD          | 96-04-013              | 208-680B                       | PREP           | 96-06-084              |
| 208-08-060                 | NEW-P          | 96-06-085<br>96-06-085 | 208-620-140                    | RECOD          | 96-04-013              | 208-680B-010                   | RECOD          | 96-05-018              |
| 208-08-070                 | NEW-P<br>NEW-P | 96-06-085              | 208-620-150                    | NEW            | 96-04-013              | 208-680B-020                   | RECOD          | 96-05-018              |
| 208-08-080                 | NEW-P          | 96-06-085              | 208-620-160                    | RECOD          | 96-04-013              | 208-680B-030                   | RECOD          | 96-05-018              |
| 208-08-090                 | NEW-P          | 96-06-085              | 208-620-170                    | RECOD          | 96-04-013              | 208-680B-050                   | RECOD          | 96-05-018              |
| 208-08-100                 | NEW-P          | 96-06-085              | 208-620-180                    | NEW            | 96-04-013              | 208-680B-070                   | RECOD          | 96-05-018              |
| 208-08-110                 | NEW-P          | 96-06-085              | 208-620-190                    | RECOD          | 96-04-013              | 208-680B-080                   | RECOD          | 96-05-018              |
| 208-08-120<br>208-08-130   | NEW-P          | 96-06-085              | 208-620-200                    | NEW            | 96-04-013              | 208-680B-090                   | RECOD          | 96-05-018              |
| 208-08-130                 | NEW-P          | 96-06-085              | 208-620-210                    | RECOD          | 96-04-013              | 208-680C                       | PREP           | 96-06-084              |
| 208-418-020                | RECOD          | 96-06-011              | 208-620-220                    | NEW            | 96-04-013              | 208-680C-020                   | RECOD          | 96-05-018              |
| 208-418-030                | RECOD          | 96-06-011              | 208-630-005                    | RECOD          | 96-03-059              | 208-680C-030                   | RECOD          | 96-05-018<br>96-05-018 |
| 208-418-040                | RECOD          | 96-06-011              | 208-630-010                    | RECOD          | 96-03-059              | 208-680C-040                   | RECOD          | 96-05-018              |
| 208-418-045                | RECOD          | 96-06-011              | 208-630-015                    | RECOD          | 96-03-059              | 208-680C-050                   | RECOD          | 96-06-084              |
| 208-418-050                | RECOD          | 96-06-011              | 208-630-020                    | RECOD          | 96-03-059              | 208-680D                       | PREP           | 96-05-018              |
| 208-418-060                | RECOD          | 96-06-011              | 208-630-025                    | RECOD          | 96-03-059              | 208-680D-010                   | RECOD<br>RECOD | 96-05-018              |
| 208-418-070                | RECOD          | 96-06-011              | 208-630-030                    | RECOD          | 96-03-059              | 208-680D-020                   | RECOD          | 96-05-018              |
| 208-418-080                | RECOD          | 96-06-011              | 208-630-035                    | RECOD          | 96-03-059              | 208-680D-030<br>208-680D-040   | RECOD          | 96-05-018              |
| 208-436-010                | RECOD          | 96-06-011              | 208-630-040                    | RECOD          | 96-03-059              | 208-680D-050                   | RECOD          | 96-05-018              |
| 208-436-020                | RECOD          | 96-06-011              | 208-630-050                    | RECOD          | 96-03-059<br>96-03-059 | 208-680D-060                   | RECOD          | 96-05-018              |
| 208-436-030                | RECOD          | 96-06-011              | 208-630-060                    | RECOD          | 96-03-059              | 208-680D-000<br>208-680D-070   | RECOD          | 96-05-018              |
| 208-436-040                | RECOD          | 96-06-011              | 208-630-065                    | RECOD<br>RECOD | 96-03-059              | 208-680D-080                   | RECOD          | 96-05-018              |
| 208-436-050                | RECOD          | 96-06-011              | 208-630-068                    | RECOD          | 96-03-059              | 208-680E                       | PREP           | 96-06-084              |
| 208-436-060                | RECOD          | 96-06-011              | 208-630-070                    | RECOD          | 96-03-059              | 208-680E-011                   | RECOD          | 96-05-018              |
| 208-436-070                | RECOD          | 96-06-011              | 208-630-075                    | RECOD          | 96-03-059              | 208-680F                       | PREP           | 96-06-084              |
| 208-436-080                | RECOD          | 96-06-011              | 208-630-080                    | RECOD          | 96-03-059              | 208-680F-010                   | RECOD          | 96-05-018              |
| 208-436-090                | RECOD          | 96-06-011              | 208-630-085<br>208-630-090     | RECOD          | 96-03-059              | 208-680F-020                   | RECOD          | 96-05-018              |
| 208-440-010                | RECOD          | 96-06-011              | 208-630-095                    | RECOD          | 96-03-059              | 208-680F-040                   | RECOD          | 96-05-018              |
| 208-440-020                | RECOD          | 96-06-011<br>96-06-011 | 208-630-100                    | RECOD          | 96-03-059              | 208-680F-050                   | RECOD          | 96-05-018              |
| 208-440-030                | RECOD          | 96-06-011<br>96-06-011 | 208-660-010                    | RECOD          | 96-04-028              | 208-680F-060                   | RECOD          | 96-05-018              |
| 208-440-040                | RECOD<br>RECOD | 96-06-011              | 208-660-020                    | RECOD          | 96-04-028              | 208-680F-070                   | RECOD          | 96-05-018              |
| 208-440-050                | RECOD          | 96-06-011              | 208-660-030                    | RECOD          | 96-04-028              | 220-32-05100S                  | NEW-E          | 96-04-039              |
| 208-444-010                | RECOD          | 96-06-011              | 208-660-035                    | RECOD          | 96-04-028              | 220-32-05100S                  | REP-E          | 96-04-039              |
| 208-464-010<br>208-464-020 | RECOD          | 96-06-011              | 208-660-040                    | RECOD          | 96-04-028              | 220-33-01000D                  | NEW-E          | 96-05-055              |
| 208-464-030                | RECOD          | 96-06-011              | 208-660-042                    | RECOD          | 96-04-028              | 220-33-01000D                  | REP-E          | 96-05-055              |
| 208-464-040                | RECOD          | 96-06-011              | 208-660-045                    | RECOD          | 96-04-028              | 220-33-04000B                  | NEW-E          | 96-04-026<br>96-04-026 |
| 208-464-050                | RECOD          | 96-06-011              | 208-660-050                    | RECOD          | 96-04-028              | 220-33-04000B                  | REP-E          | 96-03-154              |
| 208-464-060                | RECOD          | 96-06-011              | 208-660-060                    | RECOD          | 96-04-028              | 220-44-030                     | AMD-P          | 96-03-154              |
| 208-464-070                | RECOD          | 96-06-011              | 208-660-070                    | RECOD          | 96-04-028              | 220-44-050                     | AMD-P<br>REP-E | 96-02-065              |
| 208-464-080                | RECOD          | 96-06-011              | 208-660-080                    | RECOD          | 96-04-028              | 220-52-04600L<br>220-52-04600M | NEW-E          | 96-03-055              |
| 208-464-090                | RECOD          | 96-06-011              | 208-660-08005                  | RECOD          | 96-04-028              | 220-52-04600N                  | NEW-E          | 96-06-006              |
| 208-472-010                | RECOD          | 96-06-011              | 208-660-08010                  | RECOD          | 96-04-028              | 220-52-07300C                  | REP-E          | 96-03-014              |
| 208-472-012                | RECOD          | 96-06-011              | 208-660-08015                  | RECOD          | 96-04-028<br>96-04-028 | 220-52-07300D                  | NEW-E          | 96-03-014              |
| 208-472-015                | RECOD          | 96-06-011              | 208-660-08020                  | RECOD          | 96-04-028              | 220-52-07300D                  | REP-E          | 96-03-014              |
| 208-472-020                | RECOD          | 96-06-011              | 208-660-08025                  | RECOD<br>RECOD | 96-04-028              | 220-52-07300E                  | NEW-E          | 96-04-038              |
| 208-472-025                | RECOD          | 96-06-011              | 208-660-08030                  | RECOD          | 96-04-028              | 220-52-07300E                  | REP-E          | 96-04-038              |
| 208-472-041                | RECOD          | 96-06-011              | 208-660-08035<br>208-660-08040 | RECOD          | 96-04-028              | 220-52-07300F                  | NEW-E          | 96-05-019              |
| 208-472-045                | RECOD          | 96-06-011              | 208-660-085                    | RECOD          | 96-04-028              | 220-52-07300F                  | REP-E          | 96-05-019              |
| 208-472-050                | RECOD          | 96-06-011              | 208-660-090                    | RECOD          | 96-04-028              | 220-52-07300F                  | REP-E          | 96-05-033              |
| 208-472-060                | RECOD          | 96-06-011<br>96-06-011 | 208-660-09005                  | RECOD          | 96-04-028              | 220-52-07300G                  | NEW-E          | 96-05-033              |
| 208-472-065                | RECOD          | 96-06-011              | 208-660-09010                  | RECOD          | 96-04-028              | 220-52-07300G                  | REP-E          | 96-05-033              |
| 208-472-070                | RECOD<br>RECOD | 96-06-011              | 208-660-09015                  | RECOD          | 96-04-028              | 220-52-07300H                  | NEW-E          | 96-06-005              |
| 208-472-075                | RECOD          | 96-06-011              | 208-660-09020                  | RECOD          | 96-04-028              | 220-52-07300H                  | REP-E          | 96-06-005              |
| 208-472-080                | RECOD          | 96-06-011              | 208-660-100                    | RECOD          | 96-04-028              | 220-55-005                     | AMD            | 96-05-004              |
| 208-480-010                | RECOD          | 96-06-011              | 208-660-110                    | RECOD          | 96-04-028              | 220-55-010                     | AMD            | 96-05-004              |
| 208-480-020                | RECOD          | 96-06-011              | 208-660-120                    | RECOD          | 96-04-028              | 220-55-050                     | AMD            | 96-05-004              |
| 208-480-030<br>208-480-040 | RECOD          | 96-06-011              | 208-660-125                    | RECOD          | 96-04-028              | 220-55-055                     | AMD            | 96-05-004              |
| 208-480-050                | RECOD          | 96-06-011              | 208-660-130                    | RECOD          | 96-04-028              | 220-55-075                     | AMD            | 96-05-004              |
| 208-480-060                | RECOD          | 96-06-011              | 208-660-140                    | RECOD          | 96-04-028              | 220-55-110                     | AMD            | 96-05-004<br>96-05-005 |
| 208-480-070                | RECOD          | 96-06-011              | 208-660-145                    | RECOD          | 96-04-028              | 220-56-100                     | AMD-C          | 96-05-005              |
| 208-620-010                | NEW            | 96-04-013              | 208-660-150                    | RECOD          | 96-04-028              | 220-56-105                     | AMD-C          | 96-05-005              |
| 208-620-020                | NEW            | 96-04-013              | 208-660-160                    | RECOD          | 96-04-028              | 220-56-124                     | AMD-C<br>AMD-C | 96-05-005              |
| 208-620-030                | NEW            | 96-04-013              | 208-660-165                    | RECOD          | 96-04-028              | 220-56-190<br>220-56-191       | AMD-C          | 96-05-005              |
| 208-620-040                | NEW            | 96-04-013              | 208-660-170                    | RECOD          | 96-04-028              | 1 440-30-171                   | AMD-C          | Table                  |
|                            |                |                        |                                |                |                        |                                |                | Tabla                  |

| WAC #                                  |                | WSR #                  | WAC#                     |                | WSR #                  | WAC#                         |                | WSR #                  |
|--|----------------|------------------------|--------------------------|----------------|------------------------|------------------------------|----------------|------------------------|
| 220-56-195                             | AMD-C          | 96-05-005              | 222-16-010               | AMD-E          | 96-03-009              | 230-40-030                   | AMD-P          | 96-03-081              |
| 220-56-205                             | AMD-C          | 96-05-005              | 222-16-010               | AMD-C          | 96-04-076              | 230-40-055                   | AMD-P          | 96-03-080              |
| 220-56-235                             | AMD            | 96-05-004              | 222-16-010               | AMD-C          | 96-05-090              | 230-50-560                   | AMD-P          | 96-03-078              |
| 220-56-240                             | AMD            | 96-05-004              | 222-16-075               | NEW-W          | 96-03-067              | 230-50-562                   | NEW-P          | 96-03-078              |
| 220-56-28500G                          | NEW-E          | 96-06-052              | 222-16-080               | AMD-E          | 96-03-009              | 232-12-001                   | AMD-C          | 96-05-044              |
| 220-56-28500G                          | REP-E          | 96-06-052              | 222-16-080               | AMD-C          | 96-04-076              | 232-12-01701                 | NEW-P          | 96-06-063              |
| 220-56-310                             | AMD-C          | 96-05-005              | 222-16-080               | AMD-C          | 96-05-090              | 232-12-025                   | AMD-P          | 96-06-062              |
| 220-56-325                             | AMD            | 96-05-004              | 222-16-085               | NEW-C          | 96-04-076              | 232-12-026                   | NEW-P          | 96-06-062              |
| 220-56-326<br>220-56-330               | NEW            | 96-05-004<br>96-05-005 | 222-16-085<br>222-16-086 | NEW-C          | 96-05-090              | 232-12-131                   | AMD            | 96-04-027              |
| 220-56-350                             | AMD-C<br>AMD-C | 96-05-005              | 222-16-086               | NEW-C<br>NEW-C | 96-04-076<br>96-05-090 | 232-12-144<br>232-12-147     | AMD-C          | 96-05-044              |
| 220-56-372                             | AMD-C          | 96-05-004              | 222-16-100               | NEW-C          | 96-04-076              | 232-12-147                   | AMD-C<br>AMD-C | 96-05-044<br>96-05-044 |
| 220-56-380                             | AMD-C          | 96-05-005              | 222-16-100               | NEW-C          | 96-05-090              | 232-12-168                   | AMD-P          | 96-06-063              |
| 220-57-130                             | AMD-C          | 96-05-005              | 222-21-010               | NEW-W          | 96-03-067              | 232-12-275                   | AMD-P          | 96-06-064              |
| 220-57-135                             | AMD-C          | 96-05-005              | 222-21-020               | NEW-W          | 96-03-067              | 232-12-619                   | AMD-C          | 96-05-044              |
| 220-57-137                             | AMD-C          | 96-05-005              | 222-21-030               | NEW-W          | 96-03-067              | 232-12-827                   | REP            | 96-04-027              |
| 220-57-140                             | AMD-C          | 96-05-005              | 222-21-040               | NEW-W          | 96-03-067              | 232-12-828                   | NEW            | 96-03-084              |
| 220-57-155                             | AMD-C          | 96-05-005              | 222-24-030               | AMD-E          | 96-03-009              | 232-12-829                   | REP-E          | 96-03-083              |
| 220-57-160                             | AMD-C          | 96-05-005              | 222-24-030               | AMD-C          | 96-04-076              | 232-12-829                   | REP            | 96-03-084              |
| 220-57-16000D<br>220-57-170            | NEW-E          | 96-06-052              | 222-24-030               | AMD-C          | 96-05-090              | 232-12-829                   | REP-P          | 96-06-065              |
| 220-57-175                             | AMD-C<br>AMD-C | 96-05-005<br>96-05-005 | 222-30-050<br>222-30-050 | AMD-E<br>AMD-C | 96-03-009              | 232-12-831                   | REP            | 96-04-027              |
| 220-57-175                             | NEW-C          | 96-05-005              | 222-30-050               | AMD-C          | 96-04-076<br>96-05-090 | 232-16-080<br>232-16-410     | AMD-P<br>REP-P | 96-06-066              |
| 220-57-190                             | AMD-C          | 96-05-005              | 222-30-050               | AMD-E          | 96-03-090              | 232-24-120                   | REP-P          | 96-06-067<br>96-04-027 |
| 220-57-200                             | AMD-C          | 96-05-005              | 222-30-060               | AMD-C          | 96-04-076              | 232-28-02203                 | AMD            | 96-04-027              |
| 220-57-205                             | AMD-C          | 96-05-005              | 222-30-060               | AMD-C          | 96-05-090              | 232-28-02204                 | AMD            | 96-04-027              |
| 220-57-210                             | AMD-C          | 96-05-005              | 222-30-065               | NEW-E          | 96-03-009              | 232-28-02205                 | AMD            | 96-04-027              |
| 220-57-215                             | AMD-C          | 96-05-005              | 222-30-065               | NEW-C          | 96-04-076              | 232-28-02210                 | AMD            | 96-04-027              |
| 220-57-220                             | AMD-C          | 96-05-005              | 222-30-065               | NEW-C          | 96-05-090              | 232-28-02220                 | AMD            | 96-04-027              |
| 220-57-230                             | AMD-C          | 96-05-005              | 222-30-070               | AMD-E          | 96-03-009              | 232-28-02240                 | AMD            | 96-04-027              |
| 220-57-235                             | AMD-C          | 96-05-005              | 222-30-070               | AMD-C          | 96-04-076              | 232-28-02250                 | AMD            | 96-04-027              |
| 220-57-240                             | AMD-C          | 96-05-005              | 222-30-070<br>222-30-075 | AMD-C          | 96-05-090              | 232-28-02270                 | AMD            | 96-04-027              |
| 220-57-250<br>220-57-260               | AMD-C<br>AMD-C | 96-05-005<br>96-05-005 | 222-30-075               | NEW-E<br>NEW-W | 96-03-009<br>96-03-067 | 232-28-02280<br>232-28-02290 | AMD            | 96-04-027              |
| 220-57-265                             | AMD-C          | 96-05-005              | 222-30-100               | AMD-E          | 96-03-009              | 232-28-206                   | AMD<br>REP     | 96-04-027<br>96-04-027 |
| 220-57-270                             | AMD-C          | 96-05-005              | 222-30-100               | AMD-C          | 96-04-076              | 232-28-209                   | REP            | 96-04-027              |
| 220-57-280                             | AMD-C          | 96-05-005              | 222-30-100               | AMD-C          | 96-05-090              | 232-28-21201                 | REP            | 96-04-027              |
| 220-57-285                             | AMD-C          | 96-05-005              | 222-38-020               | AMD-E          | 96-03-009              | 232-28-215                   | REP            | 96-04-027              |
| 220-57-300                             | AMD-C          | 96-05-005              | 222-38-020               | AMD-W          | 96-03-067              | 232-28-216                   | REP            | 96-04-027              |
| 220-57-310                             | AMD-C          | 96-05-005              | 222-38-030               | AMD-E          | 96-03-009              | 232-28-225                   | REP            | 96-04-027              |
| 220-57-319                             | AMD-C          | 96-05-005              | 222-38-030               | AMD-W          | 96-03-067              | 232-28-240                   | AMD            | 96-04-027              |
| 220-57-340                             | AMD-C          | 96-05-005              | 230-02-137               | NEW-P          | 96-03-077              | 232-28-241                   | AMD            | 96-04-027              |
| 220-57-345<br>220-57-350               | AMD-C<br>AMD-C | 96-05-005<br>96-05-005 | 230-02-162<br>230-02-278 | NEW-P<br>AMD-P | 96-03-077<br>96-03-077 | 232-28-241                   | AMD-P          | 96-06-068              |
| 220-57-370                             | AMD-C          | 96-05-005              | 230-02-278               | NEW-P          | 96-03-077<br>96-03-077 | 232-28-242<br>232-28-246     | AMD<br>AMD     | 96-04-027              |
| 220-57-385                             | AMD-C          | 96-05-005              | 230-02-511               | AMD-P          | 96-03-080              | 232-28-248                   | AMD            | 96-04-027<br>96-04-027 |
| 220-57-410                             | AMD-C          | 96-05-005              | 230-04-024               | AMD-P          | 96-03-077              | 232-28-249                   | AMD            | 96-04-027              |
| 220-57-415                             | AMD-C          | 96-05-005              | 230-04-040               | AMD-P          | 96-03-077              | 232-28-250                   | AMD-P          | 96-06-069              |
| 220-57-425                             | AMD-C          | 96-05-005              | 230-04-064               | AMD-P          | 96-03-077              | 232-28-251                   | AMD-P          | 96-06-070              |
| 220-57-430                             | AMD-C          | 96-05-005              | 230-04-120               | AMD-P          | 96-05-042              | 232-28-252                   | AMD-P          | 96-06-071              |
| 220-57-435                             | AMD-C          | 96-05-005              | 230-04-187               | AMD-P          | 96-05-042              | 232-28-253                   | AMD-P          | 96-06-072              |
| 220-57-450                             | AMD-C          | 96-05-005              | 230-04-204               | AMD-P          | 96-05-043              | 232-28-254                   | AMD-P          | 96-06-073              |
| 220-57-455<br>220-57-460               | AMD-C<br>AMD-C | 96-05-005              | 230-08-080               | AMD-W          | 96-03-068              | 232-28-256                   | AMD-P          | 96-06-074              |
| 220-57-465                             | AMD-C          | 96-05-005<br>96-05-005 | 230-08-095<br>230-08-122 | AMD-P<br>AMD-P | 96-03-077<br>96-03-077 | 232-28-257                   | AMD            | 96-04-027              |
| 220-57-473                             | AMD-C          | 96-05-005              | 230-08-122               | AMD-P          | 96-03-077              | 232-28-260<br>232-28-261     | NEW<br>NEW-P   | 96-04-027<br>96-06-075 |
| 220-57-480                             | AMD-C          | 96-05-005              | 230-12-020               | AMD-P          | 96-04-085              | 232-28-261                   | NEW-P          | 96-06-076              |
| 220-57-495                             | AMD-C          | 96-05-005              | 230-12-020               | AMD-S          | 96-05-041              | 232-28-404                   | REP            | 96-04-027              |
| 220-57-520                             | AMD-C          | 96-05-005              | 230-12-076               | NEW-P          | 96-03-077              | 232-28-407                   | REP            | 96-04-027              |
| 220-57-525                             | AMD-C          | 96-05-005              | 230-20-050               | AMD-P          | 96-03-079              | 232-28-419                   | REP-P          | 96-06-077              |
| 220-57A-001                            | AMD            | 96-05-004              | 230-20-052               | NEW-P          | 96-03-079              | 232-28-60101                 | REP            | 96-04-027              |
| 220-57A-035                            | AMD            | 96-05-004              | 230-20-055               | AMD-P          | 96-03-080              | 232-28-60102                 | REP            | 96-04-027              |
| 220-57A-175                            | AMD-C          | 96-05-005              | 230-20-064               | AMD-P          | 96-03-077              | 232-28-604                   | REP            | 96-04-027              |
| 220-57A-180<br>220-95-013              | AMD-C          | 96-05-005              | 230-20-064               | AMD            | 96-05-011              | 232-28-60415                 | REP            | 96-04-027              |
| 220-95-013                             | AMD-P<br>AMD-P | 96-04-069<br>96-04-069 | 230-20-103               | AMD-P          | 96-03-079              | 232-28-605                   | REP            | 96-04-027              |
| 220-95-022                             | AMD-P          | 96-04-069<br>96-04-069 | 230-20-115<br>230-20-230 | NEW-P<br>AMD-P | 96-03-079<br>96-03-079 | 232-28-60508<br>232-28-61610 | REP            | 96-04-027              |
| 220-95-032                             | AMD-P          | 96-04-069              | 230-20-230               | AMD-P<br>AMD-P | 96-03-079              | 232-28-61610                 | REP<br>AMD-C   | 96-04-027<br>96-05-044 |
| 222-10-030                             | NEW-W          | 96-03-067              | 230-20-325               | AMD-P          | 96-03-076              | 232-28-61900K                | NEW-E          | 96-03-044              |
| 222-10-040                             | NEW-C          | 96-04-076              | 230-20-510               | NEW-P          | 96-03-080              | 232-28-61900K                | REP-E          | 96-03-053              |
|  | NEW-C          | 96-05-090              | 230-25-040               | AMD-P          | 96-03-076              | 232-28-61900L                | NEW-E          | 96-03-054              |
| 222-10-040                             |                |                        |                          |                |                        |                              |                |                        |
| 222-10-040<br>222-10-041<br>222-10-041 | NEW-C<br>NEW-C | 96-04-076              | 230-25-220               | AMD-P          | 96-03-076              | 232-28-61900L                | REP-E          | 96-03-054              |

Table [4]

| WAC #                      |                  | WSR #                  | WAC #                      |            | WSR #                  | WAC #                      |            | WSR #                  |
|----------------------------|------------------|------------------------|----------------------------|------------|------------------------|----------------------------|------------|------------------------|
|                            |                  |                        | 046 048 000                | AMD        | 96-03-073              | 246-920-190                | REP        | 96-03-073              |
| 232-28-61900M              | REP-E            | 96-04-043              | 246-918-090<br>246-918-095 | AMD<br>AMD | 96-03-073              | 246-920-200                | REP        | 96-03-073              |
| 232-28-61900P              | NEW-E            | 96-06-007<br>96-06-007 | 246-918-110                | AMD        | 96-03-073              | 246-920-210                | REP        | 96-03-073              |
| 232-28-61900P              | REP-E<br>REP     | 96-04-027              | 246-918-120                | AMD        | 96-03-073              | 246-920-220                | REP        | 96-03-073              |
| 232-28-812<br>245-02-040   | PREP             | 96-04-059              | 246-918-130                | AMD        | 96-03-073              | 246-920-230                | REP        | 96-03-073              |
| 245-02-040<br>246-10       | PREP             | 96-06-048              | 246-918-140                | AMD        | 96-03-073              | 246-920-240                | REP        | 96-03-073              |
| 246-11                     | PREP             | 96-06-048              | 246-918-170                | AMD        | 96-03-073              | 246-920-250                | REP        | 96-03-073              |
| 246-50-001                 | AMD-P            | 96-04-082              | 246-918-180                | AMD        | 96-03-073              | 246-920-260                | REP        | 96-03-073              |
| 246-50-010                 | AMD-P            | 96-04-082              | 246-918-250                | AMD        | 96-03-073              | 246-920-270                | REP<br>REP | 96-03-073<br>96-03-073 |
| 246-100-042                | AMD-P            | 96-04-078              | 246-918-260                | AMD        | 96-03-073              | 246-920-280<br>246-920-290 | REP        | 96-03-073              |
| 246-100-166                | AMD              | 96-04-079              | 246-918-310                | AMD        | 96-03-073<br>96-03-073 | 246-920-300                | REP        | 96-03-073              |
| 246-100-218                | NEW-P            | 96-04-077              | 246-918-990                | AMD<br>NEW | 96-03-073              | 246-920-310                | REP        | 96-03-073              |
| 246-310                    | PREP             | 96-05-059              | 246-919-010<br>246-919-020 | NEW        | 96-03-073              | 246-920-320                | REP        | 96-03-073              |
| 246-430-030                | AMD-P            | 96-04-081              | 246-919-020                | NEW        | 96-03-073              | 246-920-330                | REP        | 96-03-073              |
| 246-838-010                | PREP-W           | 96-06-028<br>96-06-028 | 246-919-100                | NEW        | 96-03-073              | 246-920-340                | REP        | 96-03-073              |
| 246-838-130                | PREP-W<br>PREP-W | 96-06-028              | 246-919-110                | NEW        | 96-03-073              | 246-920-350                | REP        | 96-03-073              |
| 246-839-120<br>246-840-910 | NEW              | 96-05-060              | 246-919-120                | NEW        | 96-03-073              | 246-920-360                | REP        | 96-03-073              |
| 246-840-910                | NEW              | 96-05-060              | 246-919-130                | NEW        | 96-03-073              | 246-920-370                | REP        | 96-03-073              |
| 246-840-930                | NEW              | 96-05-060              | 246-919-140                | NEW        | 96-03-073              | 246-920-380                | REP        | 96-03-073              |
| 246-840-940                | NEW              | 96-05-060              | 246-919-150                | NEW        | 96-03-073              | 246-920-390                | REP        | 96-03-073<br>96-03-073 |
| 246-840-950                | NEW              | 96-05-060              | 246-919-200                | NEW        | 96-03-073              | 246-920-400                | REP        | 96-03-073              |
| 246-840-960                | NEW              | 96-05-060              | 246-919-210                | NEW        | 96-03-073              | 246-920-410                | REP<br>REP | 96-03-073              |
| 246-840-970                | NEW              | 96-05-060              | 246-919-220                | NEW        | 96-03-073              | 246-920-420<br>246-920-430 | REP        | 96-03-073              |
| 246-840-980                | NEW              | 96-05-060              | 246-919-230                | NEW        | 96-03-073<br>96-03-073 | 246-920-440                | REP        | 96-03-073              |
| 246-841-405                | NEW              | 96-06-029              | 246-919-240                | NEW        | 96-03-073              | 246-920-450                | REP        | 96-03-073              |
| 246-841-990                | AMD              | 96-03-051              | 246-919-300                | NEW<br>NEW | 96-03-073              | 246-920-460                | REP        | 96-03-073              |
| 246-861-040                | AMD-P            | 96-04-080              | 246-919-305<br>246-919-310 | NEW        | 96-03-073              | 246-920-470                | REP        | 96-03-073              |
| 246-869-240                | REP              | 96-03-016<br>96-03-012 | 246-919-320                | NEW        | 96-03-073              | 246-920-480                | REP        | 96-03-073              |
| 246-883-020                | PREP             | 96-03-012              | 246-919-330                | NEW        | 96-03-073              | 246-920-490                | REP        | 96-03-073              |
| 246-885-030                | NEW-P<br>AMD-E   | 96-03-050              | 246-919-340                | NEW        | 96-03-073              | 246-920-500                | REP        | 96-03-073              |
| 246-915-030<br>246-917-020 | REP              | 96-03-030              | 246-919-350                | NEW        | 96-03-073              | 246-920-510                | REP        | 96-03-073              |
| 246-917-025                | REP              | 96-03-073              | 246-919-355                | NEW        | 96-03-073              | 246-920-520                | REP        | 96-03-073              |
| 246-917-026                | REP              | 96-03-073              | 246-919-360                | NEW        | 96-03-073              | 246-920-530                | REP        | 96-03-073              |
| 246-917-030                | REP              | 96-03-073              | 246-919-365                | NEW        | 96-03-073              | 246-920-540                | REP        | 96-03-073<br>96-03-073 |
| 246-917-040                | REP              | 96-03-073              | 246-919-370                | NEW        | 96-03-073              | 246-920-550                | REP<br>REP | 96-03-073              |
| 246-917-050                | REP              | 96-03-073              | 246-919-380                | NEW        | 96-03-073              | 246-920-560<br>246-920-570 | REP        | 96-03-073              |
| 246-917-060                | REP              | 96-03-073              | 246-919-390                | NEW        | 96-03-073<br>96-03-073 | 246-920-580                | REP        | 96-03-073              |
| 246-917-070                | REP              | 96-03-073              | 246-919-395                | NEW<br>NEW | 96-03-073              | 246-920-590                | REP        | 96-03-073              |
| 246-917-080                | REP              | 96-03-073              | 246-919-400<br>246-919-410 | NEW        | 96-03-073              | 246-920-600                | REP        | 96-03-073              |
| 246-917-090                | REP              | 96-03-073<br>96-03-073 | 246-919-420                | NEW        | 96-03-073              | 246-920-610                | REP        | 96-03-073              |
| 246-917-100                | REP<br>REP       | 96-03-073              | 246-919-430                | NEW        | 96-03-073              | 246-920-620                | REP        | 96-03-073              |
| 246-917-110                | REP              | 96-03-073              | 246-919-440                | NEW        | 96-03-073              | 246-920-630                | REP        | 96-03-073              |
| 246-917-120<br>246-917-121 | REP              | 96-03-073              | 246-919-450                | NEW        | 96-03-073              | 246-920-640                | REP        | 96-03-073              |
| 246-917-125                | REP              | 96-03-073              | 246-919-460                | NEW        | 96-03-073              | 246-920-650                | REP        | 96-03-073              |
| 246-917-126                | REP              | 96-03-073              | 246-919-470                | NEW        | 96-03-073              | 246-920-660                | REP        | 96-03-073              |
| 246-917-130                | REP              | 96-03-073              | 246-919-480                | NEW        | 96-03-073              | 246-920-670                | REP        | 96-03-073<br>96-03-073 |
| 246-917-135                | REP              | 96-03-073              | 246-919-500                | NEW        | 96-03-073              | 246-920-680                | REP<br>REP | 96-03-073              |
| 246-917-140                | REP              | 96-03-073              | 246-919-510                | NEW        | 96-03-073              | 246-920-690<br>246-920-710 | REP        | 96-03-073              |
| 246-917-150                | REP              | 96-03-073              | 246-919-600                | NEW        | 96-03-073<br>96-03-073 | 246-920-720                | REP        | 96-03-073              |
| 246-917-160                | REP              | 96-03-073              | 246-919-610                | NEW<br>NEW | 96-03-073              | 246-920-730                | REP        | 96-03-073              |
| 246-917-170                | REP              | 96-03-073              | 246-919-620<br>246-919-700 | NEW        | 96-03-073              | 246-920-740                | REP        | 96-03-073              |
| 246-917-180                | REP              | 96-03-073              | 246-919-710                | NEW        | 96-03-073              | 246-920-750                | REP        | 96-03-073              |
| 246-917-190                | REP              | 96-03-073<br>96-03-073 | 246-919-710                | NEW        | 96-03-073              | 246-920-760                | REP        | 96-03-073              |
| 246-917-200                | REP<br>REP       | 96-03-073              | 246-919-730                | NEW        | 96-03-073              | 246-920-770                | REP        | 96-03-073              |
| 246-917-210                | REP              | 96-03-073              | 246-919-740                | NEW        | 96-03-073              | 246-920-780                | REP        | 96-03-073              |
| 246-917-220<br>246-917-300 | REP              | 96-03-073              | 246-919-750                | NEW        | 96-03-073              | 246-920-890                | REP        | 96-03-073              |
| 246-917-990                | REP              | 96-03-073              | 246-919-760                | NEW        | 96-03-073              | 246-924-080                | AMD-P      | 96-02-086              |
| 246-918                    | AMD              | 96-03-073              | 246-919-770                | NEW        | 96-03-073              | 246-924-250                | AMD-P      | 96-02-086              |
| 246-918-005                | AMD              | 96-03-073              | 246-919-990                | NEW        | 96-03-073              | 246-924-470                | AMD-P      | 96-02-086              |
| 246-918-006                | AMD              | 96-03-073              | 246-920-020                | REP        | 96-03-073              | 246-924-500                | NEW-P      | 96-02-086              |
| 246-918-007                | AMD              | 96-03-073              | 246-920-030                | REP        | 96-03-073              | 246-924-990                | AMD-P      | 96-02-085<br>96-03-052 |
| 246-918-008                | AMD              | 96-03-073              | 246-920-040                | REP        | 96-03-073              | 246-976-010                | AMD<br>NEW | 96-03-052              |
| 246-918-009                | AMD              | 96-03-073              | 246-920-120                | REP        | 96-03-073              | 246-976-045                | PREP       | 96-06-049              |
| 246-918-030                | AMD              | 96-03-073              | 246-920-130                | REP        | 96-03-073              | 246-976-076<br>246-976-077 | PREP       | 96-06-049              |
| 246-918-035                | AMD              | 96-03-073              | 246-920-140                | REP        | 96-03-073<br>96-03-073 | 246-976-077                | PREP       | 96-06-049              |
| 246-918-050                | AMD              | 96-03-073              | 246-920-150                | REP<br>REP | 96-03-073              | 246-976-165                | NEW        | 96-03-052              |
| 246-918-070                | AMD              | 96-03-073              | 246-920-160<br>246-920-170 | REP        | 96-03-073              | 246-976-181                | PREP       | 96-06-049              |
| 246-918-080                | AMD              | 96-03-073<br>96-03-073 | 246-920-170                | REP        | 96-03-073              | 250-20-021                 | AMD        | 96-04-019              |
| 246-918-085                | AMD              | 96-03-073              | 1 240-720-100              | KLI        | 20 02 012              |                            |            |                        |

|                          |                |                        | <del>-</del>             | -              |                        |                          |                |                        |
|--------------------------|----------------|------------------------|--------------------------|----------------|------------------------|--------------------------|----------------|------------------------|
| WAC#                     |                | WSR #                  | WAC #                    |                | WSR #                  | WAC #                    |                | WSR #                  |
| 251-12-099               | AMD-P          | 96-04-053              | 260-70-160               | DEN N          | 06.04.067              | 206 12 22                |                |                        |
| 251-12-100               | AMD-P          | 96-04-053              | 260-70-170               | REP-P<br>REP-P | 96-04-067              | 286-13-030               | AMD-P          | 96-04-054              |
| 251-12-101               | REP-P          | 96-04-053              | 260-70-170               | REP-P          | 96-04-067<br>96-04-067 | 286-13-040<br>286-13-045 | AMD-P          | 96-04-054              |
| 251-12-102               | AMD-P          | 96-04-053              | 260-70-190               | REP-P          | 96-04-067              | 286-13-060               | NEW-P<br>AMD-P | 96-04-054              |
| 251-12-104               | NEW-P          | 96-04-053              | 260-70-200               | REP-P          | 96-04-067              | 286-13-070               | AMD-P<br>AMD-P | 96-04-054<br>96-04-054 |
| 251-12-105               | NEW-P          | 96-04-053              | 260-70-210               | REP-P          | 96-04-067              | 286-13-080               | AMD-P          | 96-04-054              |
| 251-12-106               | NEW-P          | 96-04-053              | 260-70-220               | REP-P          | 96-04-067              | 286-13-085               | AMD-P          | 96-04-054              |
| 251-12-180               | AMD-P          | 96-04-053              | 260-70-230               | REP-P          | 96-04-067              | 286-13-100               | AMD-P          | 96-04-054              |
| 251-12-232               | AMD-P          | 96-04-053              | 260-70-240               | REP-P          | 96-04-067              | 286-13-110               | AMD-P          | 96-04-054              |
| 251-14-110               | AMD-P          | 96-04-053              | 260-70-250               | REP-P          | 96-04-067              | 286-13-115               | AMD-P          | 96-04-054              |
| 251-14-130               | NEW-P          | 96-04-053              | 260-70-260               | REP-P          | 96-04-067              | 286-26-010               | AMD-P          | 96-04-054              |
| 251-17-010               | AMD            | 96-02-072              | 260-70-270               | REP-P          | 96-04-067              | 286-26-020               | AMD-P          | 96-04-054              |
| 251-17-170<br>251-19-105 | AMD<br>REP-W   | 96-02-072              | 260-70-280               | REP-P          | 96-04-067              | 286-26-030               | REP-P          | 96-04-054              |
| 251-19-105               | AMD-P          | 96-02-069<br>96-02-071 | 260-70-290               | REP-P          | 96-04-067              | 286-26-080               | AMD-P          | 96-04-054              |
| 251-19-105               | AMD-P          | 96-02-071              | 260-70-300<br>260-70-500 | REP-P<br>NEW-P | 96-04-067              | 286-26-100               | AMD-P          | 96-04-054              |
| 251-22-270               | AMD-W          | 96-02-069              | 260-70-510               | NEW-P<br>NEW-P | 96-04-067              | 286-26-110               | NEW-P          | 96-04-054              |
| 260-12                   | PREP           | 96-03-142              | 260-70-510               | NEW-P          | 96-04-067<br>96-04-067 | 286-27-010               | AMD-P          | 96-04-054              |
| 260-20                   | PREP           | 96-03-143              | 260-70-520               | NEW-P          | 96-04-067              | 286-27-030<br>286-27-040 | REP-P          | 96-04-054              |
| 260-24                   | PREP           | 96-06-086              | 260-70-540               | NEW-P          | 96-04-067              | 286-27-050               | AMD-P<br>AMD-P | 96-04-054              |
| 260-34                   | PREP           | 96-03-144              | 260-70-550               | NEW-P          | 96-04-067              | 286-27-055               | NEW-P          | 96-04-054<br>96-04-054 |
| 260-48-500               | NEW-P          | 96-04-066              | 260-70-560               | NEW-P          | 96-04-067              | 286-27-065               | NEW-P          | 96-04-054              |
| 260-48-510               | NEW-P          | 96-04-066              | 260-70-570               | NEW-P          | 96-04-067              | 286-27-070               | REP-P          | 96-04-054              |
| 260-48-520               | NEW-P          | 96-04-066              | 260-70-580               | NEW-P          | 96-04-067              | 286-27-075               | NEW-P          | 96-04-054              |
| 260-48-530               | NEW-P          | 96-04-066              | 260-70-590               | NEW-P          | 96-04-067              | 286-27-080               | REP-P          | 96-04-054              |
| 260-48-540               | NEW-P          | 96-04-066              | 260-70-600               | NEW-P          | 96-04-067              | 286-30-010               | AMD-P          | 96-04-054              |
| 260-48-550               | NEW-P          | 96-04-066              | 260-70-610               | NEW-P          | 96-04-067              | 286-30-020               | REP-P          | 96-04-054              |
| 260-48-560               | NEW-P          | 96-04-066              | 260-70-620               | NEW-P          | 96-04-067              | 286-30-030               | AMD-P          | 96-04-054              |
| 260-48-570<br>260-48-580 | NEW-P<br>NEW-P | 96-04-066              | 260-70-630               | NEW-P          | 96-04-067              | 286-35                   | AMD-P          | 96-04-054              |
| 260-48-590               | NEW-P          | 96-04-066<br>96-04-066 | 260-70-640<br>260-70-650 | NEW-P          | 96-04-067              | 286-35-020               | REP-P          | 96-04-054              |
| 260-48-600               | NEW-P          | 96-04-066              | 260-70-660               | NEW-P<br>NEW-P | 96-04-067              | 286-35-030               | AMD-P          | 96-04-054              |
| 260-48-610               | NEW-P          | 96-04-066              | 260-70-670               | NEW-P          | 96-04-067              | 286-35-040               | AMD-P          | 96-04-054              |
| 260-48-620               | NEW-P          | 96-04-066              | 260-70-680               | NEW-P          | 96-04-067<br>96-04-067 | 286-35-050<br>286-35-060 | REP-P          | 96-04-054              |
| 260-48-630               | NEW-P          | 96-04-066              | 260-70-690               | NEW-P          | 96-04-067              | 286-35-070               | AMD-P<br>REP-P | 96-04-054              |
| 260-48-640               | NEW-P          | 96-04-066              | 260-70-700               | NEW-P          | 96-04-067              | 286-40-010               | AMD-P          | 96-04-054<br>96-04-054 |
| 260-48-650               | NEW-P          | 96-04-066              | 260-70-710               | NEW-P          | 96-04-067              | 286-40-020               | AMD-P          | 96-04-054              |
| 260-48-660               | NEW-P          | 96-04-066              | 260-70-720               | NEW-P          | 96-04-067              | 286-40-030               | AMD-P          | 96-04-054              |
| 260-48-670               | NEW-P          | 96-04-066              | 260-70-730               | NEW-P          | 96-04-067              | 292-04-270               | AMD-E          | 96-03-092              |
| 260-48-800               | NEW-P          | 96-04-066              | 284-02-010               | AMD-P          | 96-04-087              | 292-06-001               | NEW-P          | 96-04-083              |
| 260-48-810               | NEW-P          | 96-04-066              | 284-02-020               | AMD-P          | 96-04-087              | 292-06-005               | NEW-P          | 96-04-083              |
| 260-48-820<br>260-48-830 | NEW-P          | 96-04-066              | 284-02-030               | AMD-P          | 96-04-087              | 292-06-010               | NEW-P          | 96-04-083              |
| 260-48-840               | NEW-P<br>NEW-P | 96-04-066<br>96-04-066 | 284-02-040               | AMD-P          | 96-04-087              | 292-06-020               | NEW-P          | 96-04-083              |
| 260-48-850               | NEW-P          | 96-04-066              | 284-02-050<br>284-02-060 | AMD-P<br>AMD-P | 96-04-087              | 292-06-030               | NEW-P          | 96-04-083              |
| 260-48-860               | NEW-P          | 96-04-066              | 284-02-070               | AMD-P          | 96-04-087<br>96-04-087 | 292-06-040               | NEW-P          | 96-04-083              |
| 260-48-870               | NEW-P          | 96-04-066              | 284-02-080               | AMD-P          | 96-04-087              | 292-06-050<br>292-06-060 | NEW-P          | 96-04-083              |
| 260-48-890               | NEW-P          | 96-04-066              | 284-02-100               | AMD-P          | 96-04-087              | 292-06-000               | NEW-P<br>NEW-P | 96-04-083              |
| 260-48-900               | NEW-P          | 96-04-066              | 284-07-050               | AMD-P          | 96-05-091              | 292-06-080               | NEW-P          | 96-04-083<br>96-04-083 |
| 260-48-910               | NEW-P          | 96-04-066              | 284-07-070               | AMD-P          | 96-05-091              | 292-06-090               | NEW-P          | 96-04-083              |
| 260-48-920               | NEW-P          | 96-04-066              | 284-10-140               | NEW-C          | 96-03-033              | 292-06-100               | NEW-P          | 96-04-083              |
| 260-60                   | PREP           | 96-03-145              | 284-10-140               | NEW-C          | 96-03-075              | 292-06-110               | NEW-P          | 96-04-083              |
| 260-70-010               | REP-P          | 96-04-067              | 284-10-140               | NEW            | 96-04-060              | 292-06-130               | NEW-P          | 96-04-083              |
| 260-70-021               | REP-P          | 96-04-067              | 284-44-345               | REP-P          | 96-05-091              | 292-06-140               | NEW-P          | 96-04-083              |
| 260-70-025<br>260-70-026 | REP-P          | 96-04-067              | 284-46-060               | REP-P          | 96-05-091              | 292-06-160               | NEW-P          | 96-04-083              |
| 260-70-028               | REP-P<br>REP-P | 96-04-067<br>96-04-067 | 284-54-170               | NEW-W          | 96-04-018              | 292-06-170               | NEW-P          | 96-04-083              |
| 260-70-027               | REP-P          | 96-04-067              | 284-66-020               | AMD-P          | 96-04-086              | 292-06-190               | NEW-P          | 96-04-083              |
| 260-70-028               | REP-P          | 96-04-067              | 284-66-063<br>284-66-077 | AMD-P          | 96-04-086              | 292-06-200               | NEW-P          | 96-04-083              |
| 260-70-031               | REP-P          | 96-04-067              | 284-66-110               | AMD-P<br>AMD-P | 96-04-086              | 292-06-210               | NEW-P          | 96-04-083              |
| 260-70-032               | REP-P          | 96-04-067              | 284-66-120               | AMD-P          | 96-04-086<br>96-04-086 | 292-06-220               | NEW-P          | 96-04-083              |
| 260-70-040               | REP-P          | 96-04-067              | 284-66-130               | AMD-P          | 96-04-086              | 292-06-230<br>292-06-240 | NEW-P          | 96-04-083              |
| 260-70-050               | REP-P          | 96-04-067              | 284-66-135               | NEW-P          | 96-04-086              | 292-06-250               | NEW-P          | 96-04-083              |
| 260-70-060               | REP-P          | 96-04-067              | 284-66-142               | AMD-P          | 96-04-086              | 292-06-270               | NEW-P<br>NEW-P | 96-04-083              |
| 260-70-070               | REP-P          | 96-04-067              | 284-66-203               | AMD-P          | 96-04-086              | 292-06-280               | NEW-P          | 96-04-083<br>96-04-083 |
| 260-70-080               | REP-P          | 96-04-067              | 286-04-010               | AMD-P          | 96-04-054              | 292-08-010               | REP-P          | 96-04-083<br>96-05-006 |
| 260-70-090               | REP-P          | 96-04-067              | 286-04-030               | AMD-P          | 96-04-054              | 292-08-020               | REP-P          | 96-05-006              |
| 260-70-100               | REP-P          | 96-04-067              | 286-04-060               | AMD-P          | 96-04-054              | 292-08-030               | REP-P          | 96-05-006              |
| 260-70-110               | REP-P          | 96-04-067              | 286-04-070               | AMD-P          | 96-04-054              | 292-08-040               | REP-P          | 96-05-006              |
| 260-70-120               | REP-P          | 96-04-067              | 286-04-080               | AMD-P          | 96-04-054              | 292-08-050               | REP-P          | 96-05-006              |
| 260-70-130               | REP-P          | 96-04-067              | 286-04-090               | AMD-P          | 96-04-054              | 292-12-010               | REP-P          | 96-05-006              |
| 260-70-140<br>260-70-150 | REP-P          | 96-04-067              | 286-13-010               | AMD-P          | 96-04-054              | 292-12-020               | REP-P          | 96-05-006              |
|                          | REP-P          | 96-04-067              | I 286-13-020             | AMD-P          | 96-04-054              | 292-12-030               | REP-P          | 96-05-006              |
| Table                    |                |                        |                          |                |                        |                          |                |                        |

[6]

| WAC#                         |                | WSR #                           | WAC#                         |                | WSR #                  | WAC#                         |                | WSR #                  |
|------------------------------|----------------|---------------------------------|------------------------------|----------------|------------------------|------------------------------|----------------|------------------------|
|                              |                |                                 |                              |                |                        | 206 17 56402                 | AMD-P          | 96-05-065              |
| 292-12-040                   | REP-P          | 96-05-006                       | 296-17-52002                 | AMD-P          | 96-05-064<br>96-05-065 | 296-17-56402<br>296-17-565   | AMD-P          | 96-05-064              |
| 292-12-050                   | REP-P          | 96-05-006                       | 296-17-52002                 | AMD-P<br>AMD-P | 96-05-064              | 296-17-565                   | AMD-P          | 96-05-065              |
| 292-12-060                   | REP-P          | 96-05-006                       | 296-17-52103<br>296-17-52103 | AMD-P          | 96-05-065              | 296-17-56602                 | NEW-P          | 96-05-064              |
| 292-12-070                   | REP-P          | 96-05-006                       | 296-17-52103                 | AMD-P          | 96-05-064              | 296-17-56602                 | NEW-P          | 96-05-065              |
| 292-12-080                   | REP-P          | 96-05-006<br>96-05-006          | 296-17-52104                 | AMD-P          | 96-05-065              | 296-17-567                   | AMD-P          | 96-05-064              |
| 292-12-090                   | REP-P<br>REP-P | 96-05-006                       | 296-17-52107                 | AMD-P          | 96-05-064              | 296-17-567                   | AMD-P          | 96-05-065              |
| 292-12-110                   | REP-P          | 96-05-006                       | 296-17-52107                 | AMD-P          | 96-05-065              | 296-17-568                   | AMD-P          | 96-05-064              |
| 292-12-120<br>292-12-130     | REP-P          | 96-05-006                       | 296-17-52110                 | AMD-P          | 96-05-064              | 296-17-568                   | AMD-P          | 96-05-065              |
| 292-12-130                   | REP-P          | 96-05-006                       | 296-17-52110                 | AMD-P          | 96-05-065              | 296-17-56901                 | AMD-P          | 96-05-064<br>96-05-065 |
| 292-12-150                   | REP-P          | 96-05-006                       | 296-17-52112                 | NEW-P          | 96-05-064              | 296-17-56901                 | AMD-P          | 96-05-064              |
| 292-12-150                   | REP-P          | 96-05-006                       | 296-17-52112                 | NEW-P          | 96-05-065              | 296-17-57001                 | AMD-P<br>AMD-P | 96-05-065              |
| 292-12-170                   | REP-P          | 96-05-006                       | 296-17-52113                 | NEW-P          | 96-05-064              | 296-17-57001<br>296-17-57003 | AMD-P          | 96-05-064              |
| 292-12-180                   | REP-P          | 96-05-006                       | 296-17-52113                 | NEW-P          | 96-05-065              | 296-17-57003                 | AMD-P          | 96-05-065              |
| 292-100-010                  | NEW-E          | 96-03-072                       | 296-17-524                   | AMD-P          | 96-05-064<br>96-05-065 | 296-17-571                   | AMD-P          | 96-05-064              |
| 292-100-020                  | NEW-E          | 96-03-072                       | 296-17-524                   | AMD-P<br>AMD-P | 96-05-064              | 296-17-571                   | AMD-P          | 96-05-065              |
| 292-100-030                  | NEW-E          | 96-03-072                       | 296-17-526                   | AMD-P          | 96-05-065              | 296-17-572                   | AMD-P          | 96-05-064              |
| 292-100-040                  | NEW-E          | 96-03-072                       | 296-17-526                   | AMD-P          | 96-05-064              | 296-17-572                   | AMD-P          | 96-05-065              |
| 292-100-050                  | NEW-E          | 96-03-072<br>96-03-072          | 296-17-527<br>296-17-527     | AMD-P          | 96-05-065              | 296-17-573                   | AMD-P          | 96-05-064              |
| 292-100-060                  | NEW-E          | 96-03-072                       | 296-17-528                   | AMD-P          | 96-05-064              | 296-17-573                   | AMD-P          | 96-05-065              |
| 292-100-070                  | NEW-E          | 96-03-072<br>96-03-072          | 296-17-528                   | AMD-P          | 96-05-065              | 296-17-57602                 | AMD-P          | 96-05-064              |
| 292-100-080                  | NEW-E          | 96-03-072                       | 296-17-529                   | AMD-P          | 96-05-064              | 296-17-57602                 | AMD-P          | 96-05-065              |
| 292-100-090                  | NEW-E<br>NEW-E | 96-03-072                       | 296-17-529                   | AMD-P          | 96-05-065              | 296-17-57603                 | AMD-P          | 96-05-064              |
| 292-100-100                  | NEW-E          | 96-03-072                       | 296-17-530                   | REP-P          | 96-05-064              | 296-17-57603                 | AMD-P          | 96-05-065              |
| 292-100-110<br>296-17-420    | AMD-P          | 96-05-064                       | 296-17-530                   | REP-P          | 96-05-065              | 296-17-579                   | REP-P          | 96-05-064              |
| 296-17-420                   | AMD-P          | 96-05-065                       | 296-17-534                   | AMD-P          | 96-05-064              | 296-17-579                   | REP-P          | 96-05-065              |
| 296-17-440                   | AMD-P          | 96-05-064                       | 296-17-534                   | AMD-P          | 96-05-065              | 296-17-580                   | AMD-P          | 96-05-064<br>96-05-065 |
| 296-17-440                   | AMD-P          | 96-05-065                       | 296-17-53501                 | AMD-P          | 96-05-064              | 296-17-580                   | AMD-P<br>AMD-P | 96-05-064              |
| 296-17-45003                 | AMD-P          | 96-05-064                       | 296-17-53501                 | AMD-P          | 96-05-065              | 296-17-582<br>296-17-582     | AMD-P          | 96-05-065              |
| 296-17-45003                 | AMD-P          | 96-05-065                       | 296-17-53502                 | AMD-P          | 96-05-064              | 296-17-58201                 | AMD-P          | 96-05-064              |
| 296-17-501                   | AMD-P          | 96-05-064                       | 296-17-53502                 | AMD-P          | 96-05-065              | 296-17-58201                 | AMD-P          | 96-05-065              |
| 296-17-501                   | AMD-P          | 96-05-065                       | 296-17-536                   | AMD-P          | 96-05-064<br>96-05-065 | 296-17-583                   | AMD-P          | 96-05-064              |
| 296-17-502                   | REP-P          | 96-05-064                       | 296-17-536                   | AMD-P<br>AMD-P | 96-05-064              | 296-17-583                   | AMD-P          | 96-05-065              |
| 296-17-502                   | REP-P          | 96-05-065                       | 296-17-538<br>296-17-538     | AMD-P          | 96-05-065              | 296-17-585                   | AMD-P          | 96-05-064              |
| 296-17-503                   | AMD-P          | 96-05-064                       | 296-17-53802                 | NEW-P          | 96-05-064              | 296-17-585                   | AMD-P          | 96-05-065              |
| 296-17-503                   | AMD-P          | 96-05-065<br>96-05-064          | 296-17-53802                 | NEW-P          | 96-05-065              | 296-17-58501                 | AMD-P          | 96-05-064              |
| 296-17-505                   | AMD-P          | 96-05-065                       | 296-17-53803                 | AMD-P          | 96-05-064              | 296-17-58501                 | NEW-P          | 96-05-065              |
| 296-17-505                   | AMD-P<br>NEW-P | 96-05-064                       | 296-17-53803                 | AMD-P          | 96-05-065              | 296-17-58503                 | NEW-P          | 96-05-064              |
| 296-17-50603                 | REP-P          | 96-05-064                       | 296-17-53805                 | AMD-P          | 96-05-064              | 296-17-58503                 | NEW-P          | 96-05-065              |
| 296-17-507<br>296-17-507     | NEW-P          | 96-05-065                       | 296-17-53805                 | AMD-P          | 96-05-065              | 296-17-58504                 | NEW-P          | 96-05-064              |
| 296-17-50703                 | NEW-P          | 96-05-065                       | 296-17-53806                 | AMD-P          | 96-05-064              | 296-17-58504                 | NEW-P          | 96-05-065<br>96-05-064 |
| 296-17-508                   | AMD-P          | 96-05-064                       | 296-17-53806                 | AMD-P          | 96-05-065              | 296-17-58505                 | NEW-P          | 96-05-065              |
| 296-17-508                   | AMD-P          | 96-05-065                       | 296-17-539                   | AMD-P          | 96-05-064              | 296-17-58505                 | NEW-P<br>NEW-P | 96-05-064              |
| 296-17-50904                 | REP-P          | 96-05-064                       | 296-17-539                   | AMD-P          | 96-05-065              | 296-17-58506<br>296-17-58506 | NEW-P          | 96-05-065              |
| 296-17-50904                 | REP-P          | 96-05-065                       | 296-17-540                   | AMD-P          | 96-05-064              | 296-17-58507                 | NEW-P          | 96-05-064              |
| 296-17-50908                 | NEW-P          | 96-05-064                       | 296-17-540                   | AMD-P          | 96-05-065<br>96-05-064 | 296-17-58507                 | NEW-P          | 96-05-065              |
| 296-17-50908                 | NEW-P          | 96-05-065                       | 296-17-54101                 | AMD-P<br>AMD-P | 96-05-065              | 296-17-586                   | AMD-P          | 96-05-064              |
| 296-17-50910                 | NEW-P          | 96-05-064                       | 296-17-54101<br>296-17-545   | AMD-P          | 96-05-064              | 296-17-586                   | AMD-P          | 96-05-065              |
| 296-17-50910                 | NEW-P          | 96-05-065<br>96-05-064          | 296-17-545                   | AMD-P          | 96-05-065              | 296-17-590                   | AMD-P          | 96-05-064              |
| 296-17-50912                 | NEW-P          | 96-05-064<br>96-05 <b>-</b> 065 | 296-17-546                   | AMD-P          | 96-05-064              | 296-17-590                   | AMD-P          | 96-05-065              |
| 296-17-50912                 | NEW-P          | 96-05-064                       | 296-17-546                   | AMD-P          | 96-05-065              | 296-17-59201                 | AMD-P          | 96-05-064              |
| 296-17-50915                 | NEW-P<br>NEW-P | 96-05-065                       | 296-17-55201                 | AMD-P          | 96-05-064              | 296-17-59201                 | AMD-P          | 96-05-065              |
| 296-17-50915                 | NEW-P          | 96-05-064                       | 296-17-55201                 | AMD-P          | 96-05-065              | 296-17-59202                 | AMD-P          | 96-05-064              |
| 296-17-50917<br>296-17-50917 | NEW-P          | 96-05-065                       | 296-17-555                   | AMD-P          | 96-05-064              | 296-17-59202                 | AMD-P          | 96-05-065              |
| 296-17-510                   | AMD-P          | 96-05-064                       | 296-17-555                   | AMD-P          | 96-05-065              | 296-17-59205                 | NEW-P          | 96-05-064              |
| 296-17-510                   | AMD-P          | 96-05-065                       | 296-17-556                   | REP-P          | 96-05-064              | 296-17-59205                 | NEW-P          | 96-05-065<br>96-05-064 |
| 296-17-511                   | AMD-P          | 96-05-064                       | 296-17-556                   | REP-P          | 96-05-065              | 296-17-594                   | AMD-P<br>AMD-P | 96-05-065              |
| 296-17-511                   | AMD-P          | 96-05-065                       | 296-17-561                   | AMD-P          | 96-05-064              | 296-17-594                   | AMD-P          | 96-05-064              |
| 296-17-51101                 | NEW-P          | 96-05-064                       | 296-17-561                   | AMD-P          | 96-05-065              | 296-17-599                   | AMD-P          | 96-05-065              |
| 296-17-51101                 | NEW-P          | 96-05-065                       | 296-17-56101                 | AMD-P          | 96-05-064              | 296-17-599<br>296-17-604     | AMD-P          | 96-05-064              |
| 296-17-512                   | AMD-P          | 96-05-064                       | 296-17-56101                 | AMD-P          | 96-05-065              | 296-17-604                   | AMD-P          | 96-05-065              |
| 296-17-512                   | AMD-P          | 96-05-065                       | 296-17-562                   | AMD-P          | 96-05-064<br>96-05-065 | 296-17-605                   | REP-P          | 96-05-064              |
| 296-17-513                   | AMD-P          | 96-05-064                       | 296-17-562                   | AMD-P<br>AMD-P | 96-05-064              | 296-17-605                   | REP-P          | 96-05-065              |
| 296-17-513                   | AMD-P          | 96-05-065                       | 296-17-563                   | AMD-P<br>AMD-P | 96-05-065              | 296-17-606                   | AMD-P          | 96-05-064              |
| 296-17-51301                 | NEW-P          | 96-05-064                       | 296-17-563<br>296-17-564     | AMD-P          | 96-05-064              | 296-17-606                   | AMD-P          | 96-05-065              |
| 296-17-51301                 | NEW-P          | 96-05-065<br>96-05-064          | 296-17-564<br>296-17-564     | AMD-P          | 96-05-065              | 296-17-619                   | AMD-P          | 96-05-064              |
| 296-17-517                   | AMD-P          | 96-05-064<br>96-05-065          | 296-17-56401                 | AMD-P          | 96-05-064              | 296-17-619                   | AMD-P          | 96-05-065              |
| 296-17-517                   | AMD-P<br>AMD-P | 96-05-064                       | 296-17-56401                 | AMD-P          | 96-05-065              | 296-17-620                   | AMD-P          | 96-05-064              |
| 296-17-519                   | AMD-P<br>AMD-P | 96-05-065                       | 296-17-56402                 | AMD-P          | 96-05-064              | 296-17-620                   | AMD-P          | 96-05-065              |
| 296-17-519                   | ו-עוויוט       | 70 00 000                       |                              | [7]            |                        |                              |                | Table                  |

[7]

| WAC #                        |                | WSR #                  | WAC #                             |                | WSR #                  | WAC #                          |                | WSR #                  |
|------------------------------|----------------|------------------------|-----------------------------------|----------------|------------------------|--------------------------------|----------------|------------------------|
| 296-17-622                   | AMD-P          | 96-05-064              | 296-17-707                        | AMD-P          | 96-05-065              | 206 62 07521                   | 434D D         | 04.00.004              |
| 296-17-622                   | AMD-P          | 96-05-065              | 296-17-708                        | AMD-P          | 96-05-064              | 296-62-07521<br>296-62-07533   | AMD-P<br>AMD-P | 96-03-024              |
| 296-17-628                   | AMD-P          | 96-05-064              | 296-17-708                        | AMD-P          | 96-05-065              | 296-62-07550                   | AMD-P          | 96-03-024<br>96-03-024 |
| 296-17-628                   | AMD-P          | 96-05-065              | 296-17-709                        | AMD-P          | 96-05-064              | 296-62-07668                   | AMD-P          | 96-03-024              |
| 296-17-634                   | AMD-P          | 96-05-064              | 296-17-709                        | AMD-P          | 96-05-065              | 296-62-07739                   | AMD-P          | 96-03-024              |
| 296-17-634                   | AMD-P          | 96-05-065              | 296-17-710                        | AMD-P          | 96-05-064              | 296-65-003                     | AMD            | 96-05-056              |
| 296-17-643                   | AMD-P          | 96-05-064              | 296-17-710                        | AMD-P          | 96-05-065              | 296-65-005                     | AMD            | 96-05-056              |
| 296-17-643                   | AMD-P          | 96-05-065              | 296-17-711                        | AMD-P          | 96-05-064              | 296-65-007                     | AMD            | 96-05-056              |
| 296-17-644                   | AMD-P          | 96-05-064              | 296-17-711                        | AMD-P          | 96-05-065              | 296-65-010                     | AMD            | 96-05-056              |
| 296-17-644                   | AMD-P          | 96-05-065              | 296-17-712                        | AMD-P          | 96-05-064              | 296-65-012                     | AMD            | 96-05-056              |
| 296-17-645<br>296-17-645     | AMD-P<br>AMD-P | 96-05-064              | 296-17-712                        | AMD-P          | 96-05-065              | 296-65-015                     | AMD            | 96-05-056              |
| 296-17-646                   | AMD-P          | 96-05-065<br>96-05-064 | 296-17-717<br>296-17-717          | AMD-P          | 96-05-064              | 296-65-020                     | AMD            | 96-05-056              |
| 296-17-646                   | AMD-P          | 96-05-065              | 296-17-717                        | AMD-P<br>AMD-P | 96-05-065<br>96-05-064 | 296-65-030                     | AMD            | 96-05-056              |
| 296-17-649                   | AMD-P          | 96-05-064              | 296-17-719                        | AMD-P          | 96-05-065              | 296-65-050<br>296-116-185      | AMD            | 96-05-056              |
| 296-17-649                   | AMD-P          | 96-05-065              | 296-17-723                        | AMD-P          | 96-05-064              | 296-116-183                    | PREP<br>PREP   | 96-05-054<br>96-04-052 |
| 296-17-64901                 | AMD-P          | 96-05-064              | 296-17-723                        | AMD-P          | 96-05-065              | 296-150A                       | PREP           | 96-06-032              |
| 296-17-64901                 | AMD-P          | 96-05-065              | 296-17-727                        | AMD-P          | 96-05-064              | 296-155                        | PREP           | 96-05-078              |
| 296-17-64902                 | AMD-P          | 96-05-064              | 296-17-727                        | AMD-P          | 96-05-065              | 296-155                        | PREP           | 96-05-079              |
| 296-17-64902                 | AMD-P          | 96-05-065              | 296-17-741                        | AMD-P          | 96-05-064              | 296-305-001                    | AMD-C          | 96-03-026              |
| 296-17-64903                 | AMD-P          | 96-05-064              | 296-17-741                        | AMD-P          | 96-05-065              | 296-305-003                    | AMD-C          | 96-03-026              |
| 296-17-64903                 | AMD-P          | 96-05-065              | 296-17-742                        | AMD-P          | 96-05-064              | 296-305-005                    | AMD-C          | 96-03-026              |
| 296-17-64904                 | AMD-P          | 96-05-064              | 296-17-742                        | AMD-P          | 96-05-065              | 296-305-007                    | AMD-C          | 96-03-026              |
| 296-17-64904                 | AMD-P          | 96-05-065              | 296-17-746                        | AMD-P          | 96-05-064              | 296-305-010                    | AMD-C          | 96-03-026              |
| 296-17-64905                 | AMD-P          | 96-05-064              | 296-17-746                        | AMD-P          | 96-05-065              | 296-305-01001                  | NEW-C          | 96-03-026              |
| 296-17-64905<br>296-17-64999 | AMD-P<br>NEW-P | 96-05-065              | 296-17-747                        | AMD-P          | 96-05-064              | 296-305-01002                  | NEW-C          | 96-03-026              |
| 296-17-64999                 | NEW-P          | 96-05-064<br>96-05-065 | 296-17-747<br>296-17-7 <b>5</b> 3 | AMD-P          | 96-05-065              | 296-305-01003                  | NEW-C          | 96-03-026              |
| 296-17-651                   | AMD-P          | 96-05-064              | 296-17-753                        | AMD-P<br>AMD-P | 96-05-064<br>96-05-065 | 296-305-01005                  | NEW-C          | 96-03-026              |
| 296-17-651                   | AMD-P          | 96-05-065              | 296-17-756                        | AMD-P          | 96-05-064              | 296-305-01007<br>296-305-01009 | NEW-C<br>NEW-C | 96-03-026              |
| 296-17-654                   | AMD-P          | 96-05-064              | 296-17-756                        | AMD-P          | 96-05-065              | 296-305-015                    | AMD-C          | 96-03-026<br>96-03-026 |
| 296-17-654                   | AMD-P          | 96-05-065              | 296-17-76207                      | AMD-P          | 96-05-064              | 296-305-01501                  | NEW-C          | 96-03-026              |
| 296-17-659                   | AMD-P          | 96-05-064              | 296-17-76207                      | AMD-P          | 96-05-065              | 296-305-01503                  | NEW-C          | 96-03-026              |
| 296-17-659                   | AMD-P          | 96-05-065              | 296-17-76209                      | AMD-P          | 96-05-064              | 296-305-01505                  | NEW-C          | 96-03-026              |
| 296-17-66002                 | AMD-P          | 96-05-064              | 296-17-76209                      | AMD-P          | 96-05-065              | 296-305-01507                  | NEW-C          | 96-03-026              |
| 296-17-66002                 | AMD-P          | 96-05-065              | 296-17-763                        | AMD-P          | 96-05-064              | 296-305-01509                  | NEW-C          | 96-03-026              |
| 296-17-66004                 | NEW-P          | 96-05-064              | 296-17-763                        | AMD-P          | 96-05-065              | 296-305-01511                  | NEW-C          | 96-03-026              |
| 296-17-66004<br>296-17-67601 | NEW-P<br>AMD-P | 96-05-065              | 296-17-778                        | AMD-P          | 96-05-064              | 296-305-01513                  | NEW-C          | 96-03-026              |
| 296-17-67601                 | AMD-P          | 96-05-064<br>96-05-065 | 296-17-778<br>296-17-870          | AMD-P<br>AMD-P | 96-05-065              | 296-305-01515                  | NEW-C          | 96-03-026              |
| 296-17-67602                 | AMD-P          | 96-05-064              | 296-17-870                        | AMD-P          | 96-05-064<br>96-05-065 | 296-305-01517<br>296-305-017   | NEW-C          | 96-03-026              |
| 296-17-67602                 | AMD-P          | 96-05-065              | 296-17-885                        | AMD-P          | 96-05-064              | 296-305-020                    | AMD-C<br>AMD-C | 96-03-026              |
| 296-17-677                   | AMD-P          | 96-05-064              | 296-17-885                        | AMD-P          | 96-05-065              | 296-305-02001                  | NEW-C          | 96-03-026<br>96-03-026 |
| 296-17-677                   | AMD-P          | 96-05-065              | 296-17-895                        | AMD-P          | 96-03-115              | 296-305-02003                  | NEW-C          | 96-03-026              |
| 296-17-67901                 | AMD-P          | 96-05-064              | 296-17-895                        | AMD-P          | 96-05-064              | 296-305-02005                  | NEW-C          | 96-03-026              |
| 296-17-67901                 | AMD-P          | 96-05-065              | 296-17-895                        | AMD-P          | 96-05-065              | 296-305-02007                  | NEW-C          | 96-03-026              |
| 296-17-680                   | AMD-P          | 96-05-064              | 296-17-895                        | AMD            | 96-06-025              | 296-305-02009                  | NEW-C          | 96-03-026              |
| 296-17-680                   | AMD-P          | 96-05-065              | 296-17-915                        | AMD-P          | 96-05-064              | 296-305-02011                  | NEW-C          | 96-03-026              |
| 296-17-681                   | AMD-P          | 96-05-064              | 296-17-915                        | AMD-P          | 96-05-065              | 296-305-02013                  | NEW-C          | 96-03-026              |
| 296-17-681<br>296-17-687     | AMD-P<br>AMD-P | 96-05-065<br>96-05-064 | 296-17-919                        | PREP           | 96-03-153              | 296-305-02015                  | NEW-C          | 96-03-026              |
| 296-17-687                   | AMD-P          | 96-05-065              | 296-17-920<br>296-17-920          | AMD-P          | 96-03-115              | 296-305-02017                  | NEW-C          | 96-03-026              |
| 296-17-692                   | AMD-P          | 96-05-064              | 296-17-920                        | AMD-P<br>AMD-P | 96-05-064<br>96-05-065 | 296-305-02019                  | NEW-C          | 96-03-026              |
| 296-17-692                   | AMD-P          | 96-05-065              | 296-17-920                        | AMD-I          | 96-06-025              | 296-305-025<br>296-305-02501   | AMD-C<br>NEW-C | 96-03-026              |
| 296-17-693                   | AMD-P          | 96-05-064              | 296-18A-520                       | PREP           | 96-03-106              | 296-305-02301                  | AMD-C          | 96-03-026<br>96-03-026 |
| 296-17-693                   | AMD-P          | 96-05-065              | 296-20-010                        | AMD-P          | 96-05-066              | 296-305-03001                  | NEW-C          | 96-03-026              |
| 296-17-694                   | AMD-P          | 96-05-064              | 296-20-132                        | AMD-P          | 96-05-066              | 296-305-035                    | AMD-C          | 96-03-026              |
| 296-17-694                   | AMD-P          | 96-05-065              | 296-20-135                        | AMD-P          | 96-05-066              | 296-305-040                    | AMD-C          | 96-03-026              |
| 296-17-695                   | AMD-P          | 96-05-064              | 296-23-180                        | AMD-P          | 96-05-066              | 296-305-04001                  | NEW-C          | 96-03-026              |
| 296-17-695                   | AMD-P          | 96-05-065              | 296-23-185                        | AMD-P          | 96-05-066              | 296-305-045                    | AMD-C          | 96-03-026              |
| 296-17-699                   | AMD-P          | 96-05-064              | 296-23-220                        | AMD-P          | 96-0 <b>5-0</b> 66     | 296-305-04501                  | NEW-C          | 96-03-026              |
| 296-17-699                   | AMD-P          | 96-05-065              | 296-23-230                        | AMD-P          | 96-05-066              | 296-305-04503                  | NEW-C          | 96-03-026              |
| 296-17-700                   | AMD-P          | 96-05-064              | 296-23A-400                       | AMD-P          | 96-05-066              | 296-305-04505                  | NEW-C          | 96-03-026              |
| 296-17-700<br>296-17-701     | AMD-P<br>AMD-P | 96-05-065              | 296-24-084                        | AMD-P          | 96-03-024              | 296-305-04507                  | NEW-C          | 96-03-026              |
| 296-17-701                   | AMD-P          | 96-05-064<br>96-05-065 | 296-24-092<br>296-24-23533        | AMD-P          | 96-03-024              | 296-305-04509                  | NEW-C          | 96-03-026              |
| 296-17-703                   | AMD-P          | 96-05-064              | 296-27                            | AMD-P<br>PREP  | 96-03-024<br>96-06-033 | 296-305-04511                  | NEW-C          | 96-03-026              |
| 296-17-703                   | AMD-P          | 96-05-065              | 296-45                            | PREP           | 96-05-075              | 296-305-05001<br>296-305-05003 | NEW-C          | 96-03-026              |
| 296-17-704                   | AMD-P          | 96-05-064              | 296-54                            | PREP           | 96-05-075              | 296-305-05005                  | NEW-C          | 96-03-026              |
| 296-17-704                   | AMD-P          | 96-05-065              | 296-62-07306                      | AMD-P          | 96-03-024              | 296-305-05007                  | NEW-C<br>NEW-C | 96-03-026              |
| 296-17-706                   | AMD-P          | 96-05-064              | 296-62-07342                      | AMD-P          | 96-03-024              | 296-305-05009                  | NEW-C          | 96-03-026<br>96-03-026 |
| 296-17-706                   | AMD-P          | 96-05-065              | 296-62-07445                      | AMD-P          | 96-03-024              | 296-305-05011                  | NEW-C          | 96-03-026              |
| 296-17-707                   | AMD-P          | 96-05-064              | 296-62-07515                      | PREP           | 96-05-077              | 296-305-05013                  | NEW-C          | 96-03-026              |
| able                         |                |                        |                                   | [8]            |                        |                                | -              |                        |
|                              |                |                        |                                   | f o l          |                        |                                |                |                        |

| WAC #                          |                | WSR #                  | WAC#                       |                | WSR #                  | WAC #                      |                | WSR #                  |
|--------------------------------|----------------|------------------------|----------------------------|----------------|------------------------|----------------------------|----------------|------------------------|
|                                |                |                        |                            |                | 06.06.026              | 214 14 100                 | NEW            | 96-03-074              |
| 296-305-05501                  | NEW-C          | 96-03-026              | 308-10-040                 | AMD            | 96-05-036<br>96-05-036 | 314-14-100<br>314-14-110   | NEW            | 96-03-074              |
| 296-305-05503                  | NEW-C          | 96-03-026              | 308-10-045                 | AMD<br>· AMD   | 96-05-036              | 314-14-120                 | NEW            | 96-03-074              |
| 296-305-060                    | AMD-C          | 96-03-026              | 308-10-067                 | AMD-P          | 96-04-009              | 314-14-130                 | NEW            | 96-03-074              |
| 296-305-06001                  | AMD-C          | 96-03-026              | 308-13-005<br>308-13-005   | AMD-C          | 96-04-040              | 314-14-140                 | NEW            | 96-03-074              |
| 296-305-06003                  | AMD-C          | 96-03-026              | 308-13-005                 | AMD-P          | 96-04-009              | 314-14-150                 | NEW            | 96-03-074              |
| 296-305-06005                  | AMD-C          | 96-03-026<br>96-03-026 | 308-13-015                 | AMD-C          | 96-04-040              | 314-14-160                 | NEW            | 96-03-074              |
| 296-305-06007                  | AMD-C<br>AMD-C | 96-03-026              | 308-13-024                 | AMD-P          | 96-04-009              | 314-16-196                 | AMD            | 96-03-005              |
| 296-305-06009                  | AMD-C          | 96-03-026              | 308-13-024                 | AMD-C          | 96-04-040              | 314-70-010                 | AMD            | 96-03-004              |
| 296-305-06011                  | AMD-C          | 96-03-026              | 308-13-050                 | AMD-P          | 96-04-009              | 314-70-030                 | AMD            | 96-03-004              |
| 296-305-063<br>296-305-064     | AMD-C          | 96-03-026              | 308-13-050                 | AMD-C          | 96-04-040              | 315-04-220                 | AMD            | 96-03-039              |
| 296-305-065                    | AMD-C          | 96-03-026              | 308-13-110                 | REP-P          | 96-04-009              | 315-10-050                 | PREP           | 96-03-156<br>96-03-038 |
| 296-305-06501                  | AMD-C          | 96-03-026              | 308-13-110                 | REP-C          | 96-04-040              | 315-11A-157                | NEW-W          | 96-03-038              |
| 296-305-06503                  | AMD-C          | 96-03-026              | 308-13-150                 | PREP           | 96-04-007              | 315-11A-157                | NEW-P<br>NEW   | 96-03-039              |
| 296-305-06505                  | AMD-C          | 96-03-026              | 308-56A-030                | AMD            | 96-04-004              | 315-11A-158                | NEW            | 96-03-039              |
| 296-305-06507                  | AMD-C          | 96-03-026              | 308-56A-090                | AMD            | 96-03-047              | 315-11A-159<br>315-11A-160 | NEW            | 96-03-039              |
| 296-305-06509                  | AMD-C          | 96-03-026              | 308-56A-210                | AMD            | 96-03-047              | 315-11A-161                | NEW            | 96-03-039              |
| 296-305-06511                  | AMD-C          | 96-03-026              | 308-93-070                 | AMD            | 96-04-004<br>96-03-046 | 315-11A-162                | NEW-P          | 96-03-157              |
| 296-305-06513                  | AMD-C          | 96-03-026              | 308-93-088                 | AMD            | 96-03-046              | 315-11A-163                | NEW-P          | 96-03-157              |
| 296-305-06515                  | AMD-C          | 96-03-026              | 308-93-440                 | AMD<br>AMD     | 96-03-046              | 315-11A-164                | NEW-P          | 96-03-157              |
| 296-305-06517                  | AMD-C          | 96-03-026              | 308-93-670                 | AMD            | 96-04-004              | 315-11A-165                | NEW-P          | 96-03-157              |
| 296-305-06519                  | NEW-C          | 96-03-026              | 308-94-030<br>308-96A-035  | AMD            | 96-04-004              | 315-11A-166                | NEW-P          | 96-03-157              |
| 296-305-070                    | AMD-C          | 96-03-026              | 308-96A-033<br>308-128A    | PREP           | 96-06-084              | 315-11A-167                | NEW-P          | 96-03-157              |
| 296-305-07001                  | AMD-C          | 96-03-026              | 308-128A-010               | DECOD          | 96-05-018              | 317-21-020                 | AMD            | 96-03-070              |
| 296-305-07003                  | AMD-C          | 96-03-026<br>96-03-026 | 308-128A-020               | DECOD          | 96-05-018              | 317-21-030                 | AMD            | 96-03-070              |
| 296-305-07005                  | AMD-C          | 96-03-026<br>96-03-026 | 308-128A-030               | DECOD          | 96-05-018              | 317-21-120                 | AMD            | 96-03-070              |
| 296-305-07007                  | AMD-C          | 96-03-026              | 308-128A-040               | DECOD          | 96-05-018              | 317-21-200                 | AMD            | 96-03-070              |
| 296-305-07009                  | AMD-C          | 96-03-026              | 308-128B                   | PREP           | 96-06-084              | 317-21-205                 | AMD            | 96-03-070              |
| 296-305-07011                  | NEW-C<br>NEW-C | 96-03-026              | 308-128B-010               | DECOD          | 96-05-018              | 317-21-210                 | AMD            | 96-03-070              |
| 296-305-07013<br>296-305-07015 | NEW-C          | 96-03-026              | 308-128B-020               | DECOD          | 96-05-018              | 317-21-215                 | AMD            | 96-03-070              |
| 296-305-07017                  | NEW-C          | 96-03-026              | 308-128B-030               | DECOD          | 96-05-018              | 317-21-235                 | AMD            | 96-03-070              |
| 296-305-07017                  | NEW-C          | 96-03-026              | 308-128B-050               | DECOD          | 96-05-018              | 317-21-245                 | AMD            | 96-03-070<br>96-03-070 |
| 296-305-075                    | AMD-C          | 96-03-026              | 308-128B-070               | DECOD          | 96-05-018              | 317-21-265                 | AMD            | 96-03-070              |
| 296-305-080                    | AMD-C          | 96-03-026              | 308-128B-080               | DECOD          | 96-05-018              | 317-21-320                 | AMD<br>AMD     | 96-03-070              |
| 296-305-08000                  | NEW-C          | 96-03-026              | 308-128B-090               | DECOD          | 96-05-018              | 317-21-345<br>317-21-500   | AMD            | 96-03-070              |
| 296-305-085                    | AMD-C          | 96-03-026              | 308-128C                   | PREP           | 96-06-084              | 317-21-530                 | AMD            | 96-03-070              |
| 296-305-090                    | AMD-C          | 96-03-026              | 308-128C-020               | DECOD          | 96-05-018<br>96-05-018 | 317-21-540                 | AMD            | 96-03-070              |
| 296-305-095                    | AMD-C          | 96-03-026              | 308-128C-030               | DECOD<br>DECOD | 96-05-018              | 317-30-010                 | REP-P          | 96-03-071              |
| 296-305-100                    | AMD-C          | 96-03-026              | 308-128C-040               | DECOD          | 96-05-018              | 317-30-020                 | REP-P          | 96-03-071              |
| 296-305-105                    | AMD-C          | 96-03-026              | 308-128C-050               | PREP           | 96-06-084              | 317-30-030                 | REP-P          | 96-03-071              |
| 296-305-110                    | AMD-C          | 96-03-026              | 308-128D<br>308-128D-010   | DECOD          | 96-05-018              | 317-30-040                 | REP-P          | 96-03-071              |
| 296-305-115                    | AMD-C          | 96-03-026<br>96-06-034 | 308-128D-010               | DECOD          | 96-05-018              | 317-30-050                 | REP-P          | 96-03-071              |
| 296-306                        | PREP           | 96-06-078              | 308-128D-030               | DECOD          | 96-05-018              | 317-30-060                 | REP-P          | 96-03-071              |
| 296-306                        | PREP<br>REP    | 96-04-045              | 308-128D-040               | DECOD          | 96-05-018              | 317-30-070                 | REP-P          | 96-03-071              |
| 304-12-010                     | REP            | 96-04-045              | 308-128D-050               | DECOD          | 96-05-018              | 317-30-080                 | REP-P          | 96-03-071              |
| 304-12-020<br>304-12-025       | REP            | 96-04-045              | 308-128D-060               | DECOD          | 96-05-018              | 317-30-090                 | REP-P          | 96-03-071              |
| 304-12-025                     | AMD            | 96-04-045              | 308-128D-070               | DECOD          | 96-05-018              | 317-30-100                 | REP-P          | 96-03-071<br>96-03-071 |
| 304-12-143                     | AMD            | 96-04-045              | 308-128D-080               | DECOD          | 96-05-018              | 317-30-110                 | REP-P          | 96-03-071              |
| 304-12-350                     | REP            | 96-04-045              | 308-128E                   | PREP           | 96-06-084              | 317-30-120                 | REP-P          | 96-03-071              |
| 304-25-010                     | REP            | 96-04-045              | 308-128E-011               | DECOD          | 96-05-018              | 317-30-130<br>317-30-140   | REP-P<br>REP-P | 96-03-071              |
| 304-25-020                     | REP            | 96-04-045              | 308-128F                   | PREP           | 96-06-084              | 317-30-140                 | REP-P          | 96-03-071              |
| 304-25-030                     | REP            | 96-04-045              | 308-128F-010               | DECOD          | 96-05-018              | 317-30-150                 | REP-P          | 96-03-071              |
| 304-25-040                     | REP            | 96-04-045              | 308-128F-020               | DECOD<br>DECOD | 96-05-018<br>96-05-018 | 317-30-900                 | NEW-P          | 96-03-071              |
| 304-25-050                     | REP            | 96-04-045              | 308-128F-040               | DECOD          | 96-05-018              | 317-31-020                 | NEW-P          | 96-03-071              |
| 304-25-060                     | REP            | 96-04-045              | 308-128F-050               | DECOD          | 96-05-018              | 317-31-030                 | NEW-P          | 96-03-071              |
| 304-25-110                     | REP            | 96-04-045              | 308-128F-060               | DECOD          | 96-05-018              | 317-31-100                 | NEW-P          | 96-03-071              |
| 304-25-120                     | REP            | 96-04-045              | 308-128F-070<br>314-12-020 | AMD            | 96-03-004              | 317-31-110                 | NEW-P          | 96-03-071              |
| 304-25-510                     | REP            | 96-04-045              | 314-12-025                 | AMD            | 96-03-004              | 317-31-120                 | NEW-P          | 96-03-071              |
| 304-25-520                     | REP            | 96-04-045              | 314-12-025                 | AMD            | 96-03-004              | 317-31-130                 | NEW-P          | 96-03-071              |
| 304-25-530                     | REP            | 96-04-045              | 314-12-033                 | AMD            | 96-03-004              | 317-31-140                 | NEW-P          | 96-03-071              |
| 304-25-540                     | REP            | 96-04-045<br>96-04-045 | 314-12-080                 | AMD            | 96-03-004              | 317-31-200                 | NEW-P          | 96-03-071              |
| 304-25-550                     | REP<br>REP     | 96-04-045              | 314-14-010                 | NEW            | 96-03-074              | 317-31-210                 | NEW-P          | 96-03-071              |
| 304-25-555                     | REP<br>REP     | 96-04-045              | 314-14-020                 | NEW            | 96-03-074              | 317-31-220                 | NEW-P          | 96-03-071              |
| 304-25-560                     | REP            | 96-04-045              | 314-14-030                 | NEW            | 96-03-074              | 317-31-230                 | NEW-P          | 96-03-071              |
| 304-25-570<br>304-25-580       | REP            | 96-04-045              | 314-14-040                 | NEW            | 96-03-074              | 317-31-240                 | NEW-P          | 96-03-071              |
| 304-25-590                     | REP            | 96-04-045              | 314-14-050                 | NEW            | 96-03-074              | 317-31-250                 | NEW-P          | 96-03-071              |
| 308-10-010                     | AMD            | 96-05-036              | 314-14-060                 | NEW            | 96-03-074              | 317-31-300                 | NEW-P          | 96-03-071              |
| 308-10-020                     | AMD            | 96-05-036              | 314-14-070                 | NEW            | 96-03-074              | 317-31-310                 | NEW-P          | 96-03-071<br>96-03-071 |
| 308-10-025                     | AMD            | 96-05-036              | 314-14-080                 | NEW            | 96-03-074              | 317-31-900                 | NEW-P<br>AMD   | 96-03-003              |
| 308-10-029                     | AMD            | 96-05-036              | 314-14-090                 | NEW            | 96-03-074              | 332-24-720                 | AMD            |                        |
|                                |                |                        |                            | 101            |                        |                            |                | Table                  |

| WAC #                      |                | WSR #                    | WAC#                     |                | WSR #                  | WAC#                     |                | WOD "                  |
|----------------------------|----------------|--------------------------|--------------------------|----------------|------------------------|--------------------------|----------------|------------------------|
|                            | ·· <u> </u>    | <del></del>              |                          |                | WSK#                   | WAC #                    |                | WSR #                  |
| 356-05-415                 | AMD-W          | 96-02-069                | 388-15                   | PREP           | 96-06-009              | 388-76-185               | REP-P          | 96-06-040              |
| 356-14-240                 | AMD            | 96-02-073                | 388-15-145               | AMD-P          | 96-06-014              | 388-76-190               | REP-P          | 96-06-040              |
| 356-15-050                 | AMD            | 96-02-073                | 388-15-900               | REP-P          | 96-04-084              | 388-76-200               | REP-P          | 96-06-040              |
| 356-15-060                 | AMD-P          | 96-02-070                | 388-15-905               | REP-P          | 96-04-084              | 388-76-220               | REP-P          | 96-06-040              |
| 356-15-070                 | AMD            | 96-02-073                | 388-15-910               | REP-P          | 96-04-084              | 388-76-240               | REP-P          | 96-06-040              |
| 356-15-090                 | AMD            | 96-02-073                | 388-15-915               | REP-P          | 96-04-084              | 388-76-250               | REP-P          | 96-06-040              |
| 356-15-110<br>356-18-112   | AMD<br>AMD-W   | 96-02-073                | 388-15-920               | REP-P          | 96-04-084              | 388-76-260               | REP-P          | 96-06-040              |
| 356-18-116                 | AMD-W<br>AMD   | 96-02-069<br>96-02-073   | 388-15-925<br>388-15-935 | REP-P          | 96-04-084              | 388-76-280               | REP-P          | 96-06-040              |
| 356-30-025                 | REP-W          | 96-02-069                | 388-15-940               | REP-P<br>REP-P | 96-04-084<br>96-04-084 | 388-76-290<br>388-76-300 | REP-P          | 96-06-040              |
| 356-30-050                 | AMD            | 96-02-073                | 388-15-945               | REP-P          | 96-04-084              | 388-76-310               | REP-P<br>REP-P | 96-06-040              |
| 356-30-065                 | AMD-W          | 96-02-069                | 388-15-950               | REP-P          | 96-04-084              | 388-76-320               | REP-P          | 96-06-040              |
| 356-30-067                 | AMD-W          | 96-02-069                | 388-15-955               | REP-P          | 96-04-084              | 388-76-325               | REP-P          | 96-06-040<br>96-06-040 |
| 356-30-230                 | AMD            | 96-02-073                | 388-49-020               | AMD-P          | 96-03-013              | 388-76-330               | REP-P          | 96-06-040              |
| 356-30-315                 | AMD            | 96-02-073                | 388-49-020               | AMD            | 96-06-031              | 388-76-340               | REP-P          | 96-06-040              |
| 356-30-330                 | AMD            | 96-02-073                | 388-49-330               | AMD-P          | 96-04-036              | 388-76-350               | REP-P          | 96-06-040              |
| 356-37-020                 | AMD-P          | 96-04-052A               | 388-49-410               | AMD-P          | 96-04-008              | 388-76-360               | REP-P          | 96-06-040              |
| 356-37-030                 | AMD-P          | 96-04-052A               | 388-49-500               | AMD-P          | 96-03-097              | 388-76-370               | REP-P          | 96-06-040              |
| 356-37-040                 | AMD-P          | 96-04-052A               | 388-49-500               | AMD            | 96-06-046              | 388-76-380               | REP-P          | 96-06-040              |
| 356-37-050                 | AMD-P          | 96-04-052A               | 388-49-670               | AMD-P          | 96-03-095              | 388-76-390               | REP-P          | 96-06-040              |
| 356-37-100<br>356-37-160   | AMD-P          | 96-04-052A               | 388-49-670               | AMD            | 96-06-042              | 388-76-400               | REP-P          | 96-06-040              |
| 356-37-170                 | NEW-P<br>NEW-P | 96-04-052A<br>96-04-052A | 388-55-006               | NEW            | 96-05-009              | 388-76-405               | REP-P          | 96-06-040              |
| 356-42-020                 | AMD-P          | 96-04-052A<br>96-06-059  | 388-55-008<br>388-55-010 | NEW<br>AMD     | 96-05-009              | 388-76-410               | REP-P          | 96-06-040              |
| 356-42-055                 | AMD-P          | 96-04-052                | 388-55-020               | AMD            | 96-05-009<br>96-05-009 | 388-76-420               | REP-P          | 96-06-040              |
| 356-46-080                 | AMD-1          | 96-02-073                | 388-55-024               | NEW            | 96-05-009              | 388-76-430<br>388-76-435 | REP-P<br>REP-P | 96-06-040<br>96-06-040 |
| 365-185-010                | NEW-E          | 96-03-045                | 388-55-027               | NEW            | 96-05-009              | 388-76-440               | REP-P          | 96-06-040              |
| 365-185-010                | NEW            | 96-04-046                | 388-55-030               | AMD            | 96-05-009              | 388-76-450               | REP-P          | 96-06-040              |
| 365-185-020                | NEW-E          | 96-03-045                | 388-55-040               | AMD            | 96-05-009              | 388-76-460               | REP-P          | 96-06-040              |
| 365-185-020                | NEW            | 96-04-046                | 388-55-050               | NEW            | 96-05-009              | 388-76-465               | REP-P          | 96-06-040              |
| 365-185-030                | NEW-E          | 96-03-045                | 388-55-060               | NEW            | 96-05-009              | 388-76-467               | REP-P          | 96-06-040              |
| 365-185-030                | NEW            | 96-04-046                | 388-73-012               | AMD-P          | 96-06-051              | 388-76-470               | REP-P          | 96-06-040              |
| 365-185-040                | NEW-E          | 96-03-045                | 388-73-014               | AMD-P          | 96-06-051              | 388-76-475               | REP-P          | 96-06-040              |
| 365-185-040                | NEW            | 96-04-046                | 388-73-01950             | AMD-P          | 96-06-051              | 388-76-480               | REP-P          | 96-06-040              |
| 365-185-050<br>365-185-050 | NEW-E<br>NEW   | 96-03-045<br>96-04-046   | 388-73-020               | AMD-P          | 96-06-051              | 388-76-490               | REP-P          | 96-06-040              |
| 365-185-060                | NEW-E          | 96-03-045                | 388-73-030<br>388-73-030 | AMD-C<br>AMD-S | 96-03-105              | 388-76-500               | REP-P          | 96-06-040              |
| 365-185-060                | NEW            | 96-04-046                | 388-73-030               | RESCIND        | 96-05-061<br>96-05-067 | 388-76-520<br>388-76-530 | REP-P          | 96-06-040              |
| 374-60-030                 | AMD            | 96-04-005                | 388-73-030               | AMD-E          | 96-05-068              | 388-76-535               | REP-P<br>NEW-P | 96-06-040              |
| 374-60-120                 | AMD            | 96-04-005                | 388-73-036               | AMD-S          | 96-05-061              | 388-76-540               | NEW-P          | 96-06-040<br>96-06-040 |
| 388-11-010                 | REP-P          | 96-06-039                | 388-73-036               | AMD-E          | 96-05-068              | 388-76-545               | NEW-P          | 96-06-040              |
| 388-11-011                 | AMD-P          | 96-06-039                | 388-73-048               | AMD-P          | 96-06-051              | 388-76-550               | NEW-P          | 96-06-040              |
| 388-11-015                 | AMD-P          | 96-06-039                | 388-73-054               | AMD-P          | 96-06-051              | 388-76-555               | NEW-P          | 96-06-040              |
| 388-11-030                 | REP-P          | 96-06-039                | 388-73-606               | AMD-P          | 96-06-051              | 388-76-560               | NEW-P          | 96-06-040              |
| 388-11-032                 | REP-P          | 96-06-039                | 388-73-800               | AMD-P          | 96-06-051              | 388-76-565               | NEW-P          | 96-06-040              |
| 388-11-035                 | REP-P          | 96-06-039                | 388-73-803               | NEW-P          | 96-06-051              | 388-76-570               | NEW-P          | 96-06-040              |
| 388-11-040                 | REP-P          | 96-06-039                | 388-73-805               | NEW-P          | 96-06-051              | 388-76-575               | NEW-P          | 96-06-040              |
| 388-11-045<br>388-11-048   | AMD-P<br>AMD-P | 96-06-039<br>96-06-039   | 388-73-815               | AMD-P          | 96-06-051              | 388-76-580               | NEW-P          | 96-06-040              |
| 388-11-055                 | REP-P          | 96-06-039                | 388-73-821<br>388-73-822 | NEW-P<br>NEW-P | 96-06-051<br>96-06-051 | 388-76-585               | NEW-P          | 96-06-040              |
| 388-11-060                 | REP-P          | 96-06-039                | 388-73-823               | NEW-P          | 96-06-051<br>96-06-051 | 388-76-590<br>388-76-595 | NEW-P          | 96-06-040              |
| 388-11-065                 | AMD-P          | 96-06-039                | 388-73-825               | NEW-P          | 96-06-051              | 388-76-595               | NEW-P<br>NEW-P | 96-06-040              |
| 388-11-120                 | AMD-P          | 96-06-039                | 388-76-010               | REP-P          | 96-06-040              | 388-76-605               | NEW-P<br>NEW-P | 96-06-040<br>96-06-040 |
| 388-11-140                 | AMD-P          | 96-06-039                | 388-76-020               | REP-P          | 96-06-040              | 388-76-610               | NEW-P          | 96-06-040              |
| 388-11-150                 | AMD-P          | 96-06-039                | 388-76-030               | REP-P          | 96-06-040              | 388-76-615               | NEW-P          | 96-06-040              |
| 388-11-210                 | AMD-P          | 96-06-039                | 388-76-040               | REP-P          | 96-06-040              | 388-76-620               | NEW-P          | 96-06-040              |
| 388-11-215                 | AMD-P          | 96-06-039                | 388-76-045               | REP-P          | 96-06-040              | 388-76-625               | NEW-P          | 96-06-040              |
| 388-11-220                 | AMD-P          | 96-06-039                | 388-76-050               | REP-P          | 96-06-040              | 388-76-630               | NEW-P          | 96-06-040              |
| 388-11-280                 | NEW-P          | 96-06-039                | 388-76-060               | REP-P          | 96-06-040              | 388-76-635               | NEW-P          | 96-06-040              |
| 388-11-285                 | NEW-P          | 96-06-039                | 388-76-070               | REP-P          | 96-06-040              | 388-76-640               | NEW-P          | 96-06-040              |
| 388-11-290<br>388-11-295   | NEW-P<br>NEW-P | 96-06-039<br>96-06-039   | 388-76-080               | REP-P          | 96-06-040              | 388-76-645               | NEW-P          | 96-06-040              |
| 388-11-300                 | NEW-P          | 96-06-039<br>96-06-039   | 388-76-085<br>388-76-087 | REP-P          | 96-06-040              | 388-76-650               | NEW-P          | 96-06-040              |
| 388-11-305                 | NEW-P          | 96-06-039                | 388-76-087               | REP-P<br>REP-P | 96-06-040<br>96-06-040 | 388-76-655               | NEW-P          | 96-06-040              |
| 388-11-310                 | NEW-P          | 96-06-039                | 388-76-095               | REP-P          | 96-06-040<br>96-06-040 | 388-76-660               | NEW-P          | 96-06-040              |
| 388-11-315                 | NEW-P          | 96-06-039                | 388-76-100               | REP-P          | 96-06-040              | 388-76-665<br>388-76-670 | NEW-P          | 96-06-040              |
| 388-11-400                 | NEW-P          | 96-06-039                | 388-76-110               | REP-P          | 96-06-040              | 388-76-675               | NEW-P<br>NEW-P | 96-06-040              |
| 388-11-405                 | NEW-P          | 96-06-039                | 388-76-130               | REP-P          | 96-06-040              | 388-76-680               | NEW-P<br>NEW-P | 96-06-040<br>96-06-040 |
| 388-11-410                 | NEW-P          | 96-06-039                | 388-76-140               | REP-P          | 96-06-040              | 388-76-685               | NEW-P          | 96-06-040              |
| 388-11-415                 | NEW-P          | 96-06-039                | 388-76-155               | REP-P          | 96-06-040              | 388-76-690               | NEW-P          | 96-06-040              |
| 388-11-420                 | NEW-P          | 96-06-039                | 388-76-160               | REP-P          | 96-06-040              | 388-76-695               | NEW-P          | 96-06-040              |
| 388-11-425                 | NEW-P          | 96-06-039                | 388-76-170               | REP-P          | 96-06-040              | 388-76-700               | NEW-P          | 96-06-040              |
| 388-11-430                 | NEW-P          | 96-06-039                | 388-76-180               | REP-P          | 96-06-040              | 388-76-705               | NEW-P          | 96-06-040              |
| Table                      |                |                          |                          | [ 10 ]         |                        |                          |                |                        |
|                            |                |                          |                          |                |                        |                          |                |                        |

|                            |                  |                        |                              |               | WSR #                  | WAC#                     |                | WSR #                  |
|----------------------------|------------------|------------------------|------------------------------|---------------|------------------------|--------------------------|----------------|------------------------|
| WAC #                      |                  | WSR #                  | WAC#                         |               | WSK #                  | WAC#                     |                |                        |
|                            | NEW D            | 96-06-040              | 388-201-400                  | AMD-P         | 96-04-034              | 391-08-030               | AMD-P          | 96-03-135              |
| 388-76-710                 | NEW-P            | 96-06-040              | 388-201-410                  | AMD-P         | 96-04-034              | 391-08-040               | AMD-P          | 96-03-135              |
| 388-76-715                 | NEW-P            | 96-06-040              | 388-201-420                  | AMD-P         | 96-04-034              | 391-08-120               | AMD-P          | 96-03-135              |
| 388-76-720                 | NEW-P            | 96-06-040              | 388-201-430                  | AMD-P         | 96-04-034              | 391-08-180               | AMD-P          | 96-03-135              |
| 388-76-725                 | NEW-P            | 96-06-040              | 388-201-440                  | AMD-P         | 96-04-034              | 391-08-650               | NEW-P          | 96-03-135              |
| 388-76-730                 | NEW-P            | 96-06-040              | 388-201-450                  | AMD-P         | 96-04-034              | 391-08-670               | NEW-P          | 96-03-135              |
| 388-76-735                 | NEW-P            | 96-06-040              | 388-201-460                  | AMD-P         | 96-04-034              | 391-08-820               | AMD-P          | 96-03-135              |
| 388-76-740                 | NEW-P            | 96-06-040              | 388-201-470                  | AMD-P         | 96-04-034              | 391-25-001               | AMD-P          | 96-03-135              |
| 388-76-745                 | NEW-P            | 96-06-040<br>96-06-040 | 388-201-480                  | AMD-P         | 96-04-034              | 391-25-011               | NEW-P          | 96-03-135              |
| 388-76-750                 | NEW-P<br>NEW-P   | 96-06-040              | 388-215-1390                 | PREP          | 96-03-096              | 391-25-030               | AMD-P          | 96-03-135              |
| 388-76-755                 | NEW-P            | 96-06-040              | 388-215-1390                 | AMD-E         | 96-04-001              | 391-25-050               | AMD-P          | 96-03-135              |
| 388-76-760                 | NEW-P            | 96-06-040              | 388-215-1600                 | AMD-P         | 96-03-099              | 391-25-070               | AMD-P          | 96-03-135              |
| 388-76-765                 | NEW-P            | 96-06-040              | 388-215-1600                 | AMD           | 96-06-045              | 391-25-090               | AMD-P          | 96-03-135              |
| 388-76-770<br>200-76-775   | NEW-P            | 96-06-040              | 388-215-1610                 | AMD-P         | 96-03-099              | 391-25-110               | AMD-P          | 96-03-135              |
| 388-76-775                 | NEW-P            | 96-06-040              | 388-215-1610                 | AMD           | 96-06-045              | 391-25-130               | AMD-P          | 96-03-135              |
| 388-76-780                 | NEW-P            | 96-06-040              | 388-218-1510                 | AMD           | 96-03-040              | 391-25-140               | AMD-P          | 96-03-135              |
| 388-76-785<br>388-76-790   | NEW-P            | 96-06-040              | 388-245-2020                 | AMD-P         | 96-04-035              | 391-25-170               | AMD-P          | 96-03-135              |
| 388-76-795                 | NEW-P            | 96-06-040              | 388-250-1400                 | AMD           | 96-04-002              | 391-25-190               | AMD-P          | 96-03-135              |
| 388-110-005                | NEW-P            | 96-04-084              | 388-270-1125                 | PREP          | 96-06-008              | 391-25-220               | AMD-P          | 96-03-135              |
| 388-110-010                | NEW-P            | 96-04-084              | 388-290-135                  | AMD-P         | 96-06-026              | 391-25-230               | AMD-P          | 96-03-135<br>96-03-135 |
| 388-110-010                | NEW-P            | 96-04-084              | 388-330-010                  | AMD-C         | 96-03-105              | 391-25-250               | AMD-P          | 96-03-135<br>96-03-135 |
| 388-110-020                | NEW-P            | 96-04-084              | 388-330-010                  | AMD-S         | 96-05-061              | 391-25-350               | AMD-P          | 96-03-135<br>96-03-135 |
| 388-110-040                | NEW-P            | 96-04-084              | 388-330-010                  | RESCIND       | 96-05-067              | 391-25-370               | AMD-P          | 96-03-135              |
| 388-110-050                | NEW-P            | 96-04-084              | 388-330-010                  | AMD-E         | 96-05-068              | 391-25-391               | AMD-P          | 96-03-135              |
| 388-110-060                | NEW-P            | 96-04-084              | 388-330-035                  | NEW-C         | 96-03-105              | 391-25-410               | AMD-P          | 96-03-135              |
| 388-110-070                | NEW-P            | 96-04-084              | 388-330-035                  | NEW-S         | 96-05-061              | 391-25-430               | AMD-P<br>AMD-P | 96-03-135              |
| 388-110-080                | NEW-P            | 96-04-084              | 388-330-035                  | RESCIND       | 96-05-067              | 391-25-470               | AMD-P          | 96-03-135              |
| 388-110-090                | NEW-P            | 96-04-084              | 388-330-035                  | NEW-E         | 96-05-068              | 391-25-490               | AMD-P          | 96-03-135              |
| 388-110-100                | NEW-P            | 96-04-084              | 388-501-0130                 | AMD-P         | 96-03-066              | 391-25-510               | AMD-P          | 96-03-135              |
| 388-110-110                | NEW-P            | 96-04-084              | 388-501-0130                 | AMD           | 96-06-041              | 391-25-550<br>391-25-590 | AMD-P          | 96-03-135              |
| 388-110-120                | NEW-P            | 96-04-084              | 388-503-0310                 | PREP          | 96-04-025              | 391-35-001               | AMD-P          | 96-03-135              |
| 388-110-140                | NEW-P            | 96-04-084              | 388-507-0710                 | AMD-P         | 96-06-010              | 391-35-010               | AMD-P          | 96-03-135              |
| 388-110-150                | NEW-P            | 96-04-084              | 388-507-0740                 | AMD-P         | 96-04-037              | 391-35-020               | AMD-P          | 96-03-135              |
| 388-110-170                | NEW-P            | 96-04-084              | 388-509-0920                 | PREP          | 96-05-035              | 391-35-020               | AMD-P          | 96-03-135              |
| 388-110-180                | NEW-P            | 96-04-084              | 388-511-1140                 | AMD           | 96-05-010<br>96-06-010 | 391-35-050               | AMD-P          | 96-03-135              |
| 388-110-190                | NEW-P            | 96-04-084              | 388-513-1350                 | AMD-P         | 96-04-055              | 391-35-080               | AMD-P          | 96-03-135              |
| 388-110-200                | NEW-P            | 96-04-084              | 388-513-1360                 | PREP<br>PREP  | 96-05-034              | 391-35-110               | AMD-P          | 96-03-135              |
| 388-110-210                | NEW-P            | 96-04-084              | 388-513-1365                 |               | 96-06-010              | 391-35-170               | AMD-P          | 96-03-135              |
| 388-110-220                | NEW-P            | 96-04-084              | 388-513-1380                 | AMD-P<br>PREP | 96-03-098              | 391-35-300               | NEW-P          | 96-03-135              |
| 388-110-230                | NEW-P            | 96-04-084              | 388-515-1505                 | AMD-P         | 96-04-037              | 391-35-310               | NEW-P          | 96-03-135              |
| 388-110-240                | NEW-P            | 96-04-084              | 388-518-1820                 | PREP          | 96-04-056              | 391-45-001               | AMD-P          | 96-03-135              |
| 388-110-250                | NEW-P            | 96-04-084              | 388-519-1910                 | PREP          | 96-04-056              | 391-45-030               | AMD-P          | 96-03-135              |
| 388-110-260                | NEW-P            | 96-04-084              | 388-519-1930<br>388-528-2810 | PREP          | 96-04-024              | 391-45-050               | AMD-P          | 96-03-135              |
| 388-110-270                | NEW-P            | 96-04-084              |                              | NEW-P         | 96-05-087              | 391-45-110               | AMD-P          | 96-03-135              |
| 388-110-280                | NEW-P            | 96-04-084              | 388-530-1950<br>390-05-190   | AMD-P         | 96-05-072              | 391-45-130               | AMD-P          | 96-03-135              |
| 388-150-090                | AMD-C            | 96-03-105              | 390-05-200                   | AMD           | 96-05-001              | 391-45-170               | AMD-P          | 96-03-135              |
| 388-150-090                | AMD-S            | 96-05-061              | 390-05-205                   | AMD           | 96-05-001              | 391-45-190               | AMD-P          | 96-03-135              |
| 388-150-090                | RESCIND          | 96-05-067<br>96-05-068 | 390-05-210                   | AMD-P         | 96-05-072              | 391-45-260               | AMD-P          | 96-03-135              |
| 388-150-090                | AMD-E            |                        | 390-05-245                   | NEW-P         | 96-05-072              | 391-45-270               | AMD-P          | 96-03-135              |
| 388-151-090                | AMD-C            | 96-03-105<br>96-05-061 | 390-05-400                   | NEW           | 96-04-021              | 391-45-290               | AMD-P          | 96-03-135              |
| 388-151-090                | AMD-S<br>RESCIND | 96-05-067              | 390-13-010                   | AMD           | 96-05-001              | 391-45-330               | AMD-P          | 96-03-135              |
| 388-151-090                | AMD-E            | 96-05-068              | 390-16-034                   | AMD           | 96-05-001              | 391-45-431               | REP-P          | 96-03-135              |
| 388-151-090                | AMD-E<br>AMD-C   | 96-03-105              | 390-16-037                   | AMD           | 96-05-001              | 391-55-002               | AMD-P          | 96-03-135              |
| 388-155-090<br>388-155-090 | AMD-S            | 96-05-061              | 390-16-038                   | AMD-P         | 96-05-073              | 391-55-010               | AMD-P          | 96-03-135              |
|                            | RESCIND          | 96-05-067              | 390-16-055                   | AMD           | 96-05-001              | 391-55-090               | AMD-P          | 96-03-135              |
| 388-155-090<br>388-155-090 | AMD-E            | 96-05-068              | 390-16-190                   | NEW           | 96-04-020              | 391-55-200               | AMD-P          | 96-03-135              |
| 388-160                    | PREP             | 96-05-057              | 390-16-310                   | AMD           | 96-05-001              | 391-55-205               | AMD-P          | 96-03-135              |
| 388-160-050                | PREP             | 96-05-057              | 390-16-313                   | NEW-P         | 96-05-073              | 391-55-210               | AMD-P          | 96-03-135              |
| 388-160-080                | PREP             | 96-05-057              | 390-16-314                   | NEW-P         | 96-05-073              | 391-55-215               | AMD-P          | 96-03-135              |
| 388-160-090                | AMD-C            | 96-03-105              | 390-17-017                   | AMD           | 96-05-001              | 391-55-220               | AMD-P          | 96-03-135              |
| 388-160-090                | AMD-S            | 96-05-061              | 390-17-030                   | AMD           | 96-05-001              | 391-55-225               | AMD-P          | 96-03-135              |
| 388-160-090                | RESCIND          | 96-05-067              | 390-17-050                   | REP-P         | 96-05-073              | 391-55-230               | AMD-P          | 96-03-135<br>96-03-135 |
| 388-160-090                | AMD-E            | 96-05-068              | 390-17-052                   | REP-P         | 96-05-073              | 391-55-235               | AMD-P          | 96-03-135              |
| 388-160-120                | AMD-S            | 96-05-061              | 390-17-060                   | AMD           | 96-05-001              | 391-55-240               | AMD-P          | 96-03-135<br>96-03-135 |
| 388-160-120                | AMD-E            | 96-05-068              | 390-17-065                   | AMD           | 96-05-001              | 391-55-245               | AMD-P          | 96-03-135              |
| 388-160-430                | PREP             | 96-05-057              | 390-17-310                   | AMD           | 96-05-001              | 391-55-255               | AMD-P<br>REP-P | 96-03-135              |
| 388-160-460                | PREP             | 96-05-057              | 390-17-315                   | AMD           | 96-05-001              | 391-55-260               | amd-p          | 96-03-135              |
| 388-160-480                | PREP             | 96-05-057              | 390-17-320                   | AMD           | 96-05-001              | 391-55-315               | AMD-P          | 96-03-135              |
| 388-160-490                | PREP             | 96-05-057              | 390-20-052                   | AMD           | 96-05-001              | 391-55-345               | REP-P          | 96-03-135              |
| 388-160-500                | PREP             | 96-05-057              | 390-24-010                   | AMD-S         | 96-05-074              | 391-55-360               | REP-P          | 96-03-135              |
| 388-201-200                | AMD-P            | 96-04-034              | 390-24-020                   | AMD-S         | 96-05-074              | 391-55-400<br>391-55-410 | REP-P          | 96-03-135              |
| 388-201-300                | AMD-P            | 96-04-034              | 391-08-001                   | AMD-P         | 96-03-135              | 1 771-77-410             | VPI -I         |                        |
|                            |                  |                        |                              | r 11 1        |                        |                          |                | Table                  |

|                            |                |                        | ·                          |                |                        |                          |                |                        |
|----------------------------|----------------|------------------------|----------------------------|----------------|------------------------|--------------------------|----------------|------------------------|
| WAC #                      |                | WSR #                  | WAC #                      |                | WSR #                  | WAC #                    |                | WSR #                  |
| 391-55-415                 | REP-P          | 96-03-135              | 392-127-090                | AMD            | 96-05-022              | 419-72-065               | DECOR          | 06.06.011              |
| 391-55-420                 | REP-P          | 96-03-135              | 392-140-450                | AMD-P          | 96-02-078              | 419-72-070               | DECOD<br>DECOD | 96-06-011<br>96-06-011 |
| 391-55-425                 | REP-P          | 96-03-135              | 392-140-450                | AMD            | 96-05-021              | 419-72-075               | DECOD          | 96-06-011              |
| 391-55-430                 | REP-P          | 96-03-135              | 392-140-461                | AMD-P          | 96-02-078              | 419-72-080               | DECOD          | 96-06-011              |
| 391-55-435<br>391-55-440   | REP-P          | 96-03-135              | 392-140-461                | AMD            | 96-05-021              | 419-80-010               | DECOD          | 96-06-011              |
| 391-55-445                 | REP-P<br>REP-P | 96-03-135<br>96-03-135 | 392-140-462                | AMD-P          | 96-02-078              | 419-80-020               | DECOD          | 96-06-011              |
| 391-55-450                 | REP-P          | 96-03-135<br>96-03-135 | 392-140-462<br>392-140-470 | AMD<br>AMD-P   | 96-05-021<br>96-02-078 | 419-80-030               | DECOD          | 96-06-011              |
| 391-55-455                 | REP-P          | 96-03-135              | 392-140-470                | AMD-F          | 96-05-021              | 419-80-040<br>419-80-050 | DECOD<br>DECOD | 96-06-011              |
| 391-65-030                 | AMD-P          | 96-03-135              | 392-140-476                | AMD-P          | 96-02-078              | 419-80-060               | DECOD          | 96-06-011<br>96-06-011 |
| 391-65-050                 | AMD-P          | 96-03-135              | 392-140-476                | AMD            | 96-05-021              | 419-80-070               | DECOD          | 96-06-011              |
| 391-65-110                 | AMD-P          | 96-03-135              | 392-140-480                | AMD-P          | 96-02-078              | 434-75-010               | AMD-E          | 96-03-140              |
| 391-65-130<br>391-95-001   | AMD-P          | 96-03-135              | 392-140-480                | AMD            | 96-05-021              | 434-75-010               | AMD            | 96-03-141              |
| 391-95-090                 | AMD-P<br>AMD-P | 96-03-135<br>96-03-135 | 392-140-483                | AMD-P          | 96-02-078              | 434-75-010               | DECOD          | 96-03-141              |
| 391-95-110                 | AMD-P          | 96-03-135              | 392-140-483<br>392-140-490 | AMD<br>AMD-P   | 96-05-021<br>96-02-078 | 434-75-020               | AMD-E          | 96-03-140              |
| 391-95-170                 | AMD-P          | 96-03-135              | 392-140-490                | AMD            | 96-05-021              | 434-75-020<br>434-75-020 | AMD<br>DECOD   | 96-03-141              |
| 391-95-230                 | AMD-P          | 96-03-135              | 392-140-491                | AMD-P          | 96-02-078              | 434-75-030               | AMD-E          | 96-03-141<br>96-03-140 |
| 391-95-260                 | AMD-P          | 96-03-135              | 392-140-491                | AMD            | 96-05-021              | 434-75-030               | AMD            | 96-03-141              |
| 391-95-270                 | AMD-P          | 96-03-135              | 392-140-492                | AMD-P          | 96-02-078              | 434-75-030               | DECOD          | 96-03-141              |
| 392-109-040<br>392-109-047 | AMD-P          | 96-04-033              | 392-140-492                | AMD            | 96-05-021              | 434-75-040               | AMD-E          | 96-03-140              |
| 392-109-047                | AMD-P<br>AMD-P | 96-04-033<br>96-04-033 | 392-140-494                | AMD-P          | 96-02-078              | 434-75-040               | AMD            | 96-03-141              |
| 392-109-065                | AMD-P          | 96-04-033              | 392-140-494<br>392-140-497 | AMD<br>AMD-P   | 96-05-021              | 434-75-040               | DECOD          | 96-03-141              |
| 392-109-070                | AMD-P          | 96-04-033              | 392-140-497                | AMD-P          | 96-02-078<br>96-05-021 | 434-75-050<br>434-75-050 | AMD-E<br>AMD   | 96-03-140              |
| 392-109-072                | AMD-P          | 96-04-033              | 415                        | PREP           | 96-06-079              | 434-75-050               | DECOD          | 96-03-141<br>96-03-141 |
| 392-109-085                | AMD-P          | 96-04-033              | 415-02-099                 | REP            | 96-03-100              | 434-75-060               | AMD-E          | 96-03-140              |
| 392-109-090                | AMD-P          | 96-04-033              | 415-104-0125               | NEW            | 96-04-003              | 434-75-060               | AMD            | 96-03-141              |
| 392-109-100<br>392-109-105 | AMD-P          | 96-04-033              | 415-104-108                | AMD            | 96-03-100              | 434-75-060               | DECOD          | 96-03-141              |
| 392-109-103                | AMD-P<br>AMD-P | 96-04-033<br>96-04-033 | 415-108-340                | AMD            | 96-03-100              | 434-75-070               | AMD-E          | 96-03-140              |
| 392-109-120                | PREP           | 96-06-061              | 415-112-040<br>419-18      | AMD<br>PREP    | 96-03-100<br>96-03-037 | 434-75-070<br>434-75-070 | AMD            | 96-03-141              |
| 392-121-435                | NEW            | 96-03-001              | 419-18-020                 | DECOD          | 96-06-011              | 434-75-080               | DECOD<br>AMD-E | 96-03-141              |
| 392-122-100                | AMD            | 96-03-002              | 419-18-030                 | DECOD          | 96-06-011              | 434-75-080               | AMD-E          | 96-03-140<br>96-03-141 |
| 392-122-105                | AMD            | 96-03-002              | 419-18-040                 | DECOD          | 96-06-011              | 434-75-080               | DECOD          | 96-03-141              |
| 392-122-106                | AMD            | 96-03-002              | 419-18-045                 | DECOD          | 96-06-011              | 434-75-090               | AMD-E          | 96-03-140              |
| 392-122-107<br>392-122-110 | AMD<br>AMD     | 96-03-002<br>96-03-002 | 419-18-050                 | DECOD          | 96-06-011              | 434-75-090               | AMD            | 96-03-141              |
| 392-122-110                | AMD            | 96-03-002              | 419-18-060<br>419-18-070   | DECOD<br>DECOD | 96-06-011<br>96-06-011 | 434-75-090<br>434-75-100 | DECOD          | 96-03-141              |
| 392-122-130                | AMD            | 96-03-002              | 419-18-080                 | DECOD          | 96-06-011              | 434-75-100               | AMD-E<br>AMD   | 96-03-140<br>96-03-141 |
| 392-122-131                | AMD            | 96-03-002              | 419-36-010                 | DECOD          | 96-06-011              | 434-75-100               | DECOD          | 96-03-141              |
| 392-122-132                | ·AMD           | 96-03-002              | 419-36-020                 | DECOD          | 96-06-011              | 434-75-110               | AMD-E          | 96-03-140              |
| 392-122-135<br>392-122-140 | AMD            | 96-03-002              | 419-36-030                 | DECOD          | 96-06-011              | 434-75-110               | AMD            | 96-03-141              |
| 392-122-140                | AMD<br>AMD     | 96-03-002<br>96-03-002 | 419-36-040<br>419-36-050   | DECOD<br>DECOD | 96-06-011              | 434-75-110               | DECOD          | 96-03-141              |
| 392-122-150                | AMD            | 96-03-002              | 419-36-060                 | DECOD          | 96-06-011<br>96-06-011 | 434-75-120<br>434-75-120 | AMD-E          | 96-03-140              |
| 392-122-155                | AMD            | 96-03-002              | 419-36-070                 | DECOD          | 96-06-011              | 434-75-120               | AMD<br>DECOD   | 96-03-141<br>96-03-141 |
| 392-122-160                | AMD            | 96-03-002              | 419-36-080                 | DECOD          | 96-06-011              | 434-75-130               | AMD-E          | 96-03-141              |
| 392-122-165                | AMD            | 96-03-002              | 419-36-090                 | DECOD          | 96-06-011              | 434-75-130               | AMD            | 96-03-141              |
| 392-122-166<br>392-122-710 | NEW<br>AMD     | 96-03-002              | 419-40-010                 | DECOD          | 96-06-011              | 434-75-130               | DECOD          | 96-03-141              |
| 392-122-710                | AMD            | 96-03-002<br>96-03-002 | 419-40-020<br>419-40-030   | DECOD<br>DECOD | 96-06-011              | 434-75-140               | AMD-E          | 96-03-140              |
| 392-122-900                | AMD            | 96-03-002              | 419-40-040                 | DECOD          | 96-06-011<br>96-06-011 | 434-75-140               | AMD            | 96-03-141              |
| 392-123-054                | AMD-P          | 96-05-031              | 419-40-050                 | DECOD          | 96-06-011              | 434-75-140<br>434-75-150 | DECOD<br>AMD-E | 96-03-141<br>96-03-140 |
| 392-123-078                | AMD-P          | 96-05-031              | 419-44-010                 | DECOD          | 96-06-011              | 434-75-150               | AMD-E          | 96-03-141              |
| 392-123-079                | AMD-P          | 96-05-031              | 419-64-010                 | DECOD          | 96-06-011              | 434-75-150               | DECOD          | 96-03-141              |
| 392-127-011                | AMD-P          | 96-02-077              | 419-64-020                 | DECOD          | 96-06-011              | 434-75-160               | AMD-E          | 96-03-140              |
| 392-127-011<br>392-127-015 | AMD<br>AMD-P   | 96-05-022<br>96-02-077 | 419-64-030                 | DECOD          | 96-06-011              | 434-75-160               | AMD            | 96-03-141              |
| 392-127-015                | AMD-I          | 96-05-022              | 419-64-040<br>419-64-050   | DECOD<br>DECOD | 96-06-011<br>96-06-011 | 434-75-160               | DECOD          | 96-03-141              |
| 392-127-020                | AMD-P          | 96-02-077              | 419-64-060                 | DECOD          | 96-06-011              | 434-75-170<br>434-75-170 | REP-E<br>REP   | 96-03-140              |
| 392-127-020                | AMD            | 96-05-022              | 419-64-070                 | DECOD          | 96-06-011              | 434-75-180               | AMD-E          | 96-03-141<br>96-03-140 |
| 392-127-050                | AMD-P          | 96-02-077              | 419-64-080                 | DECOD          | 96-06-011              | 434-75-180               | AMD            | 96-03-141              |
| 392-127-050                | AMD            | 96-05-022              | 419-64-090                 | DECOD          | 96-06-011              | 434-75-180               | DECOD          | 96-03-141              |
| 392-127-055<br>392-127-055 | AMD-P<br>AMD   | 96-02-077              | 419-72-010                 | DECOD          | 96-06-011              | 434-75-190               | AMD-E          | 96-03-140              |
| 392-127-060                | AMD-P          | 96-05-022<br>96-02-077 | 419-72-012                 | DECOD          | 96-06-011              | 434-75-190               | AMD            | 96-03-141              |
| 392-127-060                | AMD            | 96-05-022              | 419-72-015<br>419-72-020   | DECOD<br>DECOD | 96-06-011              | 434-75-190               | DECOD          | 96-03-141              |
| 392-127-070                | AMD-P          | 96-02-077              | 419-72-025                 | DECOD          | 96-06-011<br>96-06-011 | 434-75-200<br>434-75-200 | REP-E<br>REP   | 96-03-140              |
| 392-127-070                | AMD            | 96-05-022              | 419-72-041                 | DECOD          | 96-06-011              | 434-75-210               | AMD-E          | 96-03-141<br>96-03-140 |
| 392-127-080                | AMD-P          | 96-02-077              | 419-72-045                 | DECOD          | 96-06-011              | 434-75-210               | AMD            | 96-03-141              |
| 392-127-080                | AMD            | 96-05-022              | 419-72-050                 | DECOD          | 96-06-011              | 434-75-210               | DECOD          | 96-03-141              |
| 392-127-090                | AMD-P          | 96-02-077              | 1 419-72-060               | DECOD          | 96-06-011              | 434-75-220               | AMD-E          | 96-03-140              |
| Table                      |                |                        |                            | [ 12 ]         |                        |                          |                |                        |
|                            |                |                        |                            |                |                        |                          |                |                        |

| WAC #                      |                | WSR #                  | WĄC#                       |                | WSR #                  | WAC #                      |                | WSR #                  |
|----------------------------|----------------|------------------------|----------------------------|----------------|------------------------|----------------------------|----------------|------------------------|
|                            |                |                        |                            |                |                        |                            | NIEW W         | 96-05-032              |
| 434-75-220                 | AMD            | 96-03-141              | 434-219-280                | RECOD          | 96-03-141              | 468-86-120                 | NEW-W<br>NEW-W | 96-05-032<br>96-05-032 |
| 434-75-220                 | DECOD          | 96-03-141              | 434-219-290                | RECOD          | 96-03-141<br>96-03-141 | 468-86-130<br>468-86-140   | NEW-W          | 96-05-032              |
| 434-75-230                 | AMD-E          | 96-03-140              | 434-219-310                | RECOD          | 96-03-141<br>96-03-141 | 468-86-150                 | NEW-W          | 96-05-032              |
| 434-75-230                 | AMD            | 96-03-141              | 434-219-320                | RECOD<br>RECOD | 96-03-141              | 468-86-160                 | NEW-W          | 96-05-032              |
| 434-75-230                 | DECOD          | 96-03-141              | 434-219-330<br>434-219-340 | RECOD          | 96-03-141              | 468-86-170                 | NEW-W          | 96-05-032              |
| 434-75-240                 | AMD-E          | 96-03-140              | 434-219-340                | RECOD          | 96-03-141              | 468-86-180                 | NEW-W          | 96-05-032              |
| 434-75-240                 | AMD            | 96-03-141              | 458-20-12401               | NEW-P          | 96-06-056              | 468-86-190                 | NEW-W          | 96-05-032              |
| 434-75-240                 | DECOD<br>AMD-E | 96-03-141<br>96-03-140 | 458-20-199                 | AMD-P          | 96-06-057              | 468-86-200                 | NEW-W          | 96-05-032              |
| 434-75-250                 | AMD-E<br>AMD   | 96-03-141              | 458-20-211                 | AMD            | 96-03-139              | 468-86-210                 | NEW-W          | 96-05-032              |
| 434-75-250                 | DECOD          | 96-03-141              | 458-20-226                 | AMD            | 96-05-080              | 468-86-220                 | NEW-W          | 96-05-032              |
| 434-75-250<br>434-75-260   | AMD-E          | 96-03-140              | 458-40-660                 | PREP           | 96-06-058              | 468-86-230                 | NEW-W          | 96-05-032<br>96-05-032 |
| 434-75-260                 | AMD            | 96-03-141              | 458-53-010                 | AMD            | 96-05-002              | 468-86-240                 | NEW-W<br>NEW-W | 96-05-032              |
| 434-75-260                 | DECOD          | 96-03-141              | 458-53-020                 | AMD            | 96-05-002              | 468-86-260<br>468-105-010  | NEW-W          | 96-03-107              |
| 434-75-270                 | AMD-E          | 96-03-140              | 458-53-030                 | AMD            | 96-05-002              | 468-105-010                | NEW            | 96-03-107              |
| 434-75-270                 | AMD            | 96-03-141              | 458-53-040                 | REP            | 96-05-002<br>96-05-002 | 468-105-030                | NEW            | 96-03-107              |
| 434-75-270                 | DECOD          | 96-03-141              | 458-53-050                 | AMD            | 96-05-002<br>96-05-002 | 468-105-040                | NEW            | 96-03-107              |
| 434-75-280                 | AMD-E          | 96-03-140              | 458-53-051                 | REP<br>AMD     | 96-05-002              | 468-105-050                | NEW            | 96-03-107              |
| 434-75-280                 | AMD            | 96-03-141              | 458-53-070<br>458-53-080   | AMD            | 96-05-002              | 468-105-060                | NEW            | 96-03-107              |
| 434-75-280                 | DECOD          | 96-03-141              | 458-53-090                 | AMD            | 96-05-002              | 468-105-070                | NEW            | 96-03-107              |
| 434-75-290                 | AMD-E          | 96-03-140<br>96-03-141 | 458-53-095                 | NEW            | 96-05-002              | 468-105-080                | NEW            | 96-03-107              |
| 434-75-290                 | AMD            | 96-03-141              | 458-53-100                 | AMD            | 96-05-002              | 468-200-020                | NEW            | 96-02-067              |
| 434-75-290                 | DECOD<br>REP-E | 96-03-141              | 458-53-105                 | NEW            | 96-05-002              | 468-200-040                | NEW            | 96-02-067              |
| 434-75-300<br>434-75-300   | REP-E          | 96-03-141              | 458-53-110                 | REP            | 96-05-002              | 468-200-060                | NEW            | 96-02-067              |
| 434-75-300<br>434-75-310   | AMD-E          | 96-03-140              | 458-53-120                 | REP            | 96-05-002              | 468-200-080                | NEW            | 96-02-067              |
| 434-75-310                 | AMD            | 96-03-141              | 458-53-130                 | AMD            | 96-05-002              | 468-200-100                | NEW            | 96-02-067<br>96-02-067 |
| 434-75-310                 | DECOD          | 96-03-141              | 458-53-135                 | NEW            | 96-05-002              | 468-200-110                | NEW<br>NEW     | 96-02-067              |
| 434-75-320                 | AMD-E          | 96-03-140              | 458-53-140                 | AMD            | 96-05-002              | 468-200-120<br>468-200-160 | NEW            | 96-02-067              |
| 434-75-320                 | AMD            | 96-03-141              | 458-53-141                 | REP            | 96-05-002<br>96-05-002 | 468-200-180                | NEW            | 96-02-067              |
| 434-75-320                 | DECOD          | 96-03-141              | 458-53-142                 | REP            | 96-05-002<br>96-05-002 | 468-200-200                | NEW            | 96-02-067              |
| 434-75-330                 | AMD-E          | 96-03-140              | 458-53-150                 | REP<br>AMD     | 96-05-002              | 468-200-220                | NEW            | 96-02-067              |
| 434-75-330                 | AMD            | 96-03-141              | 458-53-160                 | REP            | 96-05-002              | 468-200-230                | NEW            | 96-02-067              |
| 434-75-330                 | DECOD          | 96-03-141              | 458-53-163<br>458-53-165   | REP            | 96-05-002              | 468-200-240                | NEW            | 96-02-067              |
| 434-75-340                 | AMD-E          | 96-03-140              | 458-53-180                 | REP            | 96-05-002              | 468-200-250                | NEW            | 96-02-067              |
| 434-75-340                 | AMD            | 96-03-141<br>96-03-141 | 458-53-200                 | AMD            | 96-05-002              | 468-200-260                | NEW            | 96-02-067              |
| 434-75-340                 | DECOD<br>AMD-E | 96-03-141              | 458-53-210                 | AMD            | 96-05-002              | 468-200-280                | NEW            | 96-02-067              |
| 434-75-350                 | AMD-E<br>AMD   | 96-03-141              | 460-10A                    | PREP           | 96-03-121              | 468-200-300                | NEW            | 96-02-067              |
| 434-75-350<br>434-75-350   | DECOD          | 96-03-141              | 460-16A-010                | PREP           | 96-03-129              | 468-200-320                | NEW            | 96-02-067              |
| 434-120-100                | AMD-P          | 96-05-089              | 460-16A-015                | PREP           | 96-03-128              | 468-200-340                | NEW            | 96-02-067              |
| 434-120-105                | AMD-P          | 96-05-089              | 460-16A-111                | PREP           | 96-03-127              | 468-200-350                | NEW            | 96-02-067<br>96-02-067 |
| 434-120-130                | AMD-P          | 96-05-089              | 460-16A-120                | PREP           | 96-03-126              | 468-200-360<br>468-300-010 | NEW<br>AMD     | 96-05-046              |
| 434-120-140                | AMD-P          | 96-05-089              | 460-16A-125                | PREP           | 96-03-125              | 468-300-010                | AMD            | 96-05-047              |
| 434-120-225                | AMD-P          | 96-05-089              | 460-16A-150                | PREP           | 96-03-125<br>96-03-130 | 468-300-700                | AMD            | 96-05-048              |
| 434-120-255                | AMD-P          | 96-05-089              | 460-16A-205                | PREP<br>PREP   | 96-03-120              | 478-120                    | AMD-C          | 96-03-091              |
| 434-120-300                | AMD-P          | 96-05-088              | 460-17A<br>460-20B-020     | PREP           | 96-03-117              | 478-124                    | AMD-C          | 96-03-091              |
| 434-120-335                | AMD-P          | 96-05-088              | 460-20B-020<br>460-20B-070 | PREP           | 96-03-117              | 479-12-008                 | AMD            | 96-04-015              |
| 434-219-010                | RECOD          | 96-03-141<br>96-03-141 | 460-33A-020                | PREP           | 96-03-124              | 479-20-013                 | AMD            | 96-04-015              |
| 434-219-020                | RECOD<br>RECOD | 96-03-141              | 460-40A-025                | PREP           | 96-03-122              | 479-112-0055               | AMD            | 96-04-015              |
| 434-219-030                | RECOD          | 96-03-141              | 460-42A-010                | PREP           | 96-03-119              | 480-09-300                 | AMD            | 96-02-083              |
| 434-219-040                | RECOD          | 96-03-141              | 460-42A-081                | AMD-P          | 96-03-131              | 480-09-310                 | AMD            | 96-02-083              |
| 434-219-050<br>434-219-060 | RECOD          | 96-03-141              | 460-44A-503                | PREP           | 96-03-116              | 480-09-330                 | AMD            | 96-02-083              |
| 434-219-000                | RECOD          | 96-03-141              | 460-44A-505                | PREP           | 96-03-116              | 480-09-340                 | AMD            | 96-02-083              |
| 434-219-080                | RECOD          | 96-03-141              | 460-44A-506                | PREP           | 96-03-116              | 480-09-390                 | NEW            | 96-02-083<br>96-02-083 |
| 434-219-090                | RECOD          | 96-03-141              | 460-46A-050                | AMD-P          | 96-03-132              | 480-09-426                 | NEW            | 96-02-083              |
| 434-219-100                | RECOD          | 96-03-141              | 460-60A-015                | PREP           | 96-03-123              | 480-09-460                 | AMD<br>AMD     | 96-02-083              |
| 434-219-110                | RECOD          | 96-03-141              | 460-60A-020                | PREP           | 96-03-123              | 480-09-465<br>480-09-466   | NEW            | 96-02-083              |
| 434-219-120                | RECOD          | 96-03-141              | 460-80-160                 | PREP           | 96-03-118              | 480-09-467                 | NEW            | 96-02-083              |
| 434-219-130                | RECOD          | 96-03-141              | 468-66                     | PREP           | 96-06-022<br>96-03-031 | 480-09-470                 | AMD            | 96-02-083              |
| 434-219-140                | RECOD          | 96-03-141              | 468-66-080                 | AMD            | 96-05-032              | 480-09-480                 | AMD            | 96-02-083              |
| 434-219-150                | RECOD          | 96-03-141              | 468-86-010                 | NEW-W<br>NEW-W | 96-05-032              | 480-09-750                 | AMD            | 96-02-083              |
| 434-219-160                | RECOD          | 96-03-141              | 468-86-020                 | NEW-W          | 96-05-032              | 480-09-751                 | NEW            | 96-02-083              |
| 434-219-180                | RECOD          | 96-03-141              | 468-86-030<br>468-86-040   | NEW-W          | 96-05-032              | 480-93-010                 | AMD-P          | 96-03-148              |
| 434-219-190                | RECOD          | 96-03-141<br>96-03-141 | 468-86-050                 | NEW-W          | 96-05-032              | 495D-120-085               | NEW-P          | 96-03-060              |
| 434-219-210                | RECOD<br>RECOD | 96-03-141<br>96-03-141 | 468-86-060                 | NEW-W          | 96-05-032              | 516-12                     | PREP           | 96-03-110              |
| 434-219-220                | RECOD          | 96-03-141              | 468-86-070                 | NEW-W          | 96-05-032              | 516-22-005                 | REP            | 96-03-103              |
| 434-219-230<br>434-219-240 | RECOD          | 96-03-141              | 468-86-080                 | NEW-W          | 96-05-032              | 516-22-010                 | REP            | 96-03-103              |
| 434-219-250                | RECOD          | 96-03-141              | 468-86-090                 | NEW-W          | 96-05-032              | 516-22-015                 | REP            | 96-03-103              |
| 434-219-260                | RECOD          | 96-03-141              | 468-86-100                 | NEW-W          | 96-05-032              | 516-22-020                 | REP            | 96-03-103              |
| 434-219-270                | RECOD          | 96-03-141              | 468-86-110                 | NEW-W          | 96-05-032              | 1 516-22-025               | REP            | 96-03-103              |
| 757-617-610                |                |                        |                            | £ 13 1         |                        |                            |                | Table                  |

| WAC#                     |            | WSR #                  | WAC# | WSR # | WAC # | WSR # |
|--------------------------|------------|------------------------|------|-------|-------|-------|
| 516-22-030               | REP        | 96-03-103              |      |       |       |       |
| 16-22-035                | REP        | 96-03-103              |      |       |       |       |
| 16-22-040                | REP        | 96-03-103              |      |       |       |       |
| 16-22-100                | REP        | 96-03-103              |      |       |       |       |
| 516-22-120               | REP        | 96-03-103              |      |       |       |       |
| 516-22-124<br>516-22-130 | REP<br>REP | 96-03-103              |      |       |       |       |
| 516-22-130<br>516-22-134 | REP        | 96-03-103<br>96-03-103 |      |       |       |       |
| 516-22-138               | REP        | 96-03-103              |      |       |       |       |
| 516-22-142               | REP        | 96-03-103              |      |       |       |       |
| 516-22-146               | REP        | 96-03-103              |      |       |       |       |
| 516-22-150               | REP        | 96-03-103              |      |       |       |       |
| 516-22-210               | REP        | 96-03-103              |      |       |       |       |
| 16-23-005                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-010                | NEW        | 96-03-103              |      |       |       |       |
| 516-23-015<br>516-23-020 | NEW        | 96-03-103              |      |       |       |       |
| 516-23-025               | NEW<br>NEW | 96-03-103<br>96-03-103 |      |       |       |       |
| 516-23-030               | NEW        | 96-03-103              | 1    |       |       |       |
| 516-23-035               | NEW        | 96-03-103              |      |       |       |       |
| 516-23-040               | NEW        | 96-03-103              |      |       |       |       |
| 16-23-045                | PREP       | 96-03-109              | 1    |       |       |       |
| 516-23-050               | NEW        | 96-03-103              |      |       |       |       |
| 516-23-055               | NEW        | 96-03-103              |      |       |       |       |
| 516-23-060               | NEW        | 96-03-103              |      |       |       |       |
| 516-23-065<br>516-23-070 | NEW<br>NEW | 96-03-103<br>96-03-103 |      |       |       |       |
| 16-23-075                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-080                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-085                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-090                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-095                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-100                | NEW        | 96-03-103              |      |       | Ì     |       |
| 16-23-105                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-110<br>16-23-115   | NEW<br>NEW | 96-03-103<br>96-03-103 |      |       |       |       |
| 16-23-119                | NEW        | 96-03-103              |      |       | i     |       |
| 6-23-125                 | NEW        | 96-03-103              | ]    |       | İ     |       |
| 16-23-130                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-135                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-140                | NEW        | 96-03-103              |      |       |       |       |
| 16-23-145                | NEW        | 96-03-103              |      |       |       |       |
| 16-37                    | AMD        | 96-05-029              |      |       |       |       |
| 16-37-001<br>16-37-005   | AMD<br>AMD | 96-05-029<br>96-05-029 |      |       | İ     |       |
| 16-37-003<br>16-37-010   | AMD        | 96-05-029              |      |       |       |       |
| 6-37-020                 | AMD        | 96-05-029              |      |       |       |       |
| 6-37-030                 | AMD        | 96-05-029              |      |       |       |       |
| 6-37-100                 | REP        | 96-05-029              |      |       |       |       |
| 6-39-010                 | NEW        | 96-05-030              |      |       |       |       |
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|  |              |   | bean seed certification and                                  |          |                        |
|--|--------------|---|--|----------|------------------------|
| ACCOUNTANCY, BOARD OF  | PREP         | 96-05-084                               | phytosanitary rules  | PREP     | 96-04-057              |
| Continuing professional education CPA examination  |              | 96-05-082                               | Technical assistance   |          |                        |
| Fees   |              | 96-05-081                               | development of lists of organizations                        |          |                        |
| Licenses   |              |   | or individuals to provide                                    | PREP     | 96-06-080              |
| CPA firms  |              | 96-05-083                               | assistance   | FREF     | 70-00-000              |
| interstate reciprocal licensing  |              | 96-05-085                               | Weights and measures device registration                     | PERM     | 96-01-040              |
| Third-party compensation   | PREP         | 96-03-114                               | service agent registration                                   | PERM     | 96-01-040              |
| THE PARTY OF THE P |              |   | Wine commission  |          |                        |
| AGRICULTURE, DEPARTMENT OF   | PREP         | 96-06-081                               | meetings   | MISC     | 96-01-039              |
| Administrative procedure Alfalfa seed commission   | I KL         | ,                                       | · ·  |          |                        |
| assessments  | PERM         | 96-03-151                               | ARTS COMMISSION  | . 4100   | 06.04.016              |
| Apple commission   |              |   | Meetings   | MISC     | 96-04-016<br>96-04-029 |
| meetings   | MISC         | 96-02-061                               | Rules coordinator  | MISC     | 90-04-029              |
| Asparagus commission   |              | 04.01.050                               | ATTORNEY GENERAL'S OFFICE                                    |          |                        |
| meetings   | MISC         | 96-01-052                               | Lemon law administration                                     | PERM     | 96-03-155              |
| Barley commission  | MISC         | 96-01-051                               | Notice of request for attorney                               |          |                        |
| meetings   | MISC         | 90-01-031                               | general's opinion  | MISC     | 96-04-032              |
| Beans  |              |   |  | MISC     | 96-04-044              |
| seed certification and phytosanitary   | PREP         | 96-04-057                               |  | MISC     | 96-04-075              |
| rules Beef commission  |              |   | Opinions   |          |                        |
| meetings   | MISC         | 96-03-090                               | fish guards, authority of fish                               |          |                        |
| Commercial feed  |              |   | and wildlife department to                                   | MISC     | 96-05-040              |
| medicated feeds  | PREP         | 96-06-050                               | install (1996, No. 3)  | MISC     | 70-03-0-0              |
| Dry pea and lentil commission  |              | 06.00.011                               | superior court judges, employer<br>contributions to benefits |          |                        |
| meetings   | MISC         | 96-03-011                               | (1996, No. 2)  | MISC     | 96-05-039              |
| Egg commission   | MISC         | 96-04-011                               | truancy cases, confidentiality                               |          |                        |
| meetings   | MISC         | 30-04-011                               | of juvenile court records                                    |          |                        |
| Farmed salmon commission   | MISC         | 96-03-030                               | (1996, No. 1)  | MISC     | 96-05-003              |
| meetings Food storage warehouses   | Misc         | ,0 00 000                               | •  |          |                        |
| licenses   |              |   | BELLEVUE COMMUNITY COLLEGE                                   | DED 1 4  | 04.01.057              |
| renewal and expiration dates   | PERM         | 96-01-041                               | Discrimination complaint procedure                           | PERM     | 96-01-057<br>96-02-020 |
| sanitation consultants,  |              |   | Meetings   | MISC     | 90-02-020              |
| qualifications for independent   |              |   | Tuition and fees   | PERM     | 96-01-056              |
| consultants  | PROP         | 96-05-027                               | refunds  | I LICIVI | 70 O. 030              |
| Forest reproductive material   | DD OD        | 96-03-065                               | BELLINGHAM TECHNICAL COLLEGE                                 |          |                        |
| certification fees   | PROP         | 90-03-003                               | Meetings   | MISC     | 96-03-020              |
| Fruits and vegetables  | PREP         | 96-02-036                               | 11100111180  | MISC     | 96-04-061              |
| fees for department services   | PROP         | 96-05-071                               |  |          |                        |
| Fryer commission   | i ko.        | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | BENTON COUNTY CLEAN AIR AUTHORIT                             | Y        | 04.04.041              |
| meetings   | MISC         | 96-03-017                               | Meetings   | MISC     | 96-04-041              |
| Ginseng  |              |   | Regulation I   | PROP     | 96-03-032              |
| certification for export   | PREP         | 96-02-037                               | BLIND, DEPARTMENT OF SERVICES FOR                            | тик      |                        |
| record keeping   | PREP         | 96-02-037                               | BLIND, DEPARTMENT OF SERVICES FOR                            | PREP     | 96-04-023              |
| Hop commission   |              | 04 00 000                               | Facility operation agreement                                 | INDI     | , o o , o <u>-</u> o   |
| assessments  | PREP         | 96-02-082<br>96-05-086                  | BUILDING CODE COUNCIL  |          |                        |
|  | PROP<br>MISC | 96-03-086                               | Fireplace design standards                                   | PERM     | 96-01-120              |
| meetings   | MISC         | 90-01-036                               | Meetings   | MISC     | 96-01-121              |
| Horticulture   | PREP         | 96-03-064                               | •  |          |                        |
| plant pests Mint commission  | 11121        | ,0 00 00 .                              | CENTRAL WASHINGTON UNIVERSITY                                |          |                        |
| grower assessments   | PERM         | 96-03-150                               | Affirmative action policy                                    | PERM     | 96-02-013              |
| Noxious weed control board   |              |   |  |          |                        |
| noxious weed list  | PROP         | 96-03-093                               | CENTRALIA COLLEGE  | MISC     | 96-01-097              |
|  | PERM         | 96-06-030                               | Meetings   | MISC     | 90-01-097              |
| noxious weed seeds   | PERM         |   | CLARK COLLECE  |          |                        |
| schedule of penalties  | PROP         | 96-03-093                               | CLARK COLLEGE  | MISC     | 96-01-076              |
| Pesticides   |              |   | Meetings Public records, availability                        | PREP     | 96-03-101              |
| agricultural farmworkers,  | DDED         | 96-06-053                               | rubile records, availability                                 |          |                        |
| protection standards   | PREP         | 90-00-033                               | CLOVER PARK TECHNICAL COLLEGE                                |          |                        |
| Potato commission  | MISC         | 96-01-053                               | Meetings   | MISC     | 96-01-060              |
| meetings   | PREP         | 96-03-149                               | _  |          |                        |
| Public records, availability   | PROP         |   | CODE REVISER'S OFFICE  |          |                        |
| Puget Sound gillnet salmon commission  |              |   | Ouarterly reports  |          |                        |
| meetings   | MISC         | 96-01-113                               | 95-19 through 95-24 - See Issue 96-02                        |          |                        |
| Red raspberry commission   |              |   | COMMUNITY AND TECHNICAL COLLEGI                              | rc Ra    | BD EOB                 |
| meetings   | MISC         | 96-01-112                               |  | w, DUA   | AD FOR                 |
| Seeds  | 20.52        | 06.02.029                               | Tuition and fees waivers                                     | PROP     | 96-01-022              |
| assessment program   | PREP         | 96-02-038                               | Waitels  | PERM     |                        |
|  |              |   |  |          |                        |

|  | (Citatio     | in in bold ty         | e icici w material in uns issue)   |             |                  |
|--|--------------|-----------------------|--|-------------|------------------|
| COMMUNITY, TRADE AND ECONOMIC  | DEVELO       | PMENT,                |  | MISC        | 96-04-006        |
| DEPARTMENT OF  |              |                       |  | MISC        | 96-04-062        |
| Community economic revitalization board                                      |              |                       |  | MISC        | 96-05-017        |
| meetings   | MISC         | 96-05-028             |  |             |                  |
| Growth management planning and environme                                     | ental        |                       | EDUCATION, STATE BOARD OF  |             |                  |
| review fund  | DDOD         | 06 01 106             | Braille instruction, teacher   | _           |                  |
| management procedure   | PROP         | 96-01-105             | competencies   | PREP        | 96-04-070        |
|  | PERM         | 96-03-045             | Early childhood education  |             |                  |
| Hardwoods commission   | PERM         | 96-04-046             | subject area endorsement   | PROP        | 96-01-081        |
| meetings   | MISC         | 96-03-042             | English subject area endorsement   | PERM        |                  |
| Land use study commission  | MIISC        | 90-03-042             | High school credit   | PREP        | 96-02-045        |
| meetings   | MISC         | 96-01-116             | Dublic seconds availability  | PROP        | 96-04-071        |
|  | MIISC        | 70-01-110             | Public records, availability Student records, compliance with  | PERM        | 96-01-066        |
| CONVENTION AND TRADE CENTER  |              |                       | request to transfer  | PROP        | 06.04.033        |
| Meetings   | MISC         | 96-01-025             | Students   | rkor        | 96-04-072        |
|  | MISC         | 96-03-010             | appeals of long-term suspensions and   |             |                  |
|  | MISC         | 96-03-094             | expulsions   | PREP        | 96-06-023        |
|  | MISC         | 96-05-051             | Teachers   | IKL         | 70-00-023        |
|  |              |                       | braille instruction, teacher   |             |                  |
| COUNTY ROAD ADMINISTRATION BOA   | RD           |                       | competencies   | PREP        | 96-04-070        |
| Meetings   | MISC         | 96-06-003             | certification  |             | 70-04-070        |
| Rules coordinator  | MISC         | 96-01-001             | endorsement requirements   | PROP        | 96-04-047        |
|  |              |                       | instructional technology   | PROP        | 96-04-049        |
| CRIMINAL JUSTICE TRAINING COMMIS   |              |                       | internship credit  | PROP        | 96-01-079        |
| Appeals  | PROP         | 96-03-025             |  | PERM        | 96-04-073        |
| Meetings   | MISC         | 96-01-027             |  | PROP        | 96-04-074        |
|  |              |                       | limited certificates   | PROP        | 96-01-080        |
| DECEMBED COMPANY THON COMME  |              |                       | misconduct, investigation and  |             |                  |
| DEFERRED COMPENSATION, COMMITT   |              | 04.04.050             | discipline orders  | PREP        | 96-06-038        |
| Deferred compensation program  | PREP         | 96-06-079             | specialty areas of study   | PROP        | 96-04-048        |
| EASTERN WASHINGTON UNIVERSITY  |              |                       | EMPLOYMENT OF CURRENT PROPERTY   |             |                  |
| Meetings   | MISC         | 96-03-102             | EMPLOYMENT SECURITY DEPARTMENT   |             |                  |
| Meetings   | MISC         | 96-05-053             | Community and technical college  |             |                  |
|  | MISC         | 90-03-033             | instructors, unemployment insurance benefits   | 22.02       |                  |
| ECOLOGY, DEPARTMENT OF   |              |                       | Employer mailing address   | PROP        | 96-04-065        |
| Air quality  |              |                       | Overpayments, recovery   | PREP        | 96-03-158        |
| air pollution sources, regulations   | PROP         | 96-06-036             | Overpayments, recovery   | PREP        | 96-03-159        |
| Clark county carbon monoxide   |              | 2 00 000              | EVERGREEN STATE COLLEGE (See   |             |                  |
| maintenance plan   | MISC         | 96-02-039             | THE EVERGREEN STATE COLLEGE)   |             |                  |
| Fish hatcheries  |              |                       |  |             |                  |
| marine finfish rearing facilities  | PERM         | 96-02-058             | EXECUTIVE ETHICS BOARD   |             |                  |
| Growth Management Act integration with                                       |              |                       | Ethical standards  |             |                  |
| State Environmental Policy Act   |              |                       | implementation as relating to  |             |                  |
| (SEPA)   | PREP         | 96-06-018             |  | PREP        | 96-06-019        |
| Model Toxics Control Act   |              |                       |  | PREP        | 96-06-020        |
| agreed orders for cleanup actions  | PERM         | 96-04-010             |  | PREP        | 96-06-021        |
| Oil  |              |                       | Meetings   | MISC        | 96-01-037        |
| used oil management standards  | PROP         | 96-05-020             | Organization and operation   | <b>EMER</b> | 96-03-072        |
| Recycling  | <b></b>      |                       | Rules coordinator  | MISC        | 96-01-075        |
| used oil management standards  | PROP         | 96-05-020             | Use of state resources for private benefit   | PERM        | 96-01-036        |
| Resource damage assessment committee   | 1000         | 04.04.44              |  |             |                  |
| meetings State Environmental Policy Act (SEPA)                               | MISC         | 96-01-043             | FAMILY POLICY COUNCIL  |             |                  |
| State Environmental Policy Act (SEPA) integration with Growth Management Act | DDEP         | 06.06.010             | Meetings   | MISC        | 96-01-091        |
| State implementation plan (SIP)  | PREP         | 96-06-018             | FINANCIAL PAGGETTE CONTROL CON |             |                  |
| Spokane Spokane  | MICC         | 06.04.042             | FINANCIAL INSTITUTIONS, DEPARTMENT   |             |                  |
| эрокше   | MISC<br>MISC | 96-04-042             |  | PREP        | 96-06-085        |
| Wastewater discharge permit program  | MIISC        | 96-06-035             | Banks  |             |                  |
| fees   | PERM         | 96-03-041             | <del>_</del>   | PROP        | 96-01-019        |
| Water quality  | LUM          | <del>70-03-04</del> 1 |  | EMER        | 96-01-054        |
| surface waters not meeting quality   |              |                       | Check cashers and sellers  | PERM        | 96-04-022        |
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|  |           |   |                                     |       |           |
| WASHINGTON STATE HISTORICAL SO               | CIETY     |   |                                     |       |           |
| Rules coordinator                            | MISC      | 96-03-146                               | •                                   |       |           |
|  |           |   |                                     |       |           |
| WASHINGTON STATE LIBRARY                     |           |   |                                     |       |           |
| Library commission                           |           | 04.00.050                               |                                     | 7     |           |
| meetings                                     | MISC      | 96-03-058                               |                                     | • •   |           |
|  | MISC      | 96-06-002                               |                                     |       |           |
| responsibilities                             | PERM      |   |                                     |       |           |
| Local library grants                         | PERM      | 96-04-045                               |                                     |       |           |
|  |           |   |                                     |       |           |
| WASHINGTON STATE PATROL                      |           |   |                                     |       |           |
| Fire protection certification and            |           |   |                                     |       |           |
| accreditation guideline committee            |           | 06 00 010                               |                                     |       |           |
| meetings                                     | MISC      | 96-02-012                               |                                     |       |           |
| Fire protection policy board                 |           | 06.04.050                               |                                     |       |           |
| meetings                                     | MISC      | 96-04-050                               |                                     |       |           |
| Fire protection training and                 |           |   |                                     |       |           |
| review committee                             |           | 0.000.010                               |                                     |       |           |
| meetings                                     | MISC      | 96-03-019                               |                                     |       |           |
| Motor vehicles                               |           | 04.04.040                               |                                     |       |           |
| sound level measurement                      | PREP      | 96-06-060                               |                                     |       |           |
| Regional training council                    |           | 06.02.026                               |                                     |       |           |
| meetings                                     | MISC      | 96-03-036                               |                                     |       |           |
|  |           |   |                                     |       |           |
| WASHINGTON STATE UNIVERSITY                  |           | 06.01.004                               |                                     |       |           |
| Meetings                                     | MISC      | 96-01-024                               |                                     |       |           |
|  | MISC      | 96-01-026                               |                                     |       |           |
|  | ,         |   |                                     |       |           |
| WESTERN WASHINGTON UNIVERSITY                | DED \$ 4  | 06.01.059                               |                                     |       |           |
| Admission and registration                   |           | 96-01-058                               |                                     |       |           |
| Library, use of facilities                   | PROP      |   |                                     |       |           |
| Madia comicae accass                         | PERM      | 96-05-029<br>96-01-099                  |                                     |       |           |
| Nandin comunes access                        | PR: 1P    | プリー・レー・リフブ                              |                                     |       |           |

96-01-099 96-05-030 96-03-110

PROP

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Media services, access

Parking and traffic

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