

# Washington State Register

SEPTEMBER 18, 1996

OLYMPIA, WASHINGTON

ISSUE 96-18



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filed not later than September 4, 1996

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

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## 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 September 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.

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# WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$189.00 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER  
Code Reviser's Office  
Legislative Building  
P.O. Box 40552  
Olympia, WA 98504-0552

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

Mary F. Gallagher Dilley  
*Chair, Statute Law Committee*

Dennis W. Cooper  
*Code Reviser*

Gary Reid  
*Chief Assistant Code Reviser*

Kerry S. Radcliff  
*Editor*

Joyce Matzen  
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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

### 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

### 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

## 1996 - 1997

### DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
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, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
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97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

<sup>1</sup>All 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>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>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;

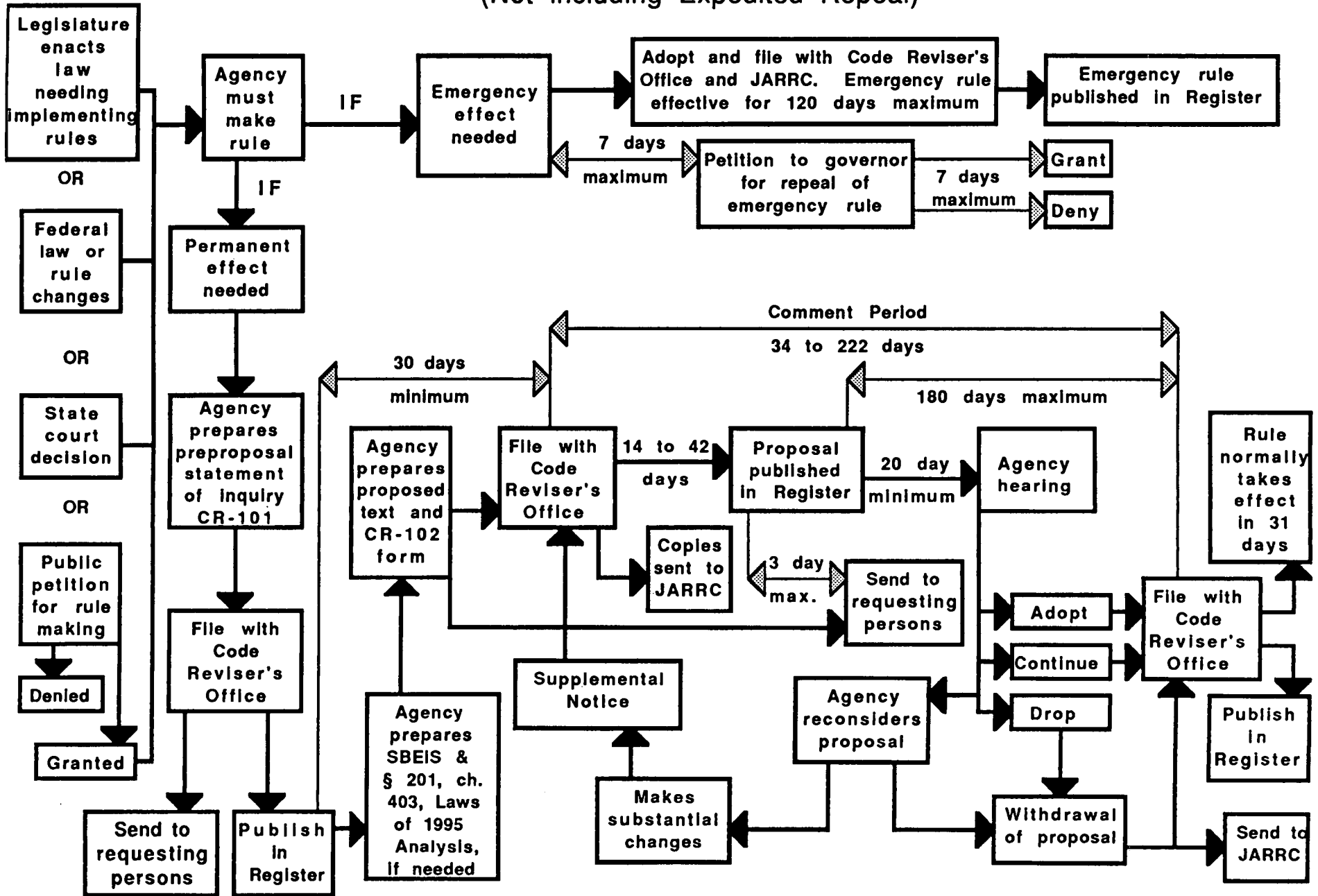
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 96-18-001****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed August 22, 1996, 1:04 p.m.]

**Subject of Possible Rule Making:** To adopt brief adjudicative procedures as provided for in RCW 34.05.482.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 19.138 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Adopt program and brief adjudicative procedures.

**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 Pat Brown, Administrator, P.O. Box 9045, Olympia, WA 98507, FAX (360) 753-3747. All interested persons will be added to the agency's mailing list for this rule proposal.

August 21, 1996

Pat Brown  
Administrator**WSR 96-18-021****PREPROPOSAL STATEMENT OF INQUIRY  
COMMUNITY COLLEGES OF SPOKANE**

[Filed August 26, 1996, 10:52 a.m.]

**Subject of Possible Rule Making:** Prohibiting rollerblading and skateboarding on district-owned and operated facilities.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 28B.50.140(10).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To promote health and safety.

**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; and solicit public and student comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Geoffrey J. Eng, District Director, Affirmative Action/Administrative Services, Community Colleges of Spokane, North 2000 Greene Street, Spokane, WA 99207, phone (509) 533-8667, FAX (509) 533-7199.

August 20, 1996

Geoffrey J. Eng  
District Director  
Affirmative Action/  
Administrative Services**WSR 96-18-030****PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF  
FINANCIAL MANAGEMENT**

[Filed August 28, 1996, 2:00 p.m.]

**Subject of Possible Rule Making:** Payment of moving expenses for new or transferred employees.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.03.120.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The Office of Financial Management is required by statute to establish regulations defining allowable moving costs.

**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, travel committee containing state agency representatives propose rule changes which are reviewed by the director of the Office of Financial Management. The director of the Office of Financial Management promulgates regulations defining allowable moving costs.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Philip Brock, Office of Financial Management, 406 Legion Way S.E., Olympia, WA 98504-3123, phone (360) 664-3410, FAX (360) 664-3423.

August 28, 1996

Douglas Mah  
Rules Coordinator**WSR 96-18-031****PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF  
FINANCIAL MANAGEMENT**

[Filed August 28, 1996, 2:05 p.m.]

**Subject of Possible Rule Making:** Utilization of passenger motor vehicles.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.41.130.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The Office of Financial Management is required by statute to establish policies governing the acquisition, operation, management, maintenance, repair, and disposal of all passenger vehicles owned or operated by any state agency.

**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, travel committee composed of state agency representatives propose rule changes which are reviewed by the director of the Office of Financial Management. The director of the Office of Financial Management promulgates regulations for passenger motor vehicles owned or operated by state agencies.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Philip Brock, Office of Financial

Management, 406 Legion Way S.E., Olympia, WA 98504-3123, phone (360) 664-3410, FAX (360) 664-3423.

August 28, 1996  
Douglas Mah  
Rules Coordinator

**WSR 96-18-032**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**

[Filed August 28, 1996, 2:06 p.m.]

Subject of Possible Rule Making: State travel regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.03.050 and 43.03.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Office of Financial Management is required by statute to establish travel regulations for state employees, officials, and other traveling on official state business.

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, travel committee composed of state agency representatives proposes rule changes which are reviewed by the director of the Office of Financial Management. The director of the Office of Financial Management promulgates regulations defining allowable travel costs [costs].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Philip Brock, Office of Financial Management, 406 Legion Way S.E., Olympia, WA 98504-3123, phone (360) 664-3410, FAX (360) 664-3423.

August 28, 1996  
Douglas Mah  
Rules Coordinator

**WSR 96-18-046**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed August 29, 1996, 4:01 p.m.]

Subject of Possible Rule Making: General season and permit hunting regulations; private lands wildlife management areas (PLWMAs) authorization/amendment; pelt sealing; bullfrog and crow classification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.020, 77.12.030, 77.12.040, 77.32.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide recreational opportunity; codify pelt sealing procedure; move bullfrogs from game animal classification to unclassified.

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 Dave Brittell, Wildlife Management Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by October 15, 1996. Expected Rule Proposal Filing: October 23, 1996.

August 29, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-18-055**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed August 30, 1996, 2:05 p.m.]

The Washington State Patrol would like to withdraw the CR-101 form that was filed on July 1, 1996, as WSR 96-14-076 at 9:40 a.m.

Annette M. Sandberg  
Chief

**WSR 96-18-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**JOINT CENTER**  
**FOR HIGHER EDUCATION**

[Filed August 30, 1996, 2:07 p.m.]

Subject of Possible Rule Making: Alcoholic beverages on Riverpoint higher education park campus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.25.040 (authority to promulgate rules).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule is needed to clarify expectations with regard to use and purchase of alcoholic beverages at the Riverpoint site in Spokane. Implementation of rule will permit enforcement of policy.

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. Provide input and comments to Terry Novak, Executive Director, Joint Center for Higher Education, 665 North Riverpoint Boulevard, Spokane, WA 99202-1665, FAX (509) 358-2019, e-mail terry@sjirti.org.

August 23, 1996  
Terry Novak  
Executive Director

**Title 249A WAC**  
**HIGHER EDUCATION, JOINT CENTER FOR**

**Chapter 249A-04 WAC**  
**ALCOHOLIC BEVERAGES ON RIVERPOINT**  
**HIGHER EDUCATION PARK CAMPUS**

NEW SECTION

September 3, 1996

Evan Jacoby  
Rules Coordinator

**WAC 249A-04-010 Policies.** (1) Alcoholic beverages may be ordered, served and consumed on the Riverpoint campus only if established procedures are followed.

(2) Only bottled and canned beer and bottled wine are permitted. No kegs are allowed. No hard liquor may be dispensed on campus.

(3) Alcoholic beverages may not be purchased with public funds.

(4) Alcoholic beverages may only be served under permits/licenses issued by the state of Washington. This includes banquet permits and special occasion licenses obtained from the Washington liquor control board. Permits/licenses must be obtained for each event at which alcoholic beverages are served. Permits/licenses must be obtained at least three working days prior to the event from which it is granted, and must be displayed during the event.

(5) Written permission of the joint center for higher education executive director, or his/her designee, is required prior to securing a permit or license.

(6) Consumption, possession, dispensation or sale of alcohol in public areas of any Riverpoint owned or controlled property is prohibited except for persons of legal age at campus-approved events.

(7) In addition to the policies of Riverpoint, faculty, staff and students of higher education institutions occupying the Riverpoint campus are bound by the regulations of their respective home institutions.

**WSR 96-18-077****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed September 3, 1996, 3:20 p.m.]

Subject of Possible Rule Making: Aquaculture disease control rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080, 75.58.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2605 requires the department to incorporate a disease policy on macrocystis kelp into its overall fish and shellfish disease control policies. This will allow for import of kelp for the herring-spawn-on-kelp fishery.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Rule coordination will be done with the Department of Natural Resources, which has regulatory authority over state production of macrocystis kelp, but not on imports of such kelp.

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 Crawford, Assistant Director, Fish Management, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2325. Contact by October 16, 1996. Proposal Filing: October 23, 1996.

**WSR 96-18-078****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed September 3, 1996, 3:24 p.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Reduction of the take of Pacific cod and other bottomfish species in Puget Sound. Conservation of the bottomfish stocks.

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 Crawford, Assistant Director, Fish Management, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2325. Contact by October 16, 1996. Proposal Filing: October 23, 1996.

September 3, 1996

Evan Jacoby  
Rules Coordinator**WSR 96-18-079****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed September 3, 1996, 3:26 p.m.]

Subject of Possible Rule Making: Personal use rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080, 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposals are needed for changes to the 1997-1998 sport fishing rules. These proposals will involve time, place and manner of fishing, and will involve food fish, shellfish and gamefish.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Rule proposals will be coordinated with Oregon Department of Fish and Wildlife for concurrent waters of the Columbia River, with Idaho fish and game for Snake River waters, and recommendations of the Pacific Fisheries Management Council will be considered in setting saltwater and river seasons for anadromous fish.

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 Crawford, Assistant Director, Fish Management Program, 600 Capitol Way North,

Olympia, WA 98501, (360) 902-2325. Contact by October 16, 1996. Expected Proposal Filing: October 23, 1996.

September 3, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-18-080**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 3, 1996, 3:29 p.m.]

Subject of Possible Rule Making: Commercial crab and shrimp fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure crab and shrimp conservation, allocation, and orderly fisheries.

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 Crawford, Assistant Director, Fish Management, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2325. Contact by October 16, 1996. Proposal Filing: October 23, 1996.

September 3, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-18-081**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 3, 1996, 3:32 p.m.]

Subject of Possible Rule Making: Aquatic invertebrate disease control.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This regulation will control the import of shellfish into the state of Washington.

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 Crawford, Assistant Director, Fish Management, 600 Capitol Way North, Olympia, WA 98501. Contact by October 16, 1996. Proposal Filing: October 23, 1996.

September 3, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-18-082**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 3, 1996, 3:34 p.m.]

Subject of Possible Rule Making: Commercial shrimp fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Regulate the coastal spot prawn fishery to provide resource protection.

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 Crawford, Assistant Director, Fish Management, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2325. Contact by October 16, 1996. Proposal Filing: October 23, 1996.

August 30, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-18-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Adult Services Administration)  
(Public Assistance)

[Filed September 4, 1996, 9:02 a.m.]

Subject of Possible Rule Making: Adult family home minimum licensing requirements, amending chapter 388-76 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.128 RCW, Adult family homes.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to implement RCW 70.128.060(6), which directs the department to define adult family home license levels based upon the education, training and caregiving experience of the licensed provider or staff.

Rules are also needed to implement HB 2152, passed by the 1996 legislature. This new legislation requires multiple facility operators to demonstrate to the department: (1) Financial solvency and management experience; (2) ability to meet other relevant safety, health and operating standards; and (3) ways to mitigate the potential impact of vehicular traffic related to the operation of the home.

In order to fully implement legislative intent, clarification in the current rules is needed regarding: (1) A provider's obligation to maintain a safe environment; (2) supervision requirements; and (3) the expectation that providers attend department orientation prior to obtaining their first adult family home license. A rule requiring notice to the department of a licensee's name change is needed to ensure proper tracking of and referrals to licensees. Finally,

minor editorial and minor clarifying changes are needed to eliminate faulty or confusing language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies have any direct regulatory authority over adult family homes. The state fire marshal and the Washington State Building Code Council (WSBCC) have indirect authority through the development and oversight of fire and building codes that adult family homes must satisfy. The Department of Health (DOH) ensures that adult family home providers and resident managers are registered with DOH in order to come under the Uniform Disciplinary Act, chapter 18.130 RCW. Appropriate agencies will be notified and involved in the development or amendment of any adult family home regulations addressing their areas of expertise or authority.

Process for Developing New Rule: Aging and Adult Services Administration will convene a meeting of stakeholders, including the state long-term care ombudsman, consumer associations and organizations representing the diverse populations residing in adult family homes, adult family home providers, adult family home association representatives, and appropriate Department of Social and Health Services divisions (including developmental disabilities and mental health), to assist in the development of these rules. The numerous comments regarding license levels received during the department's most recent revision of adult family home rules will be reviewed and considered in this rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can provide input into the decision to adopt the new rule and in the formulation of proposed rules by sending written comments and suggestions to the persons and address listed below. In addition, interested parties may request and receive a copy of the proposed regulations when the notice of proposed rule making is filed (form CR-102). Interested parties will be notified of the scheduled hearing on the proposed rules and will receive information on how to submit comments for consideration.

Contact persons for the rule development process will be John Gaskell, (360) 438-7937 or Stacy Winokur, (360) 407-0505, P.O. Box 45600, Olympia, WA 98504-5600, FAX (360) 438-7903, TTY (360) 407-0212.

September 3, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The language in the animal technician WAC that defines the responsibilities of registered and unregistered assistants is unclear as currently written and needs redrafting. The language needs to be more clearly written so that compliance is obtainable. There is a need to define the language regarding antiseptic surgery so that veterinarians are aware of the procedures that should be used when disinfecting equipment. The labeling procedures for legend drugs dispensed by veterinarians also needs amending so that it can clearly outline what needs to be on a prescription for a legend drug. Change in this section would allow Washington to be in line with nationwide standards. The record-keeping requirements for veterinarians are difficult to maintain as currently written. There is a need to develop two separate categories of requirements, one each for animals treated on an individual basis, and those treated in a group.

Process for Developing New Rule: The Veterinary Board of Governors will be sending out written notice of possible rule making to all actively licensed veterinarians and animal technicians in the state. The Veterinary Board of Governors will be holding two public meetings to receive input from interested persons. Notice of the rule-making process will be advertised in the Washington State Veterinary Medical Association (WSVMA) Newsletter. The Veterinary Board of Governors will be accepting FAX and/or mailed written comments. The Veterinary Board of Governors is committed to the participation of interested persons in this rule-writing effort.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons can attend public meetings. The public meetings will be held at the Yakima Holiday Inn on September 27, 1996, at 9:00 a.m. and at Sea-Tac Holiday Inn on October 3, 1996, at 10:00 a.m. to provide input. Attendance of interested persons at the Veterinary Board of Governors' board meetings is also welcomed and encouraged. If attendance at board meetings or public meetings is not possible, the Veterinary Board of Governors will be accepting written comments by mail or FAX. All written comments should be sent to Traci Troutman, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360) 586-4566, FAX (360) 753-0657.

August 22, 1996  
Traci Troutman  
Program Manager

### WSR 96-18-093

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH  
(Veterinary Board of Governors)  
[Filed September 4, 1996, 9:15 a.m.]

Subject of Possible Rule Making: (1) Clarify responsibility of an animal technician's scope of practice. (2) Clarify language regarding septic/aseptic surgery and labeling procedures within the veterinary facility and practice management. (3) Define and strengthen requirements for record keeping.

### WSR 96-18-094

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH  
[Filed September 4, 1996, 9:16 a.m.]

Subject of Possible Rule Making: SHB 2188, passed in the 1996 legislative session, amended RCW 18.71.019, to allow a respondent, who has received a final order revoking his or her license, to request a review of that final order by the remaining members of the Medical Quality Assurance

Commission who were not involved in the initial investigation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: While RCW 18.71.019 establishes the right of a respondent, who has been issued an order of revocation, to request a review of the order by the remaining commission members, rules are needed to determine the administrative process for carrying out the request. The rules would clearly define the review process to be followed by both the respondent and the Medical Quality Assurance Commission.

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 commission will conduct two public meetings in order to allow interested persons to participate in the development of these rules. These meetings will be promoted in the Medical Quality Assurance Commission Journal, which is published three times per year and sent to all physicians and physician assistants who hold active licenses. In addition, notification of the public meetings will be sent to those individuals and organizations who have indicated that they are to be notified of any rule-making process. Those interested parties include the Washington State Medical Association, the University of Washington School of Medicine, all County Medical Societies, and several individual private citizens.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To submit written information contact Susan Anthony, Program Manager, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, (360) 664-4376, FAX (360) 586-4573. To attend public meetings: Western Washington, on October 18, 1996, at 8:30-11:30 a.m., Best Western - Executel, Olympic Room, 20717 Pacific Highway South, Seattle, WA 98198; and Eastern Washington, October 31, 1996, 8:30-11:30 a.m., Ramada Inn - Airport, Suite 100, Spokane International Airport, Spokane, Washington 99219.

August 29, 1996  
Scott Black  
for Keith O. Shafer  
Executive Director

### WSR 96-18-115

#### PREPROPOSAL STATEMENT OF INQUIRY INSURANCE COMMISSIONER'S OFFICE

[Insurance Commissioner Matter No. R 96-9—Filed September 4, 1996,  
11:50 a.m.]

Subject of Possible Rule Making: A coalition of health care providers and consumers submitted a petition for rule making dated May 20, 1996, regarding RCW 48.43.115, relating to health insurance benefits following the birth of a child. This petition seeks assistance from the commissioner in the following areas: Defining "accepted medical practice" as used in subsection (3)(a) and (c); defining "covered eligible services" as used in subsection (3)(b); clarifying subsection (3)(f) "coverage of the newly born child must be

no less than the coverage of the child's mother..."; clarifying the intent of subsections (4) and (5). This group also seeks rules clarifying the impact of RCW 48.43.115 on at-home and birthing-center births. In accordance with RCW 34.05.330, representatives of the commissioner met with the petitioners, and agreed to initiate this rule-making process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, 48.46.040, 48.46.200 (cross reference to petition for rule-making #P.09).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Petitioners assert that terms used within the statute are unclear. They request definition of those terms and clarification of the impact of this law on follow-up care available to mothers and newborns when the birth occurs in settings other than a hospital (e.g., at home or in a birthing center). Rules will provide clarification for consumers, providers, and insurers or other health carriers and will ensure the consistent application of RCW 48.43.115.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commissioner will consult with other state agencies involved in the purchase and provision of managed health care services. This rule-making process will be coordinated with the working groups currently involved in Insurance Commissioner Matter No. R 96-4, addressing health care rules consolidation and managed care rules.

Process for Developing New Rule: Agency study; and the commissioner will work with the petitioners and the currently active groups of affected parties that are involved in the commissioner's health care rules consolidation (R 96-4). For questions regarding the content of these possible rules, contact Pam Martin, (360) 664-3784, or her administrative assistant Beverly Smith, (360) 664-8055.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, Internet inscomr@aol.

September 4, 1996  
James M. Odiorne  
Deputy Commissioner

May 20, 1996

Deborah Senn  
Insurance Commissioner  
Insurance Bldg. PO Box 40255  
Olympia WA, 98504-0255

Dear Commissioner Senn:

Engrossed Substitute Senate Bill 6120 "An ACT Relating to health insurance benefits following the birth of a child" was passed by the legislature and signed by Governor Lowry on March 29, 1996. After reviewing this ACT, it appears that there are areas in the legislation that need clarity. We respectfully request that rules be developed and adopted to assist in consistent implementation of the law.

The areas that we believe need to be addressed with definition, content for inclusion and clarity are:

Section 1, (3)(a) and (c) "...accepted medical practice."  
Section 1, (3)(b) "covered eligible services..."



Section 1, (3)(f) "Coverage of the newly born child must be no less than the coverage of the child's mother for no less than three weeks..."

Section 1, (4) "Nothing in this section shall be construed to prevent any insurer from reimbursing an attending provider or health care facility on a capitated, case rate, or other financial incentive basis."

Section 1, (5) "Every carrier that provides coverage for maternity services must provide notice to policyholders regarding the coverage required under this section."

In addition, we find this law unclear about coverage for "at-home" and "birthing center" births and request rules that would clarify how these sites are to be included.

Members of our groups offer our expertise and assistance to you and your staff in the development of the clarifying rules for effective implementation of this ACT. We look forward to working with you in this endeavor.

Sincerely,

Representatives from:

ARNP's United  
 American Academy of Pediatrics, Washington Chapter  
 American College of Obstetricians & Gynecologists  
 Children's Alliance  
 Children's Home Society  
 Children's Trust Foundation  
 Common Ground for Children  
 CPCAN  
 Deaconess Children's Services  
 Healthcare Coalition for Children & Youth  
 Midwives Association of WA State  
 NOW  
 Post Birth Partnership  
 UFCW/USNU  
 Washington Home Care Association  
 Washington State Medical Association  
 Washington State Nurses Association  
 Women's Health Care Coalition  
 1199 NW SEIU

Contact Person: Beverly Jacobson, Coordinator, Post Birth Partnership, 206-646-8789



**WSR 96-16-088**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed August 7, 1996, 11:12 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-15-032.

**Title of Rule:** Chapter 388-530 WAC, Pharmacy services; and repealing chapter 388-91 WAC, Medical care—Drugs.

**Purpose:** To add payment methodology for drugs, compounding reimbursement methodology, and definitions.

**Statutory Authority for Adoption:** RCW 74.08.090.

**Summary:** The Medical Assistance Administration will adopt payment methodology, reimbursement methodology for compounded drugs, and a definitions section to chapter 388-530 WAC, and repeal current rules in chapter 388-91 WAC.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Anne DeJarnette, Medical Assistance Administration, 617 8th S.E., Olympia, (360) 664-2320.

**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:** For medical care services, adds payment methodology for drugs, a compounded drug reimbursement methodology, and definitions to the pharmacy WAC. These change will ensure the WAC is complete, clear, updated and consistent. The rules shown below replace the rules in chapter 388-91 WAC which is being repealed.

**Proposal Changes the Following Existing Rules:**  
 Repeals chapter 388-91 WAC.

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

**SMALL BUSINESS ECONOMIC IMPACT STATEMENT**

Chapter 388-530 WAC, Pharmacy services

**1. SUMMARY OF RULE DEVELOPMENT**

The Medical Assistance Administration (MAA) of the Department of Social and Health Services (DSHS) is proposing a new chapter 388-530 WAC which includes MAA's payment methodology for drugs. Since adding this methodology requires extensive rewriting, the department is repealing chapter 388-91 WAC and adopting these rules as new sections in chapter 388-530 WAC.

To accommodate project time lines and meet anticipated cost savings, the economic impact report for WAC 388-530-1950 has been filed separately. A copy of this report is shown below.

**Data Reporting**

The following sources were consulted to provide data for this report:

- U.S. Bureau of the Census, County Business Patterns 1993
- 1992 Business Census
- 1992 Census of Wholesale Trade

- Department of Revenue Quarterly Business Review (1994)
- Employment and Payrolls in Washington State by County and Industry, 3rd Qtr, 1994
- Department of Revenue Tax Statistics (1993)
- Standard Industrial Classification Manual (1987)
- MAA's Medicaid Management Information System database reports (1995)
- A small business report from the Department of Health's Board of Pharmacy
- Input from providers and MAA's pharmacy consultants

**Data Calculations**  
 Projected pharmacy staff costs which will be imposed by these proposed rules are based on employee dollar figures from the 1992 economic census. The census reported an average pharmacy payroll-per-employee figure of \$15,613.00/year. A corresponding figure for manufacturers was not available. Using 1992 census data, MAA figured an estimated manufacturer payroll-per-employee figure of \$28,519/year.

**2. WHO IS AFFECTED?**

**Pharmacies (SIC 5912)**

**Drug Manufacturers (SIC 5122)**

This WAC will only affect the pharmacies registered with MAA as providers to medical assistance clients and manufacturers who want their products accessible to MAA clients.

**3. INTRODUCTION TO RULE CHANGES**

**Federal Law**

MAA adopted its pharmacy payment methodology based on pharmacy program payment methods outlined in 42 CFR sections 447.302 through 447.334. MAA's payment methodology conforms to section 1902 (a)(30) of the Social Security Act which requires payments be consistent with efficiency, economy, and quality of care.

Section 1927(g) of the Social Security Act requires states to provide for prospective drug use review (Pro-DUR); retrospective drug review (Retro-DUR); and a Drug Utilization and Education Council. WAC 388-530-1850 and 388-530-1900 of the pharmacy WAC have been drafted to comply with these requirements.

**State Law**

The legislature has outlined cost control measures for drug purchases and drug formulary requirements in RCW 70.14.050. This statute enables DSHS to take necessary actions to control costs without reducing the quality of care when reimbursing for or purchasing drugs.

Under authority of RCW 70.14.050, DSHS chooses not to reimburse for drugs determined ineffective or expensive drugs when less expensive equivalents are available. This statute also encourages DSHS to reimburse for drugs in economical quantities, to limit prices paid for drugs through volume contracting and maximum pricing, and to take abuse potential into consideration when approving reimbursement for drugs.

**4. RATES AND REALISTIC EXPECTATIONS**

MAA's payment methodology rules do not, in themselves, impose compliance requirements or costs on businesses. They set forth the determination of rates and the

PROPOSED

system of reimbursement for pharmacy services to MAA clients.

As stated in the WAC, MAA takes several factors into consideration when determining rates: Legislative appropriations; third-party payment rates; input from providers and advocacy groups; manufacturer discounts to providers for drug products and MAA audit findings. Also, MAA must assure clients obtain appropriate access to medical services.

## 5. RULE CHANGES

### 5.1 Definitions

**Requirements:** There are no costs or requirements stated in this section.

### 5.2 Prior Authorization and Drug Utilization Limits

**Requirements:** Providers must obtain MAA authorization for certain drugs, usually before they are dispensed. They receive this authorization via telephone. Prior authorization is required in certain circumstances, for example, for nursing home drugs provided to nonnursing home clients, for some compounded prescription ingredients, and for the extension of utilization beyond MAA's limits for certain drugs.

**Costs:** MAA employs a toll-free line for authorizations. There is no charge for the actual call.

In 1995, MAA received 75,563 calls for authorization on this line. Once connected, a provider spends an average of three minutes getting prior authorization over the phone. An average call, once connected, costs pharmacies about thirty-nine cents in staff time.

Currently, MAA cannot accurately track the amount of time a pharmacy spends on hold for connection to the toll-free line or redialing after getting a busy signal. According to input from pharmacy providers an average holding time takes thirty to forty-five minutes at a cost of up to \$5.85 per forty-five-minute hold. However, holding time varies depending on the volume of telephone business at the time. In 1995 1,156 authorization efforts required multiple calls to MAA as a result of busy lines at a cost of about \$5.85 each.

**Benefits:** Prior authorization is necessary for only one percent of MAA pharmacy claims a year (1,870,549 claims). Often a pharmacist requests authorization for more than one claim per call, which reduces the amount of staff time involved.

MAA sets utilization limits on certain drugs to protect client safety, discourage waste, and address instances of fraud or abuse as allowed under section 1927 (d)(6) of the Social Security Act.

**Mitigations:** There are two alternative ways MAA pharmacies can submit claims which mitigate prior authorization costs: Expedited prior authorization and point of sale claims submission. These methods are discussed in greater detail in the impact report previously submitted for WAC 388-530-1950.

The expedited prior authorization method allows pharmacists to skip the phone call for authorization of certain drugs by providing a pharmacist with codes he or she can attach to the claim before it is sent to MAA. These codes show the claim meets MAA-published criteria for authorization.

The on-line point-of-sale (POS) system, outlined in a separate section of chapter 388-530 WAC, will allow pharmacists to skip the phone call because it provides

authorization information and claims payment in one step through an automated computer system, for most claims. In some cases, the point-of-sale system denies a claim and requires pharmacists to call for authorization. These claims are then handled as discussed in the previous *Requirements* and *Costs* sections.

Authorization and verification of payment amounts will take about six seconds from the time MAA receives a claim to the time MAA sends payment information to the provider (a staff cost of about thirteen cents a submission).

With point-of-sale processing claim submission, prior authorization and claim adjudication take place electronically. Whereas paper claims take an average of three to five minutes to prepare (at about sixty-five cents per claim), processing the same claims through the point-of-sale system takes about one to two minutes (at about twenty-six cents per claim). Transmission of claims electronically by batch or tape also takes one to two minutes.

Occasionally, processing prior authorization claims will take longer than expected. Comments received from providers show problem claims can take providers up to an hour to resolve, at a cost of about \$7.50 per "problem" claim.

Using the point-of-sale system allows pharmacies to verify MAA authorization before pharmaceuticals are dispensed to MAA clients. Therefore, MAA expects pharmacies to avoid costs previously incurred in unreimbursed claims. MAA conducted a survey of other states' point-of-sale systems and consulted with its systems contractor to determine how much the point-of-sale system would save pharmacies. As a result of these studies, MAA estimated this savings at four percent of a pharmacy's total costs each year.

MAA plans to increase use of its expedited prior authorization system while maintaining or reducing its reliance on regular prior authorization for prescription claims. As a larger number of prior authorization claims convert to expedited prior authorization, the pharmacist staff-time costs will decrease.

### 5.3 Procedure for Requesting Drug Additions to the Formulary

**Requirements:** Drug manufacturers must report the following to MAA if they wish to request a drug be added to the formulary: (1) Background data about the drug; (2) product package information; (3) pertinent clinical studies; and any additional information the manufacturer wishes to add.

**Costs:** According to the United States Bureau of the Census, County Business Patterns 1993, there are a total of five manufacturers located in Washington state. In 1995, manufacturers made fifty-eight requests to include new drugs into the formulary. The majority were accepted. Drugs not added to the formulary are still covered but will require prior authorization.

The data MAA requires is the same data a manufacturer would already have produced to receive FDA approval for a drug. Manufacturers simply reuse this data. Preparation of the reports (such as copying FDA report data, preparing a cover memo) should take no more than two hours of staff time at a cost of about \$15.00 per report.

**Benefits:** MAA requires the report in order to protect client safety and prevent accepting like drugs onto the

formulary when there are existing, practical alternatives at a lower cost.

**Mitigations:** Manufacturers need only duplicate previous FDA-approved reports. If the drug is added to the formulary, sales generated by use of the drug will outweigh staff and mailing costs. If the drug is not added, it may still be reimbursed when MAA determines it was medically necessary and prior authorized.

#### **5.4 Dispensing Fee Reimbursement Methodology**

**Requirements:** Pharmacies will get a dispensing fee according to their volume of business. Under this tiered system, high-volume pharmacies receive a lower dispensing fee reimbursement, and low-volume pharmacies receive a higher dispensing fee reimbursement.

In order to determine the dispensing fee a pharmacy will receive, pharmacies must complete and return a survey once each year.

**Costs:** MAA estimates the survey (including research time) would take one employee no more than two hours to complete. Based on average salary costs for pharmacy employees, this would cost \$7.50 to \$15.00 each year.

**Benefits:** This system promotes equitable payment to pharmacy providers for providing services to clients.

**Mitigations:** A pharmacy's failure to submit the survey will not result in any loss of business with MAA. MAA will also pay the return postage on the survey. Those pharmacies which do not return the prescription volume survey will be automatically assigned as high-volume pharmacies; however, high-volume pharmacies may request reclassification at a lower volume with justification at any time.

#### **5.5 Compounded Prescriptions**

**Requirements:** To be reimbursed for compounded prescriptions, pharmacies must enter each drug ingredient used in a compound as a separate claim line on the pharmacy claim form.

**Costs:** Currently, pharmacies must submit paper claims to accommodate the itemized list of ingredients required for each compounded prescription claim. This process takes an estimated thirty minutes, or \$3.80 per submission. Chapter 388-530 WAC allows each ingredient to be billed as a separate claim, therefore, allowing electronic submission of claims. Electronic submission of a compounded prescription claim would take about half as much time (about \$1.90 per compounded drug) as hand typing or printing an itemization on a paper claim.

**Benefits:** Billing compounded prescription ingredients as separate claim lines allows for electronic transmission of claims through the point-of-sale system. Therefore, these claims can be reviewed and adjudicated in an average of six seconds, instead of the estimated 4-6 weeks it takes to send a paper claim and have it adjudicated.

**Mitigations:** Electronic billing of compounded claims via tape, batch, or the new on-line system is available. As a result, staff time used to submit claims for compounded prescriptions should decrease. And, for point-of-sale claims, payment information will be available to the pharmacy, in most cases, before the product is dispensed. Billing claims electronically will cut costs pharmacies have incurred by filling out compounded claims on paper. In addition, savings in the reduction of unreimbursed compounded drug prescriptions sent via point-of-sale will outweigh any point-of-sale transmittal costs for these claims.

#### **5.6 Pharmaceutical Supply Reimbursement: Pharmacy and Nonpharmacy Providers**

**Requirements:** MAA pays pharmacies for pharmaceutical supplies at either the acquisition cost, Medicare's rate, or a discounted list price. MAA pays physicians the acquisition cost and pays medical vendors an established fee. In all cases, an invoice for the drug may be required for verification.

**Costs:** The invoice is required for a negligible number of claims.

**Benefits:** Compliance with these requirements assures efficient payment of claims and proper use of taxpayers funds.

**Mitigations:** MAA will contact providers to request an invoice for a claim only for those claims requesting substantially higher than average reimbursement.

#### **5.7 Requirements for Claim Payment**

**Requirements:** Pharmacies must use either MAA's paper claim form (525-106 or HCFA-1500 for most supplies) or electronic billing specifications when billing to MAA. Authorization and NDC numbers must be entered into the appropriate fields.

**Costs:** For 1995, 7.4 percent of all pharmacy claims (approximately 504,338) were denied because authorization and/or NDC numbers were incorrectly reported. This number includes those claims for which prior authorization was needed and was not obtained. Rebilling these claims correctly takes approximately three to five minutes for each paper claim at a cost of sixty-five cents per claim and fifteen seconds per point-of-sale (electronic) claim at a cost of three cents per electronic claim.

**Benefits:** Compliance with this requirement assures efficient payment of claims.

**Mitigations:** MAA educates providers about proper billing methods through publication of memoranda, RA Newsletters and the MAA Prescription Drug Program Billing Instructions and training visits from MAA's field unit. Further support on billing issues is provided via a toll-free line. Proper application of these instructions should eliminate the number of claims denied due to improper format or number placement.

In addition, the reduction in billing/adjudication time as a result of point-of-sale billing will reduce claim submission and resubmission costs.

#### **5.8 Unit Dose Billing**

**Requirements:** MAA will pay pharmacies that provide true unit dose delivery service the department's highest allowable dispensing fee for each prescription dispensed to clients in nursing facilities.

To be eligible for a unit dose dispensing fee, pharmacies must submit, in writing, a request for unit dose status. MAA will pay pharmacies that dispense multi-dose or bulk pharmaceuticals based on pharmacies' annual prescription volume surveys.

**Costs:** The request report is a one-time requirement. The report must include a request for a unit dose provider number, an explanation of the type of unit dose service to be provided, an identification of the nursing facility(ies) the pharmacy will serve, and the planned start of unit dose service to that facility(ies). The request should take no longer than thirty minutes to produce at a cost to the pharmacy staff of about \$3.80.

The annual prescription volume survey costs have already been described in 5.5, Dispensing Fee Reimbursement Methodology.

**Benefits:** Paying the highest allowable dispensing fee mitigates the higher costs faced by true unit dose pharmacies.

**Mitigations:** (See 5.5, Dispensing Fee Reimbursement Methodology.)

### **5.9 Pro- and Retro-Drug Use Review and the Drug Utilization and Education Council**

**Requirements:** Pro- and retro-drug use reviews are mandated by sections 1927(g) of the Social Security Act, as is the formation of the Drug Utilization and Education Council.

### **5.10 Billing for Clients with Managed Care or other Third-Party Resources**

**Requirements:** When serving MAA clients with third-party resources, pharmacists must submit an explanation of benefits (EOB) from the client's insurance which demonstrates the client has complied with the terms of that insurance's coverage before MAA will reimburse the pharmacy for services to such a client.

**Costs:** Pharmacists must contact the third-party insurer for EOB information. Electronically, this process takes, on average, thirty seconds at a cost of about six cents for each prescription service to clients with third-party resources.

**Benefits:** Assuring MAA clients with third-party insurance meet their insurance requirements gives MAA proof that the appropriate third-party has been involved in and is aware of the delivery of services to its clients.

**Mitigations:** By requiring clients with third-party insurance to meet their insurance requirements, MAA is establishing payment requirements which are equivalent to industry standards for non-MAA clients.

The point-of-sale system alerts pharmacists before they provide services to clients with third-party insurance. This reduces the risk of bad debt for pharmacies that do not have agreements with the client's third-party insurance, and who would not otherwise be reimbursed by such insurance company.

### **5.11 Automated Maximum Allowable Cost (AMAC) Methodology**

**Requirements:** Selected multiple-source drugs will be paid at an automated maximum allowable cost (AMAC) price, rather than at an estimated acquisition cost.

**Costs:** Pharmacists may be reimbursed at a lower rate than they were in the past at the EAC rate.

**Benefits:** The AMAC pricing for multiple-source drugs will reflect the most current reimbursement rate for these multiple-source drugs.

**Mitigations:** AMAC pricing policy was created in consultation with Washington state pharmacists. MAA developed AMAC pricing to meet mandated savings required by section 209(14) of the 1995-97 Appropriations Act. A portion of the savings on the AMAC program will be used to fund payment for other pharmacy services. MAA is currently engaging pharmacists in a discussion about how this can best be achieved.

## **6. ARE THERE MORE THAN MINOR COSTS?**

MAA predicts these proposed rules will impose more than minor costs on affected businesses but lacks the data to

calculate this with sureness. One factor MAA uses to determine whether proposed rules have a more than minor impact on businesses is the small business financial threshold. This threshold is calculated by the Business Assistance Center (BAC) and is based on the ability of affected businesses to absorb costs imposed by a proposed rule. Facilitating Regulatory Fairness, Department of Trade and Economic Development, Washington State Business Assistance Center, p. 7 (1993).

The BAC has not published a threshold amount for pharmacies as of the date of this report because it does not have sufficient data on pharmacies to do so. However, using the average threshold amounts published for other industries, MAA assumes these proposed rules will impose more than minor costs on the affected businesses and has completed this economic impact report as required by RCW 19.85.030 (1)(a).

## **7. ARE SMALL BUSINESSES DISPROPORTIONATELY AFFECTED?**

MAA predicts these proposed rules will have a disproportionate impact on small businesses because the rules will apply equally to all businesses regardless of size. It is assumed that larger pharmacies will be better able to absorb whatever costs the rules may impose. MAA is unable to accurately measure the extent of the potential disproportionate impact because it lacks access to Department of Revenue data which would allow it to determine actual costs for small and larger pharmacies.

MAA has attempted to reduce the potential costs of these proposed rules as much as possible while still meeting the objectives of the statutes upon which the rules are based. MAA's attempts to mitigate costs are described in each cost section of this report.

MAA worked with 1288 pharmacies to serve medical assistance clients in 1995. MAA compared its contracted pharmacies to a list of small Washington state pharmacies from the Department of Health, Board of Pharmacy and found three hundred eighty-one or thirty percent of MAA's pharmacy providers are small businesses.

The small pharmacies currently under agreement with MAA sent in 2,239,263 claims for 1995 and were reimbursed a total of \$65,839,358. Claims submitted by small pharmacies made up thirty-three percent of total 1995 pharmacy claims, and small pharmacies were paid thirty-three percent of the total 1995 payment to pharmacies.

## **8. INDUSTRY AND PUBLIC INVOLVEMENT:**

MAA has assured pharmacist input and involvement in the preparation of the Pharmacy Services WAC through several activities:

- MAA held a meeting in relation to these rules which was attended by Washington State Pharmacists Association (WSPA) representatives. WSPA distributed copies to its constituency per MAA's request. All individuals expressing interest in or requesting additional information about the proposed WAC were invited to attend these meetings.
- MAA representatives currently attend WSPA's Third-Party Committee meetings on a regular basis to learn of pharmacy issues and concerns regarding MAA pharmacy payment systems. Pharmacy consultants engage in frequent consultation with MAA pharmacy providers.

**9. CONCLUSION:**

MAA estimates the total yearly compliance costs for all pharmacies as follows:

\$444,990	-	prior authorization
\$570,557	-	electronic claims submission
\$15,974	-	paper claims submission
\$15	-	business volume survey
\$63,995	-	electronic billing - compounded prescriptions
\$14,827	-	electronic rebills
<u>+ \$6,556</u>	-	paper rebills
<u>\$1,116,916</u>	-	AVERAGE YEARLY COST FOR ALL MAA PHARMACIES
<u>- \$75,920</u>	-	estimated aggregate savings from point-of-sale billing for all MAA-contracted pharmacies
<u>\$1,040,995</u>	-	YEARLY TOTAL FOR ALL MAA PHARMACIES
<hr/>		
<u>/ 1288</u>	-	average number of MAA pharmacies
<u>\$808</u>	-	AVERAGE YEARLY COST PER MAA PHARMACY

MAA realizes that, due to technological advances and availability, pharmacies which choose to transmit claims electronically and through the point-of-sale system will benefit from the estimated \$75,920 savings shown above. The small number of pharmacies which choose not to submit claims through the point-of-sale system will not see these savings.

Nevertheless, MAA has undertaken steps to reduce costs to small business as stated in this report. Any changes or alternatives to this WAC in an attempt to further reduce the economic impact upon businesses would not be feasible in meeting the stated objectives of the statutes which are the basis for this WAC.

**SMALL BUSINESS ECONOMIC IMPACT STATEMENT**

**WAC 388-530-1900, POS/PRO-DUR**

**BACKGROUND**

This report has been prepared in consideration of the notice of proposed rule making under the Administrative Procedure Act.

The Medical Assistance Administration (MAA) of the Department of Social and Health Services (DSHS) is proposing new section WAC 388-530-1900. This chapter [section] will allow pharmacists the option to send claims to MAA through an on-line, point-of-sale computer system for the following services at the time the drug product is dispensed:

- A review and screen of possible drug interactions/problems; and
- Claim processing and adjudication.

**AFFECTED INDUSTRIES:** Pharmacies (Standard Industrial Classification Code 5912).

**SUMMARY OF RULES CHANGE:** In 1991, the federal government mandated that state Medicaid agencies implement prospective drug use review programs.

Currently, pharmacists conduct drug use review in one of two ways: 1. Through the use of POS systems developed by private industry; or 2. manually.

Pharmacists who conduct drug use review manually must refer to state Drug Utilization and Education (DUE) Council publications for criteria and standards.

Because MAA has not developed a point-of-sale system until now, MAA currently requires pharmacists to submit their MAA claims on paper, by tape or via batch processing.

WAC 388-530-1900 provides an optional system-facilitated point-of-sale computer service to pharmacists. This allows pharmacy providers to: (a) Identify potential drug interaction problems; (b) receive payment confirmation including the amount reimbursed; and (c) receive notification of special payment requirements.

In most cases, the point-of-sale system provides information to the pharmacists before they dispense drug products to MAA clients.

**COMPLIANCE REQUIREMENTS:** Pharmacists who choose to participate in the point-of-sale system must have or acquire National Council for Prescription Data Processing (NCPDP)-approved technology that will allow them to use the MAA point-of-sale system.

The Washington State Pharmacy Association (WSPA) has reported that an estimated 98% of Washington state pharmacies are currently able to use a point-of-sale electronic claims management system. These pharmacies would incur no financial or resource costs to comply with proposed WAC 388-530-1950.

The remaining estimated two percent who choose to participate in the point-of-sale system may choose to purchase/rent:

- A personal computer, modem, and POS software; or
- A "black box" device (similar in function to a credit card machine)

to process claims through the MAA point-of-sale system.

The personal computer, modem/switch vendor service, and point-of-sale software can cost a pharmacy about \$2,300.00. However, the rental of a "black box" device can cost only \$25.00 per month.

Standard claim transmission costs are approximately eleven cents for every four claims. This rate is cheaper or equivalent to mailing or batch transmission services currently available to pharmacies.

In summary, pharmacists may choose to use a personal computer, a "black box," or may choose not to participate in the point-of-sale program.

**STEPS TO REDUCE THE COST TO SMALL BUSINESS:** Factors to consider in mitigating costs to small businesses are:

- Participation in the MAA point-of-sale process is voluntary.
- Pharmacies are not required to buy personal computers; they can opt for the less expensive rental of a "black box."
- Currently, pharmacies lose money for drug products they dispense to MAA clients which are later denied by MAA. Getting payment information on the point-of-sale system before dispensing products means pharmacists will be able to cut costs previously incurred through unreimbursed inventory. These savings are estimated at four percent of total pharmacy program costs.

**SMALL BUSINESS INVOLVEMENT PLAN:** MAA has assured pharmacist input and involvement in the preparation of the point-of-sale system and its related WAC through several activities:

PROPOSED

- MAA has held meetings in relation to these rules attended by representatives of the Washington State Pharmacy Association (WSPA). All individuals expressing interest in or requesting additional information about the proposed WAC during its drafting were invited to attend these meetings.
- MAA has been conducting ongoing, weekly project meetings to review the entire scope of the new claims adjudication system and screening implementation. A WSPA liaison attends these meetings, provides input, and disseminates information to the pharmacy community.
- MAA representatives currently attend WSPA's Third-Party Committee meetings on a regular basis to learn of pharmacy issues and concerns related to the developing system and its related WAC.

**CONCLUSION:** Pharmacy participation in the point-of-sale program is voluntary. If all state pharmacies decided to participate in this program, about two percent would need to purchase equipment to participate in the MAA point-of-sale system.

If a pharmacist chooses to use an on-line system, the least expensive setup would cost \$300.00 per year, which represents more than a minor impact on participating pharmacies. However, by using this system, participating pharmacists will save about four percent of their program costs. These savings should outweigh the initial setup costs outlined in this report.

A copy of the statement may be obtained by writing to Anne E. DeJarnette, Administrative Regulations Analyst, Medical Assistance Administration, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, FAX (360) 753-7315.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section of the law (codified as RCW 34.05.328) does not apply to the Department of Social and Health Services.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on October 8, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by September 24, 1996, email: mkogut@dshs.wa.gov, TDD (360) 902-8324, or (360) 902-8317 (voice).

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by October 8, 1996.

Date of Intended Adoption: October 9, 1996.

August 6, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-530-1000 The medical assistance administration (MAA) drug program.** (1) The department shall reimburse providers for prescription drugs medically necessary to the health care of clients eligible for medical care programs in accordance with the department's rules.

(2) The pharmacy shall be an MAA provider as agreed under WAC 388-87-007.

(3) Acceptance and filling of a prescription drug for a client eligible for a medical care program constitutes acceptance of the department's rules and fees.

(4) The pharmacy shall bill the department and its clients according to WAC 388-87-010 and 388-87-015.

#### NEW SECTION

**WAC 388-530-1050 Definitions.** (1) "Actual acquisition cost (AAC)" means the actual price a provider paid for a drug marketed, in the package size of drug purchased, or sold by a particular manufacturer or labeler. Actual acquisition cost shall be calculated based on factors such as, but not limited to:

(a) Invoice price, including other invoice-based considerations;

(b) Order quantity and periodic purchase volume discount policies of suppliers (wholesalers and/or manufacturers);

(c) Membership/participation in purchasing cooperatives;

(d) Advertising and other promotion/display allowances, free merchandise deals; and

(e) Transportation or freight allowances.

(2) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by a practitioner, or to the patient or research subject at the direction of the practitioner.

(3) "Authorized prescriber" means a physician, osteopath, osteopathic physician/surgeon, dentist, nurse, physician assistant, optometrist, pharmacist, or other person duly authorized by law or rule in the state of Washington to prescribe drugs. See WAC 246-863-100 for pharmacists.

(4) "Automated maximum allowable cost (AMAC)" means the cost established for all multiple-source drugs designated by three or more products under federal contract and which are not on the maximum allowable cost (MAC) list.

(5) "Average wholesale price (AWP)" means the average price of a drug product from wholesalers nationwide at a point in time. MAA determines AWP as reported by a drug pricing file contractor.

(6) "Brand name" means the proprietary or trade name selected by the manufacturer and placed upon a drug, its container, label or wrapping at the time of packaging.

(7) "Bulk drug delivery system" means the method in which the prescribed amount of a drug product is packaged and dispensed to the patient in one bulk container.

(8) "Compounding" is the professional practice of combining two or more drugs, as defined in subsection (20)(a) and (b) of this section, in the preparation of a prescription.

(9) "Contract drugs" are drugs manufactured or distributed by manufacturers/labelers who signed a drug rebate agreement with the federal Department of Health and Human Services (DHHS).

(10) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, as designated by chapter 69.50 RCW.

(11) "Covered outpatient drug" means a drug approved for safety and effectiveness as a prescription drug under the federal Food, Drug, and Cosmetic Act, which is



used for a medically accepted indication, and is not subject to the exceptions under WAC 388-530-1150, Noncovered drugs and pharmaceutical supplies.

(12) **"Deliver or delivery"** means the actual, constructive, or attempted transfer from one person to another of a drug or device whether or not there is an agency relationship.

(13) **"Department"** means the department of social and health services (DSHS).

(14) **"DESI" or "less than effective drugs"** are drugs for which:

(a) Effective approval of the drug application has been withdrawn by the Food and Drug Administration (FDA) for safety or efficacy reasons as a result of the drug efficacy study implementation (DESI) review; or

(b) The secretary of the department of health and human services (DHHS) has issued a notice of an opportunity for a hearing under section 505(e) of the federal Food, Drug, and Cosmetic Act on a proposed order of the secretary to withdraw approval of an application for such drug under such section because the secretary has determined the drug is less than effective for some or all conditions of use prescribed, recommended, or suggested in its labeling.

(15) **"Device"** means instruments, apparatus, and contrivances, including their components, parts and accessories, intended:

(a) For use in the diagnosis, cure, mitigation, treatment, or prevention of human disease; or

(b) To affect the human structure or any human function.

(16) **"Dispense"** means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(17) **"Dispense as written (DAW)"** means an instruction to the pharmacist forbidding substitution of a generic drug or a therapeutically equivalent product for the specific drug product prescribed.

(18) **"Dispensing fee"** means the fee the department sets to reimburse providers for provider administrative costs estimated by the department and, including but not limited to, compounding time and overhead expenses incurred in filling medical assistance prescriptions.

(19) **"Distribute"** means to deliver other than by administering or dispensing a legend drug.

(20) **"Double-blind drug study"** is a randomized trial in which a single patient undergoes a series of pairs of treatments, consisting of one active and one placebo per pair, with the order determined by random allocation. Appropriate treatment targets (signs, symptoms, or laboratory tests) are used as the measure of efficacy, and the trial is continued until efficacy is established or disproved.

(21) **"Drug"** means a substance:

(a) Recognized as a drug in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of the above publications;

(b) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of human disease;

(c) (Other than food, minerals, or vitamins) intended to affect the structure or any function of the human body; and

(d) Intended for use as a component of any article specified in clause (a), (b) or (c) of this subsection, excluding devices or their components, parts or accessories.

(22) **"Drug formulary"** means a list of outpatient drugs not requiring prior authorization except as listed in 388-530-1250(2), as developed by an appropriate committee or the drug use review (DUR) board.

(23) **"Drug pricing file contractor"** means the entity which has contracted to provide the department, at specified intervals, the latest information and/or database on drugs and related supplies produced, prepared, processed, packaged, labeled, distributed, marketed, or sold in the marketplace. Contractor-provided information includes, but is not limited to, identifying characteristics of the drug (national drug code, drug name, manufacturer/labeler, dosage form, and strength) for the purpose of identifying and facilitating payment for the drugs billed to MAA.

(24) **"Drug rebates"** means payments provided by pharmaceutical manufacturers to state Medicaid programs under the terms of the manufacturers' agreements with the Department of Health and Human Services.

(25) **"Drug-related supplies"** means nonpharmaceutical items necessary for administration or delivery of a drug.

(26) **"Drug use review (DUR) program"** means a quality assurance program for covered outpatient drugs which assures that prescriptions are appropriate, are medically necessary, and are not likely to result in adverse medical outcomes.

(27) **"Emergency kit"** means a set of pharmaceuticals furnished to a nursing facility by the primary pharmacy which provides prescription dispensing services to that facility. Each kit is specifically set up to meet the individual needs of each nursing facility.

(28) **"Estimated acquisition cost (EAC)"** means the department's best estimate of the price providers generally and currently pay for a drug marketed or sold by a particular manufacturer or labeler in the package size most frequently purchased by providers.

(29) **"Expedited prior authorization"** means the process for authorizing selected drugs in which providers use a set of numeric codes to indicate to the department which acceptable indications/conditions/diagnoses/criteria are applicable to a particular request for drug authorization.

(30) **"Experimental drugs"** means drugs the FDA has not approved, or approved drugs when used for medical indications other than those listed by the FDA.

(31) **"Federal upper limit (FUL)"** means the maximum allowable payment set by the Health Care Financing Administration (HCFA) for a multiple source drug.

(32) **"Formulary"** means a drug formulary. See subsection (22) of this section for a definition of drug formulary.

(33) **"Generic code number"** means a number MAA uses regardless of manufacturer or package size to identify the generic formulation of a drug.

(34) **"Generic name"** means the official title of a drug or drug ingredients published in the latest edition of a nationally recognized pharmacopoeia or formulary.

(35) **"Ingredient cost"** means the portion of a prescription's cost attributable to the drug ingredients, chemical components, or substances.

(36) "**Label**" means a display of written, printed or graphic matter upon the immediate container of any article.

(37) "**Labeling**" means all labels and other written, printed, or graphic matter:

(a) Upon any article or any of its containers or wrappers; or

(b) Accompanying such article.

(38) "**Legend or prescription drugs**" means any drugs required by any applicable federal or state law or regulation to be dispensed by prescription only or which are restricted to use by practitioners only.

(39) "**Long-term therapy**" means treatment a client receives or will receive continuously through and beyond ninety days.

(40) "**Manufacture**" means:

(a) The production, preparation, propagation, compounding, or processing of a drug or other substance or device; or

(b) The packaging or repackaging of such substance or device; or

(c) The labeling or relabeling of the commercial container of such substance or device.

"Manufacture" does not include the activities of a practitioner who, as an incident to the practitioner's administration or dispensing such substance or device in the course of professional practice, prepares, compounds, packages, or labels such substance or device.

(41) "**Manufacturer**" means a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(42) "**Maximum allowable cost (MAC)**" means the maximum amount that MAA will pay for a specific dosage form and strength of a multiple source drug product.

(43) "**Medically accepted indication**" means any use for a covered outpatient drug approved under the federal Food, Drug, and Cosmetic Act, which appears in peer-reviewed medical literature or which is accepted by one or more of:

(a) The American Hospital Formulary Service Drug Information;

(b) The American Medical Association Drug Evaluations; or

(c) The United States Pharmacopoeia Drug Information.

(44) "**Medicine cart system**" is a patient-specific set of pharmaceuticals prearranged in a medicine cart, for administration over a specified time period.

(45) "**Modified unit dose delivery system**" (also known as **blister packs**, "**bingo/punch cards**") means a method in which each patient's medication is delivered:

(a) In individually sealed, single dose packages or "blisters;"

(b) Usually on one card; and

(c) In quantities for one month's supply, unless the prescriber specifies short-term therapy.

(46) "**Multiple-source drug**" means a drug marketed or sold by:

(a) Two or more manufacturers or labelers; or

(b) The same manufacturer or labeler:

(i) Under two or more different proprietary names; or

(ii) Both under a proprietary name and without such a name.

(47) "**National drug code (NDC)**" means the eleven-digit number the manufacturer or labeler assigns to a

pharmaceutical product and attaches to the product container at the time of packaging which identifies the product's manufacturer, dose form and strength, and package size.

(48) "**Noncontract drugs**" are drugs manufactured or distributed by manufacturers/labelers who have not signed a drug rebate agreement with the federal Department of Health and Human Services.

(49) "**Nonlegend or nonprescription drugs**" means any drugs which may be lawfully sold without a prescription.

(50) "**Nursing home pharmacy**" means a pharmacy serving primarily clients residing in nursing facilities.

(51) "**Obsolete NDC**" means a national drug code replaced or discontinued by the manufacturer or labeler.

(52) "**On-line receipt of claims**" means claims information received from a switching vender in a National Council for Prescription Data Processing-approved format.

(53) "**Outpatient pharmacy**" means a pharmacy serving primarily outpatient clients.

(54) "**Over-the-counter (OTC) drugs**" mean drugs that do not require a prescription before they can be dispensed.

(55) "**Pharmacist**" means a person duly licensed by the Washington State Board of Pharmacy to engage in the practice of pharmacy.

(56) "**Pharmacist consultant**" means a registered pharmacist employed by MAA.

(57) "**Pharmacy**" means every site, properly licensed by the Washington State Board of Pharmacy, in which the practice of pharmacy is conducted.

(58) "**Point-of-sale (POS)**" means a pharmacy claims processing system capable of receiving and adjudicating claims on-line.

(59) "**Practice of pharmacy**" means the practice of and responsibility for:

(a) Interpreting prescription orders;

(b) Compounding, dispensing, labeling, administering, and distributing of drugs and devices;

(c) Monitoring of drug therapy and use;

(d) Initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for a pharmacist's practice by a practitioner authorized to prescribe drugs;

(e) Participating in drug utilization reviews and drug product selection;

(f) Proper and safe storing and distribution of drugs and devices and maintenance of proper records thereof; and

(g) Providing legend drug information which includes, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(60) "**Practitioner**" means one who has met the professional and legal requirements necessary to provide a health care service, such as a physician, nurse, dentist, physical therapist, pharmacist or other person duly authorized by Washington state law as a practitioner.

(61) "**Prescription**" means an order for drugs or devices issued by a practitioner duly authorized by Washington state law or rule to prescribe drugs or devices in the course of the practitioner's professional practice for a legitimate medical purpose.

(62) "**Prospective drug use review (Pro-DUR)**" means a process in which a request for a drug product for a particular patient is screened, before the product is dispensed, for potential drug therapy problems.

(63) "**Reconstitution**" means the process of returning a substance, previously altered for preservation and storage, to its approximate original state.

(64) "**Retrospective drug use review (Retro-DUR)**" is the process in which patient drug use is reviewed on a periodic basis to identify patterns of fraud, abuse, gross overuse, or inappropriate or unnecessary care.

(65) "**Single source drug**" means a drug produced or distributed under an original new drug application approved by the FDA, including a drug product marketed by any cross-licensed producers or distributors operating under the new drug application.

(66) "**Standard package size**" means MAA's designated standard package or container size for a drug dosage form and/or strength for reimbursement purposes.

(67) "**Substitute**" means to dispense:

(a) With the practitioner's authorization, a therapeutically equivalent generic drug product of the identical base or salt as the specific drug product prescribed; or

(b) With the practitioner's prior consent, therapeutically equivalent drugs other than the identical base or salt.

(68) "**Terminated drug product**" is a product whose shelf life expiration date has been met, per manufacturer notification.

(69) "**Therapeutically equivalent**" means of essentially the same efficacy and toxicity when administered to an individual in the same dosage regimen.

(70) "**Tiered dispensing fee system**" means a method of paying pharmacies different dispensing fee rates.

(71) "**True unit dose delivery**" means a drug delivery system in which each patient's medication is delivered to the nursing facility in quantities sufficient only for the day's required dosage. If a medication cart system is used, the pharmacy may deliver the medication cart to the nursing facility every other day, and provide for daily service as needed.

(72) "**Unit dose drug delivery systems**" mean true unit and modified unit dose or blister packs, also known as "bingo" or punch cards.

(73) "**Usual and customary charge**" means the amount the provider typically charges the general public for the product or service. For any given product, the amount charged by the pharmacy to fifty percent or more of its non-Medicaid clients shall be deemed its usual and customary charge.

(74) "**Wholesaler**" means a corporation, individual, or other entity which buys drugs or devices for resale and distributes the drugs or devices to corporations, individuals, or entities other than consumers.

#### NEW SECTION

**WAC 388-530-1100 Covered drugs and pharmaceutical supplies.** The department shall reimburse for:

(1) Outpatient legend drugs, generic or brand name, when the manufacturer has a signed rebate agreement with the federal Department of Health and Human Services, except as excluded under WAC 388-530-1150;

(2) Over-the-counter (OTC) drugs when the drug is:

(a) Prescribed;

(b) A less costly therapeutic alternative; and

(c) Formulary.

(3) Compounded prescriptions when billed by each formulary ingredient used in the compound;

(4) Nonformulary drugs when prior authorized by the department;

(5) Drug-related supplies;

(6) Family planning supplies used in conjunction with family planning under WAC 388-86-035, including OTC supplies. Covered family planning OTC supplies include, but are not limited to, hormonal contraceptives, spermicidal contraceptives and barrier contraceptives;

(7) Oral, topical and/or injectable drugs, vaccines for immunizations, and biologicals, prepared or packaged for individual use and dispensed or administered to a client by an authorized provider;

(8) Obsolete national drug codes (NDCs) for up to two years from their date of obsolescence, as long as the drug is not a terminated drug product as defined in WAC 388-530-1050; and

(9) Drugs and supplies administered or provided under unusual and extenuating circumstances to clients by authorized providers who request and receive department approval. The secretary or secretary's designee shall review such requests on a case-by-case basis.

#### NEW SECTION

**WAC 388-530-1150 Noncovered drugs and pharmaceutical supplies.** The department shall not pay for:

(1) Noncontract drugs, brand or generic, when the manufacturer has not signed a rebate agreement with the federal Department of Health and Human Services, except as provided under WAC 388-530-1100(4) of this chapter;

(2) Covered outpatient drugs, biological products, insulin, supplies, appliances, and equipment included in other reimbursement methods, including, but not limited to:

(a) Diagnosis-related group (DRG);

(b) Ratio of cost to charges (RCC);

(c) Nursing facility per diem;

(d) Managed care capitation rates; and

(e) Block grants.

(3) Any drug regularly supplied as an integral part of program activity by other public agencies;

(4) A drug when the drug is prescribed:

(a) For weight loss or gain;

(b) To promote fertility;

(c) For cosmetic purposes or hair growth;

(d) To promote smoking cessation; or

(e) For an indication which is not medically accepted as determined by MAA in consultation with federal guidelines, the Drug Utilization Education Council (DUEC), and MAA medical and pharmacy consultants.

(5) OTC drugs/supplies, unless approved for formulary use or family planning as described under WAC 388-86-035;

(6) Drugs listed in the federal register as "less-than-effective" ("DESI" drugs) or which are identical, similar, or related to such drugs;

(7) Covered outpatient drugs for which the manufacturer seeks to require as a condition of sale that associated tests or

monitoring services be purchased exclusively from the manufacturer or manufacturer's designee;

(8) Prescription vitamins and mineral products in the absence of a condition that is clinically recognized to produce a deficiency state, except prenatal vitamins and fluoride preparations. Prenatal vitamins are covered only when prescribed and dispensed to pregnant women. Fluoride preparations are covered only for children, under the early and periodic screening, diagnosis, and treatment (EPSDT or "healthy kids") services;

(9) Drugs that are experimental, investigational, or of unproven efficacy or safety;

(10) Drugs requiring prior authorization for which department authorization has been denied;

(11) Preservatives, flavoring, and/or coloring agents used in the process of compounding;

(12) Less than a one-month supply of drugs for long-term therapy, except as provided under WAC 388-530-1250, Prior authorization. For a definition of long-term therapy, see WAC 388-530-1050(39);

(13) Prescriptions written on pre-signed prescription blanks filled out by nursing facility operators or pharmacists. The department shall terminate the core provider agreement of pharmacies involved in this practice;

(14) Drugs used to replace those taken from nursing facility emergency kits;

(15) Drugs used to replace a physician's stock supply;

(16) Free pharmaceutical samples;

(17) Obsolete NDCs, except that the department may allow reimbursement to a pharmacy for a drug product with an obsolete NDC when the product is dispensed to an eligible client not later than two years from the date the NDC is designated obsolete, if the drug is not a terminated drug product; and

(18) Terminated drug products.

#### NEW SECTION

**WAC 388-530-1200 Drug formulary.** (1) The medical assistance administration (MAA) shall not require prior approval for drug preparations listed in the MAA drug formulary for the initial prescription.

(a) MAA shall apply certain setting restrictions, such as nursing home or home use only as well as limits on quantity.

(b) MAA shall update the formulary list as necessary and shall publish the list periodically.

(2) To request inclusion of a drug product in MAA's drug formulary, a drug manufacturer shall send to the pharmacist consultant a written request and the following supporting documentation:

(a) Background data about the drug as requested by MAA;

(b) Product package information as requested by MAA;

(c) Any pertinent clinical studies; and

(d) Any additional information the manufacturer feels appropriate.

(3) MAA's pharmacist consultants and an advisory board shall evaluate drugs for formulary inclusion. The consultants and board may include MAA's medical consultants, the drug utilization and education council (DUEC), and/or participating MAA pharmacy providers.

(4) The criteria for evaluating whether to include or exclude a drug from MAA's formulary include, but are not limited to the following:

(a) The manufacturer has signed a federal drug rebate contract agreement;

(b) Like drugs are already on the formulary;

(c) The drug is a less-than-effective drug, or is identical, similar, or related to a less-than-effective drug;

(d) The drug falls into one of the categories authorized by federal law to be excluded from coverage;

(e) There are already less costly therapeutic alternatives in the formulary; and

(f) The drug has a potential for abuse.

(5) The MAA shall determine whether a drug should be covered with or without restrictions in a manner similar to how formulary status is determined.

(6) The department shall ensure decisions made in subsections (3) and (5) of this section are subject to review by the MAA assistant secretary or his/her designee. Manufacturers may seek review of adverse decisions by writing to the medical director.

(7) The department may require double blind drug studies to be performed when there is a question of medical necessity or efficacy and the medical literature on the issue is inconclusive. MAA may use the double blind study when:

(a) Considering addition or deletion of a drug to the formulary;

(b) Evaluating the relative merits of two drugs for general use or for a specific individual;

(c) Evaluating requests for prior authorization; or

(d) For whatever purpose the department deems necessary.

#### NEW SECTION

**WAC 388-530-1250 Prior authorization.** (1) Nonformulary drugs shall require prior authorization.

(2) MAA shall not require pharmacies to obtain prior authorization for formulary drugs, except for:

(a) Subsequent refills of certain drugs, as identified in the Prescription Drug Program Billing Instructions per client, per month;

(b) Those drugs which have specific per-month dose or unit limits as identified in the prescription drug program billing instructions;

(c) Drugs identified in the billing instructions as limited to nursing facility clients when prescribed to clients residing outside a nursing facility; and

(d) Brand name and generic drugs:

(i) Which have an established maximum allowable cost (MAC); and

(ii) For which the prescriber requests reimbursement at estimated acquisition cost (EAC).

(3) The pharmacy shall make a request to the department for drugs requiring prior authorization before dispensing the drug, except as provided for in subsection (6) of this section. The pharmacy shall:

(a) Ensure the request states the medical diagnosis and includes medical justification for the drug; and

(b) Keep on file the medical justification communicated to the pharmacy by the prescriber.

(4) MAA shall evaluate a request for prior authorization based on, but not limited to, the following criteria:

(a) As required under WAC 388-530-1000(1), 388-530-1150, and 388-501-0165;

(b) The drug is of moderate cost as determined by the department. MAA shall select the least costly of two or more preparations of equal effectiveness; and

(c) The drug is not experimental, investigational, or of unproven efficacy or safety.

(5) The department may authorize certain prescribed drugs through a process called "expedited prior authorization." (See WAC 388-530-1050(28), Definitions.) MAA shall determine drugs authorized through expedited prior authorization are those for which the department has established specific utilization criteria to address its concerns over the drugs':

(a) High cost;

(b) Potential for clinical misuse;

(c) Narrow therapeutic indication; or

(d) Safety.

(6) The department may authorize reimbursement at the brand name estimated acquisition cost (EAC) for a brand name multiple-source drug that would have been reimbursed at the established upper limit for that multiple-source drug, if:

(a) The pharmacist calls for prior authorization; and

(b) The prescriber writes "dispense as written" on the prescription form, or certifies in the prescriber's own handwriting that a specific brand is "medically necessary" for a particular client; or

(c) The availability of generics in the marketplace is severely curtailed and the price disparity between the brand name EAC and the generic maximum allowable cost (MAC) is such that clients would be effectively denied the medication.

(7) The department may pay for drugs requiring prior authorization which are dispensed without prior authorization only when:

(a) Given in an acute emergency;

(b) The department receives justification within seventy-two hours excluding weekends and Washington state holidays; and

(c) The department agrees with the justification and approves the request.

(8) The pharmacy shall obtain prior authorization from the department for any and all prescription fills in excess of the limits specified under WAC 388-530-1800, Requirements for pharmacy claim payment.

(9) The department shall ensure prior authorization:

(a) Is limited to a decision of medical appropriateness for a drug; and

(b) Shall not guarantee payment.

#### NEW SECTION

**WAC 388-530-1300 General reimbursement methodology.** (1) Where the department has not contracted for pharmacy services through competitive procurement, the department shall ensure total reimbursement for a prescription drug does not exceed the lowest of:

(a) Estimated acquisition cost (EAC) plus a dispensing fee;

(b) Maximum allowable cost (MAC) plus a dispensing fee; or

(c) The provider's usual and customary charge to the non-Medicaid population.

(2) If the provider offers a discount, rebate, promotion or other incentive which directly relates to the reduction of the price of a prescription to the individual non-Medicaid customer, the provider shall similarly reduce its charge to the department for the prescription.

(3) The department shall choose the in-state pharmaceutical wholesalers used to set EAC and MAC.

(4) The department may solicit assistance from representative pharmacy providers in establishing MAC and/or EAC.

(5) If the product is given free to the public, the pharmacy shall not submit a claim to the department if the product is given to a medical assistance client. If the product is sold at a discount to the general public, the pharmacy shall ensure any claim to the department for that product shall reflect the discounted charge.

#### NEW SECTION

**WAC 388-530-1350 Estimated acquisition cost methodology.** The department shall determine estimated acquisition cost (EAC) as follows:

(1) Periodically, the department shall:

(a) Take a sample of, at minimum, two hundred fifty of the top national drug codes paid for by the MAA excluding drugs under the MAC program; and

(b) Determine pharmacies' average acquisition costs for these products.

(2) The department shall decide the sampling frequency of the top drug products by dollar volume under medical assistance to determine EAC, but the frequency shall not be:

(a) More than once every three years; and

(b) Less than once every ten years.

(3) The pharmacies' average acquisition cost for the products in the sample shall be based on in-state wholesalers' published prices to pharmacy subscribers, plus an average subscriber upcharge, if applicable.

(4) MAA shall express the average acquisition cost for each product on the sample list during the period under study as a percentage of the average wholesale price (AWP) determined for that product by the department's drug pricing file contractor.

(5) MAA shall average the percentages obtained for the sample, and the resulting percentage shall represent the estimated acquisition cost (EAC).

(6) MAA may base EAC on standard package size or the price of the actual package size dispensed.

(7) MAA may set EAC for specified drugs or drug categories at AWP percentages other than those determined in subsection (5) of this section when MAA deems it necessary. The department shall cease such exemption when the necessity no longer exists.

(8) The department shall pay at EAC the brand name and generic drugs with an MAC established if the EAC is lower than the MAC price.

NEW SECTION

**WAC 388-530-1400 Maximum allowable cost methodology.** (1) When the department determines there is a likelihood that a cost savings will result the department may establish a maximum allowable cost (MAC) for a multiple-source drug which is available from at least three manufacturers/labelers.

(2) The department may exclude from MAC selected multiple-source drugs when clinical response significantly differs between brand and generic equivalents.

(3) The department shall determine the MAC for a multiple-source drug by:

(a) Generating a manufacturers/labelers list for a multiple-source drug from data provided by the drug pricing file contractor;

(b) Ensure the list is arranged by cost, showing wholesalers' national actual acquisition cost (NAAC) for the drug from each manufacturer/labeler;

(c) If there is a Federal Upper Limit (FUL) for the multiple-source drug, the FUL shall be adopted, except, if the FUL is lower than the pharmacies' actual acquisition cost (AAC) for an available product based on information provided by representative pharmacy providers, a MAC shall be chosen in cooperation with the representative pharmacy providers. The chosen fee shall be the lowest amount sufficient to cover in-state pharmacies' AAC based on information provided by the representative pharmacy providers;

(d) Establish estimated acquisition cost (EAC) of the third lowest priced product as the recommend MAC, except:

(i) If the MAC established is lower than pharmacies' AAC for the three lowest priced products, based on information provided by the representative pharmacy providers, a MAC shall be chosen in cooperation with the representative pharmacy providers. The chosen fee shall be the lowest amount sufficient to cover in-state pharmacies' average acquisition cost based on information provided by the representative pharmacy providers; or

(ii) A MAC may be established for a drug using the maximum allowable cost set by another third party for that drug.

(4) The MAC established for a multiple-source drug shall not apply if the prescriber certifies that a specific brand is "medically necessary" for a particular client. In such cases EAC shall apply, provided prior authorization is obtained from MAA as specified under WAC 388-530-1250 (6)(a), Prior authorization.

(5) The department shall pay the EAC for a multiple-source product if the EAC for a multiple-source product is less than the MAC established for that product.

(6) Automated maximum allowable cost (AMAC) pricing shall apply to multiple-source drugs:

(a) Not identified under subsection (2) of this section;

(b) Produced by three or more manufacturers/labelers under federal drug rebate agreement; and

(c) Which are not on the MAC list.

(7) AMAC reimbursement for all products within a generic code number (GCN) sequence shall be at the EAC of the third lowest priced product in that sequence, or the EAC of the lowest priced drug under a federal rebate agreement in that sequence, whichever is higher.

(8) If the established AMAC price exceeds the FUL, the department shall set the price at the FUL.

(9) The department shall pay the estimated acquisition cost (EAC) for a multiple-source product if the EAC for a multiple-source product is less than the AMAC established for that product.

(10) MAA shall recalculate AMAC each time there are pricing updates provided by the drug file contractor to any product in GCN sequences covered under the AMAC program.

(11) The department shall ensure the maximum payment for multiple-source drugs for which HCFA has set a FUL does not exceed, in the aggregate, the prescribed upper limits plus the dispensing fees set by the department.

NEW SECTION

**WAC 388-530-1450 Dispensing fee determination.** Subject to the provisions of WAC 388-530-1300, MAA shall pay a dispensing fee for each covered prescription.

(1) The department shall adjust the dispensing fee by weighing factors including, but not limited to:

(a) Legislative appropriations for vendor rates;

(b) Input from provider and/or advocacy groups;

(c) Input from state-employed or contracted actuaries; and

(d) Dispensing fees paid by other third-party payers, including but not limited to health care plans and other states' Medicaid agencies.

(2) The MAA shall use a tiered dispensing fee system which reimburses large volume pharmacies at a lower fee and small volume pharmacies at a larger fee. In MAA's judgment such a system best preserves or enhances clients' access to services by promoting equitable payment to pharmacy providers.

(3) In a tiered dispensing fee system, the MAA shall use total annual prescription volume (both Medicaid and non-Medicaid) reported to the department to determine each pharmacy's dispensing fee category.

(a) A pharmacy which fills thirty-five thousand and one or more prescriptions annually shall be a high-volume pharmacy.

(b) A pharmacy which fills between fifteen thousand and one and thirty-five thousand prescriptions annually shall be a mid-volume pharmacy.

(c) A pharmacy which fills fifteen thousand or fewer prescriptions annually shall be a low-volume pharmacy.

(4) The department shall determine a pharmacy's annual total prescription volume as follows:

(a) The department shall send out a prescription volume survey form to pharmacy providers during the first quarter of the calendar year;

(b) Pharmacies shall return completed prescription volume surveys to the department by the date specified by the department each year. The department shall assign providers not responding to the survey by the specified date to the high volume category;

(c) Pharmacies shall:

(i) Include all prescriptions dispensed from the same physical location in the pharmacy's total prescription count; and

(ii) Report totals from the same location to the department on the same form. Hospital-based pharmacies which serve both inpatient and outpatient clients shall not include hospital inpatient doses/prescriptions in the total volume reported to the department. The department shall deem prescriptions dispensed to nursing facility clients outpatient prescriptions;

(d) If a pharmacy uses more than one provider number to bill MAA for pharmacy claims dispensed from the same physical location, the pharmacy shall list on one form all of the provider numbers contributing to the total volume being reported;

(e) Reassignment to current or assignment to new dispensing fee categories shall be effective on the first of the month following the date specified by the department for receipt of completed prescription volume survey forms.

(5) In a tiered dispensing fee system, a pharmacy may request a change to a lower volume category during the interval between the annual prescription volume surveys. The pharmacy shall support such a request with documentation showing that the pharmacy's most recent six-month dispensing data, annualized, would qualify the pharmacy for a lower volume category.

(6) MAA may adopt a uniform dispensing fee if in its judgment such a system would best preserve or enhance clients' access to services by promoting equitable payment to pharmacy providers.

(7) The department shall grant general dispensing fee rate increases only when authorized by the legislature. Amounts authorized for dispensing fee increases may be distributed nonuniformly (e.g., tiered dispensing fee based upon volume), if necessary, to ensure client access.

## NEW SECTION

**WAC 388-530-1500 Reimbursement for compounded prescriptions.** (1) Notwithstanding the definition in WAC 388-530-1050(7), the department shall not consider reconstitution to be compounding.

(a) The department may consider the adjustment of therapeutic strengths and/or forms by a pharmacist in the preparation of a prescription to be compounding if the client's drug therapy needs are unable to be met by commercially available dosage strengths and/or forms of the medically necessary drug.

(b) The pharmacist shall ensure the need for the adjustment of the drug's therapeutic strength and/or form is well documented in the client's file.

(2) Compounded prescriptions shall be reimbursed as follows:

(a) The department shall allow only the lowest cost for each formulary ingredient. EAC, MAC, or amount billed shall apply.

(b) The department shall apply current prior authorization requirements to drugs used as ingredients in compounded prescriptions, except as provided under subsection (2)(c) of this section. MAA shall deny payment for a drug requiring prior authorization used:

- (i) As an ingredient in a compounded prescription; but
- (ii) For which prior authorization was not obtained.

(c) The department may designate selected drugs as not requiring prior authorization when used for compounded

prescriptions, but requiring prior authorization for other uses. The department shall publish such lists periodically.

(d) The department shall give:

(i) Each formulary or prior authorized drug ingredient billed separately a dispensing fee set by the department as described under WAC 388-530-1450; and

(ii) Drugs used in compounding under subsection (2)(c) of this section a dispensing fee set by the department as described under WAC 388-530-1450.

(e) MAA shall not pay a separate fee for compounding time. MAA shall replace the fee for compounding time with a dispensing fee for each ingredient, as described under WAC 388-530-1450.

(3) In addition to reimbursement for ingredient and dispensing fees, MAA shall set maximum allowable fees for special procedures, equipment, or supplies used in compounding prescriptions. MAA shall call these fees compounded prescription preparation fees.

(a) The pharmacy shall note in its records any necessary special procedures, equipment or supplies, or containers used in preparing the compounded prescription.

(b) MAA shall adjust compounded prescription preparation fees by taking into account factors including, but not limited to:

- (i) Legislative appropriations for vendor rates;
- (ii) Input from provider and/or advocacy groups;
- (iii) Audit findings regarding costs of compounding equipment and supplies, as specified in subsection (5) of this section; and

(iv) Compounded prescription preparation fees paid by other third-party payers, including but not limited to health care plans and other states' Medicaid agencies.

(c) MAA shall not reimburse compounded prescription preparation fees for infusion productions; MAA reimbursement for home infusion and other intravenous admixtures shall be for ingredient costs and dispensing fees only.

(d) MAA shall reimburse pharmacies for only one preparation fee for each compounded prescription.

(e) Pharmacies shall bill MAA for compounded prescription preparation fees using state-assigned drug codes, which MAA shall publish periodically.

(f) MAA shall ensure a separate dispensing fee does not apply to preparation fee codes.

(4) MAA shall periodically sample ten percent of pharmacy claims for compounded drugs. The MAA pharmacist consultant shall review these claims to determine if the drugs were appropriately dispensed in compounded form, or if less costly equivalent alternative preparations were already available commercially. If MAA finds that a pharmacy provider is inappropriately compounding or billing for compounded drugs, MAA shall take whatever corrective action it deems necessary, including but not limited to:

(a) Education of the provider regarding the problem practice(s);

(b) Recoupment of payment for the compounded drug, or the differential between the compounded form and its commercially available, less costly alternative form; and/or

(c) Termination of the provider's core provider agreement in extreme cases.

(5) MAA may audit selected pharmacies dispensing compounded prescriptions to determine acquisition or



estimated costs of equipment and/or supplies used in compounding.

#### NEW SECTION

##### **WAC 388-530-1550 Unit dose drug delivery systems.**

(1) The department shall pay for unit dose drug delivery systems only for clients residing in nursing facilities, except as provided in subsections (6) and (7) of this section.

(2) The department shall pay pharmacies that provide true unit dose delivery service the department's highest allowable dispensing fee for each prescription dispensed to clients in nursing facilities. The department shall reimburse ingredient costs for drugs under true unit dose systems at the appropriate MAC or EAC. The department shall pay true unit dose providers for drugs dispensed in manufacturers' unit dose packaging at the EAC for the specific unit dose NDCs.

(3) The department shall pay modified unit dose pharmacies the department's highest allowable dispensing fee for repackaged bulk drugs dispensed in unit dose form to clients in nursing facilities. The department shall reimburse ingredient costs for bulk drugs repackaged into unit dose form at the lesser of MAC or EAC. The department shall deem creams, ointments, ophthalmic/otic preparations, and other liquids as not deliverable in this packaging system.

(4) MAA shall pay a pharmacy that dispenses drugs in bulk containers or multi-dose form to clients in nursing facilities the regular dispensing fee applicable to the pharmacy's total annual prescription volume category. Drugs not deliverable in unit dose form include, but are not limited to, oral liquids, creams, ointments, ophthalmic and otic solutions. The department shall reimburse ingredient costs for such drugs at the lesser of MAC or EAC.

(5) MAA shall pay a pharmacy that dispenses drugs prepackaged by the manufacturer in unit dose form to clients in nursing facilities the regular dispensing fee applicable to that pharmacy's total annual prescription volume category. The department shall pay ingredient costs at the EAC applicable to the unit dose national drug code (NDC).

(6) MAA shall pay for manufacturer-designated unit dose drugs dispensed to clients not residing in nursing facilities when such drugs:

(a) Are available in the marketplace only in manufacturer-designated unit dose packaging; and

(b) Would otherwise have been covered outpatient drugs. The unit dose dispensing fee shall not apply in such cases. The pharmacy shall be paid the dispensing fee applicable to the pharmacy's total annual prescription volume category.

(7) MAA may pay for modified unit dose delivery systems for developmentally disabled (DD) clients residing in approved community living arrangements.

#### NEW SECTION

**WAC 388-530-1600 Unit dose pharmacy billing requirements.** (1) To be eligible for a unit dose dispensing fee, a pharmacy shall:

(a) Notify MAA in writing of its intent to provide unit dose service;

(b) Ask for a unit dose provider number;

(c) Specify the type of unit dose service to be provided;

(d) Identify the nursing facility to be served; and

(e) Indicate the approximate date unit dose service to the facility will commence.

(2) The pharmacy shall sign an agreement to abide by specific requirements for unit dose reimbursement.

(3) Under a true unit dose delivery system, a pharmacy shall bill MAA only for the actual number of drug units used by a client during the billing period.

(4) Under a modified unit dose delivery system, a pharmacy:

(a) May bill MAA for the number of drug units dispensed to a client during the billing period;

(b) Shall deduct the cost of unused drugs returned to the pharmacy on or before the last day of the billing period from charge to MAA, except as provided in subsection (6) of this section.

(5) The pharmacy shall deduct from the charge to MAA the cost of unused drugs returned to the pharmacy on or before the last day of the billing period immediately following the period in which the drug was dispensed, except as provided in subsection (6) of this section.

(6) Controlled substances returned to the pharmacy do not have to be credited to MAA. According to federal regulations, pharmacists shall destroy controlled substances returned to the pharmacy.

(7) Pharmacies shall bill MAA only once per month for all clients residing in a nursing facility served under a unit dose system. The monthly billing period shall be the same for all clients in the nursing facility.

(8) The billing period for:

(a) A true unit dose pharmacy shall be the calendar month;

(b) A modified unit dose pharmacy may be the calendar month or a monthly period starting on a specified date which shall be carried over to succeeding months. Once the modified unit dose pharmacy establishes the billing period for a nursing facility, the pharmacy shall not change the billing period without the department's approval.

(9) The pharmacy shall wait at least thirty days from the commencement of unit dose service to a nursing facility before submitting the first claims for drugs dispensed under unit dose to clients residing in that facility. This billing lag shall apply to both true and modified unit dose providers.

(10) Pharmacies may not charge the clients or MAA a fee for repackaging in unit dose form a client's bulk medications supplied by another pharmacy, when the repackaging is done to conform with a nursing facility's delivery system and for the facility's convenience. The costs of repackaging in such instances shall be the responsibility of the nursing facility.

(11) The pharmacy shall maintain detailed records of medications dispensed under unit dose delivery systems. The pharmacy shall keep a monthly log for each nursing facility served, including but not limited to the following information:

(a) Facility name and address;

(b) Client's name and patient identification code (PIC);

(c) Drug name/strength;

(d) NDC or labeler information;

(e) Quantity and date dispensed;

(f) Quantity and date returned;

(g) Value of returned drugs or amount credited;



(h) Explanation for no credit given or nonreusable returns; and

(i) Prescription number.

(12) Upon request, the pharmacy shall submit to MAA copies of the monthly logs referred to in subsection (11) of this section. MAA shall decide whether a unit dose pharmacy should maintain monthly, quarterly, or annual reports.

(13) The pharmacy shall submit annually to MAA an updated list of nursing facilities served under unit dose systems and the facilities' respective billing period start dates. The pharmacy shall submit this update with the pharmacy's completed prescription volume survey.

#### NEW SECTION

**WAC 388-530-1650 Reimbursement for pharmaceutical supplies.** (1) The medical assistance administration (MAA) shall pay for covered pharmaceutical supplies not already included in other payment systems.

(2) MAA shall base reimbursement of pharmaceutical supplies on MAA-published fee schedules.

(3) MAA shall use any or all of the following methodologies to set the maximum allowable for a pharmaceutical device/supply:

(a) Provider's acquisition cost. Upon review of the claim, MAA may require an invoice;

(b) Medicare's reimbursement for the item; or

(c) A specified discount off the item's list price or manufacturer's suggested retail price (MSRP).

#### NEW SECTION

**WAC 388-530-1700 Drugs and pharmaceutical supplies from nonpharmacy providers.** (1) The medical assistance administration (MAA) shall pay for covered drugs and supplies dispensed or administered by nonpharmacy providers under specified conditions.

(2) MAA may pay actual acquisition cost (AAC) to a physician or ARNP for a covered drug (oral, topical or injectable) prepared or packaged for individual use and dispensed or administered to a client during an office visit. When the cost of the drug dispensed or administered to the patient exceeds the established fee, the physician may submit to MAA a photocopy of the invoice for the actual drug cost. The invoice shall show the name of the drug manufacturer, drug strength, and dosage.

(3) MAA shall not reimburse providers for the cost of vaccines obtained by the provider through the state department of health. However, MAA shall pay the provider a set fee established at twenty to thirty-five percent of the fee for a brief office visit for administering the vaccine.

(4) MAA may pay AAC to family planning clinics for birth control pills and contraceptive supplies the clinics dispense to clients. The clinic may submit its invoice for the actual cost of the drug. The clinic shall ensure the invoice shows the name of the drug manufacturer, drug strength, and dosage.

(5) MAA shall determine drugs and supplies provided to clients by local health departments are reimbursed according to MAA's established fee schedules.

#### NEW SECTION

**WAC 388-530-1750 Drugs and pharmaceutical supplies for clients with any third-party coverage.** (1) Except as specified under contract, MAA shall not reimburse providers for any drugs/supplies provided to clients who have pharmacy benefits under managed care plans. The managed care plan shall be responsible for payment.

(2) For the purposes of the section, the following definitions apply:

(a) "Closed pharmacy network" means an arrangement made by an insurer which restricts prescription coverage to an exclusive list of pharmacies. This arrangement prohibits the coverage and/or payment of prescriptions provided by a pharmacy not included on the exclusive list.

(b) "Private point-of-sale (POS) authorization system" means an insurer's system, other than the MAA POS system, which requires that coverage be verified or submitted for authorization by the insurer's agent at the time of service and at the time the prescription is filled.

(3) MAA clients who have a third-party resource which is a managed care entity or other insurance requiring the use of "closed pharmacy networks" or "private point-of-sale authorization systems" shall not have prescription provider claims paid until the prescription provider submits an explanation of benefits from the private insurance which demonstrates that the prescription provider has complied with the terms of coverage. If the private insurer has paid:

(a) A fee based on the incident of care, the prescription provider shall file a claim with the department consistent with the department's billing requirements; or

(b) The prescription provider a monthly capitation fee for all prescription costs related to the client, the prescription provider may submit a claim to the department for the amount of the client co-payment, co-insurance, and/or deductible. The department shall pay the provider:

(a) The lesser of the billed amount; or

(b) The department's maximum allowable fee for the prescription.

(4) For clients eligible for both Medicare and Medicaid, providers shall:

(a) Be reimbursed for drugs not covered by Medicare, but covered by MAA;

(b) Not be reimbursed for drugs covered by Medicare.

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

#### NEW SECTION

**WAC 388-530-1800 Requirements for pharmacy claim payment.** (1) Pharmacies shall:

(a) Use the appropriate department claim form or electronic billing specifications when billing for pharmacy services; and

(b) Complete such forms or billings before submitting claims to MAA. Complete forms shall include the actual eleven-digit NDC number of products dispensed.

(2) To bill drugs requiring authorization, providers shall insert the authorization number in the appropriate data field of the drug claim.

(3) To bill drugs under the expedited authorization process, providers shall insert the authorization number and criteria codes in the appropriate data field of the drug claim.

(4) Pharmacy services for clients on restriction under WAC 388-501-0135 shall be prescribed by the client's primary provider and payable only to the client's primary pharmacy, except in cases of emergency, family planning, or properly referred services.

#### NEW SECTION

**WAC 388-530-1850 Drug utilization and education council.** MAA shall establish a DUR board, called the drug utilization and education council. The DUR board shall:

(1) Have a minimum of eight and a maximum of ten members, representing the state professional associations of medicine, pharmacy, and nursing. The board shall:

(a) Be made up of at least one-third but not more than fifty-one percent physicians, and at least one-third but not more than fifty-one percent pharmacists; and

(b) Include an advanced registered nurse practitioner and a physicians assistant. The department shall determine membership rotation.

(2) Meet periodically to:

(a) Advise the department on DUR activities;

(b) Review provider and patient profiles;

(c) Recommend adoption of standards and treatment guidelines for drug therapy;

(d) Provide interventions targeted toward therapy problems; and

(e) Produce an annual report.

#### NEW SECTION

**WAC 388-530-1900 Drug use review.** The department shall provide for a drug use review (DUR) program consisting of:

(1) Prospective drug use review (Pro-DUR), wherein all prescription drug providers shall:

(a) Obtain a patient history;

(b) Screen for potential drug therapy problems; and

(c) Counsel the patient in accordance with existing state pharmacy laws and federal regulations.

(2) Retrospective drug use review (Retro-DUR), wherein the department shall provide for the ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and individuals receiving benefits.

#### NEW SECTION

**WAC 388-530-2050 Out-of-state prescriptions.** (1) The department shall reimburse out-of-state pharmacies for drugs provided to Washington state residents who are temporarily located outside the state subject to the provisions of WAC 388-501-0180.

(2) Border situations as described under WAC 388-501-0175 are not subject to out-of-state rules, and the department shall consider pharmacies in border areas to be providers in the state of Washington.

(3) Out-of-state pharmacies shall meet the same criteria for payment as in-state pharmacies.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 388-91 Medical care—Drugs

**WSR 96-17-034**

**PROPOSED RULES**

**SOUTHWEST AIR**

**POLLUTION CONTROL AUTHORITY**

[Filed August 16, 1996, 8:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-018.

Title of Rule: SWAPCA 400 General Regulations for Air Pollution Sources, Sections 400-010, 400-020, 400-030, 400-040, 400-050, 400-052, 400-060, 400-070, 400-074, 400-075, 400-076.

Purpose: This rule establishes general emission requirements for all air pollution sources within Southwest Air Pollution Control Authority jurisdiction. These requirements include permitting, monitoring, testing and reporting requirements.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Statute Being Implemented: RCW 70.94.141.

Summary: Proposed changes revise sections for update of NSPS applicability dates, new definitions to support changes, and includes provisions for maintenance of equipment. Numerous other minor clarifications are made.

Reasons Supporting Proposal: The major changes are necessary to support the Southwest Air Pollution Control Authority adopted Vancouver CO Maintenance Plan and Vancouver Ozone Maintenance Plan and provide consistency with federal requirements.

Name of Agency Personnel Responsible for Drafting and Implementation: Paul T. Mairose, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058; and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation provides general requirements for all sources of air pollution within the Southwest Air Pollution Control Authority jurisdiction. The proposed changes include new requirements for areas covered by a federally approved maintenance plan for CO and Ozone. These requirements are consistent with the maintenance plan and, in general, with those of the Oregon DEQ. A new section is also added to describe requirements for maintenance of equipment. This section expands on the authority provided in chapter 70.94 RCW consistent with the Washington Department of Ecology and other local air authority provisions. Other minor changes were made to the sections to provide consistency and clarification. These changes will not result in major impacts on any existing sources and may in some cases provide a reduction in requirements.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed major changes implement provisions that have already been reviewed and subject to public notice and comment as part of Maintenance Plan development. In addition, this agency is not subject to the small business economic impact provisions of chapter 19.85 RCW.

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, do not apply to this rule adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

Hearing Location: Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

Submit Written Comments to: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

Date of Intended Adoption: October 15, 1996.

August 7, 1996

Paul T. Mairose  
for Robert D. Elliott  
Executive Director

## SWAPCA 400

### General Regulations for Air Pollution Sources

#### SWAPCA

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#### SWAPCA 400-010 Policy and Purpose

[Statutory Authority: Chapter 70.94.057 RCW, 70.94.141 RCW and 70.94.331 RCW. Original adoption by Board 12/17/68; Board amended 10/29/69 (Sec. 1.01 and 1.02); 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) It is the policy of the Southwest Air Pollution Control Authority (herein after referred to as the Authority and/or SWAPCA) to maintain such a reasonable degree of purity of the air as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life or to property and be consistent with the economic and industrial well being of the jurisdiction of the Authority.

(2) Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq.) and the Washington Clean Air Act (RCW 70.94), the Authority has adopted regulations for the control of air contaminant emissions, including toxic air contaminants, substances for which primary and secondary National Ambient Air Quality Standards (NAAQS) have been established and volatile organic compounds, to prevent air pollution. In conformance with these laws, the policy of SWAPCA is to control and regulate the emission of air contaminants from sources within the jurisdiction of SWAPCA, to prevent violations of federal, state and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations, and to effectuate the requirements and purpose of Chapter 70.94 Revised Code of Washington (RCW).

#### SWAPCA 400-020 Applicability

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.331 RCW and 70.94.422 RCW. Original adoption by Board 12/17/68 (Regulation 1); Board amended 10/29/69 (Regulation 2); 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The provisions of this regulation shall apply within Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(2) The Authority is authorized to enforce this regulation and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly delegated by Ecology, the Authority does not have jurisdiction over the following sources:

(a) Specific source categories over which the State, by separate regulation, has assumed or hereafter assumes jurisdiction.

(b) Automobiles, trucks, aircraft, chemical pulp mills and primary aluminum reduction facilities.

(c) Those sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) as provided in Washington Administrative Code (WAC) 463.

### AMENDATORY SECTION

#### **SWAPCA 400-030 Definitions**

[Statutory Authority: Chapter 70.94.030 RCW, 70.94.141 RCW and 70.94.331 RCW. Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 3/20/84; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

(1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The Authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Authority may presume that source specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a 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. This includes any substance

regulated as an air pollutant under ~~WAC 173- SWAPCA~~ 460, NESHAPS, Section 112 of the Federal Clean Air Act Amendments or substance for which a primary or secondary National Ambient Air Quality Standard has been established and volatile organic compounds. "Air pollutant" means the same as "air contaminant".

(4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this regulation air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of various pesticides.

(5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the 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, ~~((€))~~ 61, or 63;

(b) Any applicable State Implementation Plan emission limitation including those with a future compliance date;

(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date; or

(d) The emission rate specified by an applicable regulatory order.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" (AAQS) means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

(8) "Authority" means the Southwest Air Pollution Control Authority.

(9) "Best available control technology, (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter 70.94 RCW which would be emitted from or which results from any new or modified stationary source, which the Authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, ~~or treatment~~ or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any air pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part 63 as they exist on ~~February 1, 1995~~ August 1, 1996, or their later enactments as adopted by reference by the Authority by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

(10) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(11) "Board" means the Board of Directors of the Southwest Air Pollution Control Authority.

(12) "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 SWAPCA 400-120.

(13) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(14) "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 potentially affected by emissions from sources within SWAPCA jurisdiction:

- Alpine Lakes Wilderness;
- Glacier Peak Wilderness;
- Goat Rocks Wilderness;
- Mount Adams Wilderness;
- Mount Rainier National Park;
- Mt. Hood Wilderness Area;
- Mt. Jefferson Wilderness Area.

(15) "Closure" means permanently stopping or terminating all processes at a facility. Such termination of processes shall result in no emissions of pollutants to the ambient air. Closure does not mean temporary shutdown of operations. A facility shall be considered "permanently closed" if operations have ceased and registration fees are not paid as set forth in SWAPCA 400-100 (2)(e). Process and pollution control equipment may remain in place and on site but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g. disconnection of power to equipment, mechanical positioning that inhibits processing; placing of padlocks on equipment to prevent operation). Closure of a facility requires notification to SWAPCA in accordance with SWAPCA 400-100 (2)(d). New Source Review and applicable emission control technology requirements in accordance with current requirements for similar facilities will be required of the facility prior to restart if the annual registration fee is not paid.

(16) "Combustion and incineration sources" means emissions units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open burning.

(17) "Commenced construction" means that an 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. (ref. 40 CFR 52.21)

(18) "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.

(19) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions. (ref 40 CFR 52.21)

(19 ~~20~~) "Control Officer" means the Executive Director of the Southwest Air Pollution Control Authority.

(20) "Director" means the director of the Washington State Department of Ecology or duly authorized representative.

(21) "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.

(22) "Ecology" means the Washington State Department of Ecology.

(23) "Emission" means a release of air contaminants into the ambient air.

(24) "Emission control technology" means emission control equipment integral or in addition to the emission unit or other technology, device, component or control parameter that is integral to the design of an emission unit or the basic design to the emission unit; i.e., low NOx burner for a boiler or turbine.

(25) "Emission reduction credit (ERC)" means a credit granted pursuant to SWAPCA 400-131. This is a voluntary reduction in emissions beyond required levels of control. ERCs may be sold, leased, banked for future use or traded in accordance with applicable regulations. Emission reduction credits shall provide an incentive for reducing emissions below the required levels and to establish a framework to promote a market based approach to air pollution control.

(26) "Emission standard" and "emission limitation" mean a requirement established under the FCAA or Chapter 70.94 RCW or local regulation which limits the quantity, rate, or concentration of emissions of air 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.

(27) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, Chapter 70.94 RCW or Chapter 70.98 RCW.

(28) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

(28 ~~30~~) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters (213.25

feet) or the calculated stack height described in SWAPCA 400-200(2).

(29 31) "Executive Director" means the Control Officer of the Southwest Air Pollution Control Authority.

(302) "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*, 1987.

(3+3) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

(324) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(335) "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.

(346) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, human 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.

(357) "Fugitive emissions" means emissions which do not pass and which could not reasonably be collected to pass through a stack, chimney, vent, or other functionally equivalent opening.

(368) "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.

(379) "Good agricultural practices" means economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

(38 40) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in SWAPCA 400-200 (2)(a)(ii).

(39 41) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

(402) "In operation" means engaged in activity related to the primary design function of the source.

(443) "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.

(424) "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.

(45) "Maintenance Area" or "Maintenance Plan Area" means a geographical area of the jurisdiction of SWAPCA which was formerly designated as an attainment area and which has been redesignated as an attainment area as provided under 40 CFR 52. The maintenance area designation shall be in effect as long as there is a federal or state requirement to have a maintenance plan in effect.

(46) "Maintenance Pollutant" means a pollutant for which a maintenance plan area was formerly designated a nonattainment area.

(437) "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 Federal Clean Air Act. Any net emissions increase that is considered significant for volatile organic compounds or oxides of nitrogen shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair, and replacement;

(b) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(i) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a Prevention of Significant Deterioration permit or an Order of Approval for a Notice of Construction application; or

(ii) The source is approved to use under any federally enforceable notice of construction approval or a PSD permit issued by the Environmental Protection Agency;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a Prevention of Significant Deterioration permit or an Order of Approval for a Notice of Construction application;

(g) Any change in ownership at a stationary source.

(448) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the Washington State or Federal Clean Air Acts;

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen;

(iii) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(iv) Is located in a "serious" particulate matter (PM<sub>10</sub>) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM<sub>10</sub> emissions.

(b) Any physical change that would occur at a stationary source not qualifying under (a) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(c) A major stationary source that is major for VOCs or NO<sub>x</sub> shall be considered major for ozone;

(d) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (a)(iii) or (iv) of this subsection:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cements plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels (12,600,000 gallons);
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and

(xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

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

(459) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas potentially affected by emissions from sources within SWAPCA jurisdiction are as follows:

- Alpine Lakes Wilderness;
- Glacier Peak Wilderness;
- Goat Rocks Wilderness;
- Mount Adams Wilderness;
- Mount Rainier National Park;
- Mt. Hood Wilderness Area;
- Mt. Jefferson Wilderness Area.

(46 50) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(47 51) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(48 52) "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.

(49 53) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61 or Part 63.

(504) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(515) "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 the changes in actual emissions occur between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.



(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete Notice of Construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) The Authority or Ecology has not relied on it in issuing any permit or Order of Approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) The Authority has not relied on it in issuing any permit, regulatory order or Order of Approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21 or Ecology or the Authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(526) "New source" means one or more of the following:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted;

(b) Any other project that constitutes a new source under the Federal Clean Air Act;

(c) Restart after a lapse in one year or more in payment of registration fees or operating permit fees;

(d) Restart after a period of five years of non-operation where registration or operating permit fees have been paid.

(537) "New Source Performance Standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60 and adopted by the Authority in SWAPCA 400-115.

(548) "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.

(559) "Notice of Construction application (NOC)" means a written application from the source by which the Authority

records and tracks requests from registered and nonregistered sources for the purpose of obtaining information regarding proposed changes or activities at a source. Types of changes may include modifications, alterations, changes to process or control equipment, establishment of emission limits, installation of new sources, control technology determinations, PSD determinations and other items specified by the Authority. A Notice of Construction application shall be submitted to the Authority for review and approval prior to construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source or portable source. A Notice of Construction application may be submitted to the Authority for activities not requiring New Source Review and shall not automatically impose New Source Review requirements. (For more information refer to SWAPCA 400-109.)

(56 60) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(57 61) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Open burning includes all forms of outdoor burning except those listed as exempt in SWAPCA 425-020. Wood waste disposal in wigwam burners is not considered open burning.

(58 62) "Order" or Regulatory Order means any order issued by the Authority pursuant to Chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153 and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, compliance schedule order, consent order, order of denial, order of violation, order of prevention, order of discontinuance, administrative order, and regulatory order.

(59 63) "Order of Approval" and "Approval Order" mean a regulatory order issued by the Authority to approve the Notice of Construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source or portable source. Note: For more information refer to SWAPCA 400-230 (1)(a).

(604) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(615) "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.

(626) "Parts per million (ppm)" means parts of a contaminant per million parts of gas or carrier medium, by volume. When calculating or measuring the ppm of a given gas or carrier stream, such measurement or calculation shall be exclusive of water and particulate matter.

(637) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(648) "PM<sub>10</sub>" 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.

(659) "PM<sub>10</sub> 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.

(66 70) "Potential to emit" means the maximum capacity (i.e., design capacity) of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(67 71) "Prevention of Significant Deterioration (PSD)" means the program set forth in SWAPCA 400-141 and WAC 173-400-141.

(68 72) "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.

(69 73) "Reasonably attributable" means attributable by visual observation or any other technique the Authority deems appropriate.

(704) "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 public notice and opportunity for comment are afforded. RACT shall apply to existing sources.

(745) "Regulatory order" means an order issued by the 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, the regulations of the Authority. Note: For further clarification refer also to the definition of Order and Order of Approval and SWAPCA 400-230.

(726) "Significant" or "significant emission rate" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40

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

(737) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of a Class I area as defined in Section 162(a) of the FCAA. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(748) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous and adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(759) "Source category" means all sources of the same type or classification as described in the *Standard Industrial Classification Manual*, 1987.

(76 80) "Southwest Air Pollution Control Authority (SWAPCA)" or "Authority" means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7401, *et seq.*) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(77 81) "Stack" means any emission point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(78 82) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(79 83) "Standard conditions" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury except as otherwise specified.

(804) "State Implementation Plan, (SIP)" means a comprehensive plan developed/prepared by the Washington State Department of Ecology with assistance from the Southwest Air Pollution Control Authority, other regional air pollution control authorities and other interested planning and

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governing entities, and submitted to EPA for approval, which provides for implementation, maintenance and enforcement of the primary and secondary National Ambient Air Quality Standards.

(815) "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 non-road engine or non-road vehicle as defined in Section 216 of the FCAA.

(826) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(837) "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.

(848) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1992.

(859) "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.

(86 90) "Upgraded" is defined only for gasoline dispensing facilities and means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overfill protection that involved removal of ground or ground cover above a portion of the product piping. "Modification" of a gasoline dispensing facility means the same as "upgraded".

(87 91) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

(88 92) "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.

(89 93) "Volatile organic compound (VOC)" means:

(a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: acetone; methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); 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, VOCs 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.

#### SWAPCA 400-035 Open Fires (Deleted)

[Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 12/18/79 deleted- now covered by SWAPCA 425 (WAC 173-425)]

#### AMENDATORY SECTION

#### SWAPCA 400-040 General Standards for Maximum Emissions

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, 70.94.154 RCW, and 70.94.331 RCW. Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 12/18/79; Amended by Board 3/20/84; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

All sources and emissions units are required to meet the emission standards of this section. Where an emission standard listed in another section is applicable to a specific emissions unit, such standard shall take precedent over a general emission standard listed in this section. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of this regulation or any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the Authority shall, as provided in RCW 70.94.154, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

(1) **Visible emissions.** No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity as determined by Certified Observer certified in accordance with EPA Method 9 "Visual Determination of the Opacity of Emissions from Stationary Sources" as specified in 40 CFR 60 Appendix A except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for

the same approximate times each day and the Authority shall be advised of the schedule.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more sources are connected to a common stack, the Authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) **Fallout.** No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) **Fugitive emissions.** The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the contaminants for which nonattainment has been designated.

(4) **Odors.**

(a) Any person who shall cause or allow the generation of any odor from any source, which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(b) A scentometer No. 1 odor strength or equivalent dilution in residential and commercial areas shall not be exceeded.

(c) A scentometer No. 3 odor strength or equivalent dilution in all other land use areas shall not be exceeded.

Scentometer Readings

Scentometer No.	Concentration Range No. of Thresholds
0	1 to 2
1	2 to 8
2	8 to 32
3	32 to 128
4	128

(d) A violation of this section shall have occurred when two measurements made within a period of one (1) hour, separated by at least fifteen (15) minutes, off the property surrounding the air contaminant source exceeds the scentometer limitations set hereunder.

(e) When the source is a manufacturing process, no violation of this section shall have occurred provided that Best Available Control Technology (BACT), Maximum Available Control Technology (MACT), or Lowest Achievable Emission Rate (LAER), as applicable for odor control

and abatement, is provided and is operating in compliance with other applicable regulations and emission limits.

(f) When the source is using "good agricultural practices", as provided in RCW 70.94.640, no violation of this section shall have occurred.

(5) **Emissions detrimental to persons or property.** No person shall cause or permit the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) **Sulfur dioxide.**

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen or twelve percent CO<sub>2</sub> as required by the applicable emission standard for combustion sources, and based on the average of any period of sixty consecutive minutes, except:

(a) When the owner or operator of an emissions unit supplies emission data and can demonstrate to the Authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, the Authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results shall be made available upon request and a monthly summary shall be submitted to the Authority.

(b) When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the Authority.

(7) **Concealment and masking.** No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this section.

(8) **Fugitive dust sources.**

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a PM<sub>10</sub> nonattainment area shall be required to use reasonably available control technology (RACT) to control emissions. Significance will be determined by the criteria found in SWAPCA 400-113(3).

AMENDATORY SECTION

**SWAPCA 400-050 Emission Standards for Combustion and Incineration Units**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption by board 12/18/79; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) Combustion and incineration emissions units shall meet all requirements of SWAPCA 400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions unit combusting wood derived fuels for the production of steam. No person shall allow or permit the emission of

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particulate matter from an emissions unit combusting wood derived fuels in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 or other acceptable sampling methods approved in advance by the Authority.

(2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by applicable sampling methods or other acceptable procedures approved in advance by the Authority including but not limited to those methods contained in "Source Test Manual - Procedures for Compliance Testing", State of Washington, Department of Ecology, ~~on file at the Authority~~. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Authority.

(3) Measured concentrations for combustion and incineration sources shall be adjusted in accordance with the following listing. Source categories not identified shall have measured concentrations for volumes corrected to seven percent oxygen, except when the Authority determines that an alternate oxygen correction factor is more representative of normal operations. Concentrations for the following sources shall normally be adjusted to the following oxygen concentrations: gas, diesel, & oil fired boilers: 3%; medical/hospital waste incinerators: 12%; natural gas turbines: 15%.

#### SWAPCA 400-052 Stack Sampling of Major Combustion Sources

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-21-003 filed 10/7/93, effective 11/8/93]

(1) **General Requirements.** No owner or operator of a major source which is also a combustion or incineration source shall operate the source except in compliance with the requirements of this section.

(2) **Applicability.** All sources that are designated as major as a result of the operation of a combustion or incineration unit (or units) where the combined emissions of a single pollutant from the combustion or incineration unit (or units) are 100 tons per year or more of oxides of nitrogen, carbon monoxide, particulate matter, sulfur dioxide or volatile organic compounds.

(3) **Emissions Sampling Requirements.** The owner or operator of a major combustion or incineration source identified in (2) shall cause or conduct emissions tests at least once every two calendar years to quantify emissions of the pollutants for which the source has been designated major. In the event that the combined emissions of a single pollutant from several emissions units establishes the source as major, emissions tests shall be conducted at least once every two calendar years for all emissions units which emit 30 percent or more of the emissions of the pollutant for which the source has been designated major.

(4) **Sampling Methods.** All emissions tests shall be conducted in accordance with the specific test methods approved in advance by the Authority.

(5) **Additional Requirements.** Nothing in this section shall be construed as to limit the ability of the Authority to impose additional or supplemental emissions testing requirements for any emissions unit within the Authority's jurisdiction in accordance with SWAPCA 400-105(4).

(6) **Alternative Sampling Schedules.** The Authority may on a case-by-case basis, accept or require an alternative emissions sampling schedule provided sufficient source-specific sampling data exists to adequately demonstrate that the source is capable of continuous compliance with any emission standards that are applicable to the source. Alternative sampling schedules shall be based upon measured emissions relative to the applicable emissions limitation. The Authority may reduce the frequency of the required emissions testing.

(7) **Continuous Emissions Monitors.** The use of continuous emissions monitors shall be acceptable as an alternative emissions sampling schedule.

#### AMENDATORY SECTION

##### SWAPCA 400-060 Emission Standards for General Process Units

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption by Board 12/18/79; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

General process units shall meet all applicable provisions of SWAPCA 400-040 and, no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods from 40 CFR Appendix A which are adopted by reference as in effect August 1, 1996 and any other appropriate test procedures approved in advance by the Authority shall be used to determine compliance.

#### AMENDATORY SECTION

##### SWAPCA 400-070 Emission Standards for Certain Source Categories

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

The Authority finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed.

(1) **Wigwam burners.**

(a) The use of wigwam ("tee-pee", "conical", or equivalent type) burners is prohibited effective January 1, 1994.

(2) **Hog fuel boilers.**

(a) Hog fuel boilers shall meet all provisions of SWAPCA 400-040 and SWAPCA 400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary for efficient operation of these units. This practice is to be scheduled for the same specific times each day and the Authority shall be notified of the schedule or any changes.

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) **Orchard heating.**

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission

exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

**(4) Catalytic cracking units.**

(a) All existing catalytic cracking units shall meet all provisions of SWAPCA 400-040:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall install BACT which may be more stringent than the provisions of SWAPCA 400-115.

**(5) 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<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H<sub>2</sub>SO<sub>4</sub>.

**(6) Gasoline dispensing facilities.** All gasoline dispensing facilities shall meet all the provisions of SWAPCA 400-110(8) and SWAPCA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors".

**(7) Abrasive blasting.** (a) Abrasive blasting shall be performed inside a booth or structure designed to capture the blast grit, overspray, and removed material except that outdoor blasting of structures or items too large to be reasonably handled indoors or in an enclosure shall employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps.

(b) Outdoor blasting shall be performed with either steel shot or an abrasive material containing less than one percent (by mass) which would pass through a No. 200 sieve.

(c) All abrasive blasting with sand shall be performed inside a blasting booth, enclosure or structure designed to capture fugitive particulate matter.

(d) All abrasive blasting of materials that have a coating or that may contain a substance that is identified as a toxic air pollutant in ~~WAC 173-SWAPCA~~ 460 or a hazardous substance shall be analyzed prior to blast operations. If a toxic or hazardous material is present in the blast media or removed media, all material shall be handled and disposed of in accordance with applicable regulations.

**SWAPCA 400-074 Gasoline Transport Tankers**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW; refer to WAC 173-491-040. Original adoption 95-17-084 filed 8/21/95, effective 9/21/95]

(1) Each owner(s) and/or operator(s) of a gasoline transport tank doing business within the designated ozone non-attainment area of SWAPCA jurisdiction shall register the transport tank with SWAPCA prior to being placed into service. Such registration shall be made annually with SWAPCA.

(2) Each registered gasoline transport tanker shall pay an annual registration fee in accordance with the schedule provided in SWAPCA 400-100 (3)(a)(i). Each transport

tanker shall have its own registration sticker, certification test and shall be assessed a separate registration fee.

(3) Prior to registration, SWAPCA shall review the leak test certification documentation from the testing company required under SWAPCA 490-202(3). Upon demonstration of a successful leak test and payment of registration fees, SWAPCA shall issue a registration sticker that shall be applied to the tanker.

(4) The owner(s) and/or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid SWAPCA registration sticker is displayed on the tank(s).

(5) Each owner(s) and/or operator(s) of a petroleum product transport tank doing business within SWAPCA jurisdiction shall notify SWAPCA of a change in status of a tanker. Change in status shall include sale, operating only out of SWAPCA jurisdiction, out of service, or other similar change. Such notification shall be made in writing to SWAPCA within 10 days of the change of status.

**AMENDATORY SECTION**

**SWAPCA 400-075 Emission Standards for Sources Emitting Hazardous Air Pollutants**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 12/18/79; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency (USEPA) as in effect ~~February 1, 1995~~ August 1, 1996, as contained in Title 40, Code of Federal Regulations, Part 61 and Part 63, are adopted by reference. The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA, the Director of Ecology and the Control Officer of the Authority.

(2) The Authority may require that source tests be conducted 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 and/or Part 63 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 shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61 and/or Part 63, as in effect ~~February 1, 1995~~ August 1, 1996.

(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) Specific standards of performance referred to as Maximum Achievable Control Technology (MACT) have been promulgated by the USEPA. As of ~~February 1, 1995~~ August 1, 1996 the following standards of performance as set forth in 40 CFR 63 are hereby adopted by reference:

Subpart A National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions (40 CFR 63.1 et seq.)

Subpart B	National Emission Standards for Hazardous Air Pollutants for Source Categories: Equivalent Emission Limitation By Permit (ref. 40 CFR 63.50 et seq.)	<u>Subpart CC</u>	<u>National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries (ref. 40 CFR 63.640 et seq.)</u>
Subpart D	National Emission Standards for Hazardous Air Pollutants for Source Categories: Early Reduction Program (ref. 40 CFR 63.70 et seq.)	<u>Subpart DD</u>	<u>National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (ref. 40 CFR 63.680 et seq.)</u>
Subpart F	National Emission Standards for Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (ref. 40 CFR 63.100 et seq.)	Subpart EE	National Emission Standards for Hazardous Air Pollutants for Magnetic Tape Manufacturing Operations (ref. 40 CFR 63.710 et seq.)
Subpart G	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (ref. 40 CFR 63.110 et seq.)	<u>Subpart GG</u>	<u>National Emission Standards for Hazardous Air Pollutants for Aerospace Manufacturing Operations (ref. 40 CFR 63.740 et seq.)</u>
Subpart H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks (ref. 40 CFR 63.160 et seq.)	<u>Subpart II</u>	<u>National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) (ref. 40 CFR 63.780 et seq.)</u>
Subpart I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (ref. 40 CFR 60.190 et seq.)	<u>Subpart JJ</u>	<u>National Emission Standards for Hazardous Air Pollutants for Wood Furniture Manufacturing Operations (ref. 40 CFR 63.800 et seq.)</u>
Subpart L	National Emission Standards for Hazardous Air Pollutants for Coke Oven Operations (ref. 40 CFR 63.300 et seq.)	<u>Subpart KK</u>	<u>National Emission Standards for Hazardous Air Pollutants for the Printing and Publishing Industry (ref. 40 CFR 63.820 et seq.)</u>
Subpart M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (ref. 40 CFR 63.320 et seq.)	<u>Subpart JJJ</u>	<u>National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins (ref. 40 CFR 63.1310 et seq.)</u>
Subpart N	National Emission Standards for Hazardous Air Pollutants from Hard and Decorative Electroplating and Anodizing Operations (ref. 40 CFR 63.340 et seq.)		
Subpart O	National Ethylene Oxide Air Emission Standards for Commercial Sterilizers (ref. 40 CFR 63.360 et seq.)		
Subpart R	National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Operations (Stage I) (ref. 40 CFR 63.420 et seq.)		
Subpart Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers (ref. 40 CFR 63.400 et seq.)		
Subpart T	National Emission Standards for Hazardous Air Pollutants for Halogenated Solvents Cleaning Operations (ref. 40 CFR 63.460 et seq.)		
<u>Subpart W</u>	<u>National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production (ref. 40 CFR 63.520 et seq.)</u>		
<u>Subpart X</u>	<u>National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting Manufacturing Operations (ref. 40 CFR 63.541 et seq.)</u>		
<u>Subpart Y</u>	<u>National Emission Standards for Hazardous Air Pollutants for Marine Vessel Loading Operations (ref. 40 CFR 63.560 et seq.)</u>		

#### AMENDATORY SECTION

#### **SWAPCA 400-076 Emissions Standards for Sources Emitting Toxic Air Pollutants**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The term toxic air pollutants (TAP) or toxic air contaminant means any air pollutant listed in ~~WAC 173-SWAPCA 460-150~~ or ~~173-460-160~~. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in ~~WAC 173-SWAPCA 460-150~~ or ~~173-460-160~~. The Chemical Abstract Service (CAS) number shall be the primary means used to specifically identify a substance. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(2) All sources subject to the requirements of SWAPCA 400-110, ~~400-111~~, ~~400-112~~, ~~400-113~~ or ~~400-114~~ shall be subject to the requirements of ~~WAC 173-SWAPCA 460~~. All sources subject to review under SWAPCA 400 shall also be reviewed for applicability and/or compliance under ~~WAC 173-SWAPCA 460~~.

(3) The New Source Review fee schedule provided in SWAPCA 400-110 shall be applicable to all sources subject to ~~WAC 173-SWAPCA 460~~. The fees identified in SWAPCA 400-110 shall not be duplicate to any fees collected under ~~WAC 173-SWAPCA 460~~. Only a single fee shall apply to sources that are subject to SWAPCA 400 and ~~WAC 173-SWAPCA 460~~.

(4) A Notice of Construction is a written application to request approval for construction or modification of an air

contaminant source. If a Notice of Construction application is required under both SWAPCA 400 and ~~WAC 173-SWAPCA~~ 460, then the applications shall be combined. All sources subject to ~~WAC 173-SWAPCA~~ 460 shall file a Notice of Construction application in accordance with SWAPCA 400-110 "New Source Review".

(5) Authority actions including issuance of regulatory orders and enforcement actions for sources subject to ~~WAC 173-SWAPCA~~ 460 shall be the same as those actions for sources subject to and identified in SWAPCA 400.

(6) Sources subject to ~~WAC 173-SWAPCA~~ 460 shall be subject to the registration requirements of SWAPCA 400-100. Where a source is subject to both SWAPCA 400 and ~~WAC 173-SWAPCA~~ 460, only one registration shall be provided and only one fee shall be collected in accordance with the schedule outlined in SWAPCA 400-100.

**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.

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

**WSR 96-17-035  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY**

[Filed August 16, 1996, 8:45 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 95-17-018.

Title of Rule: SWAPCA 400 General Regulations for Air Pollution Sources, Sections 400-101, 400-105, 400-107, 400-109, 400-110, 400-111, 400-112, 400-113, 400-114, 400-115, 400-116.

**Purpose:** This rule establishes general emission requirements for all air pollution sources within Southwest Air Pollution Control Authority jurisdiction. These requirements include permitting, monitoring, testing and reporting requirements.

**Statutory Authority for Adoption:** RCW 70.94.141 and 70.94.331.

**Statute Being Implemented:** RCW 70.94.141.

**Summary:** Proposed changes revise sections for update of NSPS applicability dates, provides a new section for maintenance plan areas, and includes provisions for maintenance of equipment. Numerous other minor clarifications are made.

**Reasons Supporting Proposal:** The major changes are necessary to support the Southwest Air Pollution Control Authority adopted Vancouver CO Maintenance Plan and Vancouver Ozone Maintenance Plan and provide consistency with federal requirements.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Paul T. Mairose, 1308 N.E. 134th

Street, Vancouver, WA (360) 574-3058; and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058.

**Name of Proponent:** Southwest Air Pollution Control Authority, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This regulation provides general requirements for all sources of air pollution within the Southwest Air Pollution Control Authority jurisdiction. The proposed changes include new requirements for areas covered by a federally approved maintenance plan for CO and Ozone. These requirements are consistent with the maintenance plan and, in general, with those of the Oregon DEQ. A new section is also added to describe requirements for maintenance of equipment. This section expands on the authority provided in chapter 70.94 RCW consistent with the Washington Department of Ecology and other local air authority provisions. Other minor changes were made to the sections to provide consistency and clarification. These changes will not result in major impacts on any existing sources and may in some cases provide a reduction in requirements.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed major changes implement provisions that have already been reviewed and subject to public notice and comment as part of Maintenance Plan development. In addition, this agency is not subject to the small business economic impact provision of chapter 19.85 RCW.

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, do not apply to this rule adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

**Hearing Location:** Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

**Assistance for Persons with Disabilities:** Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

**Submit Written Comments to:** Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

**Date of Intended Adoption:** October 15, 1996.

August 7, 1996  
Paul T. Mairose  
for Robert D. Elliott  
Executive Director

PROPOSED



AMENDATORY SECTION**SWAPCA 400-101 Sources Exempt from Registration Requirements**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.163 RCW, and 70.94.331 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 3.03); Amended by Board 12/18/79 (400-100(3)); Amended by Board 12/18/79; Amended by Board 4/17/84; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

All air contaminant emissions units shall be registered with the Authority except for the emissions units listed in this section. In the event that a registered source has any of these emissions units at a location that is otherwise required to be registered or obtain an operating permit, the Authority may require that these emissions units be included on the permit or registration. However, registration fees shall not be assessed for any of the exempt emissions units. Any source exempted from registration under this section shall maintain sufficient documentation acceptable to the Authority that the source is entitled to exemption under this section. Any source exempted from registration under this section shall also be considered exempt from the requirements of SWAPCA 400-110, 400-111, 400-112, 400-113, and 400-114. For the purpose of identifying sources or emission units exempt from registration, the source's or emission unit's potential to emit shall be used as the basis for emissions and shall consider emissions before application of any control equipment. All exempt emission units shall be identified on an Order of Authorization to Operate for an otherwise registered source (refer to SWAPCA 400-109). An exemption for an entire facility or source shall be valid only if the combined emissions from all emission units at that site or facility are less than 1.0 ton per year for criteria pollutants and less than the Small Quantity Emission Rate for each toxic air pollutant identified in ~~WAC 173-SWAPCA~~ 460. If any exemption threshold is exceeded for an emission unit or units, either individually or combined, the source or emission unit(s) shall not be considered to be exempt.

List of Exempt Emission Units or Sources as a Single Source or Emission Unit:

(1) Air conditioning or ventilating systems designed for space heating and cooling, combined or separate, that are less than 2.0 million BTU per hour which do not exhaust to the atmosphere contaminants generated by or released from process equipment.

(2) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which emits less than one ton per year combined of nitrogen oxides, carbon monoxide, PM<sub>10</sub>, sulfur dioxide and volatile organic compounds from all emissions units combined. The one ton exemption does not apply to emissions of toxic air pollutants. Sources or emission units with emissions of toxic air pollutants to the ambient air may be exempted only if the annual emissions quantity for each toxic air pollutant is below the Small Quantity Emission Rate (annual rate) for each toxic air pollutant emitted as identified in ~~WAC 173-~~ SWAPCA 460.

(3) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which is of insufficient stature to trigger a new

source review fee assessment, from all emission units combined, as specified in Table A under SWAPCA 400-110.

(4) Asphalt roofing and application equipment (not manufacturing or storage equipment).

(5) Fuel burning equipment unless waste-derived fuel is burned, which:

(a) is used solely for a private dwelling serving less than five families; or

(b) has an energy input of less than 2 million Btu per hour.

(6) Fuel burning equipment used exclusively for space heating other than boilers.

(7) Insecticide, pesticide or fertilizer spray equipment.

(8) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents.

(9) Portable, manually operated welding, brazing or soldering equipment when used at other than the owner's principal place of business.

(10) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process.

(11) Food preparation facilities, establishments or equipment.

(12) Retail paint sales establishments (not including manufacturing).

(13) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.

(14) Sewing equipment.

(15) Sources which due to the amount and nature of air contaminants produced and their potential to contribute to air pollution, are determined through review by the Authority to not warrant registration; provided that, for new sources, such determination shall be based upon review of a Notice of Construction application.

(16) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings or other structures.

(17) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWAPCA 400-101(2). This exemption applies to incidental fume hoods or laboratory equipment used by a source to perform in-house analyses that do not exceed the small quantity exemption of (2) above. This exemption does not apply to sources whose primary activity is chemical or physical laboratory operations.

(18) Residential wood heaters.

(19) Office equipment, operations and supplies.

(20) Internal combustion including diesel engines used for standby emergency power generation which are used less than 100 hours per year and are rated at less than 500 horsepower.

(21) Steam cleaning equipment used exclusively for that purpose.

(22) Refrigeration systems which are not in air pollution control service.

(23) Housekeeping activities and equipment.

(24) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks.



- (25) Natural and forced air vents and stacks for bathroom/toilet facilities.
- (26) Personal care activities.
- (27) Lawn and landscaping activities.
- (28) Flares used to indicate danger to the public.
- (29) Fire fighting and similar safety equipment and equipment used to train fire fighters.
- (30) Materials and equipment used by, and activities related to operation of an infirmary provided that operation of an infirmary is not the primary business activity at the source in question.

### AMENDATORY SECTION

#### **SWAPCA 400-105 Records, Monitoring and Reporting**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 12/18/79; Amended by Board 4/17/84 - renumbered to 400-170; Amended by Board (400-170) 12/16/86; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

The owner or operator of each registered source or emission unit shall 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. Sources that are not subject to the registration requirements of SWAPCA 400-100 because they are exempt under SWAPCA 400-101 shall nevertheless maintain records and other information necessary and sufficient to substantiate that their small quantity emissions are less than the applicable thresholds.

##### **(1) Emission inventory.**

(a) When requested, the owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year to the Authority. The inventory shall include stack and fugitive emissions of particulate matter, PM<sub>10</sub>, sulfur dioxide, oxides of nitrogen, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and toxic air pollutants identified in ~~WAC 173- SWAPCA~~ 460. 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.

(b) The emission inventory form supplied by the Authority shall be completed and returned to the Authority by April 15th for the following sources:

(i) Sources with the potential to emit over 100 tons of criteria pollutants, 10 tons of a single hazardous air pollutant or 25 tons of combined hazardous air pollutants, sources subject to NSPS, except subpart AAA, and sources subject to NESHAPS, except subpart M, sources are required to submit an emissions inventory. Only the hazardous air pollutants listed in Section 112 of the FCAA are considered for inclusion as hazardous air pollutant emissions for the purpose of determining those sources required to submit an emissions inventory. Minimum data required for the emissions inventory includes: emissions type, emissions quantity, process data, stack parameters, operating schedule, control equipment and boiler capacity.

(ii) In ozone nonattainment areas, those sources that emit over 10 tons of VOCs per year or over 25 tons per year of NO<sub>x</sub> are also required to submit emission inventories. Minimum data required for the emissions inventory includes:

emissions type, emissions quantity, process data, stack parameters, operating schedule, control equipment, and equipment capacity. Sources subject to this section are also required to submit daily emissions data for NO<sub>x</sub> and VOCs in preparation for the SIP update.

(2) **Monitoring.** The Authority 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 Control Officer or an authorized representative may require any source under the jurisdiction of the Authority to conduct stack and/or ambient air monitoring and to report the results to the Authority.

(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 the Authority shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing one or two families.

(4) **Source testing.** To determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions the Authority may conduct or require that a test be conducted of the source or any emissions unit within the jurisdiction of the Authority. Source testing shall be performed using appropriate sampling and analytical methods as approved in advance by the Authority including, but not limited to, approved EPA methods from 40 CFR 60 Appendix A which are adopted by reference, or alternate procedures approved by the Authority. The operator of a source shall provide the necessary platform and sampling ports for Authority personnel or others to perform a test of an emissions unit. The Authority 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 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) Fluidized 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 SWAPCA 400-105 (5)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by SWAPCA 400-105 (5)(d) shall be subject to approval by the Authority.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this section shall demonstrate to 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, and 40 CFR 60 Appendices B through F, as appropriate, as in effect August 1, 1996~~ which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, the Authority determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures shall be established on an individual basis. Alternative monitoring and reporting procedures may include continuous monitoring of process/operational parameters as a surrogate to continuous emissions monitoring and/or stack tests conducted at a frequency sufficient to determine compliance with applicable regulations and permit requirements as well as to quantify emissions.

(g) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. NSPS sources shall be governed by SWAPCA 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 section during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of 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 SWAPCA 400-105(1) shall require the submittal of sufficient information to the Authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. 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 or decrease in average annual sulfur content over the initial inventory shall not require such notice.

### SWAPCA 400-107 Excess Emissions

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.07 & 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 5.07); 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) The owner or operator of a source shall have the burden of proving to the Authority or the decision-making entity (e.g., Pollution Control Hearings Board) in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4), (5) and (6) of this section.

(2) Excess emissions determined by the Authority to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions shall be reported to the Authority as soon as possible. Upon request by the Authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and 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 for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

### AMENDATORY SECTION

#### SWAPCA 400-109 Notice of Construction Application

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95]

(1) **Purpose.** A Notice of Construction (NOC) application is the document or form used by the Authority to record and track requests from individual sources, registered and non-registered, for the purpose of obtaining information regarding proposed changes or activities at a source.

Confidential information shall be identified as set forth in SWAPCA 400-270. Changes may include modifications, alterations, changes to process or control equipment, establishment of emission limits, and installation of new sources.

**(2) Applicability.**

(a) A Notice of Construction application consistent with SWAPCA 400-110 shall be submitted for all new installations, modifications, changes, and alterations to process and emission control equipment consistent with the definition of new source.

(b) Submittal of a Notice of Construction application shall not automatically impose New Source Review requirements for meeting emissions standards (including, but not limited to: NSPS, NESHAPs, any ambient air quality standard, etc.).

**(3) Types of Applications.** A Notice of Construction application may be submitted for, but not be limited to, the following activities:

(a) New construction or installation.

(b) Change of existing approved emission limits (including Title V opt-out requests ~~SWAPCA 400-091~~).

(c) Review of existing or installed equipment operating without prior approval.

(d) Modification, alteration or replacement of existing process or control equipment.

(e) Change of registered owner (purchase or sale of source, facility or equipment).

(f) Change of location of operations of existing portable and stationary equipment.

(g) Review of existing equipment with an expired or lapsed approval or registration.

(h) Review of a case-by-case RACT, BACT, MACT or other similar determination.

(i) Other activities as identified by the Authority.

**(4) Fees.** A fee consistent with the fee schedule (Tables A and B) provided in SWAPCA 400-110 shall be paid by the owner or operator to the Authority prior to review of the Notice of Construction application by the Authority.

**(5) Authority Actions.** Each acceptable and complete Notice of Construction application shall have an Order of Approval or other applicable order issued by the Authority. A Notice of Construction for a gasoline dispensing station shall be submitted and approved as provided in SWAPCA 400-110(8). The requirements of SEPA (State Environmental Policy Act) shall be complied with for each Notice of Construction. Demonstration of completion of an environmental checklist as provided in WAC 197-11 shall be submitted with each Notice of Construction. Issuance of regulatory orders for all Notice of Construction applications shall be consistent with the requirements of SWAPCA 400-110. Requirements for New Source Review are provided in SWAPCA 400-110, 400-111, 400-112, 400-113 & 400-1134. A Notice of Construction application may be withdrawn prior to issuance of a regulatory order by the Authority as provided in (6) below; or an application may be determined by the Authority to be exempt as provided under 400-100, 400-101, or 400-110. An application determined to be exempt will be processed as identified in (6) below.

**(6) Withdrawal or Exempt.**

(a) A Notice of Construction application may be withdrawn by the applicant at any time prior to issuance of a regulatory order. The applicant must provide a written and

signed request to the Authority indicating their desire to withdraw a Notice of Construction application, and certification that the proposed equipment or modification will not be installed, constructed, or operated without prior review and approval from the Authority. The Authority shall provide written response to acknowledge withdrawal of the application.

(b) After review by the Authority, an application may be determined to be exempt from the registration requirements of SWAPCA 400-100 and New Source Review requirements of SWAPCA 400-110. Written notification shall be provided by the Authority to the applicant for all applications that are determined to be exempt. For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees, if provided with the application, may be refunded, upon request, provided that substantial time has not been expended by the Authority for review of the Notice of Construction application.

**AMENDATORY SECTION**

**SWAPCA 400-110 New Source Review**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.152 RCW, and 70.94.331 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; 92-06-015 filed 2/25/92, effective 3/25/92; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

**(1) Applicability.**

(a) New Source Review (NSR) means that if the new source, modification or substantial alteration or replacement meets the definition of "new source" then that new source or modification must demonstrate that all applicable emission standards have been or will be met by the proposed modification or new source. A complete Notice of Construction application shall be submitted for each source required to submit an application under the requirements of this section. Confidential information shall be identified as set forth in SWAPCA 400-270.

Before the Authority may review a Notice of Construction application, a filing fee of \$75.00 and a review fee, as shown in Table A shall be submitted by the applicant. If offsetting emission reductions or other types of review identified in Table B are required to be performed by the Authority as a result of the proposed installation, alteration, or modification, an additional review fee shall be paid. (Total Fee = Filing Fee + Review Fee [Table A] + Additional Review Fee [Table B]).

Notice of Construction application review fees based on emissions are to utilize actual or approved emissions, after controls, as supported by test data or emission factors, not potential to emit. Other review fees as noted in the fee tables are based on design capacities of the source equipment. Where a source may fall under multiple categories, only one fee per application shall apply; Table A fees are not considered additive as they apply to an application. In general, the fee determination shall be based on the primary emission unit or activity of the new, modified or altered source.

**TABLE A**  
**Notice of Construction Application Review Fees**

i.	Fuel Burning Equipment (Million Btu/hr heat input @ design capacity):	<u>Fuel Change</u>	<u>New Installation</u>
	2 or more but less than 5	\$25.00	\$100.00
	5 or more but less than 10	50.00	200.00
	10 or more but less than 30	100.00	350.00
	30 or more but less than 50	200.00	500.00
	50 or more but less than 100	300.00	1,000.00
	100 or more but less than 250	400.00	2,500.00
	250 or more but less than 500	500.00	4,000.00
	500 or more	600.00	6,000.00
ii.	Discharge from control equipment or from uncontrolled process equipment (Actual Cubic Feet per Minute - ACFM):		
	Less than 5		\$ 100.00
	5 or more but less than 5,000		200.00
	5,000 or more but less than 20,000		300.00
	20,000 or more but less than 50,000		400.00
	50,000 or more but less than 100,000		500.00
	100,000 or more but less than 250,000		1,000.00
	250,000 or more but less than 500,000		2,000.00
	500,000 or more		4,000.00
iii.	Refuse Burning Equipment (Incinerators)(Tons/day):		
	0.5 or more but less than 5		\$ 100.00
	5 or more but less than 12		1,000.00
	12 or more but less than 250		3,000.00
	250 or more		4,000.00
iv.	Storage Tanks, Reservoirs, or Containers (Gallons-total capacity): (Other than gasoline or diesel fuel dispensing facilities)		
	250 or more but less than 10,000		\$ 100.00
	10,000 or more but less than 40,000		500.00
	40,000 or more but less than 100,000		1,000.00
	100,000 or more		2,000.00
v.	Gasoline Dispensing Facilities		
	Stage I		\$100.00
	Stage II		200.00
	Stages I & II, combined		200.00
	Installation of storage tanks greater than 2000 gallons		100.00
	<u>Toxics review for gasoline facility</u>		<u>500.00</u>
vi.	Other (Not classified in Subsection i., ii., iii., or iv. above)		\$100.00/ton of emission
vii.	Toxic Air Contaminants	\$100.00 up to one ton and \$100.00 for each additional ton	
viii.	Major Source or Major Modification		\$5,000.00
ix.	Synthetic minor application (including, but not limited to: Title V, HAP)		Not to exceed \$5,000.00
x.	Particulate Matter and Fugitive Emissions from Rock Crushing, Material Transfer and Ship Loading (Emissions - tons per year)		

PROPOSED

1.0 or more but less than or equal to 10	\$ 100.00
More than 10 but less than or equal to 50	500.00
More than 50 but less than or equal to 100	1,000.00
More than 100 but less than 250	2,500.00
250 or greater	5,000.00
xi. Modifications to an Existing Order	\$200.00
xii. Installation or Operation of a Temporary, Substitute or Emergency Source	\$300.00

### TABLE B

#### Other Review Fees

The following fees are considered additive to the filing and review fees assessed for Notice of Construction applications (Table A). These fees apply to activities that may be requested of and performed by the Authority with or without submittal of a Notice of Construction application and are not part of the activities normally performed by the Authority as part of the Notice of Construction application review.

xiii. Emission Offset Analysis	\$200.00
xiv. Emission Reduction Credit (ERC) Application (Deposit or withdrawal)	\$200.00
xv. State Environmental Policy Act (SEPA) - Lead Agency	\$1000.00
xvi. Environmental Impact Statement (EIS) Review	\$500.00
xvii. RACT/BACT/MACT/BART/LAER Determination	\$2,000.00
xviii. <u>Variance request</u>	<u>\$500.00</u>

(b) A Notice of Construction application that meets the minimum requirements for New Source Review must be filed by the owner or operator and an Order of Approval issued by the Authority prior to the establishment of any new source or emission unit or modification which is listed in SWAPCA 400-100 or required to obtain an Operating Permit under RCW 70.94.161.

(c) The Authority may require that:

(i) a Notice of Construction application be filed by the owner or operator of a proposed new source or modification,

(ii) the source meets all New Source Review requirements, and

(iii) an Order of Approval be issued by the Authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

(d) New Source Review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

(e) New Source Review is not required for those sources whose facility wide combined emissions (potential to emit) do not exceed the limits specified in SWAPCA 400-101 or whose emission unit capacities are less than the minimum quantities specified in Table A of SWAPCA 400-110 (1)(a). The owner or operator of an exempt facility shall maintain sufficient documentation acceptable to the Authority to

substantiate that the source is entitled to exemption under this section. An emission unit exempt from registration under SWAPCA 400-100 or 400-101 may be exempt from New Source Review requirements.

(f) New Source Review is not required when the following conditions are met:

(i) Performance of routine maintenance or repair that involves the replacement of like-in-kind air pollution control equipment or controls. This includes upgrades of parts or components where due to wear or breakage, parts or components must be replaced and exact replacement parts or components are no longer available from the original equipment manufacturer or after market vendors. In no case shall the replacement parts result in an increase in actual emissions above allowable emissions;

(ii) A process change is made that does not result in an emission of a different type not previously approved or an increase in capacity and total air pollutant emissions;

(iii) A process change is made that does not result in an emission of a different type of toxic air pollutant, as provided in ~~WAC 173-~~ SWAPCA 460, not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified in the Small Quantity Emission Rate tables in ~~WAC 173-~~ SWAPCA 460-080 (annual rate);

(iv) A raw material composition change that does not result in individual toxic air pollutant emissions that exceed the Small Quantity Emission Rates specified in the Small

Quantity Emission Rate tables in ~~WAC 173-~~ SWAPCA 460-080 (annual rate);

(g) Any source required to submit a Notice of Construction application for New Source Review is required to demonstrate that all applicable emission standards have been or will be met by the proposed modification or new source. Examples of applicable emissions standards may include, but

not be limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS, and any ambient air quality standards as identified in Table C. Requirements for new and modified sources and replacement or alteration of control equipment are further addressed in SWAPCA 400-111, 400-112, 400-113, 400-114, and 400-151.

TABLE C

Emission Concentration Regulatory Standards and Significance Levels

Pollutant	Averaging Period	Class II Significant Impact Criteria $\mu\text{g}/\text{m}^3$ (ppm)	Class I PSD Increments $\mu\text{g}/\text{m}^3$ (ppm)	Class II PSD Increments $\mu\text{g}/\text{m}^3$ (ppm)	NAAQS		Washington
					Primary Ambient Standards $\mu\text{g}/\text{m}^3$ (ppm)	Secondary Ambient Standards $\mu\text{g}/\text{m}^3$ (ppm)	Ambient Standards $\mu\text{g}/\text{m}^3$ (ppm)
Carbon Monoxide (CO) (WAC 173-475)	8-Hour	500	--	--	10,000 <sup>a</sup> (9.0)	10,000 <sup>a</sup> (9.0)	10,000 <sup>a</sup> (9.0)
	1-Hour	2,000	--	--	40,000 <sup>a</sup> (35.0)	40,000 <sup>a</sup> (35.0)	40,000 <sup>a</sup> (35.0)
Nitrogen Dioxide (NO <sub>2</sub> ) (WAC 173-475)	Annual <sup>a</sup> (arithmetic mean)	1	2.5	25	100 (0.05)	100 (0.05)	100 (0.05)
Ozone (O <sub>3</sub> ) (WAC 173-475)	1-Hour <sup>c</sup>	--	--	--	(0.12)	(0.12)	(0.12)
Sulfur Dioxide (SO <sub>2</sub> ) (WAC 173-474)	Annual <sup>a</sup>	1	2	20	80 (0.03)	--	53 (0.02)
	24-Hour	5	5	91	365 <sup>a</sup> (0.14)	--	260 <sup>a</sup> (0.10)
	3-Hour	25	25	512	--	1,300 <sup>a</sup> (0.50)	--
	1-Hour	--	--	--	--	--	1,065 <sup>a</sup> (0.40) <sup>d</sup>
Total Reduced Sulfur (TRS)	1-Hour	--	--	--	--	--	--
Total Suspended Particulates (TSP) (WAC 173-470)	Annual <sup>a</sup> (geometric mean)	1	5	19	75	60 <sup>e</sup>	60
	24-hour	5	10	37	260 <sup>a</sup>	150 <sup>a</sup>	150 <sup>a</sup>
Particulate Matter less than 10 $\mu\text{m}$ (PM <sub>10</sub> ) (WAC 173-470)	Annual <sup>a</sup> (geometric mean)	1	--	17	50	50	50
	24-Hour	5	--	30	150 <sup>a</sup>	150 <sup>a</sup>	150 <sup>a</sup>
Lead	Quarterly Average	--	--	--	1.5	1.5	1.5

$\mu\text{g}/\text{m}^3$  = micrograms per cubic meter; ppm = parts per million

- <sup>a</sup> Never to be exceeded.
- <sup>b</sup> Not to be exceeded more than once per year.
- <sup>c</sup> This is not a standard, rather it is to be used as a guide in assessing whether implementation plans will achieve the 24-hour standard.
- <sup>d</sup> Also, 0.25 ppm not to be exceeded more than twice in seven days.
- <sup>e</sup> Not to be exceeded on more than 1 day per calendar year as provided in WAC 173-475

Annual standards never to be exceeded; short term standards not to be exceeded more than once per year unless otherwise noted. Sources include the EPA New Source Review Workshop Manual, 40 CFR 52.21 and individual WAC Chapters.

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The significant impact criteria are used to determine if a proposed project or modification will cause a significant deterioration in ambient air quality for Class II areas. If a proposed project impacts (i.e., changes in ambient concentrations resulting from the proposed project or modification alone) are predicted to be less than the significant impact criteria, then the air quality analysis is complete at that point. If the ambient impact of a proposed project or modification exceeds these levels, compliance with available PSD increments and AAQS must then be demonstrated. If a proposed project or modification exceeds the significant ambient concentrations for Class II areas, monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

(2) **Completeness determination.** Within thirty calendar days of receipt of a Notice of Construction application, the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application as provided under RCW 70.94.152. For a project subject to PSD review under SWAPCA 400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review. The Authority may request additional clarification of information submitted from the source after a completeness determination has been made for a Notice of Construction application.

(3) **Final determination/Regulatory Orders.**

(a) Within sixty calendar days of receipt of a complete application, the Authority shall either issue a final decision on the application or, for those projects subject to public notice, issue a preliminary determination and initiate notice and comment procedures under SWAPCA 400-171 on a proposed decision, followed as promptly as possible by a final decision. An owner or operator seeking to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the Notice of Construction application required by this section. A Notice of Construction application designated for integrated review shall be processed in accordance with SWAPCA 401 procedures and deadlines.

(b) Every final determination on a Notice of Construction application that results in the issuance of an Order of Approval by the Authority shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.

(c) If the new source is a major stationary source or the change is a major modification, the Authority shall submit any control technology determination(s) included in a final Order of Approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

(4) **Appeals.** An Order of Approval, any conditions contained in an Order of Approval, the denial of a Notice of Construction application, or any other regulatory order issued by the Authority, may be appealed to the Board of Directors as specified in SWAPCA 400-220 of this regulation or appealed directly to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW. The Authority shall promptly mail copies of

each order approving or denying a Notice of Construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

(5) **Portable sources.** For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a Notice of Construction application for each location provided that:

(a) The source/emissions units are registered with the Authority.

(b) The source/emissions units have an Order of Approval as a portable source.

(c) The owner(s) or operator(s) notifies the Authority of intent to operate at the new location at least ten business days prior to starting the operation.

(d) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable the Authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

(e) The owner(s) and/or resident(s) of immediately adjacent properties shall be notified by the owner(s) or operator(s) of the portable source in writing at least 10 business days prior to commencement of operations at the proposed location with copies mailed to the Authority. Written notification to the adjacent landowners/residents shall be by certified mail with return receipt requested. Such written notification shall include a complete description of the proposed operation, the associated emissions control provisions and equipment, the total estimated project emissions, the name, address and phone number of the person in charge of the operation, and the address and phone number for SWAPCA. Written notification shall indicate that all comments shall be directed to the Authority.

(6) **Compliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(7) **Expiration.** Approval to construct or modify a stationary source shall become invalid if construction is not commenced within eighteen months after the date of issuance of an Order of Approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Authority may specify an earlier date for commencement of construction in an Order of Approval.

(8) **Temporary, Emergency, or Substitution Sources.**

(a) A temporary source shall be considered to be a new source. The Authority may require that a Notice of Construction application and applicable review fees be submitted before reviewing a request for a temporary, emergency or

substitution source. The Authority may provide approval for special situations for a source without meeting the requirements for New Source Review when one or more of the following conditions are met:

(i) The temporary source is needed to replace a previously approved similar source where the approved source is non-functional due to breakdown or other similar circumstances beyond the control of the owner or operator. This may include replacement steam or power supply units where facilities have an immediate need to continue production or service to public or private industries, or have a need for an extended or unscheduled shutdown of equipment that is of a duration not otherwise planned for. The Authority may provide written approval for a temporary source that may include but not be limited to emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing requirements. Installation of a temporary source due to poor or improper maintenance or operations is required to submit a Notice of Construction application for permanent replacement within 30 days of installation.

(ii) The temporary source is necessary to support public or private needs in the event of a local or regional disaster when proper planning could not be accommodated. In no event shall the temporary source be authorized for operations for durations greater than three months. Written approval shall be provided by the Authority that may contain but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. For operations greater than three months the owner or operator shall submit a Notice of Construction application under New Source Review requirements (SWAPCA 400-110) for approval from the Authority.

(iii) The temporary source is a one time special need, urgent application, that can not otherwise be accommodated through the New Source Review process due to the critical nature of the source and time constraints. As a condition of approval under this expedited approval process, a new source of this type could not request to be allowed or expected to operate within the jurisdiction of the Authority for the following three years. Written approval shall be provided by the Authority that may contain but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements and testing requirements. In no case shall approval be provided for operation greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of SWAPCA 400-110.

(b) An emergency source is the result of an emergency situation that could not otherwise be planned for. The Authority shall provide written approval for an emergency source provided that the owner or operator has provided sufficient documentation or demonstration of the need for the source to the satisfaction of the Control Officer. The written approval may include but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. In no case shall approval be provided for operations greater than three months.

(c) A substitute source is the same as a temporary source as in (a) above. A substitute source may be of a different manufacturer and model number and size and may result in increased emissions from installation from previously approved equipment on a short term basis. The Authority shall provide written approval for a substitute source that may include but not be limited to: emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing requirements. In no event shall the substitute source be authorized for operations for durations greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of SWAPCA 400-110.

**(9) Gasoline dispensing facilities.**

(a) Owners or operators of gasoline dispensing facilities shall submit a Notice of Construction application for all new or upgraded facilities as defined in SWAPCA 491 prior to installation, construction or modification. New Source Review fees shall apply for all Notice of Construction applications as identified in SWAPCA 400-110. Installation of vapor control equipment and compliance schedules shall be as provided in SWAPCA 491. Applications for installation of Stage II equipment shall include a Stage I application if the tanks, spill/overflow collection, cathodic protection or Stage I controls are to be replaced, changed or modified as part of the Stage II activity.

(b) All gasoline vapor control equipment installed at gasoline dispensing facilities shall be certified by the California Air Resources Board (CARB) and shall have a CARB Executive Order issued for the vapor control equipment.

(c) A Notice of Construction application for a gasoline dispensing facility shall be submitted to the Authority prior to installation, construction, or upgrade of gasoline dispensing equipment, control equipment, or facilities.

(d) The Authority shall provide written notification to the applicant within 30 calendar days of receipt of the application if the application is complete and in accordance with applicable requirements. An Order of Approval ~~will~~ may not be issued for a Notice of Construction for gasoline dispensing facilities and the public notice and comment procedures ~~will~~ may not be required if the Notice of Construction application provides for certified or approved equipment and controls as identified in (b) above. The applicant may begin construction, upgrade, or operation upon receipt of written notification of approval of the application from the Authority. Written approval from the Authority may contain additional testing, monitoring and reporting requirements.

(e) Within 10 calendar days of installation of a new facility, Stage I or Stage II controls, or upgrades as provided in SWAPCA 491-020, the owner or operator shall notify the Authority in writing that the activities as identified in the Notice of Construction and associated testing are complete. Test results shall be submitted to SWAPCA within 14 calendar days of testing.

(f) All new facilities with Stage I gasoline vapor recovery systems shall have a back pressure/blockage test performed at the time of installation to ensure proper connection and absence of leaks.



(g) All new installations of Stage I and II vapor recovery controls shall have a static pressure decay test performed at the time of installation in accordance with CARB draft TP-201.3 or an Authority approved equivalent. Identification of the test method shall be included in the Notice of Construction application and results of the testing shall be submitted to the Authority with the notification provided in (e) above. The Authority may specify other or additional test requirements in the written Order of Approval. This testing shall be performed annually by each new facility to ensure proper operation. Results of the testing shall be submitted to SWAPCA ~~within 14 calendar days of test completion as provided in (e) above.~~

(h) All vacuum assisted Stage II vapor recovery controls shall be performance tested by performance of an air to liquid ratio test at the time of installation. Such testing is in addition to the back pressure/blockage testing and static pressure decay test of items (f) and (g) above and shall be performed in accordance with the CARB Executive Order certifying the equipment, CARB draft test procedure TP-201.5, or an Authority approved equivalent. Identification of the preferred test method shall be included in the Notice of Construction application and results of the testing shall be submitted to the Authority with the notification provided in (e) above. The Authority may specify other or additional test requirements in the written Order of Approval.

(i) Stage I and Stage II vapor recovery equipment shall be maintained in proper working order at all times. All Stage I and Stage II vapor recovery equipment shall be maintained in accordance with the CARB Executive Order(s) certifying the equipment or system. Whenever a Stage I or Stage II gasoline vapor recovery system or component is determined to be defective or not operating properly, the owner or operator shall immediately take the system out of service until repairs are made. Systems shall not be returned to service until the defective system is operating properly.

(j) Delivery rates for the gasoline dispensing systems shall be limited to the rates approved in the CARB Executive Order certifying the equipment or system, and in no case shall any delivery system exceed 10 gallons per minute as provided by EPA in the Federal Register, Volume 58, Number 55, page 16019.

(k) The owner or operator shall submit gasoline throughput figures annually (on a calendar basis) to the Authority by January 31 of each year.

(l) The owner or operator of a gasoline dispensing facility and/or the delivery person shall not permit the loading of gasoline into a gasoline storage tank equipped with vapor recovery fittings from a transport tank equipped with vapor recovery fittings unless the vapor recovery system is attached to the transport tank and operated satisfactorily at all times when fuel is unloaded.

(m) Pressure/vacuum valves shall be installed as required by the CARB Executive Orders that certify the particular Stage I or Stage II vapor recovery equipment. Relief set points shall be adhered to as provided in the applicable CARB Executive Orders and local fire ordinances.

(n) Any alteration of the equipment, parts, design, or operation of the nozzles or gasoline dispensing system as certified by CARB is prohibited, and shall not be performed without submittal of a Notice of Construction application and prior approval from the Authority.

~~(o) The Authority shall issue an Order of Authorization to Operate for each gasoline dispensing facility in accordance with SWAPCA 400-111 and 400-230. No person or entity shall sell, offer for sale, supply, offer for supply, dispense, transport, or introduce into commerce, for use as a fuel in any motor vehicle any gasoline which contains lead or lead additives after December 31, 1995 as provided at Section 211(n) of the 1990 Federal Clean Air Act Amendments.~~

#### NEW SECTION

#### SWAPCA 400-111 Requirements for Sources in a Maintenance Plan Area

Any person proposing to install, construct or operate a new source or emission unit or make a modification to an existing source or emission unit shall file a Notice of Construction application with the Authority in accordance with SWAPCA 400-109 and shall be subject to the New Source Review provisions of SWAPCA 400-110. Confidential information shall be identified as set forth in SWAPCA 400-270. A Notice of Construction application to establish a new source or make a modification to a source in an area that is covered by a maintenance plan, shall result in the issuance of an Order of Approval or other regulatory order. Such order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if it is determined that the proposed project satisfies all of the requirements of this section. New sources or modifications within a designated maintenance plan area, including sources of VOC or NOx in a designated ozone maintenance plan area, shall meet the requirements listed below.

(1) Emission Standards. The proposed new source or modification shall:

(a) comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and, the applicable emission standards of the Authority; and

(b) not cause any ambient air quality standard as provided in SWAPCA 400-113(3) to be exceeded; and

(c) not violate the requirements for reasonable further progress established by the Washington State Implementation Plan; and

(d) minimize emissions to the extent that the new source or modification will not delay the attainment date for a nonattainment area, exceed emission levels or other requirements provided in a maintenance plan for an area that was previously identified as a nonattainment area, nor cause or contribute to a violation of any ambient air quality standard.

(2) BACT. Except as provided in Subsection 8 of this section, the owner or operator of the proposed new source or modification shall apply BACT for each pollutant. In the case of a modification, the requirement for BACT shall apply to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time

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prior to commencement of construction of each independent phase.

(3) Source Compliance. The owner or operator of the proposed new source or modification shall demonstrate that all sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in Washington are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Washington Clean Air Act (RCW 70.94).

(4) Offsets or Growth Allowance. The owner or operator of a proposed new major source or major modification shall provide offsets as specified in Subsection (9) of this section. Except as provided in Subsection (8) of this section, the requirements of this Section may be met in whole or in part in an ozone maintenance plan area with an allocation by SWAPCA from a growth allowance, if available, in accordance with Subsection (9) of this section and the applicable maintenance plan in the SIP adopted by the Board and approved by EPA.

(5) Net Air Quality Benefit. For cases in which emission reduction or offsets are required in accordance with Section (4) above, the applicant shall demonstrate that a net air quality benefit will be achieved in the maintenance plan area. If the proposed new source or the proposed modification is major for the contaminant for which the area has a maintenance plan, allowable emissions of the maintenance pollutant from the proposed new source or modification shall be offset by reductions in actual emissions of the maintenance pollutant. All offsetting emission reductions must satisfy the following requirements of Subsection (8).

(6) Alternative Analysis.

(a) Except as provided in Subsection (c) of this section, the owner or operator of a proposed major source or major modification shall conduct an alternatives analysis;

(b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification which demonstrates that benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;

(c) This analysis shall not be required for a major source or major modification that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.

(7) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan (CO or ozone) has been triggered due to a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard, this Section shall apply in addition to other requirements of this rule and the applicable approved maintenance plan adopted by the Board and approved by EPA as a revision to the SIP.

(a) The requirements for BACT in Section (2) of this Section shall be replaced by a requirement for LAER. If the new source is a major stationary source or the proposed modification is a major modification, it must achieve LAER for the maintenance pollutant and for which the proposed new source or modification is major.

(b) An allocation from a growth allowance shall not be used to meet the requirement for offsets in Section (4) of

this Section. The growth allowance emissions shall be unavailable until such time as sufficient demonstration is made to reinstate the growth allowance emissions.

(8) Industrial Growth Allowance and Offset Allocation.

(a) Industrial growth allowances for sources in a maintenance plan area are identified in and governed by the Washington State Implementation Plan and the applicable maintenance plan for the applicable maintenance plan area.

(b) The growth allowance emissions may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. In the event of a confirmed ozone violation, the growth allowance for VOC and NOx emissions shall be eliminated and new sources shall be required to implement LAER and offsets. Growth allowance emissions may be reinstated as provided in the EPA approved maintenance plan.

(c) The owner or operator of a proposed new major source or major modification emitting VOCs or NOx, may obtain a portion of any remaining emissions in the respective growth allowance in accordance with the following process:

(i) Access is on a first-come-first-served basis, based on the date of a complete notice of construction and allowance allocation request;

(ii) No single source may receive an emissions allocation of more than 50% of any remaining growth allowance, or up to 10 tons per year, which ever is greater. On a case-by-case basis, the SWAPCA Board of Directors may approve an emissions allocation of greater than 50% upon consideration of the following:

(A) Information submitted by the source to SWAPCA justifying its request for exceeding the 50% emissions allocation, based on significant economic, employment, or other benefits to the maintenance plan area that will result from the proposed new major source or major modification;

(B) Information provided by SWAPCA on other known new major sources or major modifications seeking an emissions allocation from the same growth allowance; and

(C) Other relevant information submitted by the source or SWAPCA.

(iii) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, SWAPCA shall allocate only a portion of the VOC and NOx growth allowances each year. SWAPCA will track use of VOC and NOx emissions from the growth allowances. The amount of the growth allowance that can be allocated each year is identified in the applicable ozone maintenance plan.

(iv) The amount of the CO growth allowance that can be allocated is identified in the applicable CO maintenance plan, if any.

(d) If no emissions remain in the respective growth allowance or the contingency plan has been triggered which effectively zeros the growth allowance, the owner or operator of the proposed major source or major modification shall provide offsets. Applicants in a maintenance area shall demonstrate the following:

(i) A demonstration shall be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the new source or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified

in 40 CFR Part 51, Appendix W, Guideline on Air Quality Models (Revised).

(ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed source. Offsets for particulate matter, PM<sub>10</sub>, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants shall be less than the level of significant air quality impact.

(iii) New sources or modifications shall meet the following offset requirements:

(A) within a designated maintenance plan area, the offsets shall provide reduction which are equivalent or greater than the proposed increases. The offsets shall be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions;

(B) outside a designated maintenance plan area, owners or operators of new sources or modifications which have a significant air quality impact on the maintenance plan area as provided in SWAPCA 400-113(3) shall provide emission offsets which are sufficient to reduce impacts to levels below the significant air quality impact level with the maintenance plan area; and

(C) The emission reductions must provide for a net air quality benefit.

(I) New major sources within an ozone maintenance plan area shall:

(a) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(b) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.

(II) Sources within an ozone maintenance plan area undergoing major modifications shall:

(a) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(b) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(III) New major sources within a carbon monoxide maintenance plan area shall:

(a) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(IV) Sources within a carbon monoxide maintenance plan area undergoing major modifications shall:

(a) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.

(D) New major sources or major modifications with CO emissions greater than 250 tpy are required to obtain offsets and comply with the PSD requirements of SWAPCA 400-141.

(iv) The emission reduction shall be of the same type of pollutant as the emissions from the new source or modification. Sources of PM<sub>10</sub> shall be offset with particulate in the same size range.

(v) The emission reductions shall be contemporaneous, that is, the reductions shall take effect prior to the time of startup but not more than two years prior to the submittal of a complete notice of construction application for the new source or modification. This time limitation may be extend-

ed through banking, as provided in SWAPCA 400-130, 400-131 and 400-136 for banking activities approved after the effective date of this regulation. In the case of replacement facilities, SWAPCA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that emissions do not exceed the new emission limits.

(vi) New major sources or major modifications in a maintenance plan area shall:

(A) The proposed new level of allowable emissions of the source or emissions units providing the reduction must be less than the current level of actual emissions of that source or emission unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(B) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. SWAPCA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that the facility wide emissions do not exceed the new emission limit.

(9) PSD Applicability. If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program as described in SWAPCA 400-141, the new source or modification shall meet the requirements of that program for all pollutants. For maintenance plan pollutants, the source shall meet all PSD requirements in addition to the additional requirements of this Section.

(10) Toxics. If the proposed new source or modification will emit any toxic air pollutants regulated under SWAPCA 460, the source shall meet all applicable requirements of that regulation.

(11) Visibility. If the proposed new source is a major stationary source or the proposed modification is a major modification, the source shall meet all the visibility protection requirements of 40 CFR 52.27 as in effect on August 1, 1995.

(12) Noncompliance. Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

## AMENDATORY SECTION

### **SWAPCA 400-112 Requirements for New Sources in Nonattainment Areas**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 12/17/68 (Regulation I Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

A Notice of Construction application to establish a new source or make a modification to a source in a nonattainment area, shall result in the issuance of an Order of Approval or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compli-

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ance with this section, if the Authority determines that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and, the applicable emission standards of the Authority.

(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it must achieve LAER for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

(3) The proposed new source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the Washington State Implementation Plan and will comply with SWAPCA 400-113(3) for all contaminants for which the area has not been designated nonattainment.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification, and the Authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) If the proposed new source or the proposed modification is major for the contaminant for which the area is designated nonattainment, allowable emissions of the pollutant for which the area has been designated nonattainment from the proposed new source or modification are offset by reductions in actual emissions of the pollutant for which the area has been designated nonattainment from existing sources in the nonattainment area so as to represent (when considered together with the nonattainment provisions of section 172 of the FCAA) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(a) The proposed new level of allowable emissions of the source or emissions units providing the reduction must be less than the current level of actual emissions of that source or emission unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(b) The emission reductions must provide for a net air quality benefit.

(i) New major sources within a marginal the Portland-Vancouver Ozone Nonattainment Area (which has been designated by EPA as "marginal") shall:

(A) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(B) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.

(ii) Sources within the Portland-Vancouver Ozone Nonattainment Area (which has been designated by EPA as

"marginal") a marginal ozone nonattainment area undergoing major modifications shall:

(A) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(B) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(iii) New major sources within the Portland-Vancouver Carbon Monoxide Nonattainment Area (which has been designated by EPA as "moderate") a moderate carbon monoxide nonattainment area shall:

(A) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(iv) Sources within the Portland-Vancouver Carbon Monoxide Nonattainment Area (which has been designated by EPA as "moderate") a moderate carbon monoxide nonattainment area undergoing major modifications shall:

(A) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.

(c) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. An emission reduction credit issued under SWAPCA 400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(7) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in the EPA-approved Washington State Implementation Plan.

(8) If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program described in SWAPCA 400-141 it meets the requirements of that program for all contaminants for which the area has not been designated nonattainment.

(9) If the proposed new source or modification will emit any toxic air pollutants regulated under SWAPCA WAC 173-460, the source meets all applicable requirements of that Chapter.

(10) If the proposed new source is a major stationary source or the proposed modification is a major modification, the Authority has complied with the visibility protection review requirements of 40 CFR 52.28(c) through (h), as in effect on ~~February 1, 1995~~ August 1, 1996, and determined that the project meets the criteria set forth in 40 CFR 52.28(g). For purposes of this subsection definitions

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referenced in 40 CFR 52.28(b) are incorporated by reference, except that the term "visibility protection area" means any Class I area, and terms defined in SWAPCA 400-030 shall have the meanings defined in that section. References in 40 CFR 52.28 to "the Administrator" shall mean the agency (either Ecology or the Authority) processing the Notice of Construction application.

**AMENDATORY SECTION**

**SWAPCA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

Any person proposing to install, construct or operate a new source or emission unit or modification to an existing source or emission unit shall file a Notice of Construction application with the Authority and shall be subject to the New Source Review provisions of SWAPCA 400-110. Confidential information shall be identified as set forth in SWAPCA 400-270. A Notice of Construction application to establish a new source or make a modification to a source in an area that is in attainment or unclassifiable for any air contaminant the proposed new source would emit and that is in attainment or unclassifiable for ozone if the proposed new or modified source would emit VOCs or NO<sub>x</sub>, shall result in the issuance of an Order of Approval or other regulatory order. Such order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if it is determined that the proposed project satisfies all of the following requirements:

(1) The proposed new source or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and the applicable emission standards of the Authority.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment or unclassifiable nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
SO <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	25 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>
PM <sub>10</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
NO <sub>2</sub>	1.0 µg/m <sup>3</sup>	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification for purposes of the PSD program described in SWAPCA 400-141, it meets all applicable requirements of that section.

(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under ~~WAC 173- SWAPCA~~ 460, the source meets all applicable requirements of that program.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(7) If, within the meaning of the PSD program described in SWAPCA 400-141, the proposed new source is a major stationary source or the proposed modification is a major modification, the source would not cause an adverse impact upon visibility.

**AMENDATORY SECTION**

**SWAPCA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.153 RCW and 70.94.331 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-11093-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95]

(1) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a Notice of Construction application with the Authority and shall be subject to the New Source Review process of SWAPCA 400-110. If the replacement or substantial alteration meets the definition of "new source" or "modification" then the new source emissions standards of SWAPCA 400-111, 400-112 or SWAPCA 400-113 shall apply. If the replacement or substantial alteration does not meet the definition of "new source" or "modification" then RACT or other requirements shall apply. Replacement or substantial alteration of control technology does not include routine maintenance, repair or parts replacement.

(2) For projects not otherwise reviewable under SWAPCA 400-110, the Authority may:

(a) Require that the owner or operator employ RACT for the affected emission unit;

(b) Prescribe reasonable operation and maintenance conditions for the control equipment; and

(c) Prescribe other requirements authorized by Chapter 70.94 RCW.

(3) Within thirty calendar days of receipt of a Notice of Construction application under this section the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty calendar days of receipt of a complete Notice of Construction application under this section the Authority shall either issue an Order of Approval or a proposed RACT determination for the proposed project.

(4) Construction shall not commence, as defined in SWAPCA 400-030(16), on a project subject to review under

this section until the Authority issues a final Order of Approval. However, any Notice of Construction application filed under this section shall be deemed to be approved without conditions if the Authority takes no action within thirty days of receipt of a complete Notice of Construction application. The Authority may request clarification of information submitted in support of the application after the application has been determined to be complete.

(5) An Order of Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months from the date of issuance of an Order of Approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Authority may specify an earlier date for commencement of construction in an Order of Approval.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

#### AMENDATORY SECTION

##### **SWAPCA 400-115 Standards of Performance for New Sources**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Originally adopted by Board 12/18/79; Amended by Board 4/17/84 (renumbered to 400-135); Amended by Board 12/16/86; 93-16-007 filed 7/22/93, effective 8/22/93; 95-17-084 filed 8/21/95, effective 9/21/95]

Title 40, Code of Federal Regulations, Part 60 (Standards of Performance for New Sources), as in effect on ~~February 1, 1995~~ August 1, 1996, 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 the Administrator of EPA, the Director of Ecology and the Control Officer of the Authority.

As of ~~February 1, 1995~~ August 1, 1996, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

- 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 (ref. 40 CFR 60.40 et seq.)
- Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts (ref. 40 CFR 60.40a et seq.)
- 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 (ref. 40 CFR 60.40b et seq.)
- Subpart Dc Small industrial-commercial-institutional steam generating units (ref. 40 CFR 60.40c et seq.)
- Subpart E Incinerators (ref. 40 CFR 60.50 et seq.)
- Subpart Ea Municipal waste combustors (ref. 40 CFR 60.50a et seq.)
- Subpart F Portland cement plants (ref. 40 CFR 60.60 et seq.)
- Subpart G Nitric acid plants (ref. 40 CFR 60.70 et seq.)
- Subpart H Sulfuric acid plants (ref. 40 CFR 60.80 et seq.)
- Subpart I Asphalt concrete plants (ref. 40 CFR 60.90 et seq.)
- Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products (ref. 40 CFR 60.100 et seq.)
- 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 (ref. 40 CFR 60.110 et seq.)
- Subpart Ka Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons (ref. 40 CFR 60.110a et seq.)
- Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984 (ref. 40 CFR 60.110b et seq.)
- Subpart L Secondary lead smelters (ref. 40 CFR 60.120 et seq.)
- Subpart M Brass and bronze ingot production plants (ref. 40 CFR 60.130 et seq.)
- Subpart N Iron and steel plants (ref. 40 CFR 60.140 et seq.)
- Subpart O Sewage treatment plants (ref. 40 CFR 60.150 et seq.)
- Subpart P Primary copper smelters (ref. 40 CFR 60.160 et seq.)
- Subpart Q Primary zinc smelters (ref. 40 CFR 60.170 et seq.)
- Subpart R Primary lead smelters (ref. 40 CFR 60.180 et seq.)
- Subpart S Primary aluminum reduction plants (ref. 40 CFR 60.190 et seq.)
- Subpart T Phosphate fertilizer industry: Wet process phosphoric acid plants (ref. 40 CFR 60.200 et seq.)
- Subpart U Phosphate fertilizer industry: Superphosphoric acid plants (ref. 40 CFR 60.210 et seq.)
- Subpart V Phosphate fertilizer industry: Diammonium phosphate plants (ref. 40 CFR 60.220 et seq.)
- Subpart W Phosphate fertilizer industry: Triple superphosphate plants (ref. 40 CFR 60.230 et seq.)

- Subpart X Phosphate fertilizer industry: Granular triple superphosphate storage facilities (ref. 40 CFR 60.240 et seq.)
- Subpart Y Coal preparation plants (ref. 40 CFR 60.250 et seq.)
- Subpart Z Ferroalloy production facilities (ref. 40 CFR 60.260 et seq.)
- Subpart AA Steel plants: Electric arc furnaces (ref. 40 CFR 60.270 et seq.)
- Subpart AAa Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels (ref. 40 CFR 60.270a et seq.)
- Subpart BB Kraft pulp mills (ref. 40 CFR 60.280 et seq.)
- Subpart CC Glass manufacturing plants (ref. 40 CFR 60.290 et seq.)
- Subpart DD Grain elevators (ref. 40 CFR 60.300 et seq.)
- Subpart EE Industrial surface coating: Metal furniture (ref. 40 CFR 60.310 et seq.)
- Subpart GG Stationary gas turbines (ref. 40 CFR 60.330 et seq.)
- Subpart HH Lime manufacturing plants (ref. 40 CFR 60.340 et seq.)
- Subpart KK Lead-acid battery plants (ref. 40 CFR 60.370 et seq.)
- Subpart LL Metallic mineral processing plants (ref. 40 CFR 60.380 et seq.)
- Subpart MM Automobile and light duty truck surface coating operations (ref. 40 CFR 60.390 et seq.)
- Subpart NN Phosphate rock plants (ref. 40 CFR 60.400 et seq.)
- Subpart PP Ammonium sulfate manufacture (ref. 40 CFR 60.420 et seq.)
- Subpart QQ Publication rotogravure printing (ref. 40 CFR 60.430 et seq.)
- Subpart RR Pressure sensitive tape and label surface coating operations (ref. 40 CFR 60.440 et seq.)
- Subpart SS Industrial surface coating: Large appliances (ref. 40 CFR 60.450 et seq.)
- Subpart TT Industrial surface coating: Metal coils (ref. 40 CFR 60.460 et seq.)
- Subpart UU Asphalt processing and asphalt roofing manufacture (ref. 40 CFR 60.470 et seq.)
- Subpart VV Synthetic Organic Chemical Manufacturing Industry equipment leaks (VOC) (ref. 40 CFR 60.480 et seq.)
- Subpart WW Beverage can surface coating operations (ref. 40 CFR 60.490 et seq.)
- Subpart XX Bulk gasoline terminals (ref. 40 CFR 60.500 et seq.)
- Subpart AAA New residential wood heaters (ref. 40 CFR 60.530 et seq.)
- Subpart BBB Rubber tire manufacturing industry (ref. 40 CFR 60.540 et seq.)
- Subpart DDD VOC emissions from the polymer manufacturing industry (ref. 40 CFR 60.560 et seq.)
- Subpart FFF Flexible vinyl and urethane coating and printing (ref. 40 CFR 60.580 et seq.)
- Subpart GGG Petroleum refineries - compressors and fugitive emission sources (ref. 40 CFR 60.590 et seq.)
- Subpart HHH Synthetic fiber production facilities (ref. 40 CFR 60.600 et seq.)
- Subpart III VOC emissions from Synthetic Organic Chemical Manufacturing Industry air oxidation unit processes (ref. 40 CFR 60.610 et seq.)
- Subpart JJJ Petroleum dry cleaners (ref. 40 CFR 60.620 et seq.)
- Subpart KKK Equipment leaks of VOC from onshore natural gas processing plants (ref. 40 CFR 60.630 et seq.)
- Subpart LLL Onshore natural gas processing; SO<sub>2</sub> emissions (ref. 40 CFR 60.640 et seq.)
- Subpart NNN VOC emissions from Synthetic Organic Chemical Manufacturing Industry distillation operations (ref. 40 CFR 60.660 et seq.)
- Subpart OOO Nonmetallic mineral processing plants (ref. 40 CFR 60.670 et seq.)
- Subpart PPP Wool fiberglass insulation manufacturing plants (ref. 40 CFR 60.680 et seq.)
- Subpart QQQ VOC emissions from petroleum refinery waste water emissions (ref. 40 CFR 60.690 et seq.)
- Subpart SSS Magnetic tape coating facilities (ref. 40 CFR 60.710 et seq.)
- Subpart TTT Industrial surface coating: Surface coating of plastic parts for business machines (ref. 40 CFR 60.720 et seq.)
- Subpart VVV Polymeric coating of supporting substrates facilities (ref. 40 CFR 60.740 et seq.)

Note: 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.

#### NEW SECTION

##### **SWAPCA 400-116 Maintenance of Equipment**

[Statutory Authority: Chapter 70.94.152(7) RCW, 70.94.155 RCW and 70.94.331 RCW.]

(1) Any equipment, including features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted for approval or required as part of an approval shall be maintained and operate in good working order. Defective or malfunctioning equipment that emit air pollutants shall be repaired immediately or shall be taken out of service.

(2) Any equipment that serves as air contaminant control or capture equipment shall be maintained and operate in good working order at all times in accordance with good operations and maintenance practices and in accordance with Authority approval conditions. Defective or malfunctioning equipment shall be repaired immediately or shall be taken out of service.

(3) SWAPCA shall have the authority to require that an Operations and Maintenance (O&M) plan be developed and implemented for each emission unit or piece of control or capture equipment in order to assure continuous compliance



with approval conditions. A copy of the plan shall be available for site inspections. The plan shall reflect good industrial practice and shall include periodic inspection of all equipment and control apparatus, monitoring and recording of equipment and control apparatus performance, prompt repair of any defective equipment or control apparatus, procedures for start up, shut down and normal operation, and a record of all actions required by the plan. The plan shall be reviewed by the source or owner at least annually and updated to reflect any changes in good industrial practices. The O&M plan shall be available at or near the equipment it applies to so as to assist operations and maintenance personnel in assuring good operations and maintenance practices as well as the ability to log and record equipment performance parameters. As a minimum, the O&M plan shall contain each of the parameters required to be monitored, logged or recorded as provided in an Order of Approval.

(4) Noncompliance with any emission limit, test requirement, reporting or record keeping requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

**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.

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

**WSR 96-17-041  
PROPOSED RULES  
SOUTHWEST AIR  
POLLUTION CONTROL AUTHORITY**

[Filed August 19, 1996, 9:15 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-14-020.

Title of Rule: SWAPCA 490 Emission Standards and Controls for Sources Emitting Volatile Organic Compounds.

Purpose: This rule establishes requirements for certain source categories in ozone nonattainment areas for control of emissions of volatile organic compounds.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Statute Being Implemented: RCW 70.94.141.

Summary: Proposed changes revise the applicability section to include areas within the Southwest Air Pollution Control Authority jurisdiction that are part of a maintenance plan, in addition to the existing ozone nonattainment areas for sources of volatile organic compounds. Other changes are made for language clarification.

Reasons Supporting Proposal: These changes are necessary to support the SWAPCA adopted Vancouver

Ozone Maintenance Plan and provide consistency with SWAPCA 491.

Name of Agency Personnel Responsible for Drafting and Implementation: Paul Mairose, 1308 N.E. 134th Street, Vancouver, (360) 574-3058; and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, (360) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation provides limits for several categories of volatile organic compounds. The regulation as it currently exists applies only in a designated ozone nonattainment area. The individual source category rules were developed consistent with federally mandated control technology guidelines (CTGs) as required under Title I of the Federal Clear Air Act. As part of the Vancouver Ozone Maintenance Plan, the board of directors approved a provision to apply the current regulation to the maintenance plan area in addition to nonattainment areas. This means that the current rule in effect in the Vancouver AQMA will continue to be in effect as part of the ten-year maintenance demonstrations.

Proposal Changes the Following Existing Rules: The proposed rule changes the applicability from just being applicable in ozone nonattainment areas to areas in nonattainment and those areas covered by a federally approved maintenance plan. In addition, administrative changes were made throughout the regulation to make it specific to the Southwest Air Pollution Control Authority jurisdiction. These latter changes are not substantive and reflect the current Washington regulation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes adopt the existing chapter 173-490 WAC with the exception of making the rule applicable to an area covered by an ozone maintenance plan. In addition, this agency is not subject to the small business economic impact provision of chapter 19.85 RCW.

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, do not apply to this rule adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

Hearing Location: Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

Submit Written Comments to: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

Date of Intended Adoption: October 15, 1996.

August 6, 1996  
Paul T. Mairose  
for Robert D. Elliott  
Executive Director



**SWAPCA 490**  
**EMISSION STANDARDS AND CONTROLS FOR**  
**SOURCES EMITTING VOLATILE ORGANIC**  
**COMPOUNDS**

**SWAPCA**

- 490-010 Policy and Purpose
- 490-020 Definitions
- 490-025 General Applicability
- 490-030 Registration and Reporting
- 490-040 Requirements
- 490-080 Exceptions and Alternative Methods
- 490-090 New Source Review
- 490-200 Petroleum Refinery Equipment Leaks
- 490-201 Petroleum Liquid Storage in External Floating Roof Tanks
- 490-202 Leaks from Gasoline Transport Tanks and Vapor Collection Systems
- 490-203 Perchloroethylene Dry Cleaning Systems
- 490-204 Graphic Arts Systems
- 490-205 Surface Coating of Miscellaneous Metal Parts and Products
- 490-207 Surface Coating of Flatwood Paneling
- 490-208 Aerospace Assembly and Component Coating Operations

**AMENDATORY SECTION****SWAPCA 490-010 Policy and Purpose**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW.  
 Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) It is the policy of the ~~department of ecology (ecology)~~ Southwest Air pollution Control Authority (SWAPCA) under the authority vested in it by Chapter 43.21A, 70.94.141, 70.94.152, and 70.94.331 RCW to provide for the systematic control of air pollution from air contaminant sources within Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties and for the proper development of the state's natural resources.

(2) ~~It is the purpose of this regulation chapter to~~ The purpose of this regulation chapter is to establish technically feasible and reasonably attainable emission standards for sources emitting volatile organic compounds (VOCs) and revise such standards as new information and better technology are developed and become available.

**AMENDATORY SECTION****SWAPCA 490-020 Definitions**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW.  
 Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

The definitions of terms contained in ~~SWAPCA chapter 473-400 WAC~~ are by this reference incorporated into this regulation chapter. Unless a different meaning is clearly required by context, the following words and phrases, as used in this regulation chapter, shall have the following meanings:

- (1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.
- (2) "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.

(3) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

(4) "Closed refinery system" means a system that will process or dispose of those VOCs collected from another system. The mass quantity of collected VOCs emitted to the ambient air from the closed refinery system shall not exceed that required for a disposal system.

(5) "Condensate" means hydrocarbon liquid separated from a gas stream which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

(6) "Condenser" means a device for cooling a gas stream to a temperature where specific VOCs become liquid and are removed.

(7) "Control system" means one or more control devices, including condensers, that are designed and operated to reduce the quantity of VOCs emitted to the atmosphere.

(8) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.

(9) "Cutback asphalt" means an asphalt that has been blended with petroleum distillates to reduce the viscosity for ease of handling and lower application temperature. An inverted emulsified asphalt shall be considered a cutback asphalt when the continuous phase of the emulsion is a cutback asphalt.

(10) "Disposal system" means a process or device that reduces the mass quantity of the VOC that would have been emitted to the ambient air by at least ninety percent prior to their actual emission.

(11) "Dry cleaning facility" means a facility engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter and purification system(s), waste disposal system(s), holding tank(s), pump(s) and attendant piping and valve(s).

(12) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(13) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(14) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than 200 mm of Hg (4 psia) at 20°C, and is used as a fuel for internal combustion engines.

(15) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

(16) "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.

(17) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

(18) "Hardwood plywood" means plywood whose surface layer is a veneer of hardwood.

(19) "Lease custody transfer" means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(20) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof.

(21) "Liquid service" means equipment that processes, transfers or contains a VOC or VOCs in the liquid phase.

(22) "Low organic solvent coating" refers to coatings which contain less organic solvent than the conventional coatings used by the industry. Low organic solvent coatings include water-borne, higher solids, electrodeposition and powder coatings.

(23) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(24) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(25) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

(26) "Petroleum refinery" means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(27) "Prime coat" means the first of two or more films of coating applied in an operation.

(28) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(29) "Proper attachment fittings" means hardware for the attachment of gasoline transfer or vapor collection lines that meet or exceed industrial standards or specifications and the standards of other agencies or institutions responsible for safety and health.

(30) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(31) "Refinery unit" means a set of components that are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

(32) "Roll printing" means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(33) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves intaglio or recessed image areas in the form of cells.

(34) "Single coat" means only one film of coating is applied to the metal substrate.

(35) "Submerged fill line" means a pipe, tube, fitting or other hardware for loading liquids into a tank with either a discharge opening flush with the tank bottom; or with a discharge opening below the lowest normal operating drawoff level or that level determined by a liquid depth two and one half times the fill line diameter when measured in the main portion of the tank, but not in sumps or similar protrusions.

(36) "Submerged loading" means the filling of a tank with a submerged fill line descending nearly to the bottom.

(37) "Suitable closure or cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents or other devices specifically required for safety and fire protection are not included.

(38) "Thin particleboard" means a manufactured board one-quarter inch or less in thickness made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure.

(39) "Tileboard" means paneling that has a colored waterproof surface coating.

(40) "Topcoat" means the final film or series of films of coating applied in a two-coat (or more) operation.

(41) "Transport tank" means a container used for shipping gasoline on land.

(42) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, 1980.

(43) "Unit turnaround" means the procedure of shutting down, repairing, inspecting, and restarting a unit.

(44) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

(45) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(46) "Vapor control system" means a system designed and operated to reduce or limit the emission of VOCs, or to recover the VOCs to prevent their emission into the ambient air.

(47) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(48) "Volatile organic compound (VOC)" means any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the administrator designates as having negligible photochemical reactivity. VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified under 40 CFR Part 60. A reference method, an equivalent method, or an alternative method, however, may also measure nonreactive organic

compounds. In such cases, an owner or operator may exclude the nonreactive organic compounds when determining compliance with a standard.

(49) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

#### AMENDATORY SECTION

##### **SWAPCA 490-025 General Applicability**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

In addition to the general applicability of SWAPCA chapter 173-400 WAC to all emission sources, specific emission standards listed in this regulation chapter will take precedence over the general emission standards of SWAPCA chapter 173-400 WAC.

(1) This regulation chapter shall apply to the specified emission sources of VOCs located in or operating within designated ozone nonattainment areas and areas covered by a maintenance plan of the state of Washington within the jurisdiction of SWAPCA.

(2) This regulation chapter does not apply to those sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC).

(3) A source of VOC emissions not belonging to any of the categories listed in SWAPCA WAC 173-490-030 nor specifically identified in any section, but which is located on the same or adjacent property and owned or operated by the same person as a regulated emission source, shall not be required to comply with the this regulations of this chapter.

(4) Sources of VOC emissions may be exempted, by the director, from any or all requirements to control or reduce the emissions of VOCs when:

(a) The source is a development operation and the equipment is used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, provided emissions of VOCs from such operations do not exceed 300 kg (660 lbs) per month; or

(b) The source has emissions of VOCs which do not exceed 18 kg (40 lbs) per month and registration is not required under SWAPCA WAC 173-490-030; or

(c) The source is a spray booth which is used solely for maintenance and utility activities and whose emissions do not exceed 18 kg (40 lbs) per month.

(5) Sources of VOCs may be granted exemptions from emissions standards for a period not to exceed thirty days if the source is a newly permitted source which is to replace a similar permitted source and the new source is intended to utilize the existing emission control system. This provision is intended to apply to a break-in period prior to the shut-down and removal of the existing source.

#### AMENDATORY SECTION

##### **SWAPCA 490-030 Registration and Reporting**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) The owner or operator of a stationary emission source of VOCs in the following source categories and located in a designated ozone nonattainment area or area

covered by a maintenance plan shall register the source with SWAPCA ecology unless registration is required by an authority of the Energy Facility Site Evaluation Council (EFSEC) as provided under RCW 80.50.

- (a) Petroleum refineries.
- (b) Petroleum liquid storage tanks.
- (c) Gasoline loading terminals.
- (d) Bulk gasoline plants.
- (e) Gasoline dispensing facilities.
- (f) Surface coaters.
- (g) Open top vapor degreasers.
- (h) Conveyorized degreasers.
- (i) Gasoline transport tanks.
- (j) Vapor collection systems.
- (k) Perchloroethylene dry cleaning systems.
- (l) Graphic arts systems.
- (m) Surface coaters of miscellaneous metal parts and products.
- (n) Synthesized pharmaceutical manufacturing facilities.
- (o) Flatwood panel manufacturers and surface finishing facilities.

(2) A new emission source of VOCs that must comply with any requirements in SWAPCA WAC 173-490-040, 173-490-200, 173-490-201, 173-490-202, 173-490-203, 173-490-204, 173-490-205, 173-490-206 and 173-490-207, shall comply with the requirements of SWAPCA WAC 173-400-100 and shall register with SWAPCA ecology or an authority prior to operation of the new source, and shall submit sufficient information to demonstrate that the new source is capable of complying with the requirements in this regulation chapter. An opportunity shall be provided for an inspection of the new source by SWAPCA ecology or local authority inspectors prior to its operation.

#### AMENDATORY SECTION

##### **SWAPCA 490-040 Requirements**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

To demonstrate compliance with this regulation chapter, refer to SWAPCA WAC 173-400-105.

###### (1) **Petroleum refineries.**

This regulation chapter shall apply to all petroleum refineries with a crude oil or feed stock capacity greater than one million four hundred thirty thousand liters (1,430,000 l or 9,000 bbl) per day.

(a) Vacuum producing system.

(i) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(ii) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(b) Wastewater separator.

(i) 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.

(ii) 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.

(c) Process unit turnaround.

(i) 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.

(ii) The pressure in a process unit following depressurization for turnaround shall be less than five psig before venting to the ambient air.

(iii) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than five psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by SWAPCA WAC 173-490-040 (1)(c)(ii).

(d) Maintenance and operation of emission control equipment. Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner consistent with the level of maintenance and house-keeping of the overall plant.

(2) **Petroleum liquid storage tanks.**

(a) All fixed-roof tanks (except as noted in subparagraph (d) of this subsection) storing volatile organic petroleum liquids with a true vapor pressure as stored greater than 78 mm of Hg (1.5 psi) at actual monthly average storage temperatures and having a capacity greater than one hundred fifty thousand liters (40,000 gallons) shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K); or

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in SWAPCA WAC 173-490-040 (2)(a)(i) or its equivalent; or

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's specifications in effect when installed.

(b) All seals used in SWAPCA WAC 173-490-040 (2)(a)(ii) and (iii) are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in SWAPCA WAC 173-490-040 (4)(b) shall be exempt from the requirements of SWAPCA WAC 173-490-040(2).

(3) **Gasoline loading terminals.**

(a) This regulation chapter shall apply to all gasoline loading terminals with an average annual daily gasoline throughput greater than seventy-five thousand liters (75,000 l or 20,000 gallons).

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor recovery system (VRS) as described in SWAPCA WAC 173-490-040 (3)(c) and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VRS shall be connected to the transport tank being loaded and shall operate during the entire loading of every transport tank loaded at the facility.

(iii) The loading of all transport tanks shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released to the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically upon disconnect. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor recovery system (VRS). The VRS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VRS shall prevent at least ninety percent by weight of the gasoline vapors displaced during loading of each transport tank from entering the ambient air and in no case shall the gasoline vapors emitted to the ambient air exceed eighty milligrams per liter of gasoline loaded.

(ii) The VRS shall be equipped with a signal device to alert personnel when the system is not operating or unintentionally shuts down.

(iii) The back pressure in the VRS collection lines shall not exceed the transport tank's pressure relief settings.

(d) Alternative loading facility. The loading of transport tanks by other means and using other vapor control systems shall require the facility owner to demonstrate that the emission of gasoline vapors to the ambient air is less than eighty milligrams per liter of gasoline loaded.

(4) **Bulk gasoline plants.**

(a) This regulation chapter shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than fifteen thousand liters (15,000 l or 4,000 gallons).

(b) Storage tanks. All storage tanks with a capacity greater than two thousand one hundred liters (2100 l or 550 gallons) and used for the storage of gasoline shall comply with the following conditions:

(i) Each storage tank shall be equipped with a submerged fill line.

(ii) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(iii) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iv) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Transport tanks. All transport tanks, except those meeting the conditions in SWAPCA WAC 173-490-040 (4)(d), transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

(i) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(ii) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iii) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(d) Transport tanks used for gasoline and meeting all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines:

(i) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of SWAPCA WAC 173-490-040(5); and

(ii) The transport tank has a total capacity less than fifteen thousand liters (15,000 l or 4,000 gallons) and is of a compartmented design and construction requiring the installation of four or more separate vapor balance fittings.

(e) Gasoline transfer operations. No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All tanks shall be submerged filled or bottom loaded.

(ii) The loading of all tanks, except those exempted under SWAPCA WAC 173-490-040 (4)(d) shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released into the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions.

(f) Equipment or system failures. Failures or leaks in the vapor balance system shall be limited by the following conditions:

(i) During the months of April, May, June, July, August, September and October, failures of the vapor balance system to comply with this ~~regulation~~ chapter shall require that gasoline transfer operations stop for the failed part of the system. Other transfer points that can operate in compliance may be used.

(ii) Loading or unloading of the transport tank connected to the failed part of the vapor balance system may be completed.

(iii) Breakdowns and upset conditions during all months of the year shall also comply with the provisions of SWAPCA WAC 173-400-105(5).

(g) The owner or operator of a bulk gasoline plant or transport tank shall take all reasonable necessary measures to prevent the spilling, discarding in sewers, storing in open containers or handling of gasoline in a manner on the plant site that will result in evaporation to the ambient air.

**(5) Gasoline dispensing facilities (Stage I).**

(a) This ~~regulation~~ chapter shall apply to all gasoline dispensing facilities with a total annual gasoline ~~output~~ throughput greater than ~~seven hundred fifty seven thousand liters (200,000 gallons) or sixty three thousand one hundred liters (16,670 gallons)~~ per month and total gasoline storage capacity greater than ~~thirty eight thousand liters (10,000 gallons)~~.

(b) All gasoline storage tanks of the facilities defined in SWAPCA WAC 173-490-040 (5)(a) shall be equipped with submerged or bottom fill lines and fittings for vapor balancing gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of SWAPCA WAC 173-490-040 (5)(b) if installed prior to January 1, 1979.

(d) The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built and operated according to accepted industrial practices will satisfy this requirement.

(e) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

**(6) Surface coaters.**

The operation of a coater and dryer, that may serve one or more process lines, shall comply with the following emission limits if the potential uncontrolled emissions of VOC from the coater, flashoff areas, and dryer would be greater than 18 kg (40 pounds) in any given twenty-four hour period. The emission limits and uncontrolled emission quantity shall include the additional quantity of emissions from the dryer during the twelve hour period after application of the coating.

Process	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal. of Coating (Excluding Water)
Can Coating		
Sheet basecoat and overlamish; two-piece can exterior	340	2.8
Two and three piece can interior body spray, two piece can exterior end	510	4.2
Side-seam spray	660	5.5
End sealing compound	440	3.7
Coil coating	310	2.6
Fabric coating	350	2.9
Vinyl coating	450	3.8
Paper coating	350	2.9
Auto and light duty truck coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal furniture coating	360	3.0
Magnet wire coating	200	1.7
Large appliance coating	340	2.8

**(7) Open top vapor degreasers.**

(a) All open top vapor degreasers shall:

(i) Have a cover that may be readily opened and closed.

When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust. When a degreaser has a freeboard ratio equal to or greater than 0.75 and the opening is greater than one square meter (10 square feet) the cover shall be power operated.

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75; or

(B) A freeboard chiller; or

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

(iii) Be equipped with at least the following three safety switches:

(A) Condenser-flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm); and

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively); and

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(iv) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet per minute).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air interface area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet per minute).

(G) Degrease the workload in the vapor zone until condensation ceases.

(H) Spraying operations should be done within the vapor layer.

(I) Hold parts in the degreaser until visually dry.

(J) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(K) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(L) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses. For example, leaks from drain taps, cracked gaskets, and malfunctioning equipment must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or to a firm which processes solvents for disposal.

(8) **Conveyorized degreasers.**

(a) The owner or operator of conveyorized cold cleaners and conveyorized vapor degreasers shall comply with the following operating requirements:

(i) Exhaust ventilation shall not exceed twenty cubic meters per minute per square meter (65 cfm per ft.<sup>2</sup>) of

degreaser opening, unless necessary to meet OSHA requirements.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyed parts to less than 3.35 meters per minute (11 feet per minute).

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(D) Water shall not be visible in the solvent stream from the water separator.

(iii) Vapor degreasers shall be equipped with at least the following three safety switches:

(A) Condenser flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm); and

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively); and

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses. For example, leaks from drain taps, cracked gaskets, and malfunctioning equipment must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or to a firm which processes solvents for disposal.

(f) All conveyorized cold cleaners and conveyorized vapor degreasers with air/vapor interfaces of 2.0 m<sup>2</sup> or greater shall have a carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 m<sup>3</sup> per min per m<sup>2</sup> of air/vapor area, when downtime covers are open), or a system with control effectiveness equal to or better than a carbon adsorption system.

(9) **Cutback asphalt paving.**

(a) All paving applications of cutback asphalts are prohibited during the months of April, May, June, July, August, September and October, except as provided for in SWAPCA WAC 173-490-040 (9)(b).

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year.

(i) As a penetrating prime coat on aggregate bases prior to paving.

(ii) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(iii) All paving uses when the temperature during application is below 10°C (50°F). Any person using cutback asphalt for paving shall demonstrate that the ambient air temperature at 8 a.m. (PST) is below 50°F. The paving application of cutback asphalt when the ambient air tempera-

ture is 50°F or higher is in violation of this regulation chapter.

(10) **Cold cleaners.**

(a) The owners or operators of all cold cleaners shall comply with the following equipment specifications:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a drain rack that returns the drained solvent to the solvent bath.

(iii) Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

(v) Waste solvent shall be stored in covered containers and returned to the supplier or to a firm which processes solvents for disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

(d) If the solvent has a vapor pressure greater than 2.0 kPa (0.3 psi) measured at 38°C (100°F), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand.

(e) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(f) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (120°F), one of the following solvent vapor control systems must be used:

(i) The freeboard ratio must be equal to or greater than 0.70; or

(ii) Water must be kept over the solvent. The solvent must be more dense and insoluble in water.

#### AMENDATORY SECTION

##### **SWAPCA 490-080 Exceptions and Alternative Methods**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Other emission reduction methods may be used if the source operator demonstrates to SWAPCA ecology that they are at least as effective as the required methods; and

(2) The operation of a natural gas-fired incinerator and associated capture system installed for the purpose of complying with this regulation chapter shall be required only during the months of April, May, June, July, August, September and October, unless the operation of such devices

is required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants.

#### AMENDATORY SECTION

##### **SWAPCA 490-090 New Source Review**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

The provisions of SWAPCA WAC 173-400-110 shall apply to all new sources and emissions units to which this regulation chapter is applicable.

#### AMENDATORY SECTION

##### **SWAPCA 490-200 Petroleum Refinery Equipment Leaks**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability. This section shall apply to all petroleum refineries as qualified in SWAPCA WAC 173-490-025.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a petroleum refinery shall:

(i) Develop and conduct a monitoring program consistent with the provisions in SWAPCA WAC 173-490-200(3), 173-490-200(4), 173-490-200(5), and 173-400-105;

(ii) Record all leaking components which have a VOC concentration greater than 10,000 ppm when tested according to the provisions in SWAPCA WAC 173-490-200(3) and place an identification tag on each component consistent with the provisions of SWAPCA WAC 173-490-200 (4)(c);

(iii) Correct and retest the leaking component, as defined in SWAPCA WAC 173-490-200 (2)(a)(ii), as soon as practicable, but not later than fifteen days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround.

(iv) Identify all leaking components, as defined in SWAPCA WAC 173-490-200 (2)(a)(ii), that cannot be corrected until the refinery unit is shut down for turnaround.

(b) The owner or operator of a petroleum refinery shall not install or operate a valve at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure. Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device may be removed only when a sample is being taken or during maintenance operations.

(3) Testing procedures. To demonstrate compliance with this regulation chapter, refer to SWAPCA WAC 173-400-105(5).

(4) Monitoring.

(a) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(i) Monitor yearly by the methods referenced in SWAPCA WAC 173-490-200(3) all pump seals, pipeline valves in liquid service and process drains;

(ii) Monitor quarterly by the methods referenced in SWAPCA WAC 173-490-200(3) all compressor seals,



pipeline valves in gaseous service and pressure relief valves in gaseous service;

(iii) Monitor weekly by visual methods all pump seals;  
(iv) Monitor immediately any pump seal from which liquids are observed leaking;

(v) Monitor any relief valve within twenty-four hours after it has vented to the atmosphere; and

(vi) After a leaking component is repaired, monitor for leaks prior to return to service.

(b) Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements in SWAPCA WAC 173-490-200 (4)(a).

(c) The owner or operator of a petroleum refinery, upon the detection of a leaking component, as defined in SWAPCA WAC 173-490-200 (2)(a)(ii), shall affix a weatherproof and readily visible tag, bearing an identification number and the date the leak is located, to the leaking component. This tag shall remain in place until the leak is corrected.

(5) Recordkeeping.

(a) The owner or operator of a petroleum refinery shall maintain a leaking component's monitoring log as specified in SWAPCA WAC 173-490-200 (2)(a)(ii) that shall contain, at a minimum, the following data:

(i) The name of the process unit where the component is located.

(ii) The type of component (e.g., valve, seal).

(iii) The tag number of the component.

(iv) The date on which a leaking component is discovered.

(v) The date on which a leaking component is repaired.

(vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.

(vii) A record of the calibration of the monitoring instrument.

(viii) Those leaks that cannot be repaired until turn-around.

(ix) The total number of components checked and the total number of components found leaking.

(b) Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared.

(c) Copies of the monitoring log shall immediately be made available to SWAPCA ecology, upon verbal or written request, at any reasonable time.

(6) Reporting. The owner or operator of a petroleum refinery shall notify SWAPCA ecology in writing within forty-five days following each quarterly or annual inspection for component leaks when:

(a) The number of discovered leaks has increased by more than ten percent above the number recorded during the last inspection of the same components;

(b) The number of leaking components has increased for two consecutive quarterly or annual inspections;

(c) The number of leaks not corrected within fifteen days exceeds five percent of the leaks detected;

(d) The next scheduled process unit turnaround needed to repair an uncorrectable leak is more than twelve months away.

(7) Petition for alternative monitoring.

(a) After two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery may petition the director for alternative monitoring procedures or a reduction in monitoring frequency.

(b) A petition for alternative monitoring procedures shall contain:

(i) The name and address of the company and the name and telephone number of the responsible person over whose signature the petition is submitted;

(ii) A detailed description of the problems encountered under SWAPCA WAC 173-490-200(4); and

(iii) A detailed description of the alternative monitoring procedures and how this alternative procedure will solve or reduce the problems encountered under SWAPCA WAC 173-490-200(4).

(c) A petition for a reduction in monitoring frequency shall contain:

(i) The information requested in SWAPCA WAC 173-490-200 (7)(b)(i);

(ii) A detailed description of the proposed component-monitoring schedule;

(iii) A demonstration by the owner or operator that the facility is currently operating with a low level of component leaks and is committed to a maintenance program that will assure a frequency and severity of component leaks as good as that attainable under SWAPCA WAC 173-490-200(2).

(d) An approved petition for a reduction in monitoring frequency shall begin with the next quarterly inspection and shall be valid for a period of twelve quarters (three years). At the time of the last inspection in the twelve quarters, a new submittal of the information required in SWAPCA WAC 173-490-200 (7)(c) shall be made if the reduced frequency of monitoring is to continue.

(e) SWAPCA Ecology may approve a part or all of a petition for alternative monitoring requested under SWAPCA WAC 173-490-200 (7)(b) or (c). Approval or disapproval will be in writing and within forty-five calendar days of receipt of the petition by SWAPCA ecology. A failure to approve or disapprove a new petition or petition for renewal within the stated time limit shall be taken as an approval.

#### AMENDATORY SECTION

#### **SWAPCA 490-201 Petroleum Liquid Storage in External Floating Roof Tanks**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability.

(a) This section shall apply to all petroleum liquid storage vessels equipped with external floating roofs, having capacities greater than 150,000 liters (40,000 gallons), and as qualified in SWAPCA WAC 173-490-025.

(b) This section does not apply to petroleum liquid storage vessels that:

(i) Are used to store waxy, heavy pour crude oil; or

(ii) Have capacities less than 1,600,000 liters (420,000 gallons) and are used to store produced crude oil and condensate prior to lease custody transfer; or

(iii) Contain a petroleum liquid with a true vapor pressure of less than 10.5 kPa (1.5 psia); or



(iv) Contain a petroleum liquid with a true vapor pressure less than 27.6 kPa (4.0 psia); are of welded construction; and presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by SWAPCA eology; or

(v) Are of welded construction, equipped with a metallic-type shoe primary seal and have secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal).

(2) Provisions for specific processes.

(a) No owner(s) or operator(s) of a petroleum liquid storage vessel shall store a petroleum liquid in that vessel unless:

(i) The vessel has been fitted with:

(A) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(B) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under SWAPCA WAC 173-490-201 (2)(a)(i)(A) and approved by SWAPCA eology.

(ii) All seal closure devices meet the following requirements:

(A) There are no visible holes, tears, or other openings in the seal or seal fabric;

(B) The seal is intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(C) For vapor mounted primary seals, the accumulated area of gaps exceeding 0.32 cm (1/8 inch) in width between the secondary seal and the tank wall shall not exceed 21.2 cm<sup>2</sup> per meter of tank diameter (1.0 in.<sup>2</sup> per foot of tank diameter), as determined by the method in SWAPCA WAC 173-490-201(3).

(iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(A) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(B) Equipped with projections into the tank which remain below the liquid surface at all times.

(iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(v) Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and

(vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least ninety percent of the area of the opening.

(b) The owner(s) or operator(s) of a petroleum liquid storage vessel with an external floating roof subject to this regulation chapter shall:

(i) Perform routine inspections annually in order to insure compliance with SWAPCA WAC 173-490-201 (2)(a) and the inspection shall include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually in accordance with SWAPCA WAC 173-490-201(3) when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in SWAPCA WAC 173-490-201 (2)(b)(i) and (ii).

(c) The owner(s) or operator(s) of a petroleum liquid storage vessel with an external floating roof exempted from this regulation chapter by SWAPCA WAC 173-490-201 (1)(b)(iii), but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psi), shall maintain records of the average monthly storage temperature, the type of liquid, and the maximum true vapor pressure for all petroleum liquids with a true vapor pressure greater than 7.0 kPa.

(d) Copies of all records under SWAPCA WAC 173-490-201 (2)(b) and (c) shall be retained by the owner(s) or operator(s) for a minimum of two years after the date on which the record was made.

(e) Copies of all records required under SWAPCA WAC 173-490-201 shall immediately be made available to the director, upon verbal or written request, at any reasonable time.

(3) Testing and monitoring.

(a) The owner or operator of a storage vessel covered under SWAPCA WAC 173-490-201 shall demonstrate compliance by the methods of this subsection or an alternative method approved by SWAPCA eology.

(b) A person proposing to measure the seal fit of a storage vessel in order to comply with this section shall notify SWAPCA eology of the intent to measure not less than five working days before the measurement so the director or a representative may observe the measurement if desired.

(c) Compliance with SWAPCA WAC 173-490-201 (2)(a)(ii)(C) shall be determined by physically measuring the length and width of all gaps around the circumference of the secondary seal in each place where a 0.32 cm (1/8 in.) diameter probe passes freely (without forcing or binding against the seal) between the seal and the tank wall and summing the area of the individual gaps.

#### AMENDATORY SECTION

#### **SWAPCA 490-202 Leaks from Gasoline Transport Tanks and Vapor Collection Systems**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability.

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants and gasoline dispensing facilities as qualified in SWAPCA WAC 173-490-025 and 173-490-040.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle.

(b) The owner(s) or operator(s) of a transport tank shall not make any connection to the tank for the purpose of

PROPOSED

loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank:

(i) Is tested annually according to the schedule in SWAPCA 490-202 (3)(b) and the test procedure referenced in SWAPCA WAC 173-490-202 (3)(c);

(ii) Sustains a pressure change of no more than 0.75 kilopascals (3 inches of water) in five minutes when pressurized to a gauge pressure of 4.5 kilopascals (460 mm H<sub>2</sub>O or 18 inches of water) or evacuated to a gauge pressure of 1.5 kilopascals (150 mm H<sub>2</sub>O or 6 inches of water) during the testing required in SWAPCA WAC 173-490-202 (2)(b)(i). Effective December 15, 1997, certification and allowable pressures shall be as provided below in accordance with 40 CFR 63.420 et seq. (Subpart R);

Tank or Compartment Capacity liters (gallons)	Certification	Pressure Change
	Pressure mm H <sub>2</sub> O (in. H <sub>2</sub> O)	Any Time mm H <sub>2</sub> O (in. H <sub>2</sub> O)
9464 or more (2500 or more)	25 (1.0)	64 (2.5)
9463 to 5676 (2499 to 1500)	38 (1.5)	76 (3.0)
5679 to 3785 (1499 to 1000)	51 (2.0)	89 (3.5)
3782 or less (999 or less)	64 (2.5)	102 (4.0)

(iii) Is repaired by the owner(s) or operator(s) and retested within fifteen days of testing if it does not meet the criteria of SWAPCA WAC 173-490-202 (2)(b)(ii);

(iv) All transport tanks transferring gasoline at bulk plants and stationary tanks (including dispensing facilities) shall use gasoline vapor recovery equipment as provided in SWAPCA 491-040(3).

(c) The owner(s) or operator(s) of a transport tank shall:

(i) Have a current leak test certification for the transport tank on file with each gasoline loading or unloading facility where gasoline is transferred; or

(ii) Display a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in SWAPCA WAC 173-490-202 (2)(b)(i) and (ii);

(B) Shows the identification number of the gasoline tank truck tank; and

(C) ~~Expires not more than one year from the date of the leak tight test.~~ Shows the certification number of the tanker; and

(D) Shows the expiration date.

(d) The owner(s) or operator(s) of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(A) A gauge reading of tank pressure will not exceed 4.5 kilopascals (18 inches of water) or vacuum 1.5 kilopascals (6 inches of water);

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of 2.5 cm (1 inch) from potential leak sources when measured by the method in SWAPCA WAC 173-490-202(3); and

(C) There are no visible liquid leaks.

(ii) Repair and retest a vapor collection system that exceeds the limits of SWAPCA WAC 173-490-202 (2)(d)(i) within fifteen days.

(e) SWAPCA Ecology may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in SWAPCA WAC 173-490-202 (3)(d) to confirm continuing compliance with SWAPCA WAC 173-490-202 (2)(b) or (d).

(f) SWAPCA may, at any time, require that a cargo tank be tested for leak detection, pressure decay, or vapor tightness using the procedures identified in 40 CFR 63.425 (f), (g), and (h). The allowable pressure change for testing under 40 CFR 425 (g) and (h) shall be as provided in column three of the table in 2(b) of this section.

(3) Testing and monitoring.

(a) The owner(s) or operator(s) of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with SWAPCA WAC 173-490-202 (2)(a) and (b), respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests. Persons or companies performing the testing shall be approved by SWAPCA. Persons or companies performing testing shall submit a copy of their test procedures and test equipment calibration procedures to SWAPCA for review and approval for initial qualification. SWAPCA may request calibration and test procedures as necessary to assure continued proper test protocol.

(b) ~~The owner(s) or operator(s) of a gasoline transport tank shall notify ecology in writing of the date and location of a certification test at least ten calendar days before the anticipated test date. Certification testing shall be performed annually and the certification sticker shall be replaced annually. Certification testing shall be performed no later than the expiration date on the sticker and no sooner than 30 days prior to the expiration date. Renewals shall be made for a period of one year from the previous expiration date. Expiration dates shall initially be established by SWAPCA based on a successful certification test. The expiration date may be requested to be adjusted by an owner or operator but, if adjusted, shall not exceed one year from the date of the last valid certification test.~~

(c) ~~To demonstrate compliance with this chapter, refer to WAC 173-400-105. Compliance shall be demonstrated for each required test by the following methods:~~

TEST TYPE	METHOD
Annual certification (40 CFR 63.425(e))	EPA Method 27
Leak detection test (40 CFR 63.425(f))	EPA Method 21
Nitrogen pressure decay field test (40 CFR 63.425(g))	See 40 CFR 63.425(g)
Continuous performance pressure decay (40 CFR 63.425(h))	EPA Method 27

(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures in SWAPCA 490-202 (3)(c) ~~on file with and approved by ecology.~~

(4) Recordkeeping.

(a) The owner(s) or operator(s) of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by SWAPCA WAC 173-490-202 (4)(a) shall, as a minimum, contain:

(i) The transport tank identification number and tank capacity;

(ii) The initial test pressure and the time of the reading;

(iii) The final test pressure and the time of the reading;

(iv) The initial test vacuum and the time of the reading;

(v) The final test vacuum and the time of the reading;

(vi) At the top of each report page, the company name, date and location of the tests on that page; and

(vii) Name, signature, and title of the person conducting the test.

(c) The owner(s) or operator(s) of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(d) Each owner or operator of a gasoline transport tank shall pay a fee and register annually for each gasoline transport tank as provided in SWAPCA 400-100(3). The registration fee is due at the time of initial certification and subsequently at the time of annual certification renewal.

~~(e)~~ Copies of all records required under SWAPCA WAC 173-490-202 shall immediately be made available to SWAPCA ecology, upon written request, at any reasonable time.

#### AMENDATORY SECTION

##### **SWAPCA 490-203 Perchloroethylene Dry Cleaning Systems**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability. This section shall apply to all dry cleaning systems using perchloroethylene cleaning solvent and as qualified in SWAPCA WAC 173-490-203 (1)(a) and (b) and 173-490-025.

(a) The following dry cleaning systems are exempt from the requirements of SWAPCA WAC 173-490-203 (2)(a)(i) and (ii):

(i) Coin-operated systems;

(ii) Systems located in a facility with inadequate space to accommodate an adsorber;

(iii) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in SWAPCA WAC 173-490-203 (2)(a)(i) and (ii) may be granted by SWAPCA ecology when sufficient evidence is submitted by the owner(s) or operator(s) of the dry cleaning system to justify the exemption.

(c) A material balance will be used to determine VOC losses.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a perchloroethylene dry cleaning facility subject to this regulation chapter shall:

(i) Vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device;

(ii) Emit no more than 100 ppmv when demonstrated in accordance with SWAPCA WAC 173-490-203 (3)(c)(i), of VOCs from the dryer control device before dilution;

(iii) Immediately repair all components found to be leaking liquid VOCs;

(iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of VOCs per 100 kg of wet waste material;

(v) Reduce the VOCs from all solvent stills to 60 kg or less per 100 kg of wet waste material;

(vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and

(vii) When possible, dry all drained cartridges without emitting VOCs to the atmosphere.

(3) Testing and monitoring.

(a) Compliance with SWAPCA WAC 173-490-203 (2)(a)(i), (vi), and (vii) shall be determined by means of visual inspection.

(b) Compliance with SWAPCA WAC 173-490-203 (2)(a)(iii) shall be determined by means of visual inspection of the following components:

(i) Hose connections, unions, couplings and valves;

(ii) Machine door gaskets and seatings;

(iii) Filter head gasket and seating;

(iv) Pumps;

(v) Base tanks and storage containers;

(vi) Water separators;

(vii) Filter sludge recovery;

(viii) Distillation unit;

(ix) Diverter valves;

(x) Saturated lint from lint basket; and

(xi) Cartridge filters.

(c) Compliance with SWAPCA WAC 173-490-203 (2)(a)(ii) shall be demonstrated by:

(i) A test consistent with the procedures on file with and approved by SWAPCA ecology; or

(ii) The proper installation, operation, and maintenance of equipment that has been demonstrated by the owner(s) or operator(s) to adequately meet the emission limits in SWAPCA WAC 173-490-203 (2)(a)(ii).

(d) Compliance with SWAPCA WAC 173-490-203 (2)(a)(iv) and (v) shall be demonstrated by tests consistent with the procedures on file with and approved by SWAPCA ecology.

#### AMENDATORY SECTION

##### **SWAPCA 490-204 Graphic Arts Systems**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability.

(a) This section shall apply to all packaging rotogravure, publication rotogravure, specialty printing operations, and flexographic printing facilities that use more than 90 megagrams (100 tons) per year of VOCs as a component of ink, for the thinning of ink, cleaning of presses, press components and equipment; and are covered by SWAPCA WAC 173-490-025.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs, and pictures) shall be included under SWAPCA WAC 173-490-204 rather than SWAPCA WAC 173-490-040(6), Surface Coaters.

(2) Provisions for specific processes.

(a) No owner(s) or operator(s) of a packaging rotogravure, publication rotogravure or flexographic printing subject to this regulation and employing solvent containing ink may operate, cause, allow or permit the operation of the facility unless:

(i) The volatile fraction of ink, as it is applied to the substrate, contains twenty-five percent by volume or less of organic solvent and seventy-five percent by volume or more of water;

(ii) The ink as it is applied to the substrate, less water, contains sixty percent by volume or more nonvolatile material; or

(iii) The owner(s) or operator(s) installs and operates a system that captures at least ninety percent by weight and;

(A) A carbon adsorption system which reduces the volatile organic emissions from the capture system by at least ninety percent by weight;

(B) An incineration system which oxidizes at least ninety percent of the nonmethane VOCs (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative VOC emission reduction system demonstrated to have at least a ninety percent reduction efficiency, measured across the control system, and has been approved by SWAPCA ecology.

(b) A collection system shall be used with the emission controls of SWAPCA WAC 173-490-204 (2)(a)(iii). The design and operation of the collection system shall be consistent with good engineering practice, and shall provide an overall reduction in the emission of VOCs of at least:

(i) Seventy-five percent where a publication rotogravure process is used; or

(ii) Sixty-five percent where a packaging rotogravure process is used; or

(iii) Sixty percent where a flexographic process is used.

(3) Testing and monitoring.

(a) To demonstrate compliance with this regulation chapter, refer to SWAPCA WAC 173-400-105.

(b) When add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed;

(iii) Breakthrough of VOC on a carbon adsorption unit; and

(iv) Any other continuous monitoring or recording device required by SWAPCA ecology.

(c) The owner or operator of a facility shall be responsible for all expenses of monitoring required by SWAPCA WAC 173-490-204 (3)(b).

## AMENDATORY SECTION

### **SWAPCA 490-205 Surface Coating of Miscellaneous Metal Parts and Products**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability. This section shall apply to surface coating of miscellaneous metal parts and products in the following industries, if the potential uncontrolled emissions of VOC is greater than 10 tons per year and as qualified in SWAPCA WAC 173-490-205 (1)(b), (c), and (d), and 173-490-025.

(a) Miscellaneous metal parts and products shall include:

(i) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(ii) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) Commercial machinery (office equipment, computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) Fabricated metal products (metal covered doors, frames, etc.); and

(vii) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), Major Group 39 (miscellaneous manufacturing industries), Major Group 40 (railroad transportation), and Major Group 41 (transit passenger transportation).

(b) This section is not applicable to the surface coating of the following metal parts and products:

(i) Automobiles and light-duty trucks;

(ii) Metal cans;

(iii) Flat metal sheets and strips in the form of rolls or coils;

(iv) Magnet wire for use in electrical machinery;

(v) Metal furniture;

(vi) Large appliances;

(vii) Airplanes;

(viii) Automobile refinishing;

(ix) Customized top coating of automobiles and trucks, if production is less than thirty-five vehicles per day; and

(x) Exterior of marine vessels.

(c) This regulation chapter applies to the application area, flashoff area, air and forced air drier, and oven used in the surface coating of the metal parts and products in SWAPCA WAC 173-490-205 (1)(a). This regulation chapter also applies to prime coat, top coat, and single coat operations.

(d) The application of coatings whose formulations are controlled by federal specifications and the use of which is required by federal agencies shall be exempt from the emission limits in SWAPCA WAC 173-490-205 (2)(a).

(e) A case-by-case determination of the emission controls best representing RACT may be substituted for the requirements of SWAPCA WAC 173-490-205(2). Such a determination shall be approved by SWAPCA ecology.

(2) Provisions for specific processes.

(a) The owner or operator of a coating application system shall not emit a quantity of VOCs greater than those listed by specific coating, excluding water and as delivered to the application system:

(i) Clear coatings 0.52 kg/liter(4.3 lb/gallon)

(ii) Extreme performance coatings 0.42 kg/liter(3.5 lb/gallon)

(iii) Air dried coatings 0.42 kg/liter(3.5 lb/gallon)

(iv) All others 0.36 kg/liter(3.0 lb/gallon)

(v) Powder coatings 0.05 kg/liter(0.4 lb/gallon)

(b) When more than one emission limitation listed in SWAPCA WAC 173-490-205 (2)(a) applies to a specific coating, the least stringent will apply.

(c) All VOC emissions from solvent washings shall be considered in the emission limitations in SWAPCA WAC 173-490-205 (2)(a), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(d) The emission limits set forth in SWAPCA WAC 173-490-205 (2)(a) shall be achieved by:

- (i) The application of low solvent coating technology; or
- (ii) An incineration system that oxidizes at least ninety percent of the VOCs (VOC measured as total combustible carbon) to carbon dioxide and water; or
- (iii) An equivalent means of VOC reduction certified by the owner(s) or operator(s) and approved by SWAPCA ecology.

(e) A collection system shall be used together with the incinerator of SWAPCA WAC 173-490-205 (2)(d)(ii). The design and operation of the collection system shall be consistent with good engineering practice and provide for an overall VOC emission reduction necessary to comply with the emission limits of SWAPCA WAC 173-490-205 (2)(a). The required VOC emission reduction shall be calculated on a unit volume of uncured solids basis.

(3) Testing and monitoring.

(a) SWAPCA Ecology may require the owner(s) or operator(s) of a source to demonstrate at his/her own expense, compliance by the methods of SWAPCA WAC 173-490-205 (3)(c).

(b) The owner(s) or operator(s) of a source shall notify SWAPCA ecology at least ten days before a proposed emission certification test so the director or a representative may observe the test.

(c) To demonstrate compliance with this regulation chapter, refer to SWAPCA WAC 173-400-105.

(d) SWAPCA Ecology may require monitoring of the following parameters:

- (i) Exhaust gas temperature of all incinerators;
- (ii) Temperature rise across a catalytic incinerator bed; and
- (iii) Breakthrough of VOC on a carbon adsorption unit.

#### AMENDATORY SECTION

**SWAPCA 490-207 Surface Coating of Flatwood Paneling**  
[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability.

(a) This section shall apply to all flatwood panel manufacturers and surface finishing facilities as qualified in SWAPCA WAC 173-490-207 (1)(b) and (c) and 173-490-025.

(b) These regulations chapters shall apply to all operations and equipment that is used to apply, convey and dry (including flashoff areas) a surface pattern or coating on the following products:

- (i) Printed interior panels made of hardwood plywood and thin particleboard;
- (ii) Natural finish hardwood plywood panels; or
- (iii) Hardboard paneling with Class II finishes.

(c) These regulations chapters do not apply to the manufacture of exterior siding, tileboard, or particleboard used as a furniture component.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a facility shall not emit VOCs from a coating application system in excess of:

- (i) 2.9 kg per 100 square meters of coated finished product (6.0 lb/1,000 square feet) from printed interior panels, regardless of the number of coats applied;
- (ii) 5.9 kg per 100 square meters of coated finished product (12.0 lb/1,000 square feet) from natural finish hardwood plywood panels, regardless of the number of coats applied; and
- (iii) 4.9 kg per 100 square meters of coated finished product (10.0 lb/1,000 square feet) from Class II finishes on hardboard panels, regardless of the number of coats applied.

(b) The emission limits in SWAPCA WAC 173-490-207 (2)(a) shall be achieved by:

- (i) The application of low solvent content coating technology; or
- (ii) An incineration system which oxidizes at least ninety percent of the nonmethane VOCs entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or
- (iii) An equivalent means of VOC removal. The equivalent means must be certified by the owner(s) or operator(s) and approved by SWAPCA ecology.

(c) A capture system shall be used in conjunction with the emission control systems in SWAPCA WAC 173-490-207 (2)(b)(ii) and (iii). The design and operation of the capture system must be consistent with good engineering practice and shall be required to provide for an overall emission reduction sufficient to meet the emission limitation in SWAPCA WAC 173-490-207 (2)(a).

(3) Testing and monitoring.

(a) SWAPCA Ecology may require the owner or operator of a facility to demonstrate at his/her own expense compliance by the methods of WAC 173-490-207 (3)(c).

(b) The owner(s) or operator(s) of a facility shall notify SWAPCA ecology at least ten days before a proposed emission certification test so the director or a representative may observe the test.

(c) To demonstrate compliance with this regulation chapter, refer to SWAPCA 400-105 WAC 173-400-105.

(d) SWAPCA Ecology may require monitoring of the following parameters:

- (i) Exhaust gas temperature of all incinerators;
- (ii) Temperature rise across a catalytic incinerator bed; and
- (iii) Breakthrough of VOC on a carbon adsorption unit.

#### AMENDATORY SECTION

**SWAPCA 490-208 Aerospace Assembly and Component Coating Operations**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Specific applicability. This section shall apply to all aerospace component coating facilities that emit an annual average of eighteen kilograms (forty pounds) or more of VOCs per operating day and as qualified in SWAPCA WAC 173-490-025.

(2) It shall be unlawful for any person to cause or allow:

(a) The application of any primer or topcoat to aerospace components which contains in excess of:

(i) 600 grams of VOC per liter of primer, less water, as applied.

(ii) 600 grams of VOC per liter of topcoat, less water, as applied.

(b) The application of any temporary protective coating to aerospace components that contains more than 250 grams of VOC per liter of material, less water, as applied.

(c) The use of VOCs of composite vapor pressure of 10.4 kPa (1.5 psia) or greater at a temperature of 21.1°C (70°F) for surface preparation or cleanup, excluding paint removal.

(d) The use of VOCs for the cleanup of spray equipment used in aerospace component coating operations unless 85 percent of the VOCs by weight, are collected and disposed so that they are not emitted to the atmosphere.

(e) The use of a stripper which contains more than 400 grams of VOC per liter or has a composite vapor pressure of VOCs more than 1.3 kPa (0.19 psia) at 21.1°C (70°F).

(3) The emission limits of paragraph (2) shall be achieved by:

(a) The application of reasonably available low solvent coating technology;

(b) A vapor collection and disposal system; or

(c) An equivalent method of VOC reduction certified by the owner(s) or operator(s) and approved by SWAPCA eology.

(4) The provisions of SWAPCA WAC 173-490-208 (2)(a) and (2)(b) shall not apply to the following materials:

(a) Coatings for masking in chemical etching operations,

(b) Adhesive bonding primer,

(c) Flight test coatings,

(d) Space vehicle coatings, or

(e) Fuel tank coatings.

(5) Upon the submission of an alternative coating evaluation, SWAPCA eology may determine that a reasonably available low solvent coating does exist for a given application and may exempt the coating from requirements of SWAPCA WAC 173-490-208. All alternative coating evaluations shall contain, as a minimum:

(a) Types of products to be coated,

(b) Types of coatings evaluated,

(c) Results of performance tests,

(d) Status of research into development of low VOC coatings for the application,

(e) Feasibility of installing control equipment,

(f) Mitigating measures that could be implemented to reduce VOC emissions.

**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 brackets and enclosed material in the text above occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 96-17-042**  
**PROPOSED RULES**  
**SOUTHWEST AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed August 19, 1996, 9:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-14-021.

Title of Rule: SWAPCA 491 Emission Standards and Controls For Sources Emitting Gasoline Vapors.

Purpose: This rule establishes requirements for sources emitting gasoline vapors and includes provisions for control of those emissions.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Statute Being Implemented: RCW 70.94.141.

Summary: Changes are proposed to update the compliance schedule contained in the rule and to revise the Stage I throughput level for Clark County from 360,000 gallons per year to 200,000 gallons. Other changes are made for language clarification.

Reasons Supporting Proposal: These changes are necessary to support the adopted Vancouver Ozone Maintenance Plan and provide consistency with SWAPCA 490. In addition, changes are necessary to clarify and update portions of the rule.

Name of Agency Personnel Responsible for Drafting and Implementation: Paul Mairose, 1308 N.E. 134th Street, Vancouver, (360) 574-3058; and Enforcement: Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, (360) 574-3058.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation provides for control of gasoline vapors at gasoline marketing sources. The changes in the proposed rule eliminate language that is out-of-date as provided in a compliance schedule. The proposed rule is consistent with the existing chapter 173-491 WAC. The proposed changes also include clarification language for installation and testing requirements for Stage I and Stage II installations. The changes also provide clarification on certified equipment in that all Stage I and Stage II control equipment shall be CARB certified and be installed and operated in accordance with that certification. These changes do not incorporate SHB 2376. The changes required under that bill will be addressed under separate rule making. The proposed changes provide consistency between SWAPCA 490 and 491.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes adopt the current chapter 173-491 WAC with the exception of revising the out-of-date compliance schedule and providing consistency with the federally enforceable requirements of chapter 173-490 WAC for Stage I in Clark County. This agency is not subject to the small business economic impact provision of chapter 19.85 RCW.

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, do not apply to this agency. The Southwest Air Pollution Control Authority is not voluntarily invoking the Laws of 1995.

Hearing Location: Southwest Air Pollution Control Authority Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on October 15, 1996, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen by October 10, 1996, TDD (360) 574-3058.

Submit Written Comments to: Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by October 10, 1996.

Date of Intended Adoption: October 15, 1996.

August 6, 1996  
Paul T. Mairose  
for Robert D. Elliott  
Executive Director

## SWAPCA 491 EMISSION STANDARDS AND CONTROLS FOR SOURCES EMITTING GASOLINE VAPORS

- 491-010 Policy and Purpose
- 491-015 Applicability
- 491-020 Definitions
- 491-030 Registration
- 491-040 Gasoline Vapor Control Requirements
- 491-050 Compliance schedules, Failures, Certification, Testing and Recordkeeping
- 491-060 Severability

### AMENDATORY SECTION

#### SWAPCA 491-010 Policy and Purpose

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) It is the policy of the Southwest Air Pollution Control Authority (SWAPCA) ~~the department of ecology (ecology)~~ under the authority ~~vested provided in it by chapters 43.21A and Chapter 70.94.141, 70.94.152 and 70.94.331 RCW~~ to provide for the systematic control of air pollution from air contaminant sources within the jurisdiction of SWAPCA, and for the proper development of the state's natural resources.

(2) It is the purpose of this chapter regulation to establish standards for the control of air contaminants emitted from gasoline marketing and dispensing sources within the jurisdiction of SWAPCA including Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties.

### AMENDATORY SECTION

#### SWAPCA 491-015 Applicability

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

This regulation ~~chapter shall apply~~ to gasoline marketing operations within SWAPCA jurisdiction, including the storage, transport, and transfer of gasoline, including the transfer from storage tanks into transport tanks, and transfer from storage tanks into motor vehicles. The requirements of this chapter supersede any less restrictive requirements of chapter 173-400 WAC, Emission standards and controls for sources emitting volatile organic compounds (VOC). This regulation applies to facilities with above ground and underground storage tanks.

### AMENDATORY SECTION

#### WAC 491-020 Definitions

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

The definitions of terms contained in ~~chapter 173-400 WAC SWAPCA 400~~ are by this reference incorporated into this chapter regulation. Unless a different meaning is clearly required by context, the following words and phrases, as used in this chapter regulation, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.

(2) "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.

(3) "Certified vapor recovery system" means a vapor recovery system which has been certified by the ~~department of ecology~~ California Air Resources Board (CARB). Only Stage II vapor recovery systems with a single coaxial hose can be certified. The department SWAPCA may certify vapor recovery systems in addition to those certified by the California Air Resources Board as of the effective date of the regulation.

(4) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute (4.0 psia) at twenty degrees C (20 °C), and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C (20 °C) shall be considered "gasoline" for purpose of this regulation.

(5) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks (above ground or underground).

(6) "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.

(7) "Leak free" means a liquid leak of less than four drops per minute.

(8) "SWAPCA" means the Southwest Air Pollution Control Authority.

~~(89)~~ "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

~~(910)~~ "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

~~(101)~~ "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:

- Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;
- Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.

~~(142)~~ "Submerged loading" means the filling of a tank with a submerged fill line.



PROPOSED

(123) "Suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.

(134) "Throughput" means the amount of material passing through a facility.

(145) "Top off" means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.

(156) "Transport tank" means a container used for shipping gasoline over roadways.

(167) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute (API) Bulletin 2517, 1980.

(178) "Upgraded" means the modification of a gasoline storage tank, including tank installation or replacement, or piping to add cathodic protection, tank lining or spill and overfill protection that involved removal of ground or ground cover above a portion of the product piping.

(189) "Vapor balance system" means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.

(1920) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(201) "Vapor control system" means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.

(242) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(223) "Vapor tight" means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

(24) "WDOE" or "Ecology" means the Washington Department of Ecology.

(235) "Western Washington counties" means the following counties: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

**AMENDATORY SECTION**

**SWAPCA 491-030 Registration**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) The owner or operator of a gasoline loading terminal, bulk gasoline plant, or gasoline dispensing facility subject to the provisions of SWAPCA WAC 491-040 (2) through (5) shall register annually the facility with SWAPCA ecology or local air authority. Annual registration shall be made by the owner or operator on a form provided by SWAPCA ecology or local air authority within sixty days of receipt of the form. Such registration form shall require

information relevant to determining whether the facility is in compliance with this regulation ~~the requirements of this chapter~~ and be accompanied by the following fee:

- Gasoline loading terminals - five hundred dollars
- Bulk gasoline plants - two hundred dollars
- Gasoline dispensing facilities - one hundred dollars, ~~or a greater amount duly adopted by a local air pollution authority.~~
- Gasoline transport tankers - fifty dollars.

The amount of the fees collected shall only be used to administer the registration program for facilities subject to this regulation ~~chapter~~.

(2) Administration of the registration program shall include:

(a) Initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution ~~registration~~.

(b) On-site inspections necessary to verify compliance with registration requirements.

(c) Data storage and retrieval systems necessary for support of the registration program.

(d) Emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration.

(e) Staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements.

(f) Clerical and other office support provided in direct furtherance of the registration program.

(g) Administrative support provided in directly carrying out the registration program.

(3) ~~Ecology or local air authority~~ SWAPCA will provide a written verification of registration to owners or operators of facilities subject to the provisions of SWAPCA WAC 491-040 (2) through (5). Such verification shall be available for inspection by SWAPCA ecology or local air authority personnel during normal business hours.

(4) The owner or operator of a gasoline loading terminal or a gasoline dispensing facility shall maintain total annual gasoline throughput records for the most recent two calendar years. Such records shall be available for inspection by SWAPCA ecology or local air authority personnel during normal business hours.

**AMENDATORY SECTION**

**SWAPCA 491-040 Gasoline Vapor Control Requirements**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

**(1) Fixed-roof gasoline storage tanks.**

(a) All fixed-roof gasoline storage tanks having a nominal capacity greater than forty thousand gallons shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal



standards referred to in (a)(i) of this subsection or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears, or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.

(e) All fixed roof gasoline storage tanks subject to this section shall comply no later than December 31, 1993 or at the time that the throughput is exceeded.

## **(2) Gasoline loading terminals.**

(a) ~~This chapter section shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993 or when the throughput is exceeded, according to the schedule of compliance in WAC 173 491 050.~~

(b) Loading facilities. Facilities ~~for the purpose of~~ loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VCS shall be connected during the entire loading of all transport tanks.

(iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor control system (VCS). The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (three hundred twenty-two milligrams per gallon) of gasoline loaded.

(ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.

(iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.

## **(3) Bulk gasoline plants and transport tanks.**

(a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993 or when the throughput is exceeded and gasoline transport tanks. ~~according to the schedule of compliance in WAC 173 491 050.~~

(b) Deliveries to bulk gasoline plant storage tanks.

(i) The owner or operator of a bulk gasoline plant shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated properly. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built, and operated according to accepted industrial practices will satisfy this requirement.

(ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty gallons and used for the storage of gasoline shall comply with the following conditions:

(A) Each storage tank shall be equipped with a submerged fill line.

(B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(C) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically when disconnected.

(D) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety but in no case greater than ninety percent of the tank's safe working pressure.

(iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:

(A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(B) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically when disconnected.

(C) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Gasoline transfer operations.

(i) No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:

(A) The transport tanks are being submerged filled or bottom loaded.

(B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.

(C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with subsection (6) of this section.

(D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.

(ii) Transport tanks used for gasoline ~~and that meeting~~ all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:

(A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and

(B) The transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings.

**(4) Gasoline dispensing facilities (Stage I).**

(a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities with an annual gasoline throughput greater than three hundred sixty thousand gallons in Cowlitz, Lewis, Skamania and Wahkiakum Counties. For Clark County, this section applies to gasoline dispensing facilities with greater than 200,000 gallons annual throughput on a calendar basis. All facilities subject to this section shall comply when the throughput is exceeded, in accordance with the schedule of compliance in WAC 173-491-050 and all new gasoline dispensing facilities with a total gasoline nominal storage capacity greater than ten thousand gallons.

(b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.

(d) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(e) All gasoline dispensing facilities subject to this section shall be equipped with CARB or SWAPCA certified Stage I vapor recovery fittings or equipment.

(f) Only two point Stage I fittings shall be used with vacuum assist Stage II systems. Coaxial Stage I fittings may continue to be used for balance type Stage II systems and systems without Stage II gasoline vapor recovery controls.

(g) All Stage I gasoline vapor recovery equipment shall be maintained in proper working order at all times. All Stage I gasoline vapor recovery equipment shall be maintained in accordance with the CARB Executive Order(s) certifying the equipment or system. Whenever a Stage I gasoline vapor recovery system or component is determined to be defective or not operating properly, the owner or operator shall immediately take the system out of service until repairs are made. Systems shall not be returned to service until the defective system is operating properly.

(h) Any alteration of the equipment, parts, design, or operation of the Stage I gasoline vapor recovery system as certified by CARB is prohibited, and shall not be performed without submittal of a Notice of Construction application and prior approval from SWAPCA.

(i) All new gasoline dispensing facilities shall have a tank tightness test performed at the time of installation to ensure proper connection and absence of leaks refer to WDOE publication 91-43 "Tank Owner/Operator's Guide to Tightness Testing". Results of the testing shall be submitted to SWAPCA within 14 calendar days of testing.

(j) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

**(5) Gasoline dispensing facilities (Stage II).**

(a) This section shall apply to the refueling of motor vehicles for the general public from stationary tanks at all gasoline dispensing facilities located in ~~western Washington counties Cowlitz, Lewis, and Wahkiakum Counties~~ with an annual gasoline throughput greater than ~~eight hundred forty thousand gallons~~ one million two hundred thousand gallons (1,200,000). ~~with the exception of For Clark, King, Pierce, and Snohomish counties where county,~~ this section shall apply to gasoline dispensing facilities with an annual gasoline throughput greater than six hundred thousand gallons (600,000). Skamania County is exempt from Stage II requirements as provided in Substitute House Bill 2376, as passed by the Washington State Legislature in 1996. Facilities subject to this section shall install Stage II controls by December 31, 1998 or at the time of a facility upgrade (see definition), in accordance with the schedule of compliance in WAC 173-491-050 and all new gasoline dispensing facilities with greater than ten thousand gallons gasoline nominal storage capacity in western Washington counties.

(b) All gasoline dispensing facilities subject to this section shall be equipped with a CARB or SWAPCA certified Stage II vapor recovery system.

(c) The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.

(d) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.

(e) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.

(f) The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of ~~ecology's~~ SWAPCA's toll free telephone number (800-633-0709) for complaints regarding the operation and condition of the vapor recovery nozzles.

(g) Every retailer and wholesale purchaser-consumer (gasoline dispensing facility) handling over 10,000 gallons per month shall equip each pump from which gasoline or methanol is introduced into motor vehicles with a nozzle that dispenses fuel at a flowrate not to exceed 10 gallons per minute as provided in 40 CFR 80.22 Subpart B.

(h) All new or upgraded facilities with Stage II gasoline vapor recovery controls shall conduct a performance test upon installation prior to placing in service. For balance type systems, the owner/operator shall conduct and pass a back pressure/blockage test. For vacuum assist systems, the owner/operator shall conduct and pass performance testing in accordance with the applicable CARB Executive Order certifying the system. Results of all testing shall be submitted to SWAPCA within 14 calendar days of test completion.

(i) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular

Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

(6) Equipment or systems failures.

(a) Specific applicability. This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants, and gasoline dispensing facilities as described in subsections (2) through (5) of this section.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gasoline plant or gasoline loading terminal to comply with this section requires the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year.

(b) Provisions for specific processes.

(i) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle. Certification is required annually.

(ii) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank has successfully completed the annual certification testing requirements in (c) of this subsection, and such certification is confirmed either by:

(A) Have on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(B) Display a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b which:

(I) Shows the date that the gasoline tank truck last passed the test required in (c) of this subsection;

(II) Shows the identification number of the gasoline tank truck tank; and

(III) Expires not more than one year from the date of the leak tight test.

(iii) The owner or operator of a vapor collection system shall:

(A) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(I) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water;

(II) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of one inch from potential leak sources; and

(III) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(IV) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(B) Repair and retest a vapor collection system that exceeds the limits of (b)(iii)(A) of this subsection within fifteen days.

(iv) The department or local air authority may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in (c) of this subsection to confirm continuing compliance with this section.

(e) Testing and monitoring.

(i) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with (a) and (b) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by the department.

(ii) Testing to determine compliance with this section shall use procedures approved by the department.

(iii) Monitoring to confirm continuing leak tight conditions shall use procedures approved by the department.

(d) Recordkeeping.

(i) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(ii) The records of certification tests required by this section shall, as a minimum, contain:

(A) The transport tank identification number;

(B) The initial test pressure and the time of the reading;

(C) The final test pressure and the time of the reading;

(D) The initial test vacuum and the time of the reading;

(E) The final test vacuum and the time of the reading;

(F) At the top of each report page the company name, date, and location of the tests on that page; and

(G) Name and title of the person conducting the test.

(iii) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(iv) Copies of all records required under this section shall immediately be made available to the department, upon written request, at any reasonable time.

(e) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

AMENDATORY SECTION

WAC 491-050 Compliance schedules. Failures, Certification, Testing and Recordkeeping

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original adoption 93-16-011 filed 7/22/93, effective 8/22/93]

(1) Fixed roof gasoline storage tanks. All fixed roof gasoline storage tanks subject to WAC 173-491-040(1) shall comply no later than December 31, 1993.

(2) Gasoline loading terminals. All gasoline loading terminals subject to WAC 173-491-040(2) shall comply no later than December 31, 1993.

(3) Bulk gasoline plants. All bulk gasoline plants subject to the requirements of WAC 173-491-040(3) shall comply no later than December 31, 1993.

(4) Gasoline dispensing facilities—Stage I. All gasoline dispensing facilities subject to the requirements of WAC

~~173-491-040(4) shall comply no later than December 31, 1993, or whenever the facility is upgraded.~~

~~(5) Gasoline dispensing facilities—Stage II. All gasoline dispensing facilities subject to the requirements of WAC 173-491-040(5) shall comply:~~

~~(a) When upgraded except any gasoline dispensing facility upgraded or with new tank(s) installed after the effective date of this regulation but before May 1, 1992, need not comply earlier than May 1, 1992.~~

~~(b) For businesses which own ten or more gasoline dispensing facilities in the state of Washington, facilities subject to Stage II requirements as indicated in WAC 173-491-040 (5)(a) must comply according to the following schedule:~~

~~(i) Fifty percent of all gasoline dispensing facilities with an annual throughput greater than 1.2 million gallons by May 1, 1993.~~

~~(ii) All remaining gasoline dispensing facilities with an annual throughput greater than 1.2 million gallons must comply by May 1, 1994.~~

~~(iii) Businesses which own ten or more gasoline dispensing facilities in King, Pierce, Snohomish, and Clark counties must, in addition, meet the following requirements at their facilities within King, Pierce, Snohomish, and Clark counties:~~

~~(A) At least fifty percent of the gasoline dispensing facilities with an annual throughput greater than 840,000 gallons must comply by May 1, 1994;~~

~~(B) The remaining gasoline dispensing facilities with an annual throughput greater than 840,000 gallons must comply by May 1, 1995.~~

~~(iv) All gasoline dispensing facilities must be in compliance not later than December 31, 1998.~~

~~(v) In meeting this requirement, businesses that lease some facilities and operate others must ensure that the percentage of facilities owned and operated which are required to comply with this provision at least equals the percentage of leased facilities required to comply with this provision.~~

~~(e) For businesses which own fewer than ten gasoline dispensing facilities in the state of Washington:~~

~~(i) All facilities with an annual throughput of 1.2 million gallons must comply by May 1, 1994;~~

~~(ii) All remaining facilities must comply by December 31, 1998.~~

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, and bulk gasoline plants as described in subsections (2) and (3) of SWAPCA 491-040.

(1) Failures.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gasoline plant or gasoline loading terminal to comply with this section requires the immediate discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year. Upon completion of loading or unloading of a transport tank connected at the time of the failure, gasoline

transfer operations shall be discontinued for the failed part of the system.

(2) Certification.

(a) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle. Certification is required annually as provided in SWAPCA 490-202.

(b) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank has successfully completed the annual certification testing requirements in (3) of this subsection, and such certification is confirmed either by:

(i) Have on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(ii) Display a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in (3) of this subsection;

(B) Shows the identification number of the gasoline tank truck tank; and

(C) Expires not more than one year from the date of the leak tight test.

(c) The owner or operator of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(A) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water;

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of one inch from potential leak sources; and

(C) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(D) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(i) Repair and retest a vapor collection system that exceeds the limits of (2)(c)(i) of this subsection within fifteen days.

(d) SWAPCA may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in (3) of this subsection to confirm continuing compliance with this section.

(3) Testing and monitoring.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with (1) and (2) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by WDOE or SWAPCA.

(b) Testing to determine compliance with this section shall use procedures approved by SWAPCA. See testing requirements in SWAPCA 490.

(c) Monitoring to confirm continuing leak tight conditions shall use procedures approved by SWAPCA.

(4) Recordkeeping.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by this section shall, as a minimum, contain:

(i) The transport tank identification number;

(ii) The transport tank capacity;

(iii) The initial test pressure and the time of the reading;

(iv) The final test pressure and the time of the reading;

(v) The initial test vacuum and the time of the reading;

(vi) The final test vacuum and the time of the reading;

(vii) At the top of each report page the company name, date, and location of the tests on that page; and

(viii) Name and title of the person conducting the test.

(c) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(d) Copies of all records required under this section shall immediately be made available to the department, upon written request, at any reasonable time.

(5) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

## NEW SECTION

### SWAPCA 491-060 Severability

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

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 brackets and enclosed material in the text above occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 96-18-018

### PROPOSED RULES

#### PERSONNEL RESOURCES BOARD

[Filed August 26, 1996, 10:45 a.m.]

#### Original Notice.

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

Title of Rule: WAC 251-22-045, 251-22-124, 251-22-260, 251-22-280, and 251-22-290.

Purpose: These rules pertain to personal holiday, sick leave and shared leave usage.

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

Summary: Effective June 6, 1996, changes were made to rules pertaining to shared leave in order to be in compli-

ance with 1996 legislative changes. These modifications are needed to administer those changes.

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: These rules allow state employees to come to the aid of fellow state employees suffering from or who has a relative or household member suffering from an extraordinary or severe illness by sharing vacation leave at no increased cost to the state. Effective June 6, 1996, changes were made to rules pertaining to shared leave in order to be in compliance with 1996 legislative changes which allowed state employees to also transfer sick leave and all or part of a personal holiday to an employee who qualifies for shared leave. These modifications are needed to administer those changes.

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, does not apply to this rule adoption. Not required.

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

Assistance for Persons with Disabilities: Contact Department of Personnel by October 2, 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 October 8, 1996.

Date of Intended Adoption: October 10, 1996.

August 26, 1996

Dennis Karras  
Secretary

### AMENDATORY SECTION (Amending WSR 87-02-036 (Order 154), filed 1/2/87, effective 2/1/87)

**WAC 251-22-045 Personal holiday.** (1) Each employee may select one personal holiday each calendar year, as indicated in WAC 251-22-040(10) and the institution/related board must grant the day, provided:

(a) The employee has been continuously employed by the institution for more than four months.

(b) The employee has given not less than fourteen calendar days written notice to the supervisor; provided, however, the employee and the supervisor may agree upon an earlier date; and

(c) The number of employees selecting a particular day off does not prevent providing continued public service.

(2) Entitlement to the holiday will not lapse when denied under (1)(c) above.

(3) Full-time alternate work schedule employees shall receive eight hours of regular holiday pay for the personal holiday. Any differences between the scheduled shift for the

day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(4) Part-time classified employees shall be entitled to the number of paid hours on a personal holiday that their monthly schedule bears to a full time schedule.

(5) Part or all of a personal holiday may be donated to another employee for shared leave as provided in WAC 251-22-250 and WAC 251-22-280.

(a) Any portion of the personal holiday that remains after donation to shared leave shall be taken by the donating employee in one absence subject to request and approval as described in subsection (1) and (2) of this section.

(b) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(c) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

**AMENDATORY SECTION** (Amending WSR 79-10-055 (Order 80), filed 9/17/79)

**WAC 251-22-124 Sick leave—Compensation for.** (1) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 480 hours may choose to convert sick leave hours earned in the previous calendar year minus those used during the year to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(iv) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year, may be included in the converted hours for monetary compensation.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the retirement system.

(2) Compensation for unused sick leave shall not be used in computing the retirement allowance; therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.

(3) An employee who separates from the classified service for any reason other than retirement or death shall not be paid for accrued sick leave.

**AMENDATORY SECTION** (Amending WSR 89-22-019, filed 10/24/89, effective 12/1/89)

**WAC 251-22-260 Shared leave receipt.** An employee may be eligible to receive shared leave if the employee's agency/institution head has determined the employee meets the following criteria:

(1) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused or is likely to cause the employee to go on leave without pay status or terminate state employment; and

(2) The employee has depleted or will shortly deplete his or her annual and sick leave reserves; and

(3) The employee's absence and the use of shared leave are justified; and

(4) ~~((The employee is not eligible for time loss compensation under chapter 51.32 RCW. If a time loss claim is approved at a later time, all leave received shall be returned to the donors, and the employee will return any excess moneys received to the agency/institution. The employee is required to file a workers' compensation claim only in the event he or she is requesting shared leave due to a condition caused by an industrial injury or occupational disease))~~ For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW; and

(5) The employee has abided by agency/institution policy regarding the use of sick leave.

**AMENDATORY SECTION** (Amending WSR 96-11-059, filed 5/10/96, effective 6/6/96)

**WAC 251-22-280 Leave donation.** An employee may donate annual leave, sick leave, or personal holiday to another employee for purposes of the Washington state leave sharing program under the following conditions:

(1) The employee's agency/institution head approves the employee's request to donate a specified amount of annual leave to an employee authorized to receive shared leave; and

(a) The full-time employee's request to donate leave will not cause his/her annual leave balance to fall below ~~(ten days))~~ eighty hours. For part-time employees, requirements for annual leave balances will be prorated; and

(b) Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date; and

(2) The employee's agency/institution head approves the employee's request to donate a specified amount of sick leave to an employee authorized to receive shared leave; and

(a) The employee's request to donate leave will not cause his/her sick leave balance to fall below four hundred eighty hours after the transfer; and

(b) In no event will a donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(3) The employee's agency/institution head approves the employee's request to donate all or part of his or her personal holiday to an employee authorized to receive shared leave.

(a) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(b) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

(4) No employee may be intimidated, threatened, or coerced into donating leave for purposes of this program.

**AMENDATORY SECTION** (Amending WSR 96-11-059, filed 5/10/96, effective 6/6/96)

**WAC 251-22-290 Shared leave administration.** (1) The calculation of the recipient's leave value shall be in accordance with applicable office of financial management policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances. All compensatory time, sick leave, and annual leave accrued must be used prior to using shared leave.

(2) An employee on leave transferred under these rules shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(3) All salary and wage payments made to employees while on leave transferred under these rules shall be made by the agency/institution employing the person receiving the leave.

(4) Where agency/institution heads have approved the transfer of leave by an employee of one agency/institution to an employee of another agency/institution, the agencies/institutions involved shall arrange for the transfer of funds and credit for the appropriate value of leave in accordance with office of financial management policies, regulations, and procedures.

(5) Leave transferred under this section shall not be used in any calculation to determine an agency's/institution's allocation of full-time equivalent staff positions.

(6) Any shared leave not used by the recipient shall be returned to the donor(s).

The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors' appropriate leave balances based upon each employee's current salary rate at the time of the reversion. The shared leave returned shall be prorated back based on the donor's original donation.

(7) Unused shared leave may not be cashed out under WAC 251-22-090 but shall be returned to the donors per subsection (6) of this section.

(8) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

**WSR 96-18-019**

**PROPOSED RULES**

**PERSONNEL RESOURCES BOARD**

[Filed August 26, 1996, 10:49 a.m.]

Original Notice.

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

Title of Rule: WAC 356-18-025, 356-18-050, and 356-18-112.

Purpose: These rules pertain to personal holiday, sick leave and shared leave usage.

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

Summary: Effective June 6, 1996, changes were made to rules pertaining to shared leave in order to be in compliance with 1996 legislative changes. These modifications are needed to administer those changes.

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: These rules allow state employees to come to the aid of fellow state employees suffering from or who has a relative or household member suffering from an extraordinary or severe illness by sharing vacation leave at no increased cost to the state. Effective June 6, 1996, changes were made to rules pertaining to shared leave in order to be in compliance with 1996 legislative changes which allowed state employees to also transfer sick leave and all or part of a personal holiday to an employee who qualifies for shared leave. These modifications are needed to administer those changes.

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, does not apply to this rule adoption. Not required.

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

Assistance for Persons with Disabilities: Contact Department of Personnel by October 2, 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 October 8, 1996.

Date of Intended Adoption: October 10, 1996.

August 26, 1996

Dennis Karras

Secretary

**AMENDATORY SECTION** (Amending WSR 89-06-028 (Order 314), filed 2/24/89, effective 4/1/89)

**WAC 356-18-025 Holidays—Selected personal holiday—Regulations governing.** (1) An employee may select one workday as a personal holiday each calendar year provided:

(a) The employee has been continuously employed by the state for more than four months, or is scheduled to be

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continuously employed by the state for more than four months, and

(b) The employee who is scheduled to work less than six continuous months over a period covering two calendar years shall receive only one personal holiday during this period.

(2) The agency shall release the employee from work on the day selected as the personal holiday provided:

(a) The employee has given not less than fourteen calendar days' written notice to the supervisor, provided, however, the employee and the supervisor may agree upon an earlier date, and

(b) The number of employees selecting a particular day off does not prevent an agency from providing continued public service.

(3) The personal holiday must be taken during the calendar year or entitlement to the day will lapse, except that the entitlement shall carry over to the following year when an otherwise qualified employee has requested a personal holiday and the request has been denied.

(4) Agencies may also establish qualifying policies for determining which of the requests for a particular day will or will not be granted when the number of requests for a personal holiday would impair operational necessity.

(5) Part-time employees who were employed during the month in which the personal holiday is taken will be compensated for the personal holiday in an amount proportionate to the time in pay status during the month to that required for full-time employment.

(6) A personal holiday for full-time employees shall be equivalent to their workshift on that day.

(7) Part or all of a personal holiday may be donated to another employee for shared leave as provided in WAC 356-18-112.

(a) Any portion of the personal holiday that remains after donation to shared leave shall be taken by the donating employee in one absence subject to request and approval as described in subsections (1), (2) and (3) of this section.

(b) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(c) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

**AMENDATORY SECTION** (Amending WSR 89-15-028 (Order 325), filed 7/14/89, effective 8/14/89)

**WAC 356-18-050 Sick leave credit—Purpose—Accrual—Conversion.** (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) Full-time employees shall be credited monthly with eight hours of sick leave under the following conditions:

(a) The employee must be employed for fifteen calendar days or more during the month.

(b) Any leave without pay taken during the month will not be counted toward the fifteen calendar day eligibility requirement.

(c) Holidays for which the employee is otherwise eligible that fall within the qualifying fifteen days count toward the minimum requirement.

Sick leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of twenty-five percent and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(iv) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year, may be included in the converted hours for monetary compensation.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(c) No contributions are to be made to the department of retirement systems (DRS) for such payments in (a) or (b) of this subsection, nor shall such payments be reported to DRS as compensation.

(4) Employees who separate for any reason other than retirement or death shall not be paid for their accrued sick leave.

(5) Former employees who are again employed within five years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3)(b).

(6) Employees coming under the jurisdiction of the state personnel board from the jurisdiction of the higher education personnel board by the provisions of WAC 356-49-040 shall be credited with their sick leave accumulated with the higher education system.



**AMENDATORY SECTION** (Amending WSR 96-11-058, filed 5/10/96, effective 6/6/96)

**WAC 356-18-112 Shared leave.** (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave, sick leave, or personal holidays to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

(a)(i) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(ii) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(iii) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated.

(c) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(d) The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below four hundred eighty hours after the transfer. In no event will the donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(e) The donating employee may donate all or part of a personal holiday.

(i) That portion of a personal holiday that is accrued, donated as shared leave and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(ii) An employee shall be allowed to split the personal holiday only when donating to the shared leave program.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) Nine months or 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extended by the director per WAC 356-30-065(4), 356-30-067(6), and 356-30-140(6).

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's appropriate leave balance. The return shall be prorated back based on the donor's original donation.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

(12) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

**PROPOSED**

**WSR 96-18-028**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed August 27, 1996, 4:30 p.m.]

The Department of Fish and Wildlife withdraws from public consideration the following proposed rules:

WAC 232-28-61900R Regional exceptions to permanent game fish rules, filed as WSR 96-14-143 [96-14-145] on July 3, 1996.

WAC 232-12-128 No fault clause, filed as WSR 96-14-139 [96-14-136] on July 3, 1996.

WAC 232-16-730 Fir Island Game Reserve, filed as WSR 96-14-141 on July 3, 1996.

Evan Jacoby  
Rules Coordinator

**WSR 96-18-037**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed August 29, 1996, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-079.

Title of Rule: Chapter 16-1019 WAC, Degrades, license suspensions and revocations for dairy producers and processors.

Purpose: To establish criteria for penalties that are imposed when a degrade action is taken by the department and to establish criteria when a dairy producer or processing plant license may be revoked.

Statutory Authority for Adoption: RCW 15.36.021.

Statute Being Implemented: RCW 15.36.111.

Summary: These rules provide criteria for determining the length of time a dairy producer or processor is on degrade based on the number and severity of violations when a degrade action is taken by the department. The rules also provide criteria for taking a dairy producer or processor license revocation action based on pattern of noncompliance.

Reasons Supporting Proposal: The 1996 legislative changed in RCW 15.36.111 no longer allows the department to take an "immediate" degrade action for repeat violations, in most cases. It is required that the department provide opportunity for hearing under the Administrative Procedure Act in these actions and these rules establish a fair and equitable process for determining the length of the degrade period.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael J. Donovan, Natural Resources Building, 1111 Washington Street, Olympia, 2nd Floor, (360) 902-1883.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The general goal of chapter 15.36 RCW, the Fluid Milk Act, is to protect the consuming public by ensuring the dairy products produced in this state are safe and unadulterated through regulation of the sanitation practices of the dairy industry, bacterial and other quality standards and drug residue levels of dairy products. The specific objectives are to see that farms, plants and the hauling industry comply with sanitation and product standards and that licensed dairy technicians perform in compliance with certain standards and demonstrate a prescribed level of knowledge, skill and ability before engaging in operation of critical equipment or testing, sampling and/or handling of products. To ensure compliance with chapter 15.36 RCW, the chapter authorizes penalty action be taken in situations of noncompliance. One enforcement action authorized and required is that a degrade action be taken on consecutive repeat violations of the chapter. The rule outlines a fair and equitable penalty schedule required by the Administrative Procedure Act when the degrade action is applied.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules establish a criteria for determining degrade penalties under the requirement of RCW 15.36.111.

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.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA 98504, on October 24, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by October 17, 1996, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Michael J. Donovan, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by October 24, 1996.

Date of Intended Adoption: November 7, 1996.

August 29, 1996

Dr. Candace A. Jacobs  
Assistant Director

**CHAPTER 16-1019**  
**DEGRADES, LICENSE SUSPENSIONS AND REVO-**  
**CATIONS FOR DAIRY PRODUCERS AND**  
**PROCESSORS**

NEW SECTION

**WAC 16-1019-010 Under what circumstances will the director degrade a dairy farm operation or a milk processing plant operation?** (1) The director shall call for a degrade of a dairy farm operation of a producer or a Grade A milk processing plant operation for one or more repeat violations of Chapter 15.36 RCW, or rules adopted thereunder, which are noted on consecutive inspections as provided in RCW 15.36.111.

(2) For purposes of this chapter, "degrade" means the lowering in grade from grade A to grade C.

41-50  
51 or more

12 Days  
14 Days

**NEW SECTION**

**WAC 16-1019-020** How is the length of a degrade of a producer or a milk processing plant determined? The length of a degrade of a dairy farm operation or a grade A milk processing plant operation shall be based on the total number of debit points awarded to repeat violations as provided in WAC 16-1019-030 or until the director determines the violations that caused the degrade are corrected, which ever is longer. The schedule for determining a degrade period is as follows.

<u>TOTAL DEBIT POINTS</u>	<u>DEGRADE PERIOD</u>
1-10	2 Days
11-15	4 Days
16-20	6 Days
21-30	8 Days
31-40	10 Days

**NEW SECTION**

**WAC 16-1019-030** How is the debit point value of each violation determined? (1) The debit point for each violation, as shown in the table below, is the same as the debit points awarded to dairy farms or milk processing plants during state surveys and federal check ratings as determined in the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" published by the US Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(2) A copy of the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" may be obtained by request from the Washington State Department of Agriculture Food Safety Program, P.O. Box 42560, Olympia, Washington 98504-2560 (360-902-1875).

**(3) DAIRY FARM SANITATION VIOLATION DEBIT POINT VALUES**

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
1a	Cows secreting abnormal milk milked last or in SEPARATE equipment	5
1b	Abnormal milk properly handled and disposed of	5
1c	Proper care of abnormal milk handling equipment	5
<b>MILKING PARLOR</b>		
2a	Floors, gutters and feed troughs of concrete or of equally impervious materials; in good repair	1
2b	Walls and ceilings smooth, painted or finished adequately; in good repair; ceiling dust tight	1
2c	Separate stalls or pens for horses, calves and bulls	1
2d	Adequate natural and/or artificial light; well distributed	1
2e	Properly ventilated; no overcrowding	1
3a	Clean and free of litter	3
3b	No swine or fowl	3
4a	Cowyard graded to drain; no pooled water or wastes	3
4b	Cowyard clean; cattle housing areas and manure packs properly maintained	3
4c	No swine	3
4d	Manure stored inaccessible to cows	3
<b>MILKHOUSE</b>		
<b>Floors</b>		
5a	Smooth; concrete or other impervious material; in good repair	1
5b	Graded to drain	1
5c	Drains trapped if connected to sanitary system	1

PROPOSED

	<b>Walls and Ceilings</b>	
5a	Approved material and finish	1
5b	Good repair (windows, doors and hoseport included)	1
	<b>Lighting and Ventilation</b>	
5a	Adequate natural and/or artificial light; properly distributed	2
5b	Adequate ventilation	2
5c	Doors and windows closed during dusty weather	2
5d	Vents and lighting fixtures properly installed	2
	<b>Miscellaneous Requirements</b>	
5a	Used for milkhouse operations only; sufficient size	2
5b	No direct opening into living quarters or barn; except as permitted by Ordinance	2
5c	Liquid wastes properly disposed of	2
5d	Proper hoseport where required	2
5e	Acceptable surface under hoseport	2
5f	Suitable shelter for transport truck as required by this Ordinance	2
	<b>Cleaning Facilities</b>	
5a	Two-compartment wash and rinse vat of adequate size	2
5b	Suitable water heating facilities	2
5c	Water under pressure piped to milkhouse	2
	<b>Cleanliness</b>	
6a	Floors, walls, windows, tables and similar non-product surfaces clean	4
6b	No trash, unnecessary articles, animals or fowl	4
	<b>Toilet</b>	
7a	Provided; conveniently located	4
7b	Constructed and operated according to Ordinance	4
7c	No evidence of human wastes about premises	4
7d	Toilet room in compliance with Ordinance	4
	<b>Water Supply</b>	
8a	Constructed and operated according to Ordinance	2
8b	Complies with bacteriological standards	5
8c	No connection between safe and unsafe supplies; no improper submerged inlets	5
	<b>UTENSILS AND EQUIPMENT</b>	
9a	Smooth, impervious, nonabsorbent, safe materials; easily cleanable;	4
9b	In good repair; accessible for inspection;	4
9c	Approved single service articles; not re-used	4
9d	Of proper design	4
9e	Approved CIP milk line system	4
10a	Utensils and equipment clean	5
11a	All multi-use containers and equipment subjected to approved	5

PROPOSED

	sanitization process	
12a	All multi-use containers and equipment properly stored	2
12b	Stored to assure complete drainage where applicable	2
12c	Single-service articles properly stored	2
	<b>MILKING</b>	
13a	Milking done in barn, stable or parlor	5
13b	Brushing completed before milking begun	5
13c	Flanks, bellies, udders, and tails of cows clean at time of milking; clipped when required	5
13d	Teats treated with sanitizing solution and dried just prior to milking	5
13e	No wet hand milking	5
	<b>TRANSFER AND PROTECTION OF MILK</b>	
	<b>Protection from Contamination:</b>	
14a	No overcrowding	3
14b	Product and CIP circuits separated	3
14c	Improperly handled milk discarded	3
14d	Immediate removal of milk	3
14e	Milk and equipment properly protected	3
14f	Air under pressure of proper quality	3
	<b>Drug and Chemical Control</b>	
15a	Cleaners and sanitizers properly identified	2
15b	Drug administration equipment properly handled and stored	2
15c	Drugs properly labeled (name and address) and stored	2
15d	Drugs properly labeled (directions for use, cautionary statements, active ingredients)	7
15e	Drugs properly used and stored to preclude contamination of milk	7
	<b>PERSONNEL</b>	
	<b>Hand-washing Facilities:</b>	
16a	Proper hand-washing facilities convenient to milking operations	2
16b	Wash and rinse vats not used as hand-washing facilities	2
	<b>Personnel Cleanliness:</b>	
17a	Hands washed clean and dried before milking, or performing milkhouse functions; rewashed when contaminated	1
17b	Clean outer garments worn	1
	<b>COOLING</b>	
18a	Milk cooled to 45 F or less within 2 hours after milking	5
18b	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18c	Temperature recorder with 7 day chart	5*
	<b>INSECTS AND RODENTS</b>	
19a	Fly breeding minimized by approved manure disposal methods	3
19b	Manure packs properly maintained	3

19c	All milkhouse openings effectively screened or otherwise protected; doors tight and self-closing; screen doors open outward	2
19d	Milkhouse free of insects and rodents	2
19e	Approved pesticides; used properly	2
19f	Equipment and utensils not exposed to pesticide contamination	2
19g	Surrounding neat and clean; free of harborage and breeding areas	2
19h	Feed storage not attraction for birds, rodents or insects	2

\* This is a requirement of WAC 16-125 rated in accordance with cooling criteria in similar sections of with the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" for dairy plants.

**(4) MILK PROCESSING PLANT SANITATION VIOLATION DEBIT POINT VALUES**

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
1	<b>FLOORS</b>	
1a	Smooth; impervious; no pools; good repair; trapped drains	1
2	<b>WALLS AND CEILINGS</b>	
2a	Smooth; washable; light -colored; good repair	1
3	<b>DOORS AND WINDOWS</b>	
3a	All outer openings effectively protected against entry of flies and rodents	2
4	<b>LIGHTING AND VENTILATION</b>	
4a	Adequate in all rooms	1
4b	Well ventilated to preclude odors and condensation; filtered air with pressured systems	1
5	<b>SEPARATE ROOMS</b>	
5a	Separate rooms as required; adequate size	3
5b	No direct opening to barn or living quarters	3
5c	Storage tanks properly vented	3
6	<b>TOILET FACILITIES</b>	
6a	Complies with local ordinances	3
6b	No direct opening to processing rooms; self-closing doors	3
6c	Sewage and other liquid wastes disposed of in a sanitary manner	3
7	<b>WATER SUPPLY</b>	
7a	Constructed and operated in accordance with Ordinance	4
7b	No direct or indirect connection between safe and unsafe water	4
7c	Condensing water and vacuum water in compliance with Ordinance requirements	4
7d	Complies with bacteriological standards	4

8	<b>HAND-WASHING FACILITIES</b>	
8a	Located and equipped as required; clean and in good repair; improper facilities not used	2
9	<b>MILK PLANT CLEANLINESS</b>	
9a	Neat; clean; no evidence of insects or rodents; trash properly handled	3
9b	No unnecessary equipment	3
10	<b>SANITARY PIPING</b>	
10a	Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection	3
10b	Clean-in-place lines meet Ordinance specifications	3
10c	Pasteurized products conducted in sanitary piping, except as permitted by Ordinance	3
11	<b>CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT</b>	
11a	Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection	3
11b	Self-draining; strainers of approved design	3
11c	Approved single-service articles; not re-used	3
12	<b>CLEANING AND SANITIZING OF CONTAINERS/EQUIPMENT</b>	
12a	Containers, utensils and equipment effectively cleaned	5
12b	Mechanical cleaning requirements of Ordinance in compliance; records complete	5
12c	Approved sanitization process applied prior to the use of product-contact surfaces	5
12d	Required efficiency tests in compliance	5
12e	Multiple use plastic containers in compliance	5
12f	Aseptic system sterilized	5
13	<b>STORAGE OF CLEANED AND EQUIPMENT</b>	
13a	Stored to assure drainage and protected from contamination	3
14	<b>STORAGE OF SINGLE SERVICE ARTICLES</b>	
14a	Received, stored and handled in a sanitary manner; paperboard containers not re-used except as permitted by the Ordinance	2
15A	<b>PROTECTION FROM CONTAMINATION</b>	
15a	Operations conducted and located so as to preclude contamination of milk, milk products, ingredients, containers, equipment and utensils	3
15b	Overflow, spilled and leaked products or ingredients discarded	3
15c	Air and steam used to process products in compliance with Ordinance	3
15d	Approved pesticides, safely used	3
15B	<b>CROSS CONNECTIONS</b>	
15a	No direct connections between pasteurized and raw milk or milk	5

PROPOSED

	products.	
15b	No direct connections between milk or milk products and cleaning and/or cleaning solutions	5
16A	<b>PASTEURIZATION-BATCH</b>	
(1)	<b>INDICATING AND RECORDING THERMOMETERS</b>	
16a	Comply with Ordinance specifications	4
(2)	<b>TIME AND TEMPERATURE CONTROLS</b>	
16a	Adequate agitation throughout holding; agitator sufficiently submerged	15
16b	Each pasteurizer equipped with indicating and recording thermometer; bulb submerged	15
16c	Recording thermometer reads no higher than indicating thermometer	15
16d	Product held minimum pasteurization temperature continuously for 30 minutes, plus filling time if product preheated before entering vat, plus emptying time, if cooling is begun after opening outlet	15
16e	No product added after holding begun	15
16f	Airspace above product held at not less than 5.0 F higher than minimum required pasteurization temperature during holding	15
16g	Approved airspace thermometer; bulb not less than 1 inch above product level	15
16h	Inlet and outlet valves and connections in compliance with Ordinance	15
16B	<b>PASTEURIZATION-HIGH TEMPERATURE</b>	
(1)	<b>INDICATING AND RECORDING THERMOMETERS</b>	
16a	Comply with Ordinance specifications	4
(2)	<b>TIME AND TEMPERATURE CONTROLS</b>	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15
16d	Flow promoting devices comply with Ordinance requirements	15
(3)	<b>ADULTERATION CONTROLS</b>	
16a	Satisfactory means to prevent adulteration with added water	3
16C	<b>ASEPTIC PROCESSING</b>	
	<b>Protection from Contamination:</b>	
(1)	<b>INDICATING AND RECORDING THERMOMETERS</b>	
16a	Comply with Ordinance specifications	4
(2)	<b>TIME AND TEMPERATURE CONTROLS</b>	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15
16d	Flow promoting devices comply with Ordinance requirements	15



(3)	<b>ADULTERATION CONTROLS</b>	
16a	Satisfactory means to prevent adulteration with added water	3
16D	<b>REGENERATIVE HEATING</b>	
16a	Pasteurized or aseptic product in regenerator automatically under greater pressure than raw product in regenerator at all times	10
16b	Accurate pressure gauges installed as required; booster pump properly identified and installed	10
16c	Regenerator pressures meet Ordinance requirements	10
16E	<b>TEMPERATURE RECORDING CHARTS</b>	
16a	Batch pasteurizer charts comply with applicable Ordinance requirements	4
16b	HTST pasteurizer charts comply with applicable Ordinance requirements	4
16c	Aseptic charts comply with applicable Ordinance requirements	4
17	<b>COOLING OF MILK</b>	
17a	Raw milk maintained at 45 F or less until processed	5
17b	Pasteurized milk and milk products, except those to be cultured, cooled immediately to 45 F or less in approved equipment; all milk and milk products stored thereat until delivered	5
17c	Approved thermometers properly located in all refrigeration rooms and storage tanks	5
17d	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18	<b>BOTTLING AND PACKAGING</b>	
18a	Performed in plant where contents finally pasteurized	5
18b	Performed in sanitary manner by approved mechanical equipment	5
18c	Aseptic filling in compliance	5
19	<b>CAPPING</b>	
19a	Capping and/or closing performed in sanitary manner by approved mechanical equipment	5
19b	Imperfectly capped/closed products properly handled	5
19c	Caps and closures comply with Ordinance	5
20	<b>PERSONNEL CLEANLINESS</b>	
20a	Hands washed clean before performing plant functions; rewashed when contaminated	1
20b	Clean outer garments and hair covering worn	1
20c	No use of tobacco in processing areas	1
21	<b>VEHICLES</b>	
21a	Vehicles clean; constructed to protect milk	1
21b	No contaminating substances transported	1
22	<b>SURROUNDINGS</b>	
22a	Neat and clean; free of pooled water, harborages and breeding	2

PROPOSED

	areas	
22b	Tank unloading areas properly constructed	2
22c	Approved pesticides; used properly	2

PROPOSED

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

**NEW SECTION**

**WAC 16-1019-040 How can a degraded dairy farm or milk processing plant operation be regraded?** A producer or processor subject to degrade action for repeat violations must apply on an application provided by the department to have his or her dairy farm or milk processing plant regraded. The application must be signed by the producer or processor and must state that all violations cited on the inspection that caused the degrade have been corrected. Within seven days after receiving a completed application for regrade, the department will reinspect the dairy farm or milk processing plant. If the department determines that all violations cited on the inspection that caused the degrade have been corrected and the degrade period as determined by the director has ended, the department will regrade the dairy farm or milk processing plant operation.

**NEW SECTION**

**WAC 16-1019 050 Under what circumstances may the director initiate revocation action against the grade A license of a producer or processor?** The Director may initiate revocation proceedings against a dairy producer or milk processor whenever that producer or processor has had his or her milk processing plant operation or dairy farm operation degraded for repeated violations; and/or had his or her grade A producer's license or milk processing plant license suspended; and/or his or her milk degraded due to temperature violations, excessive coliform bacteria counts, total bacterial counts, or somatic cell counts, more than four times within a continuous three-year period. A license may also be revoked as provided for in RCW 15.36.401 or RCW 15.36.411.

**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 96-18-039  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION  
[Filed August 29, 1996, 11:05 a.m.]**

Original Notice.  
Preproposal statement of inquiry was filed as WSR 96-11-108.

Title of Rule: Chapter 392-153 WAC, Traffic safety driver education.

**Purpose:** The purpose of the rule is to implement chapter 28A.220 RCW and establish basic requirements governing the operations and scope of the state-wide traffic safety education programs.

**Statutory Authority for Adoption:** RCW 28A.220.010, chapter 392-153 WAC.

**Summary:** To bring traffic safety education rules into compliance with language in teacher certification and to set program and safety standards to meet national guidelines.

**Name of Agency Personnel Responsible for Drafting:** Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; **Implementation and Enforcement:** Gary Bloomfield, Superintendent of Public Instruction, Olympia, 753-6736.

**Name of Proponent:** Superintendent of Public Instruction, governmental.

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

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

**Proposal Changes the Following Existing Rules:** Major amendments propose to do the following:

- \* Allow traffic safety education teachers no more than two moving traffic violations in two years.
- \* Allow commercial driving schools and public schools to hire classroom teachers who do not have a four-year-teaching degree when a regular certificated teacher is not available. Persons will receive a conditional certificate for up to two years after completing an eighty-hour training program following one thousand hours of teaching the laboratory phase of the course.
- \* Increase the number of weeks for commercial driving schools and summer school programs to six weeks and increase the number of classroom hours to thirty and driving behind the wheel time to six hours.

A small business economic impact statement has been prepared under chapter 19.85 RCW. Increasing the number of contact hours with students for classroom sessions and driving time will increase payroll for teachers and instructors who work for commercial driving schools approved by this agency. However, this cost will probably be passed on to the clients who pay for the service.

A copy of the statement may be obtained by telephoning (360) 753-6736.

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

**Hearing Location:** Brouillet Conference Room, 4th Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on October 14, 1996, at 10:00.

**Assistance for Persons with Disabilities:** Contact Jim Rich by September 30, 1996, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by October 11, 1996.

Date of Intended Adoption: October 15, 1996.

August 29, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-153-020 Teacher and instructor qualifications.** (1) A teacher certificated under provisions of chapter 28A.410 RCW shall be eligible to teach the classroom or laboratory phases of the traffic safety education program if he/she possesses the following qualifications in addition to those required under chapter 28A.410 RCW:

(a) Possesses a valid Washington state driver's license or a valid license issued by an adjacent state provided the person is a legal resident of the adjacent state and is employed by a Washington school district.

(b) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing:

(i) Not more than ~~((three))~~ one moving traffic violation(~~s~~) within the preceding 12 months or more than ~~((four))~~ two moving traffic violations in the preceding 24 months;

(ii) No alcohol related traffic violation within the preceding three years;

(iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.

(c) Has completed ~~((at least one))~~ the equivalent of four 3-quarter credit hour courses ~~((in general safety education and at least three courses consisting of 3 quarter credit hours each))~~ in traffic safety education as approved by the office of the superintendent of public instruction.

(d) Possesses a valid traffic safety education endorsement issued by the superintendent of public instruction.

(2) Any person endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and who possesses a ~~((consultant special))~~ conditional certificate but does not hold a valid teaching certificate required by WAC 392-153-010

(4) ~~((and (5)))~~, shall continue to be qualified to teach both classroom and laboratory phase of traffic safety education in this state on the condition that he or she renew such ~~((consultant special))~~ conditional certificate on ~~((an annual))~~ a two-year basis and maintain a satisfactory driving record as set forth above in WAC 392-153-020 (1)(a) and (1)(b).

(3) The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certificated pursuant to chapter 28A.410 RCW or chapter 46.82 RCW, serves under the supervision of the district traffic safety education program coordinator or his/her designee and who meets the following qualifications:

(a) Possesses a valid Washington state driver's license.

(b) Is at least 21 years of age.

(c) Has at least 5 years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth above in WAC 392-153-020 (1)(b).

(f) Provides evidence of the following:

(i) Completion of at least sixty 60-minute clock hours of study in the field of driving instruction as required by ~~((RCW 46.82.130) [RCW 46.82.330])~~ RCW 46.82.330 and as approved by the office of the superintendent of public instruction and the department of licensing;

(ii) Completion of behind-the-wheel supervised practice in instructing;

(iii) A recommendation for a certificate from a school district superintendent or designee, or from a commercial school approved by the office of the superintendent of public instruction.

(g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.

(h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

(i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;

(ii) Communicates clearly, using appropriate technical vocabulary;

(iii) Select routes for on-street and on-site lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;

(iv) Maintains a position within the vehicle for awareness of the traffic scene and utilizes control instruments to maintain safety and facilitate instruction;

(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty clock hours of study which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing: *Provided*, That a person who holds a valid certificate under the provisions of chapter 28A.410 RCW and meets the requirements for traffic safety certification set forth under WAC 392-153-020(1) who is employed as a paraprofessional shall not be required to meet any of the requirements set forth above in WAC 392-153-020(3).

(4) The superintendent of public instruction ~~((shall))~~ may issue the ~~((consultant special))~~ conditional certificate to any person who files an application, pays the appropriate fee(s), and meets the requirements set forth in WAC 392-153-020 (2) or (3) for certification as an instructor of the laboratory phase of traffic safety education.

(5) Certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for ~~((one))~~ two years or less and only for the activity specified. Reissuance of such certificates shall be subject to the following requirements:

PROPOSED

(a) Verification of employment or intent to employ;  
 (b) Verification of a satisfactory driving record;  
 (c) Verification of having completed 60 clock hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing driving school.

(6) The fee for the ~~((consultant special))~~ conditional certificate shall be ~~((\\$1.00))~~ \$10.00 which shall be remitted to an educational service district.

(7) When no person with regular certification endorsed in traffic safety education is available as verified by the school district or education service district or commercial school the classroom phase may be taught by an instructor licensed by the department of licensing and holds or has held a conditional certificate from the superintendent of public instruction and meets the following qualifications:

(a) Possesses a valid Washington state driver's license.

(b) Is at least 21 years of age.

(c) Has at least 5 years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a record or records from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5-year period showing a satisfactory driving record as set forth in subsection (1)(b) of this section.

(f) Provides evidence of the following:

(i) Completion of at least 1,000 hours of behind the wheel teaching experience.

(ii) Completion of an 80-hour instructor training program approved by the office of the superintendent of public instruction.

(iii) The 80-hour instructor training course shall consist of not less than the following content areas: Teaching techniques, classroom management, use of technology and media, course content covering WAC 392-153-032, student evaluation and classroom teaching experience.

(iv) A recommendation for a classroom conditional certificate from the district superintendent or designee or the commercial school owner.

(8) Certificates issued to teach the classroom phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuing of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ.

(b) Verification of a satisfactory driving record.

(c) Verification of having completed 60 hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing commercial driving school.

**AMENDATORY SECTION** (Amending Order 13-76, filed 12/21/76)

**WAC 392-153-025 Traffic safety education vehicles.** All ~~((free loan))~~ vehicles loaned by an automobile dealer shall comply with subsections (1), (2), ~~((and))~~ (3), (4) and (5) of this section. District-owned vehicles shall comply with subsections (1) ~~((and))~~, (2), (4) and (5) of this section only.

(1) Equipment. Every vehicle used in on-street instruction shall be equipped with a dual control brake ~~((and))~~, rear

view mirror for the instructor, and seat belts for each occupant.

(2) Signing. Every vehicle used in on-street instruction shall have a sign readable from the rear with normal vision from a safe following distance. The sign shall designate the vehicle as a traffic safety education vehicle or a vehicle driven by a student driver, or display a recognizable symbol designating student driver.

(3) Use. A traffic safety education vehicle shall be used exclusively for traffic safety education purposes.

(4) Inspection. Every vehicle used in the traffic safety education program shall pass the safety inspection requirement pursuant to WAC 392-143-070 and 392-153-025.

(5) Every vehicle when used for on-street instruction shall have their headlights on at all times.

**AMENDATORY SECTION** (Amending Order 92-10, filed 10/2/92, effective 11/2/92)

**WAC 392-153-032 Realistic level of effort.** Each school district and commercial driving school shall have a locally written curriculum guide available to each teacher and such guide shall be used by each teacher in the traffic safety education program.

The student shall be taught at least the following program concepts: introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections; ~~((traffic flow tasks))~~ management of time and space; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance; physical factors affecting driving performance; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; highway transportation system improvement; fuel conservation; and motorcycle awareness. The guide shall also include:

(1) The performance objectives appropriate for the area of instruction.

(2) The methods of instruction used by the teacher in presenting the material.

(3) The student activities that will enable a student to accomplish the objectives and to the extent possible allow for individual differences.

(4) The level of competency each student is to successfully complete ~~((in))~~ for each objective.

(5) The evaluation criteria for the classroom and laboratory phase.

(6) A flow chart that indicates how the classroom and laboratory lessons are sequenced and integrated.

A student shall meet the objectives and competencies listed in the district curriculum guide as a condition of successful completion of the traffic safety education program.

For the purposes of school district reporting and state reimbursement a completing student means a person under twenty-one years of age at the time of enrollment who has enrolled in an approved course and has met one of the following criteria:

(1) Has completed all the program objectives as required by the school district and approved by the state superinten-

dent of public instruction and has received a passing grade; or

(2) Has received a failing grade after attending more than fifty percent of the program's scheduled classes but achieved less than ninety percent of the program objectives; or

(3) Has officially withdrawn, dropped, or transferred after attending more than fifty percent of the program's scheduled classes.

A student taking the course more than once because of a failing grade on the first and subsequent attempts may be counted as a completing student for each attempt.

The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed eighteen school weeks nor be less than nine school weeks during the school year. *Provided*, That summer school course offerings and commercial driving schools offering an approved program shall not be less than ~~((five))~~ six weeks in length. A minimum ~~((five-week))~~ course of instruction is defined as not less than ~~((twenty-five))~~ thirty hours of contact time in a classroom setting with a certified teacher and not less than ~~((four))~~ six hours of actual driving behind the wheel. Where simulation and/or off-street multiple car driving ranges are utilized, not less than three hours of actual driving behind the wheel per student shall occur. When simulation instruction is used, four hours of instruction equates to one hour of actual driving. When multiple car off-street driving ranges are used for instruction, two hours of instruction equates to one hour of actual driving. In addition, the traffic safety education course shall:

(1) Provide students with no more than two and one-half hours of classroom instruction and one hour of on-street instruction during any twenty-four

hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(2) Provide laboratory instruction only to students who are currently participating in classroom instruction.

**WSR 96-18-073**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed September 3, 1996, 11:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-07-035.

Title of Rule: Defining earnable compensation for the teachers' retirement system (TRS).

Purpose: To codify department interpretations of the definition of "earnable compensation" for TRS Plan 1 and TRS Plan 2 found in RCW 41.32.010(10).

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.32.010(10).

Summary: The proposed rules codify the department's interpretation of the term "earnable compensation" for TRS Plan 1 and TRS Plan 2 as found in RCW 41.32.010(10).

Reasons Supporting Proposal: The definition of "earnable compensation" in the TRS statute does not discuss

many specific types of payments. The proposed rules provide an analytical framework for a determination of whether a particular payment is earnable compensation as well as a detailed discussion of different types of payments. This should help members, employers and department staff in making correct determinations of earnable compensation.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 709-4747; Implementation and Enforcement: Jack Bryant, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 709-5300.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The definition of "earnable compensation" in the TRS statute does not discuss many specific types of payments. The proposed rules provide an analytical framework for a determination of whether a particular payment is earnable compensation as well as a detailed discussion of different types of payments. This should help members, employers and department staff in making correct determinations of earnable compensation.

Proposal Changes the Following Existing Rules: WAC 415-112-410, 415-112-411, and 415-112-414 are each repealed. The standards currently contained in those WACs have been revised into a more readable format and included as part of the proposed rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered by the Department of Retirement Systems. No private businesses are affected by the rules, therefore, no small business economic impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies that this provision applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of those rules.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on October 10, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Paul Neal by October 7, 1996, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166.

Date of Intended Adoption: October 11, 1996.

September 3, 1996

Paul Neal

Rules Coordinator

NEW SECTION

**WAC 415-112-0160 Reportable compensation—**  
**Definition.** "Reportable compensation" means earnable compensation as that term is defined in RCW 41.32.010(10).

PROPOSED

NEW SECTION

**WAC 415-112-444 Purpose and scope of earnable compensation rules.** WAC 415-112-445 through 415-112-491 codify the department's existing interpretation of statutes and existing administrative practice regarding classification of payments as earnable compensation in TRS Plan I and TRS Plan II. The department has applied and will apply these rules to determine the proper characterization of payments occurring prior to the effective dates of these sections.

NEW SECTION

**WAC 415-112-445 Reportable compensation table.** The following table is provided as a quick reference guide to help you characterize payments under Plan I, Plan II and Plan III. Be sure to turn to the referenced rule to ensure that you have correctly identified the payment in question. The department determines basic salary based upon the nature of the payment, not the name applied to it, see WAC 415-112-450.

PROPOSED

Type of Payment	TRS I Reportable Compensation?	TRS II/III Reportable Compensation?
Annual Leave Cash Outs	Yes - WAC 415-112-4605	No - WAC 415-112-4605
Base Contract	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Car Allowances	No - WAC 415-112-41301 <sup>1</sup>	No - WAC 415-112-41301
Cafeteria Plans	Yes - WAC 415-112-4604	Yes - WAC 415-112-4604
Deferred Wages	Yes - WAC 415-112-4609	Yes - WAC 415-112-4609
Disability Payments	No - WAC 415-112-482	No - WAC 415-112-482
Employer Provided Vehicle	No - WAC 415-112-413 <sup>2</sup>	No - WAC 415-112-413
Evening/Summer School	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Extracurricular Contracts	Yes - WAC 415-112-4609	Yes - WAC 415-112-4609
Employer taxes/contributions	No - WAC 415-112-480	No - WAC 415-112-480
Fringe Benefits	No - WAC 415-112-480	No - WAC 415-112-480
Illegal Payments	No - WAC 415-112-485	No - WAC 415-112-485
Legislative Leave	Yes - WAC 415-112-471	Yes - WAC 415-112-471
Longevity/Education Attainment Pay	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Nonmoney Maintenance	Yes - WAC 415-112-412 <sup>3</sup>	No - WAC 415-112-412
Optional Payments	No - WAC 415-112-487	No - WAC 415-112-487
Payments in Lieu of Excluded Items	No - WAC 415-112-470	No - WAC 415-112-470
Performance Bonuses	Yes - WAC 415-112-4603	Yes - WAC 415-112-4603
Retroactive Salary Increase	Yes - WAC 415-112-4607	Yes - WAC 415-112-4607

<sup>1</sup>A portion of the value of an employer car allowance may be reportable in Plan I only, see WAC 415-112-41301

<sup>2</sup>A portion of the value of an employer provided vehicle may be reportable in Plan I only, see WAC 415-112-413.

<sup>3</sup>A portion of the value of nonmoney maintenance provided may be reportable in Plan I only, see WAC 415-112-412.

PROPOSED

Type of Payment	TRS I Reportable Compensation?	TRS II/III Reportable Compensation?
Reimbursements	No - WAC 415-112-489	No - WAC 415-112-489
Reinstatement Payments	Yes - WAC 415-112-477	Yes - WAC 415-112-477
Retirement or Termination Bonuses	No - WAC 415-112-490	No - WAC 415-112-490
Severance Pay - Earned Over Time	Yes - WAC 415-112-4608	No - WAC 415-112-4608
Severance Pay - Not Earned Over Time	No - WAC 415-112-491	No - WAC 415-112-491
Sick Leave Cash Outs	No - WAC 415-112-4605	No - WAC 415-112-4605
Supplemental Contracts	Yes - WAC 415-112-4609	Yes - WAC 415-112-4609 <sup>4</sup>
Time Off with Pay	Yes - WAC 415-112-473 WAC 415-112-4605	Yes - WAC 415-112-473 WAC 415-112-4605
Union Leave <sup>5</sup>	Yes - WAC 415-112-475	Yes - WAC 415-112-475
Worker's Compensation	No - WAC 415-112-483	No - WAC 415-112-483

<sup>4</sup> Reportable only if member is employed in an eligible position.

<sup>5</sup> Only specific types of union leave are reportable, see WAC 415-112-475.

**NEW SECTION**

**WAC 415-112-450 What compensation can be reported?** In order for payments to be subject to retirement system contributions and included in the calculation of a member's retirement benefit, those payments must meet the definition of earnable compensation in RCW 41.32.010(10).

(1) **Payments for services rendered.** To determine whether a payment meets this definition and can be reported, ask the following questions:

(a) Was the payment earned as a salary or wage for services rendered during a fiscal year? If the answer is no, the payment is not reportable. If the answer is yes, ask question (b).

(b) Was the payment paid by an employer to an employee? If the answer is no, the payment is not reportable. If the answer is yes, you may report the payment.

(2) **Payments included that are not for services rendered.** The legislature has included certain specific payments within the definition of earnable compensation

even though those payments are not for services rendered by the employee to the employer. (See WAC 415-112-472 through 415-112-477.)

(3) **Reportable compensation is earned when the service is rendered, rather than when payment is made.**

**Example:** If a member works during June but does not receive payment for the work until July, the earnable compensation was earned during June and must be reported to the department as June earnings.

(4) **Salary characterizations are based upon the nature of the payment.** A payment is reportable compensation if it meets the criteria of subsection (1) or (2) of this section. The name given to the payment or the document authorizing it is not controlling in determining whether the payment is reportable compensation. The department determines whether a payment is reportable compensation by considering:

(a) What the payment is for; and



(b) Whether the reason for the payment brings it within the statutory definition of earnable compensation.

**Example:** A payment conditioned upon retirement is not reportable compensation. Attaching the label "longevity" to the payment does not change the fact that the payment is conditioned on retirement. Such a payment is not for services rendered and will not be counted as reportable compensation despite being identified by the employer as a longevity payment.

(5) **Differences in reportable compensation between plans.** WAC 415-112-450 through 415-112-491 define reportable compensation for each of the three TRS plans.

(a) "Earnable compensation" is defined in very similar terms for both TRS Plan I and TRS Plan II. The characterization of payments as reportable compensation or not reportable compensation in WAC 415-112-450 through 415-112-491 is the same for both TRS Plan I and TRS Plan II except as specifically noted.

(b) "Earnable compensation" is defined identically for TRS Plan II and TRS Plan III. The characterization of payments as reportable compensation or not reportable compensation in WAC 415-112-450 through 415-112-491 is the same for both TRS Plan II and TRS Plan III.

#### NEW SECTION

**WAC 415-112-460 Payments for services rendered.** WAC 415-112-4601 through 415-112-4609 discuss types of payments for services rendered. Each of the payment types are reportable compensation for TRS Plan I. Certain types of payments for services rendered are excepted from reportable compensation for TRS Plan II and Plan III, see WAC 415-112-4605.

#### NEW SECTION

**WAC 415-112-4601 Contract salary payments.** (1) **Base contract.** The base contract establishes the payment for teaching or administrative services provided during each day of the district's school year. For classroom teachers, the base contract authorizes the salary for providing basic education services per RCW 28A.405.200. For administrators and principals, other items may be included. Because services are rendered in exchange for this payment, it is reportable compensation. This does not mean that a payment is reportable compensation solely because it is authorized in an employee's base contract. Rather than relying on the name of a payment or the document where it is authorized, you must evaluate whether services were rendered in exchange for the payment.

(2) **Evening or summer school contracts.** Evening or summer school payments are for additional time worked. These payments are often authorized in a supplemental contract. These payments are for services rendered and are reportable compensation.

(3) **Supplemental or TRI contracts under RCW 28A.400.200.** A school district may compensate an employee for additional time, responsibility or incentives with a supplemental contract.

(a) If the payment is for additional time, then it is for services rendered and qualifies as reportable compensation.

(b) If the payment is for additional responsibility (i.e., additional service which does not specifically require more time) within the regularly scheduled working day, then it is also for services rendered and is reportable. Examples of additional responsibility include payments linked to extra enrollment or additional duties outside the scope of the base contract.

(c) If the payment is made as an incentive, then it is also for services rendered and is reportable compensation. Incentive payments include payments for meeting performance goals specified by the employer.

(4) **Longevity or educational attainment.** Salaries for all teachers and most administrators are determined by looking at the individual's teaching experience and educational attainment.

(a) A member who receives a salary increase based upon longevity or educational attainment receives a higher salary without working more hours. The higher salary indicates a higher level of service due to greater experience or more education. The payment is therefore a payment for additional service and is reportable compensation.

(b) Simply attaching the label "longevity" to a payment does not guarantee that it will be reportable compensation. If a payment described as a longevity payment is actually based upon some other criteria, such as retirement or notification of intent to retire, the payment may not be reportable.

#### NEW SECTION

**WAC 415-112-4603 Performance bonuses.** Bonuses that are based upon meeting certain performance goals or having to work under unusual conditions, such as over enrollment, are earned for services rendered and are reportable compensation.

#### NEW SECTION

**WAC 415-112-4604 Cafeteria plans.** Compensation received in any form under the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement pursuant to section 125 of the United States Internal Revenue Code is reportable compensation if the employee has an absolute right to receive cash or deferred cash payments in lieu of the fringe benefits offered. In such an instance, the fringe benefits are being provided in lieu of cash and are considered basic salary, just as the cash would be. If there is no cash option, the value of the fringe benefit is not a salary or wage and is not reportable compensation, see WAC 415-112-480.

#### NEW SECTION

**WAC 415-112-4605 Leave payments earned over time.** (1) **Sick and annual leave usage.** Sick and annual leave is accumulated over time and paid to a person during a period of excused absence. Sick leave and annual leave accrue at a prescribed rate, usually a certain number of hours per month. The employee earns a leave day by rendering service during the month the leave was accumulated. When the employee using his or her accrued leave takes a paid day off, the payment is deferred compensation for services

previously rendered. The payment is a salary or wage earned for services rendered and is reportable.

(2) **Annual leave cash outs.** Annual leave cash outs, like payments for annual leave usage, are deferred compensation earned for services previously rendered.

(a) **Plan I.** Annual leave cash outs are reportable for TRS Plan I.

(b) **Plan II and Plan III.** Although the payments are for services rendered, annual leave cash outs are excluded from the definition of reportable compensation in TRS Plan II and TRS Plan III, see RCW 41.32.010 (10)(b).

(3) **Sick leave cash outs.** Sick leave cash outs are deferred compensation for services previously rendered. However, these payments are statutorily excluded from reportable compensation for all TRS Plans. See RCW 41.32.010(10), 41.04.340, 28A.400.210 and 28A.310.490.

#### NEW SECTION

**WAC 415-112-4607 Retroactive salary increases.** A retroactive salary payment to an employee who worked during the covered period is a payment of additional salary for services already rendered.

Note: A retroactive salary increase is not the same as a retroactive payment upon reinstatement or in place of reinstatement of a terminated or suspended employee. For treatment of back payments for periods where services were not rendered, see WAC 415-112-477.

(1) To qualify as reportable compensation under this section, the payment must be bona fide retroactive salary increases. To ensure that is the case, the retroactive payment must be made pursuant to:

(a) An order or conciliation agreement of a court or administrative agency charged with enforcing federal, state, or local statutes, ordinances, or regulations protecting employment rights;

(b) A bona fide settlement of such a claim before a court or administrative agency; or

(c) A collective bargaining agreement.

(2) The payments will be deemed earned in the period to which the work was done.

#### NEW SECTION

**WAC 415-112-4608 Severance pay earned over time.**

(1) **Plan I.** Severance pay must be earned over time in the same manner as annual leave or sick leave in order to be deferred compensation for services previously rendered and to be reportable in Plan I. Severance pay is earned over time if the employment contract(s) entered into at the beginning of the period of employment specify that a certain amount of severance pay will be earned in the coming year in consideration for services rendered.

**Example:** Mr. Jones is a school administrator. Since the beginning of his term of employment with the district, his contract has specified that he will earn one week of severance pay for every year of his employment. The earned severance pay will be paid at the time of his separation. His severance pay is reportable compensation.

When Mr. Jones retires, the two weeks severance pay that he earned during his two highest paid years (i.e., one month per year for two years) will be included in his retirement calculation.

(2) **Plans II and III.** All forms of severance pay are excluded from earnable compensation for Plans II and III by RCW 41.32.010(10).

(3) Severance pay that is not earned over time is not earned for services rendered and is not reportable in Plan I, II, or III, see WAC 415-112-491.

#### NEW SECTION

**WAC 415-112-4609 Payments earned by, but not made to a member.** (1) **Retirement contributions.** Payments deducted from employee compensation for employee retirement contributions are reportable. Employer contributions are a fringe benefit and are not reportable, see WAC 415-112-480.

(2) **Tax withholding.** Payments withheld to satisfy federal tax obligations qualify as reportable compensation.

(3) **Voluntary deductions.** Payments deducted voluntarily, such as 403(b) plan contributions or other authorized deductions, are reportable.

#### NEW SECTION

**WAC 415-112-470 Payments not for services rendered.** In general, payments cannot be reported to the retirement system unless they are for services rendered. However, the legislature has identified some types of compensation (in RCW 41.32.010 and 41.32.267) which are reportable even though they are not for services rendered.

(1) WAC 415-112-472 through 415-112-477 discuss all payments that are not for services rendered that nonetheless qualify as reportable compensation.

(2) WAC 415-112-480 through 415-112-491 discuss some payments that are not for services rendered and so do not qualify as reportable compensation. A payment not for services rendered other than those identified in WAC 415-112-472 through 415-112-477 is not reportable compensation even if it is not listed in WAC 415-112-480 through 415-112-491.

(3) A payment made in lieu of a payment that is not for services rendered (such as a payment made in lieu of a car allowance) will be treated in the same way that the original payment was treated. Such a payment is not for services rendered and is not reportable.

#### NEW SECTION

**WAC 415-112-471 Legislative leave.** If an employee takes a leave without pay to serve in the legislature, the member is entitled to service and reportable compensation credit for the period.

(1) **Plan I.** The salary the employee would have earned is reportable compensation. Employer contributions are not required on this imputed payment. Employee contributions are required.

(2) **Plan II and Plan III.** The employee may choose between:

(a) The salary he or she would have earned had the member not served in the legislature. The employee and employer will be responsible for contributions on the imputed salary as if it had been earned; or

(b) The actual salary received for teaching plus the legislative salary. If the employee selects this option, he or she is responsible for paying the additional employer and employee contributions to the extent the reportable compensation reported is higher than it would have been under (a) of this subsection.

#### NEW SECTION

**WAC 415-112-473 Paid leave not earned over time.** If a period of paid leave is not based upon earned leave accumulated over time, the payment is not a deferred payment for services previously rendered. Further, the member on leave is not currently rendering services in exchange for the payment. However, RCW 41.32.267, 41.32.810 and 41.32.865 identify payments received from the employer while on paid leave as reportable for TRS. Contributions are due on these payments to the extent they meet the following conditions:

(1) The payment is equal to the salary for the position that the person is on leave from;

(2) The payment is actually from the employer. Payments from an employer that are conditioned upon reimbursement from a third party are payments from the third party. Because the payments are not from the employer, they are not reportable compensation. The only exception is union leave paid by the employer subject to reimbursement from the union under the conditions specified in RCW 41.32.267 (Plan I), 41.32.810 (Plan II), 41.32.865 (Plan III), and WAC 415-112-475.

#### NEW SECTION

**WAC 415-112-475 Union leave.** If a member goes on an authorized leave to serve as an elected official of a labor organization and the employer pays the member on leave subject to reimbursement from the union, the person's pay qualifies as reportable compensation provided that all the conditions of RCW 41.32.267 (Plan I), RCW 41.32.810 (Plan II), or RCW 41.32.865 (Plan III), as appropriate, are met.

#### NEW SECTION

**WAC 415-112-477 Reinstatement or payment instead of reinstatement.** If an employer makes payments to an employee for periods where the employee was not employed and those payments are made upon reinstatement of the employee or instead of reinstatement, the payments are not earned for services rendered. However, RCW 41.40.010(10) specifically designates such payments as reportable compensation. The payments are only reportable to the extent that they are equivalent to the salary the employee would have earned had he or she been working.

#### NEW SECTION

**WAC 415-112-480 Fringe benefits.** Payments made by an employer to a third party to provide benefits for an employee are not part of the employee's salary or wage. Those payments are not reportable compensation. Examples of these types of payments are insurance premiums (other than those made under bona fide cafeteria plans, see WAC 415-112-4604) and employer retirement contributions.

#### NEW SECTION

**WAC 415-112-482 Disability insurance.** Disability insurance payments are paid to persons for periods when they are unable to work. Because no services are rendered in exchange for these payments, they are not reportable compensation. This is true whether the payments come directly from the employer or from an insurance company.

#### NEW SECTION

**WAC 415-112-483 Workers' compensation.** Workers' compensation is paid to persons for periods when they are unable to work. Workers' compensation payments, like disability insurance, are not payments for services rendered and are not reportable compensation.

**Example:** Some employees on unpaid disability leave submit their workers' compensation payments to their employer who then issues the employee a check for the same amount through the payroll system. This exchange of payments does not change the character of the workers' compensation payment. Whether the payments come from the department of labor and industries, a self-insured employer, or have the appearance of coming from the employer, workers' compensation payments are not payments for services rendered and do not qualify as reportable compensation.

#### NEW SECTION

**WAC 415-112-485 Illegal payments.** Payments made by an employer in excess of the employer's legal authority are not reportable.

**Example:** School districts are prohibited from increasing an employee's salary to include a payment in lieu of a fringe benefit per RCW 28A.400.220. If a district increased a person's salary instead of providing a district car, the payment would be illegal and could not be reported.

#### NEW SECTION

**WAC 415-112-487 Optional payments.** If an employee can receive an additional payment only on the condition of taking an action other than providing service to the employer, the payment is not for services rendered and is not reportable compensation.

**Example:** An employer offers to make a contribution to a deferred compensation plan on behalf of an employee only if the employee agrees to have a portion of his or her salary deferred. Be-

cause the employee does not have a right to receive the contribution based solely on the rendering of service, the payment is not reportable compensation.

by the department for retirement system purposes.

#### NEW SECTION

##### **WAC 415-112-489 Reimbursements for expenses.**

Reimbursements are not earned for services rendered and thus are not reportable compensation. Typical reimbursement payments include mileage reimbursements for use of a private car on employer business, see WAC 415-112-41301, or meal and lodging reimbursements for business trips, see WAC 415-112-413.

#### NEW SECTION

##### **WAC 415-112-490 Retirement bonus or incentive.**

A payment made to an employee as a bonus or incentive when retiring or terminating is not a payment for services rendered. Rather, the payment is made in exchange for an employee's promise or notification of intent to retire or terminate. A retirement or termination bonus or incentive is not reportable compensation.

**Example:** A collective bargaining agreement authorizes a school district to pay employees a higher salary during the last two years of employment if the employee gives written notice of his or her intent to retire. Because the salary is increased in exchange for the agreement to retire and not for services, the salary increase is not reportable compensation.

#### NEW SECTION

**WAC 415-112-491 Severance pay not earned over time—Contract buy out.** Severance pay that is not earned over time is not earned for services rendered and is not reportable. An example of severance pay not earned over time is a payment negotiated as part of termination agreement.

**Example:** At the time of an administrator's termination, the school district agrees to pay him a lump sum payment equal to two months salary. The school district identifies this payment as "severance pay." Because the payment was not earned for services rendered, it is not reportable compensation and will not be included in his retirement calculation.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                 |   |
|-----------------|---|
| WAC 415-112-410 | Earnable compensation for Plan I TRS members.     |
| WAC 415-112-411 | Earnable compensation for Plan II TRS members.    |
| WAC 415-112-414 | Back pay award or settlement—Definition—Allocated |

**WSR 96-18-074**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
[Filed September 3, 1996, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-07-033.

Title of Rule: Defining basic salary for the law enforcement officers' and fire fighters' retirement system (LEOFF).

Purpose: To codify department interpretations of the definition of "basic salary" for LEOFF Plan 1 and LEOFF Plan 2 found in RCW 41.26.030(13).

Statutory Authority for Adoption: RCW 41.40.050 [41.50.050], 41.50.055.

Statute Being Implemented: RCW 41.26.030(13).

Summary: The proposed rules codify the department's interpretation of the term "basic salary" for LEOFF Plan 1 and LEOFF Plan 2 as found in RCW 41.26.030(13).

Reasons Supporting Proposal: The definition of "basic salary" in the LEOFF statute does not discuss many specific types of payments. The proposed rules provide an analytical framework for a determination of whether a particular payment is basic salary as well as a detailed discussion of different types of payments. This should help members, employers and department staff in making correct determinations of basic salary.

Name of Agency Personnel Responsible for Drafting: Paul Neal, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 709-4747; Implementation and Enforcement: Leah Wilson, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 709-4726.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The definition of "basic salary" in the LEOFF statute does not discuss many specific types of payments. The proposed rules provide an analytical framework for a determination of whether a particular payment is basic salary as well as a detailed discussion of different types of payments. This should help members, employers and department staff in making correct determinations of basic salary.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered by the Department of Retirement Systems. No private businesses are affected by the rules, therefore, no small business economic impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies that this provision applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of those rules.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on October 10, 1996, at 2:00.

Assistance for Persons with Disabilities: Contact Paul Neal by October 7, 1996, TDD (360) 586-5450, or (360) 586-3368.

Submit Written Comments to: Paul Neal, P.O. Box 48380, Olympia, WA 98504-8380, FAX (360) 753-3166.

Date of Intended Adoption: October 11, 1996.

September 3, 1996

Paul Neal

Rules Coordinator

**BASIC SALARY**

NEW SECTION

**WAC 415-104-298 Purpose and scope of basic salary rules.** WAC 415-104-299 through 415-104-405 codify the department's existing interpretation of statutes and existing administrative practice regarding classification of payments as basic salary in LEOFF Plan I and LEOFF Plan II. The department has applied and will apply these rules to determine the proper characterization of payments occurring prior to the effective dates of these sections.

NEW SECTION

**WAC 415-104-299 Basic salary table.** The following table is provided as a quick reference guide to help you characterize payments under LEOFF Plan I and LEOFF Plan II. Be sure to turn to the referenced rule to ensure that you have correctly identified the payment in question. The department determines basic salary based upon the nature of the payment, not the name applied to it. See WAC 415-104-311 (Plan I) and WAC 415-104-360 (Plan II).

PROPOSED

Type of Payment	LEOFF I Basic Salary?	LEOFF II Basic Salary?
Allowances (i.e. uniform)	No - WAC 415-104-3404	No - WAC 415-104-390
Basic Monthly Rate	Yes - WAC 415-104-320	Yes - WAC 415-104-360
Cafeteria Plans	No - WAC 415-104-3303	Yes - WAC 415-104-367
Deferred Wages Attached to Position	Yes - WAC 415-104-3201(1)	Yes - WAC 415-104-363(1)
Deferred Wages not attached to a Position	No - WAC 415-104-3306	No - WAC 415-104-363(2)
Disability Payments	No - WAC 415-104-340	No - WAC 415-104-380
Education Attainment Pay	No - WAC 415-104-3301	Yes - WAC 415-104-375
Employer taxes/contributions	No - WAC 415-104-3401	No - WAC 415-104-383
Fringe Benefits	No - WAC 415-104-3402	No - WAC 415-104-385
Illegal Payments	No - WAC 415-104-3403	No - WAC 415-104-387
Leave Cash Outs/Severance	No - WAC 415-104-3304	No - WAC 415-104-400
Overtime	No - WAC 415-104-3305	Yes - WAC 415-104-370
Paid Leave	Yes - WAC 415-104-3203	Yes - WAC 415-104-373
Payments in Lieu of Excluded Items	No - WAC 415-104-350	No - WAC 415-104-405
Performance Bonuses	No - WAC 415-104-3302	Yes - WAC 415-104-377
Retroactive Salary Increase	Yes - WAC 415-104-3202	Yes - WAC 415-104-365
Reimbursements	No - WAC 415-104-3404	No - WAC 415-104-390
Retirement or Termination Bonuses	No - WAC 415-104-3406	No - WAC 415-104-395
Shift Differential	Yes - WAC 415-104-3204	Yes - WAC 415-104-379
Special Salary or Wages	No - WAC 415-104-330 WAC 415-104-3301	Yes - WAC 415-104-375
Standby Pay	No - WAC 415-104-3405	No - WAC 415-104-393
Tuition/Fee Reimbursement	No - WAC 415-104-3404	No - WAC 415-104-390
Worker's Compensation	Not Applicable	No - WAC 415-104-380

PROPOSED

NEW SECTION

**WAC 415-104-301 What is basic salary?** (1) **Basic salary is the compensation used to determine LEOFF contributions and LEOFF retirement allowances.** A payment from an employer to a member does not qualify as basic salary unless it meets the statutory definition of basic salary in RCW 41.26.030(13) which is explained in greater detail in WAC 415-104-311 through 415-104-405.

(2) **The definition of basic salary is different for Plan I and Plan II.** WAC 415-104-311 through 415-104-350 define basic salary for Plan I. WAC 415-104-360 through 415-104-405 define basic salary for Plan II.

**LEOFF PLAN I**NEW SECTION

**WAC 415-104-305 Definitions.** As used in WAC 415-104-299 through 415-104-405:

(1) "Salary or wages" means payments for services rendered by a law enforcement officer or fire fighter to an employer. Payments which are not for services rendered to an employer are not a salary or wage and do not qualify as basic salary.

(2) "Longevity pay" means a payment in addition to the basic monthly rate of pay that is:

(a) Based upon the length of employment with the employer; and

(b) Paid to all law enforcement officers and fire fighters who have served for the same length of time with the employer.

(3) "Position" means the employment held at any particular time. The employment held is defined by the duties required of the employee as a condition of employment.

**Example:** An employer employs two police officers, one who has a high school diploma and one who has a college degree. Although both officers have the same duties, the employer designates the first officer as an "officer 1" and the second officer as an "officer 2." The distinction between the two levels is conditioned upon different levels of education. The second officer is paid at a higher rate. For purposes of determining basic salary, both officers occupy the same position because both have the same duties. The difference in their two rates of pay is an education premium which does not qualify as basic salary, see WAC 415-104-3302.

(4) "Attached to a position" means a payment conditioned on specific duties required of the person holding the position.

NEW SECTION

**WAC 415-104-311 How is basic salary for LEOFF Plan I determined?** (1) **A payment is LEOFF Plan I basic salary if it is part of the basic monthly rate of salary or wages attached to the position or longevity pay.**

Special salary or wages are not part of the basic monthly rate and do not qualify as basic salary.

(2) **Basic salary is earned when the service is rendered, rather than when payment is made.**

**Example:** If a member works during July but does not receive payment for the work until August, the basic salary was earned during July and must be reported to the department as July earnings.

(3) **Salary characterizations are based upon the nature of the payment.** A payment is basic salary if it meets the criteria of subsection (1) of this section. The name given to the payment is not controlling in determining whether the payment is basic salary. The department determines whether a payment is basic salary by considering:

(a) What the payment is for; and

(b) Whether the reason for the payment brings it within the statutory definition of basic salary.

**Example:** A payment based upon educational attainment is not basic salary for LEOFF Plan I. Describing the payment as a "longevity" payment does not change the fact that the payment is for educational attainment. The payment will not be counted as basic salary despite being identified by the employer as a longevity payment.

(c) See the following sections for a discussion and examples of the following types of payments:

(i) "Salary or wages" - WAC 415-104-3200 through 415-104-3205;

(ii) "Special salary and wages" - WAC 415-104-330 through 415-104-3305;

(iii) "Payments excluded from basic salary because they are not a salary or wage" - WAC 415-104-340 through 415-104-3406.

NEW SECTION

**WAC 415-104-3200 Basic monthly rate is LEOFF Plan I basic salary.** The basic monthly rate of compensation paid by an employer to a member for services rendered is basic salary in Plan I. "Basic monthly rate" means the rate of salary or wages attached to a position excluding overtime or special salary or wages.

NEW SECTION

**WAC 415-104-3201 Deferred payments.** (1) **Deferred payments attached to a position are basic salary.** If an employee defers a portion of his or her basic monthly rate of pay it is still basic salary. Deferred payments may include, but are not limited to: Member contributions to LEOFF; salaries or wages deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar sections of the United States Internal Revenue Code.

(2) **Deferred wages that are not attached to a position are special salary or wages excluded from LEOFF Plan I basic salary.**

(a) Employer matching payments are not basic salary. If a member acquires an additional payment that is conditioned upon taking some action in addition to providing services, the payment is based upon the additional action. It

is not a salary or wage earned for services rendered. The payment is not basic salary.

**Example:** An employer offers to make a contribution to a deferred compensation plan only if the member elects to defer a portion of his or her salary. Because the member does not have an absolute right to receive the additional contribution for performing the duties required of his or her position, the payment is special salary or wages and is not basic salary.

(b) Additional deferred compensation offered to an individual is not basic salary. If an employer pays deferred compensation to a member in addition to the member's basic rate of pay, the payment is special salary or wages and does not qualify as basic salary.

#### NEW SECTION

**WAC 415-104-3202 Retroactive basic salary increases attached to a position are LEOFF Plan I basic salary.** If a payment is part of the basic monthly rate of salary or wages attached to a position or is a longevity payment, it is basic salary even if the payment is retroactive. Payments upon reinstatement or in lieu of reinstatement are not considered retroactive basic salary increases. For treatment of those payments see WAC 415-104-3203(3).

#### NEW SECTION

**WAC 415-104-3203 Paid leave is LEOFF Plan I basic salary.** Payments from an employer for authorized paid absences from work are basic salary.

(1) **Leave payments earned for services rendered:** Most LEOFF members earn a certain number of leave hours per month, such as sick leave. The leave hours are earned by rendering service during the month the leave was accumulated. The payment a member receives when he or she uses an earned leave day is a deferred salary or wage for services previously rendered. It is basic salary.

**Example:** Assume a member accrues eight hours sick leave per month. The accrued leave in the member's sick leave balance is earned for personal services rendered during a payroll period. When the member is absent from work and uses the sick leave, the sick leave payment is basic salary.

Leave payments earned for services rendered are basic salary only to the extent that they are equivalent to the basic salary a member would have earned had the member been working. The portion of any leave payment that exceeds that amount is not basic salary.

(2) **Leave payments not earned for services rendered:** If an employer authorizes a period of paid leave but does not require the use of leave previously earned for services rendered, the payment is not a salary or wage for services rendered. However, RCW 41.26.197 authorizes service credit for all periods of paid leave. Because the periods are creditable, the pay received is considered basic salary to the extent that it is equal to the basic salary the member would

have earned had he or she been working. The portion of a leave payment that exceeds that amount is not basic salary.

**Example:** An officer is placed on administrative leave with pay pending an investigation. Although the officer is not rendering services, the period is creditable as an authorized paid leave period under RCW 41.26.197.

(3) **Payments upon reinstatement or in lieu of reinstatement are paid leave and therefore qualify as basic salary.** The payment will count as basic salary for the payroll periods when the person would have earned the payment had he or she been working.

(a) In order for a payment in lieu of reinstatement to qualify as paid leave the person's termination date must occur after the payroll period(s) when the payment would have been earned.

(b) Payments under WAC 391-45-410 are basic salary for the period(s) covered by the reinstatement.

(c) Payments upon reinstatement or in lieu of reinstatement are basic salary only to the extent that they equal the basic salary a member would have earned had the member been working.

(4) **Union leave.** Periods of authorized leave to serve as an elected official of a labor organization which meet the requirements of RCW 41.26.197 qualify for service credit. The salary payments provided by the employer subject to reimbursement from the union qualify as basic salary for LEOFF Plan I to the extent that the payments do not exceed the basic salary for the highest paid job class covered by the collective bargaining agreement negotiated between the labor organization and the employer. The portion of any payment identified as paid leave in excess of that amount is not basic salary.

#### NEW SECTION

**WAC 415-104-3204 Shift differential is LEOFF Plan I basic salary.** Additional payments to a member for working swing shift or night shift are attached to the duties of the position, e.g., working a nonstandard shift. Those payments are basic salary for LEOFF Plan I.

#### NEW SECTION

**WAC 415-104-3205 Special duty pay is LEOFF Plan I basic salary.** Salary or wages that a member receives for special duty assignments are a part of the basic salary attached to the member's position. Those payments are basic salary for LEOFF Plan I.

**Example:** A police officer is assigned to the bomb squad and receives an additional monthly payment for the hazardous duty assignment. The additional payment is for duties required by the employer as part of the member's position. It is attached to the position and is basic salary for LEOFF Plan I.



NEW SECTION

**WAC 415-104-330 What are special salary or wages?** (1) Special salary or wages for services rendered are payments that do not qualify as basic salary because the payment is based upon the attributes of the individual instead of being attached to the position. A payment is not attached to a position if it is not tied to specific duties required of all persons holding the position. Payments that are not attached to a position include but are not limited to the payments described in WAC 415-104-3302 and 415-104-3303.

(2) Longevity pay is not attached to a position because it is based upon the attributes of an individual. It is, however, specifically included as part of basic salary under RCW 41.26.030.

NEW SECTION

**WAC 415-104-3301 Educational premium payments are not LEOFF Plan I basic salary.** (1) If an employer provides additional salary based upon the member's level of education that payment is based upon the attributes of the individual and is not attached to the position. It is a special salary or wage and is not basic salary.

**Example:** An employer employs two different law enforcement officers in the position of sergeant. Although their duties are the same, one sergeant receives 3% more in salary than the other because she has a bachelor's degree which the other lacks. The additional 3% is not attached to the position because it is not attached to any additional duties. It is not basic salary for LEOFF Plan I.

(2) Payments conditioned upon acquiring and maintaining a designated certification such as emergency medical technician are a form of educational premium pay. The payment is based upon the attributes of the individual and is not attached to the position. It is a special salary or wage and is not basic salary.

NEW SECTION

**WAC 415-104-3302 Performance bonuses are not LEOFF Plan I basic salary.** Payments to a member for meeting or exceeding performance goals set by the employer are not attached to a position and are not basic salary.

**Example:** An employer offers an annual bonus to members who do not have an accident for a year. The bonus is not part of the basic monthly rate of salary and is not basic salary for LEOFF Plan I.

NEW SECTION

**WAC 415-104-3303 Cafeteria plans are not LEOFF Plan I basic salary.** Compensation paid under the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement pursuant to section 125 of the United States Internal Revenue Code which give the member an absolute right to receive cash in lieu of the fringe benefits offered is a special salary or wage. Such compensation is not basic salary. If there is no cash option, the value of the fringe

benefit is not a salary or wage and is not basic salary. See WAC 415-104-3402.

NEW SECTION

**WAC 415-104-3304 Leave cash outs or other severance pay are not LEOFF Plan I basic salary.** (1) A cash out for unused accrued leave is a deferred salary or wage for services previously rendered. A payment in lieu of an accrual of leave qualifies as a leave cash out. The payment is not basic salary in LEOFF Plan I because it is a special salary or wage in addition to the basic monthly rate of salary or wages.

(2) Any other form of severance payment based upon termination is special salary or wages and is not included as basic salary in LEOFF Plan I.

NEW SECTION

**WAC 415-104-3305 Overtime is not LEOFF Plan I basic salary.** Overtime, which is additional pay earned for working time in excess of regularly scheduled shift(s), is specifically excluded from basic salary for LEOFF Plan I by RCW 41.26.030 (13)(a). Overtime includes, but is not limited to:

(1) **Additional pay for working on a holiday.** If a member receives an extra payment because he or she worked on a scheduled holiday, the payment is overtime. The employer may make the additional payment when the holiday occurs or in a lump sum at some other time. In either case, the payment is not basic salary for LEOFF Plan I;

**Example:** A fire fighter works on Christmas day. In compensation for working a holiday, she is given the option of taking some other day off with pay or of receiving an extra day's pay in addition to her basic monthly rate of pay. If she opts for the extra day of pay, this payment is overtime and is not LEOFF Plan I basic salary. If she opts to take a day off, this is paid leave and qualifies as LEOFF Plan I basic salary.

(2) **Callback pay**, which is a special rate of pay some employers offer for being called back to work after the end of the member's regular shift;

(3) **Court pay**, which is an additional payment for appearing in court or performing other duties outside of a member's regularly scheduled shift.

NEW SECTION

**WAC 415-104-3306 Deferred wages that are not attached to a position are not LEOFF Plan I basic salary.** See WAC 415-104-3201.

NEW SECTION

**WAC 415-104-340 Disability payments are not LEOFF Plan I basic salary.** (1) Payments from an employer during periods of disability leave for a duty disability (RCW 41.26.120) or a nonduty disability (RCW 41.26.125) are not a payment from the employer for services

rendered. The payment is not basic salary for LEOFF Plan I.

(2) Any payment from a third party such as an insurance company for a period of excused absence from work because of an injury or other disability is not a payment from an employer for services rendered. The payment is not basic salary for LEOFF Plan I.

#### NEW SECTION

**WAC 415-104-3401 Employer taxes and contributions are not LEOFF Plan I basic salary.** (1) Any employer payment of the employer or member portion of taxes imposed by the Federal Insurance Contribution Act (FICA) is not a salary or wage to a member and does not qualify as basic salary for LEOFF Plan I.

(2) Employer contributions to LEOFF are not a salary or wage and are not basic salary for LEOFF Plan I.

#### NEW SECTION

**WAC 415-104-3402 Fringe benefits are not LEOFF Plan I basic salary.** Fringe benefits provided by an employer are not a salary or wage and therefore do not qualify as basic salary for LEOFF Plan I. Fringe benefits include but are not limited to:

(1) Any type of insurance such as medical, dental, or life insurance;

(2) Any contribution by an employer to meet the premium or charge for such plan or insurance; or

(3) Any payments by the employer into a private fund to provide health or welfare benefits for members and/or their dependents.

#### NEW SECTION

**WAC 415-104-3403 Illegal payments are not LEOFF Plan I basic salary.** If an employer makes a payment without legal authority, that payment does not qualify as basic salary for LEOFF Plan I.

#### NEW SECTION

**WAC 415-104-3404 Reimbursements or allowances in lieu of a reimbursement are not LEOFF Plan I basic salary.** (1) **Reimbursements.** If an employer reimburses a member for expenses incurred in providing services for the employer, the purpose of the payment is to pay the member back for out-of-pocket expenses. The payment is not compensation. It is not a salary or wage and is not basic salary for LEOFF Plan I.

(2) **Allowances.** An allowance paid in lieu of a specific reimbursement for expenses a member is expected to incur in providing services for the employer is characterized the same as a specific reimbursement. The purpose of the payment is to reimburse the member for anticipated out-of-pocket expenses. The payment is not compensation. It is not a salary or wage and does not qualify as basic salary for LEOFF Plan I.

**Example:** An employer provides an annual stipend for the purchase of a uniform or other clothing required for the performance of a member's duties. The payment is a reimbursement for

expenses incurred or expected to be incurred and is not basic salary for LEOFF Plan I.

(3) **Payments based on additional certification or qualifications.** If a member receives payments based upon personal expenses incurred in maintaining a certification or qualification, the payment is reimbursement, not compensation. It is not a salary or wage and is not LEOFF Plan I basic salary.

#### NEW SECTION

**WAC 415-104-3405 Standby pay is not LEOFF Plan I basic salary.** Payments to a member for time not actually worked when the member must be available to work if the need arises, are not a salary or wage for services rendered. Any such payment does not qualify as basic salary for LEOFF Plan I.

**Example:** Some employers provide payments to a member at less than the member's regular hourly rate in exchange for the member being available to come into work after his or her shift if called, although the member may not be called. Such payments, often referred to as "standby pay," are not basic salary for LEOFF Plan I.

#### NEW SECTION

**WAC 415-104-3406 Retirement or termination bonuses are not LEOFF Plan I basic salary.** (1) **Payments based on notification of intent to retire.** An additional payment based fully or partially on notification of a member's intent to terminate or retire is in consideration for the notification. The payment is not a salary or wage for services rendered and is not basic salary for LEOFF Plan I.

(2) **Payments based on retirement eligibility.** Payments based fully or partially on retirement eligibility are specific to the member and are not attached to the position. These payments are not LEOFF Plan I basic salary.

#### NEW SECTION

**WAC 415-104-350 Payments in lieu.** A payment or any other transfer in lieu of an item that does not qualify as basic salary is not basic salary for LEOFF Plan I.

### LEOFF PLAN II

#### NEW SECTION

**WAC 415-104-360 How is basic salary for LEOFF Plan II determined? (1) What payments are included in LEOFF Plan II basic salary?** Other than the specific exclusions listed in WAC 415-104-397 and 415-104-401, a payment that is a salary or wage earned during a calendar month for personal services rendered by a member to an employer qualifies as LEOFF Plan II basic salary.

(a) Certain payments that are not for personal services rendered also qualify if there is a specific statutory provision identifying those payments as LEOFF Plan II basic salary. See WAC 415-104-373.

(b) Specific types of payments that qualify as LEOFF Plan II basic salary include, but are not limited to, the

payments described in WAC 415-104-363(1) and 415-104-365 through 415-104-379.

(c) Other payments not specifically listed qualify as basic salary for LEOFF Plan II only if those payments are a salary or wage for services rendered.

(2) **Basic salary is earned when the service is rendered, rather than when payment is made.**

(3) **Salary characterizations are based upon the nature of the payment.** Whether a payment is basic salary depends upon whether the payment is earned as a salary or wage for services rendered. The name given to the payment is not controlling. The department determines whether a payment is basic salary by considering:

- (a) What the payment is for; and
- (b) Whether the reason for the payment brings it within the statutory definition of basic salary.

#### NEW SECTION

**WAC 415-104-363 Deferred wages.** (1) **If earned for services rendered, deferred wages are basic salary.** If a member earns salary or wages for services rendered during a payroll period but defers receipt of payment, those earnings are basic salary for LEOFF Plan II. Deferred wages include, but are not limited to:

- (a) Member contributions to LEOFF;
- (b) Salaries or wages deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar sections of the United States Internal Revenue Code.

(2) **Deferred wages that a member does not have an absolute right to in exchange for rendering service to an employer are not basic salary.** If an employer offers additional payment that is conditioned on taking some action in addition to providing services, the payment is based upon the additional action and is not earned for services rendered. The payment does not qualify as basic salary for LEOFF Plan II.

**Example:** An employer offers to make a contribution to a deferred compensation plan on a member's behalf only if the member elects to defer a portion of his or her salary. Because the member does not have an absolute right to receive the contribution based solely on rendering service, the payment is not basic salary for LEOFF Plan II.

#### NEW SECTION

**WAC 415-104-365 Retroactive basic salary increases are LEOFF Plan II basic salary.** A retroactive salary increase received for a pay period that a member worked is a salary or wage for services rendered and is basic salary for LEOFF Plan II.

#### NEW SECTION

**WAC 415-104-367 Cafeteria plans.** Compensation received in any form under the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement pursuant to section 125 of the United States Internal Revenue Code is basic salary for LEOFF Plan II if the member has an absolute right to receive cash or deferred payments in lieu of the fringe benefits offered. In such an instance, the

fringe benefits are being provided in lieu of cash and are considered basic salary, just as the cash would be. If there is no cash option, the value of the fringe benefit is not a salary or wage and is not basic salary for LEOFF Plan II. See WAC 415-104-385.

#### NEW SECTION

**WAC 415-104-370 Overtime is LEOFF Plan II basic salary.** Overtime, additional pay earned for working time in excess of regularly scheduled shift(s), is a salary or wage for services rendered. Overtime payments are basic salary for LEOFF Plan II. Overtime includes, but is not limited to:

(1) **Additional pay for working on a holiday.** If a member receives an extra payment because he or she worked on a scheduled holiday, the payment is overtime. The employer may make the additional payment when the holiday occurs or in a lump sum at some other time. In either case, the payment is basic salary for LEOFF Plan II;

**Example:** A fire fighter works on Christmas day. As compensation for working a holiday, she is given the option of taking some other day off with pay or of receiving an extra day's pay. If she opts for the extra day of pay, this payment is overtime and is LEOFF Plan II basic salary. If she opts to take a day off, this is paid leave and qualifies as LEOFF Plan II basic salary.

(2) **Callback pay,** which is a special rate of pay some employers provide members for being called back to work after the end of the member's regular shift;

(3) **Court pay,** which is an additional payment for appearing in court or performing other duties outside of a member's regularly scheduled shift.

#### NEW SECTION

**WAC 415-104-373 Paid leave is LEOFF Plan II basic salary.** Payments received from an employer for authorized paid absences from work are basic salary for LEOFF Plan II. These payments may or may not be for services rendered. Paid leave is basic salary only to the extent that it is the equivalent of the basic salary a member would have earned had the member been working. The portion of any payment identified as paid leave that exceeds that amount is not basic salary.

(1) **Leave payments earned for services rendered.** Most LEOFF members earn a certain number of leave hours per month, such as sick leave. The leave hours are earned by rendering service during the month the leave was accumulated. The payment a member receives when he or she uses an earned leave day is a deferred salary or wage for services previously rendered. It is basic salary to the extent that it is equal to the basic salary the member would have earned had he or she been working.

**Example:** Assume a member accrues eight hours sick leave per month. The accrued leave in the member's sick leave balance is earned for personal services rendered during a payroll period. When the member is absent from

work and uses the sick leave, the sick leave payment is basic salary.

**(2) Leave payments not earned for services rendered.**

If an employer authorizes a period of paid leave but does not require the use of leave previously earned for services rendered, the payment is not a salary or wage for services rendered. However, RCW 41.26.520 authorizes service credit for all periods of paid leave. Because the periods are creditable, the pay received is considered basic salary to the extent that it is equal to the basic salary the member would have earned had he or she been working.

**(3) Payments upon reinstatement or in lieu of reinstatement are paid leave and therefore qualify as basic salary.** The payment will count as basic salary for the payroll periods when the person would have earned the payment had he or she been working. In order for a payment in lieu of reinstatement to qualify as paid leave, the person's termination date must occur after the payroll period when the payment would have been earned. Because the periods are creditable, the pay received is considered basic salary to the extent that it is equal to the basic salary the member would have earned had he or she been working.

**(4) Union leave.** Periods of authorized leave to serve as an elected official of a labor organization which meet the requirements of RCW 41.26.520 qualify for service credit. The salary payments provided by the employer subject to reimbursement from the union qualify as basic salary for LEOFF Plan II to the extent that they do not exceed the highest paid job class covered by the collective bargaining agreement negotiated between the labor organization and the employer. The portion of any payment identified as paid leave in excess of that amount is not basic salary.

**NEW SECTION**

**WAC 415-104-375 Salary or wages not attached to a position are LEOFF Plan II basic salary.** A salary or wage for services rendered to an employer is basic salary for LEOFF Plan II regardless of whether the services are attached to a position.

**Example:** If an employee receives additional salary based upon his or her education, that additional salary is basic salary for LEOFF Plan II even if his or her position does not require that level of education. The payment of a higher salary based upon educational attainment is part of the total compensation for the services provided by the employee.

**NEW SECTION**

**WAC 415-104-377 Performance bonuses are LEOFF Plan II basic salary.** Payments you earn for meeting or exceeding performance goals set by your employer are a salary or wage for services rendered and qualify as basic salary for LEOFF Plan II. In order to qualify as basic salary, a performance bonus must be documented in an employer policy or specific agreement between the employer and member prior to earning the bonus.

**Example:** An employer offers an annual bonus to a member if he or she meets a certain perfor-

mance goal, i.e., stays accident free for a year. If the member meets the goal and is paid the bonus, the bonus would be considered basic salary.

**NEW SECTION**

**WAC 415-104-379 Shift differential is LEOFF Plan II basic salary.** Additional payments to a member for working swing shift or night shift are a salary or wage for services rendered. Those payments are basic salary for LEOFF Plan II.

**NEW SECTION**

**WAC 415-104-380 Disability payments.** (1) **Disability leave supplement.** Under certain circumstances, LEOFF II members are entitled to a disability leave supplement for periods of disability leave. See RCW 41.04.500 through 41.04.550.

(a) Employer contributions to the disability leave supplement under RCW 41.04.510(3) are not a salary or wage for services rendered and do not qualify as basic salary. Although the payments are paid leave, they are specifically excluded from basic salary by RCW 41.04.525.

(b) The member paid portion of the disability leave supplement is funded through use of the member's accumulated sick or vacation leave. This portion of the disability leave supplement is, therefore, basic salary, see WAC 415-104-373. The member will receive only partial service credit for the accumulated leave portion of the disability leave supplement.

(c) A member may apply to receive full service credit for some periods of duty disability under RCW 41.26.470(3).

(2) **Workers' compensation.** Payments made to a member under Title 51 RCW are neither a salary or wage for services rendered nor paid leave. The payments are not basic salary for LEOFF II. This is true whether the payments come from the workers' compensation trust fund or from an employers' self-insurance program authorized under Title 51 RCW.

(3) **Private insurance.** Some employers provide additional disability insurance as a supplement to workers' compensation. Any payment from a third party insurance company is neither paid leave nor payment for services rendered. It does not qualify as basic salary for LEOFF Plan II.

(4) **Disability leave banks.** If an employer maintains a disability leave bank which may be used to make salary replacement payments for members during periods of disability, such payments are paid leave and qualify as basic salary subject to the provisions of WAC 415-104-373: *Provided, however,* That if the leave provided to an employee is based upon leave earned by another employee then it is a form of shared leave and does not qualify as basic salary.

**NEW SECTION**

**WAC 415-104-383 Employer taxes and contributions are not LEOFF Plan II basic salary.** (1) Any payment by a member's employer of the employer portion of taxes imposed by the Federal Insurance Contribution Act is not a

salary or wage and does not qualify as basic salary for LEOFF Plan II.

(2) Employer contributions to LEOFF Plan II are not a salary or wage paid to the member and do not qualify as basic salary.

#### NEW SECTION

**WAC 415-104-385 Fringe benefits are not LEOFF Plan II basic salary.** Fringe benefits are not a salary or wage and therefore do not qualify as basic salary for LEOFF Plan II. Fringe benefits include, but are not limited to:

(1) Any type of insurance such as medical, dental or life insurance;

(2) Any employer contribution to meet the premium or charge for such plan or insurance; or

(3) Any payments by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-104-367.

#### NEW SECTION

**WAC 415-104-387 Illegal payments are not LEOFF Plan II basic salary.** If an employer disburses a payment that the employer does not have legal authority to make, that payment does not qualify as basic salary for LEOFF Plan II.

#### NEW SECTION

**WAC 415-104-390 Reimbursements or allowances in lieu of a reimbursement are not LEOFF Plan II basic salary.** (1) **Reimbursement.** If an employer reimburses a member for expenses incurred in providing services for the employer, the purpose of the payment is to pay the member back for out-of-pocket expenses. The payment is not compensation. It is not a salary or wage and is not basic salary for LEOFF Plan II.

(2) **Allowance.** An allowance paid in lieu of a specific reimbursement for expenses a member is expected to incur in providing services for the employer is characterized the same as a specific reimbursement. The purpose of the payment is to reimburse the member for out-of-pocket expenses. The payment is not compensation. It is not a salary or wage and does not qualify as basic salary for LEOFF Plan II.

**Example:** An employer provides an annual stipend for the purchase of a uniform or other clothing required for the performance of a members' duties. The payment is a reimbursement for expenses incurred or expected to be incurred and is not basic salary for LEOFF Plan II.

#### NEW SECTION

**WAC 415-104-393 Standby pay is not LEOFF Plan II basic salary.** Payments to a member for time not actually worked when the member must be available to work if the need arises, are not a salary or wage for services rendered. Any such payment does not qualify as basic salary for LEOFF Plan II.

**Example:** Some employers provide payments to a member at less than the member's regular hourly rate in exchange for the member being available to come into work after his or her shift if called, although the member may not be called. Such payments, often referred to as "standby pay," are not basic salary for LEOFF Plan II.

#### NEW SECTION

**WAC 415-104-395 Termination or retirement bonuses are not LEOFF Plan II basic salary.** An additional payment based on notification of a member's intent to terminate or retire is in consideration for the notification of intent to retire or terminate. The payment is not a salary or wage for services rendered and is not basic salary for LEOFF Plan II.

#### NEW SECTION

**WAC 415-104-397 Statutorily excluded payments are not LEOFF Plan II basic salary.** Payments authorized by a statute that excludes the payment from the calculation of a public retirement allowance do not qualify as basic salary.

#### NEW SECTION

**WAC 415-104-401 Cash outs of accrued leave or other forms of severance pay are not LEOFF Plan II basic salary.** (1) A cash out from an employer for unused accrued leave, is a deferred salary or wage for services previously rendered. However, the payment is not basic salary because it is specifically excluded from the definition of basic salary in RCW 41.26.030 (13)(b).

(2) **Other forms of severance pay are not basic salary.** Any form of severance payment received from an employer upon termination, is not included as basic salary in LEOFF Plan II because it is excluded from the statutory definition of basic salary.

#### NEW SECTION

**WAC 415-104-405 Payments in lieu.** A payment or any other transfer in lieu of an item that does not qualify as basic salary, is not basic salary. The only exception is compensation paid pursuant to bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in WAC 415-104-3302.

**WSR 96-18-075**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**  
 [Filed September 3, 1996, 11:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-14-077.

Title of Rule: Wireless communications systems. New section under chapter 204-10 WAC, Equipment standards.

Purpose: Define acceptable standards for hands-free, wireless communications systems as enacted under chapter 34, Laws of 1996.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.480.

Summary: Recent legislation allows motorists to drive vehicles equipped with wireless communications systems. This rule will define acceptable standards.

Reasons Supporting Proposal: Chapter 34, Laws of 1996.

Name of Agency Personnel Responsible for Drafting: Ms. Carol Morton, P.O. Box 42635, Olympia, WA, (360) 412-8934; Implementation and Enforcement: Captain Tim Erickson, P.O. Box 42614, Olympia, WA, (360) 753-0350.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 34, Laws of 1996, allows motorists to drive vehicles equipped with hands-free, wireless communications systems. This rule will define acceptable standards for those systems. A new section under chapter 204-10 WAC, Equipment standards, will set the standards.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The public can choose not to purchase a wireless system. If the equipment and standards review unit checks a "home-made" system and finds it acceptable according to the standards, a person may use that system.

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

Hearing Location: State Patrol Commercial Vehicle Division Conference Room, Ground Floor, General Administration Building, Olympia, Washington, on October 9, 1996, at 9 a.m.

Assistance for Persons with Disabilities: Contact Jan Baca by October 1, 1996, (360) 753-0626.

Submit Written Comments to: Carol Morton, P.O. Box 42635, Olympia, WA 98504-2635, FAX (360) 493-9090, by October 1, 1996.

Date of Intended Adoption: October 16, 1996.

September 2, 1996

Annette M. Sandberg  
Chief

## NEW SECTION

### **WAC 204-10-045 Wireless communications systems.**

Hands-free, wireless communication systems may be used by motorists while driving a motor vehicle. Listening devices that include an earpiece shall cover only one ear. Wireless communication systems must be approved by the Washington state patrol equipment review unit.

**WSR 96-18-084**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed September 3, 1996, 3:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-093.

Title of Rule: WAC 16-101-700 Adoption of the pasteurized milk ordinance. Adopts the 1995 version of the pasteurized milk ordinance (PMO).

Purpose: To update this rule by adopting the newest edition of the PMO containing the latest requirements for production and processing of grade A milk and milk products.

Statutory Authority for Adoption: RCW 15.36.021(3).

Statute Being Implemented: Chapter 15.36 RCW, Fluid milk.

Summary: Updates the rule by adopting the newest recommendations of the National Conference of Interstate Milk Shipper published as the PMO. The PMO set requirements for cleaning and construction of equipment, bacteria and leucocyte counts, pasteurization temperatures, sanitizers, temperatures for holding milk, drug usage, vitamins and enforcement.

Reasons Supporting Proposal: We need to adopt changes as state rule, to expedite the administration of the dairy program and to ensure that we are in compliance with newest requirements.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne E. Hedlund, 1111 Washington Street, Olympia, WA 98504, (360) 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, WA 98504, (360) 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule adopts the PMO that establishes standards for the shipment of milk in interstate commerce. Washington is a member of the National Conference of Interstate Milk Shippers and the PMO is the published standards for production and processing of milk agreed to by all parties to this cooperative federal/state agreement. This change will update the PMO adopted from the 1989 version to the current 1995 version. This will add new requirements, for the efficient administration of the dairy program in Washington state. Surveys and check ratings are done on a regular basis by us and FDA to determine levels of compliance and enforcement with current requirements, this will ensure that all current requirements are adopted.

Proposal Changes the Following Existing Rules: Changes add requirements for vitamin testing of milk under appendix O, adds optional performance based farm inspection and changes some requirements for sampling and milk house equipment. It also changes the inspection report, failure to adopt the new inspection report on time will be reflected in survey and check rating results.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 15.36.021(3) provides that the agency will adopt the PMO, DMO and supplemental documents by reference to establish requirements for grade A pasteurized milk.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA 98504, on October 21, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by October 14, 1996, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Verne Hedlund, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by October 21, 1996.

Date of Intended Adoption: November 4, 1996.

September 3, 1996  
Dr. Candace A. Jacobs  
Assistant Director

AMENDATORY SECTION (Amending Order 5021, filed 11/30/93, effective 12/31/93)

**WAC 16-101-700 Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products.** ~~((1+))~~ The Grade "A" Pasteurized Milk Ordinance ~~((1989))~~ 1995 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted by reference as additional Washington state standards for the production of milk and milk products under chapter 15.36 RCW with the exception of the following portions.

(a) Part 1. Grade A Pasteurized Milk Ordinance:

(i) Section 3, Permits, paragraphs 3 and 4, page 8.

(ii) Section 7. Table 1, line 1, Temperature. . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk, page ~~((13))~~ 14.

~~((11))~~ (iii) Item 19r Cooling, page ~~((17))~~ 19.

(b) Part II. Administrative Procedures:

(i) Section 3, Permits, paragraphs 3 and 4, page ~~((31))~~ 38.

(ii) Section 7. Table 1, line 1, Temperature. . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk; page ~~((42))~~ 51.

(iii) Section 7, Item 19r Cooling, paragraph 1, page ~~((58))~~ 70.

(iv) Section 7, Item 18r Cooling, paragraph 1, page 69A.

(v) Section 7, Item 19r Cooling, Administrative Procedures (1), page ~~((58))~~ 70.

~~((+))~~ (vi) Section 7, Item 18r Cooling, Administrative Procedures (1), page 70A.

~~((408))~~ (vii) Sections 9, page ~~((405))~~ 121, 15, 16, and 17, page 126.

~~((+))~~ (viii) Appendix E, pages ~~((171-172))~~ 189-190.

~~((+))~~ (ix) Appendix K, page ~~((241-242))~~ 261-262.

~~((viii))~~ (x) Appendix N: ~~((1/1/92 addition))~~ Regulatory Agency Responsibilities, B. Enforcement: ~~((Penalties- (2) In lieu of the penalties provided under Appendix N, the following penalties for the adulteration of milk found in tanker screening samples are adopted. These penalties shall not apply to samples taken under provisions of RCW 15.36.110.~~

~~Penalties. The regulatory agency shall immediately suspend the Grade A permit of the responsible producer for a minimum of two days or equivalent penalty as determined by the regulatory agency. On the second occurrence of violative drug residues in a twelve month period, the producer's permit shall be suspended for a minimum of four days or equivalent penalty as determined by the regulatory agency. For a third occurrence of violative drug residues in a twelve month period, the regulatory agency shall initiate administrative procedures pursuant to revocation of the producer's permit.~~

~~As the Grade "A" Pasteurized Milk Ordinance 1989 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402) Reinstatement, page 316.~~

**WSR 96-18-085**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed September 3, 1996, 3:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-094.

Title of Rule: Chapter 16-101 WAC, Milk and milk products, adoption of new sections covering federal/state interstate milk shippers agreement.

Purpose: Adopts the following documents under the federal/state interstate milk shippers agreement for production of grade A milk. 1. Dry milk ordinance (DMO) as state standards for production of condensed and dry milk products and condensed and dry whey products. 2. Standards for the fabrication of single service containers and closures. 3. Procedures governing the cooperative state-public health service/food and drug administration program for certification of interstate milk shippers. 4. Methods of making sanitation ratings. 5. Evaluation of milk laboratories.

Statutory Authority for Adoption: RCW 15.36.021(3).

Statute Being Implemented: Chapter 15.36 RCW, Fluid milk.

Summary: Adopts as state rule the standards and requirements for interstate shipment of grade A milk and grade A dairy products adopted by the National Conference of Interstate Milk Shippers (NCIMS) a cooperative federal/state agreement to allow the free movement in interstate commerce of grade A milk and milk products.

Reasons Supporting Proposal: The above referenced documents along with the pasteurized milk ordinance govern the administration of the federal/state cooperative program and establish standards for the production of grade A products to allow free shipment of these products in inter-

PROPOSED

state commerce. RCW 15.36.021(3) directs us to adopt these documents by reference.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne E. Hedlund, 1111 Washington Street, Olympia, WA 98504, (360) 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, WA 98504, (360) 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed new rule adopts the requirements for production of condensed, dry milk products and condensed and dry whey products that include standards and requirements for production and processing of these products. The DMO much like the PMO sets requirements for cleaning, equipment construction, pasteurization, holding temperature, drug usage, bacteria and leucocyte counts, hauling and standards of identity for grade A products. The standards for the fabrication of single service containers and closures establishes standards for the manufacture of containers used for milk including plastic and paper containers and their closures to ensure that milk is not adulterated by contact with the containers it is sold in. Procedures governing the cooperative state-public health service/food and drug administration program for interstate milk shippers sets requirements for administering the cooperative program, approving new plants and groups of producers (BTUs), and removal of plants and BTUs that fail to meet the requirements. The methods of making sanitation ratings manual sets the requirements for making surveys and check ratings required under the interstate milk shippers program including how and when to do surveys, how many producers in each BTU need visited and how to prepare the reports and publish them. The evaluation of milk laboratories sets requirements for laboratories that do the required testing under the NCIMS requirements including testing for bacteria counts, leucocytes and drugs, how to certify labs, how often they need to be checked and how to list new labs or delist laboratories that don't comply.

Proposal Changes the Following Existing Rules: Adds new sections consisting of dry milk ordinance, single service container standards, procedures governing the interstate milk shippers agreement, methods of making sanitation ratings and evaluation of milk laboratories which are documents related to the pasteurized milk ordinance (PMO) to chapter 16-101 WAC as directed under RCW 15.36.021(3).

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 15.36.021(3) provides that the agency will adopt the PMO, DMO and supplemental documents by reference to establish requirements for grade A milk production.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA 98504, on October 21, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by October 14, 1996, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Verne Hedlund, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by October 21, 1996.

Date of Intended Adoption: November 4, 1996.

September 3, 1996  
Dr. Candace A. Jacobs  
Assistant Director

#### NEW SECTION

**WAC 16-101-705 Adoption of the dry milk ordinance as the standard for production of condensed and dry milk products and condensed and dry whey.** The Grade "A" Condensed and Dry Milk Ordinance Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey—Supplement I to the Grade "A" Pasteurized Milk Ordinance, 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as additional Washington state standards for the production of condensed milk and dry milk products and condensed and dry whey products under chapter 15.36 RCW with the exception of the following portions.

(a) Part 1. Grade A Condensed and Dry Milk Ordinance:

(i) Section 3. Permits paragraphs 4, 5 and 6, page 7.

(ii) Section 7, Table 1, line 1, Temperature . . . Cooled to 7°C (45°F) or less within two hours after milking: *Provided*, That the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F), page 13.

(b) Part 2. Administrative Procedures:

(i) Section 3. Permits paragraphs 4, 5 and 6, page 31.

(ii) Section 7, Table 1, line 1, Temperature . . . Cooled to 7°C (45°F) or less within two hours after milking: *Provided*, That the blend temperature of the first and subsequent milkings does not exceed 10°C (50°F), page 42.

(iii) Section 7, Item 17P Cooling of Milk, Milk Products, Whey, Whey Products, Condensed Milk Products and Condensed Whey, paragraph 1, page 79.

(iv) Section 7, Item 17P Cooling . . . Administrative Procedures (1), page 79.

(v) Section 13 Penalties, page 88.

(vi) Appendix I, pages 183-184.

(vii) Appendix N, Regulatory Agency Responsibility, B. Enforcement: Reinstatement, page 210.

#### NEW SECTION

**WAC 16-101-711 Adoption of the standards for the fabrication of single-service containers and closures for milk and milk products.** The Standards for the Fabrication of Single-Service Containers and Closures for Milk and Milk Products 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as additional Washington state standards for the production of single-service containers and closures for milk and milk products.



**NEW SECTION**

**WAC 16-101-716 Adoption of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers.** The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers 1995 Revision is adopted by reference as Washington state procedures covering certification of interstate milk shippers.

**NEW SECTION**

**WAC 16-101-721 Adoption of Methods of Making Sanitation Ratings of Milk Supplies.** The Methods of Making Sanitation Ratings of Milk Supplies 1995 Revision United States Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as Washington methods for ratings of interstate milk supplies.

**NEW SECTION**

**WAC 16-101-726 Adoption of Evaluation of Milk Laboratories.** The Evaluation of Milk Laboratories 1995 Revision United States Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as the Washington state standard for accreditation of milk laboratories and Certified Industry Supervisors requesting certification and approval for uniform collection and testing required for compliance with the Grade "A" Pasteurized Milk Ordinance.

**NEW SECTION**

**WAC 16-101-990 Where can publications adopted by WSDA under this chapter be obtained?** (1) The Grade "A" Pasteurized Milk Ordinance 1995 Recommendation of the United States Public Health Service/Food and Drug Administration can be purchased from the Superintendent of Documents, U.S. Printing Office, Washington D.C.

(2) The following publications can be obtained by writing the Center for Food Safety and Applied Nutrition, Director, Office of Constituent Operations, Industry Activities Staff, HFS-S65 200 "C" Street, SW, Washington D.C. 20204.

(a) The Grade "A" Condensed and Dry Milk Ordinance Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey—Supplement I to the Grade "A" Pasteurized Milk Ordinance, 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

(b) The Standards for the Fabrication of Single-Service Containers and Closures for Milk and Milk Products 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

(c) The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers 1995 Revision.

(d) The Methods of Making Sanitation Ratings of Milk Supplies 1995 Revision United States Department of Health

and Human Services Public Health Services/Food and Drug Administration.

(e) The Evaluation of Milk Laboratories 1995 Revision United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 16-101-715      Aseptically processed milk and milk products.
- WAC 16-101-720      Aseptic processing.
- WAC 16-101-725      Labeling.
- WAC 16-101-730      Aseptically processed milk—  
Suspension of Grade A permit.
- WAC 16-101-735      Processing.
- WAC 16-101-740      Sanitation requirements.

**WSR 96-18-086**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed September 3, 1996, 3:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-091.

Title of Rule: Chapter 16-122 WAC, Milk vendors, establishes license renewal date for milk vendors license as required by statute.

Purpose: Milk vendors license was changed to milk distributors license by action of the 1994 legislature. This amendment would change the terminology in the rule from vendor to distributor to reflect the change in the statute.

Statutory Authority for Adoption: RCW 15.36.061.

Statute Being Implemented: Chapter 15.36 RCW.

Summary: Amendments by the 1994 legislative session changed the term milk vendor to milk distributor in chapter 15.36 RCW, Fluid Milk Act. Chapter 16-122 WAC which establishes the renewal date for this license as required by RCW 15.36.061 must be changed to prevent confusion.

Reasons Supporting Proposal: Housekeeping change, rule is incorrect as it now stands because it still uses an archaic term (vendor) for licensees instead of distributor.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne E. Hedlund, 1111 Washington Street, Olympia, WA 98504, (360) 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, WA 98504, (360) 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets the renewal date for the license required under RCW 15.36.061. The name for the licensees was changed in the law from milk vendor to milk distributor by the 1994 legislature. This amendment merely corrects the terminology in the rule to reflect the changes to the law and eliminate possible confusion.

Proposal Changes the Following Existing Rules: Changes name milk vendor to milk distributor.

PROPOSED

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. The entities affected by this rule are all already licensed, this rule will have no effect except to make the rule consistent with the section of the law and eliminate confusion.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA 98504, on October 21, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by October 14, 1996, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Verne Hedlund, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by October 21, 1996.

Date of Intended Adoption: November 4, 1996.

September 3, 1996

Dr. Candace A. Jacobs  
Assistant Director

**Chapter 16-122 WAC  
MILK (~~VENDORS~~) DISTRIBUTORS**

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

**WAC 16-122-001 Milk (~~vendor~~) distributors license expiration.** Milk (~~vendor~~) distributors licenses issued under RCW (~~15.32.100~~) 15.36.061 shall expire on June 30th of each year.

**WSR 96-18-087  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE  
[Filed September 3, 1996, 3:44 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-13-091.

Title of Rule: WAC 16-124-011 Dairy technician license, sets renewal date for dairy technicians license.

Purpose: RCW 15.36.081 sets the requirements for licensing of dairy technicians biennially on odd numbered years. WAC 16-124-011 sets the renewal date for the dairy technicians license renewal on December 31st of each year. This housekeeping amendment would correct this discrepancy so the rule would agree with the biennial license renewal requirement in the act.

Statutory Authority for Adoption: RCW 15.36.081.

Statute Being Implemented: Chapter 15.36 RCW, Fluid milk.

Summary: Changes current requirement in rule from current incorrect annual renewal to biennial renewal to reflect the requirement under the law. This corrects a mistake made when the rule was promulgated.

Reasons Supporting Proposal: Rule is incorrect, could cause confusion and problems if not corrected.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne E. Hedlund, 1111 Washington

Street, Olympia, WA 98504, (360) 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, WA 98504, (360) 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This section of rule sets renewal date for dairy technicians license. The law requires biennial renewal, but the rule as previously promulgated requires annual renewal. This amendment will correct this error. The change will prevent confusion caused by the error and possible problems with licensing and compliance.

Proposal Changes the Following Existing Rules: Changes incorrect requirement in current rule for annual license renewal to biennial license renewal to be consistent with the requirement in RCW 15.36.081.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The licensing is being renewed biennial in compliance with the requirements in RCW 15.36.081 at the present time, this change will have no impact on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA 98504, on October 21, 1996, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by October 14, 1996, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Verne Hedlund, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by October 21, 1996.

Date of Intended Adoption: November 4, 1996.

September 3, 1996

Dr. Candace A. Jacobs  
Assistant Director

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

**WAC 16-124-011 Dairy technician license.** Dairy technician licenses issued under RCW (~~15.32.584~~) 15.36.081 shall expire December 31st (~~of each year~~) biennially on years ending in odd numbers.

**WSR 96-18-095  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
[Filed September 4, 1996, 9:17 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-027.

Title of Rule: Definition of massage.

Purpose: To bring the definition of massage found in the Washington Administrative Code into conformity with the definition found in the Revised Code of Washington.

Statutory Authority for Adoption: RCW 18.108.025 (1) and (3).

Statute Being Implemented: RCW 18.108.010.

**Summary:** The current definition in WAC appears to exceed the intent of the legislature in defining massage therapy. This amendment will strike language referring to specific practices or schools of practice that does not rely solely on the definition of massage contained in RCW 18.108.010(2). By striking this language it is not the intent to categorically exempt from the massage licensing laws any practices or schools of practice referred to in the language of the current rule.

**Reasons Supporting Proposal:** To ensure the massage rules do not exceed the authority of the statute.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Janice K. Boden, 1300 Quince Street S.E., Olympia, (360) 753-3199.

**Name of Proponent:** Department of Health, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The current definition in rule appears to exceed the legislative intent in defining massage therapy in statute. This amendment will create conformity between the statute definition and the rule definition. The anticipated effect will be to ensure the rules will not be misinterpreted.

**Proposal Changes the Following Existing Rules:** The proposal removes language in the rule referring to specific practices or schools of practice. Be removing the language, the rule is made [to] conform to the definition in statute.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment to the definition does not impact any small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not subject a person to a penalty or sanction; does not establish, alter, or revoke a qualification or standard for massage licensure; and does not make significant amendments to a policy or regulatory program. This change conforms the definition of massage in rule to the definition found in statute.

**Hearing Location:** Firgrove Business Park, 2413 Pacific Avenue, Olympia, WA, on October 8, 1996, at 9:30 a.m.

**Assistance for Persons with Disabilities:** Contact Janet Morehead at (360) 753-3199, by October 1, 1996, TDD 1-800-833-6388, or FAX (360) 753-0657.

**Submit Written Comments to:** Michelle Davis, P.O. Box 47890, Olympia, WA 98504-7890, FAX (360) 753-5871, by October 1, 1996.

**Date of Intended Adoption:** October 8, 1996.

September 4, 1996

Bruce Miyahara  
Secretary

**AMENDATORY SECTION** (Amending WSR 95-11-108, filed 5/23/95, effective 6/23/95)

**WAC 246-830-005 Definitions.** For the purpose of administering chapter 18.108 RCW, the following definitions shall apply:

(1) "Massage" is as defined ((by)) in RCW 18.108.010 ((includes but is not limited to the techniques of Swedish massage, bodywork, soft tissue manipulation and somatic practice and education)).

(2) "Massage school" is an institution which has the sole purpose of offering training in massage therapy.

(3) "Massage program" is training in massage therapy offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(4) "Apprenticeship program" is defined for the purposes of this chapter as training in massage administered by an apprenticeship trainer that satisfies the educational requirements for massage set forth in WAC 246-830-430, 246-830-440, and 246-830-450. This training shall be offered by an apprenticeship trainer to no more than three apprentices at one time and shall be completed within two years.

(5) "Apprenticeship trainer" is defined as a massage practitioner licensed in the state of Washington with not less than five current years of experience in full-time practice.

(6) "Apprentice" is defined as an individual enrolled in an apprenticeship program, and shall be held to the same standards as students in schools or programs.

(7) "Student" shall mean an individual currently enrolled in an approved school, program, or apprenticeship program, who is practicing massage solely for the purposes of education as is incidental to their current course work and who is not receiving compensation for said practice.

(8) "Direct supervision" shall mean a faculty member is on the premises, is quickly and easily available and the client has been examined by the faculty member at such time as acceptable massage practice requires.

**WSR 96-18-101**  
**WITHDRAWAL OF PROPOSED RULES**  
**WASHINGTON STATE PATROL**  
[Filed September 4, 1996, 9:30 a.m.]

The Washington State Patrol would like to withdraw the CR-102 form that was filed on July 23, 1996, as WSR 96-15-118 at 3:29 p.m.

Annette M. Sandberg  
Chief

**WSR 96-18-102**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed September 4, 1996, 10:07 a.m.]

Original Notice.

Preproposal is exempt under RCW 34.05.310(4).

Title of Rule: Amending chapter 388-110 WAC.

Purpose: To give the department the same enforcement authority over adult residential care as it has over enhanced adult residential care and assisted living services. To make technical and editorial changes to clarify language in the rule.

Statutory Authority for Adoption: HB 2172 codified at RCW 74.39A.080, RCW 74.39A.010, 74.39A.020.

Statute Being Implemented: RCW 74.39A.080, [74.39A.]010, and [74.39A.]020.

Summary: With the passage of HB 2172, the 1996 legislature amended the Department of Social and Health Services' authority to give the department the same enforcement authority over adult residential care as it has over enhanced adult residential care and assisted living services. This rule amendment incorporates that change by adding adult residential care to the WAC section that governs enforcement. Additionally, this amendment makes technical and editorial changes to correct a citation and change a name to improve accuracy.

Reasons Supporting Proposal: The addition of adult residential care to the department's enforcement authority is mandatory by statute. The other changes improve accuracy of the rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Johnson, P.O. Box 45600, Olympia, WA 98504, (360) 493-2626.

Name of Proponent: Aging and Adult Services Administration; rules are being done in compliance with HB 2172 and RCW 74.39A.080, [74.39A.]010, and [74.39A.]020, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: With the passage of HB 2172, the 1996 legislature amended the Department of Social and Health Services' authority to give the department the same enforcement authority over adult residential care as it has over enhanced adult residential care and assisted living services. This rule amendment incorporates that change by adding adult residential care to the WAC section that governs enforcement. Additionally, this amendment makes technical and editorial changes to correct a citation and change a name to improve accuracy. The addition of adult residential care to the department's enforcement authority is mandatory by statute. The other changes improve accuracy of the rules.

Proposal Changes the Following Existing Rules: The proposal amends WAC 388-110-260(1), to include adult residential care; WAC 388-110-040 (5)(e), to correct citation; and WAC 388-110-110(2), to correct name.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Because the change in the rules is a result of adopting state statute and making editorial changes, a small business impact statement is not required. There is no fiscal impact on small businesses.

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: The Department of Social and Health Services, OB-2 Auditorium, 1115 Washington Street S.E., Olympia, on October 8, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, TDD (360) 753-0625, or 902-8317.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504, FAX (360) 664-0118.

Date of Intended Adoption: October 9, 1996.

September 4, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96.)

**WAC 388-110-040 Contract qualifications.** (1) The department shall consider separately and jointly as applicants each person and entity named in the application for a contract for assisted living services, enhanced adult residential care, or adult residential care. If the department finds any person or entity unqualified, the department shall deny the contract.

(2) In making a determination whether to grant a contract, the department shall review:

(a) The information in the application; and

(b) Other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has been affiliated.

(3) The applicant and the facility for which a contract is sought shall comply with all requirements established by chapter 74.39A RCW and this chapter. The department may deny a contract for noncompliance with any such requirements.

(4) The department shall deny a contract if an applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant applying for a contract has a history of significant noncompliance with federal or state regulations in providing care or services to frail elders, vulnerable adults or children. The department shall consider, at a minimum, the following as a history of significant noncompliance requiring denial of a contract:

(a) Revocation or suspension of a license for the care of children, frail elders or vulnerable adults;

(b) Enjoined from operating a facility for the care of children, frail elders or vulnerable adults; or

(c) Termination, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults.

(5) The department shall deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830 or 43.43.842;

(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830 or 43.43.842;

(c) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused, neglected, or exploited any minor or vulnerable adult;

(e) Found in any dependency action under chapter 13.34 RCW ((+3.34.030-(2)(b))) to have sexually assaulted, neglected, exploited, or physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor.

(6) The department may deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has:

- (a) Obtained or attempted to obtain a license or contract by fraudulent means or misrepresentation;
- (b) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to contract with the department;
- (c) Had sanction, corrective or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children, frail elders or vulnerable adults;
- (d) A poor credit history;
- (e) Engaged in the illegal use of drugs or the excessive use of alcohol;
- (f) Operated a facility for the care of children or adults without a license;
- (g) Failed to meet financial obligations as the obligations fell due in the normal course of business;
- (h) Misappropriated property of residents;
- (i) Filed for bankruptcy, reorganization, or receivership;
- (j) Been denied a license or license renewal to operate a facility that was licensed for the care of children, frail elders or vulnerable adults;
- (k) Relinquished or returned a license in connection with the operation of any facility for the care of children, frail elders or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license; or
- (l) Had resident trust funds or assets of an entity providing care to children, frail elders or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes.

**AMENDATORY SECTION** (Amending Order 3979), § 388-110-110, filed 5/8/96, effective 6/8/96.)

**WAC 388-110-110 Caregiver education and training requirements.** (1) The contractor shall ensure that:

- (a) All caregivers hired on or after July 1, 1996 successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (2) below;
- (b) All caregivers hired prior to July 1, 1996 successfully complete the department designated fundamentals of caregiving training prior to March 1, 1997, unless he or she meets the requirements in subsection (2) below; and
- (c) All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:
  - (i) Topics include but are not limited to residents' rights, personal care, dementia, mental illness, developmental disabilities, depression, medication assistance, communication skills, alternatives to restraints, and activities for residents;
  - (ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and

each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or the modified fundamentals of caregiving training.

(2) A caregiver who is a registered or licensed practical nurse, a physical or occupational therapist, a nursing assistant certified, a home health aide from a ((Medicaid)) Medicare-certified home health agency or who has successfully completed a department approved adult family home training, or department approved personal care training from an area agency on aging or its subcontractor, is exempt from the fundamentals of caregiving training in subsection (1) above if the caregiver successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (1) above.

(3) Contractors who meet the prescribed criteria may be approved by the department to provide the department's designated caregiver training programs within the facility.

(4) Volunteers are exempt from the training requirements listed above unless they provide unsupervised direct personal care to residents.

(5) The contractor shall document that caregivers have met the education and training requirements.

**AMENDATORY SECTION** (Amending Order 3979, filed 5/8/96, effective 6/8/96.)

**WAC 388-110-260 Remedies.** (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that a contractor of assisted living services ((or)), enhanced adult residential care services, or adult residential care services has:

- (a) Failed or refused to comply with the applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW or of this chapter;
- (b) Operated without a license or under a revoked license;
- (c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a contract or any data attached thereto, or in any matter under investigation by the department; or
- (d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapter 74.39A RCW, of chapter 70.129 RCW or of this chapter, the department may provide consultation and shall allow the contractor a reasonable opportunity to correct before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department shall impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department shall take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department may impose include:

- (i) Refusal to enter into a contract;
  - (ii) Imposition of reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;
  - (iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;
  - (iv) Suspension, termination, or refusal to renew a contract; or
  - (v) Order stop placement of persons under the contract.
- (b) When the department orders stop placement, the facility shall not admit any person under the contract until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when the department determines that:
- (i) The violations necessitating the stop placement have been corrected; and
  - (ii) The provider exhibits the capacity to maintain adequate care and service.
- (c) Conditions the department may impose on a contract include, but are not limited to the following:
- (i) Correction within a specified time;
  - (ii) Training related to the violations; and
  - (iii) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents.
- (d) When a contractor fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from the contract payment.

**WSR 96-18-114**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed September 4, 1996, 11:42 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 94-17-192 on August 24, 1994; and WSR 96-05-076 on February 21, 1996.

Title of Rule: Chapters 296-62 and 296-65 WAC, asbestos.

Purpose: Chapter 296-62 WAC, General occupational health standards, federal-initiated Occupational Safety and Health (OSHA) and Environmental Protection Agency (EPA) amendments relating to asbestos, as published in Federal Register Volume 59, Number 153, dated August 10, 1994, Federal Register Volume 60, Number 125, dated June 29, 1995, Federal Register Volume 60, Number 189, dated September 29, 1995; Federal Register Volume 60, Number 134, dated July 13, 1995; and Federal Register Volume 59, Number 23, dated February 3, 1994, are proposed. ESB 5397 (1995) also requires the department amend the rules based on the federal-initiated EPA amendments. (The current version of chapter 49.26 RCW, Health and safety—Asbestos, contains ESB 5397 requirements.)

Significant amendments to the asbestos standard include:

- Incorporation of construction and shipyard work requirements to cover occupational exposures to asbestos in those industries.
- Reduction of the time-weighted permissible exposure limit to 0.1 fibers per cubic centimeter for all occupational exposures to asbestos in all industries.
- Creation of a classification scheme for asbestos construction and shipyard industry work which ties mandatory work practices to the work classification.
- Presumptive asbestos identification requirements for asbestos containing materials.
- Communication requirements for employers who conduct asbestos abatement work.
- Mandatory methods of control for brake and clutch repair.

WAC 296-62-07701 Scope and application, proposed amendments are made to clarify and define the scope as it applies to construction and shipyard work. Existing WISHA definitions and requirements have been retained.

WAC 296-62-07703 Definitions,

- The following definitions have been deleted: Action level, owner, curtained doorway, and structural member.
- The following definitions have been modified: Asbestos, demolition, removal, repair, certified asbestos supervisor, regulated area, and renovation.
- The following new definitions have been added: Accredited inspector, aggressive method, amended water, asbestos abatement project, asbestos containing material, asbestos project, building/facility/vessel owner, certified asbestos worker, certified industrial hygienist, Class I asbestos work, Class II asbestos work, Class III asbestos work, Class IV asbestos work, closely resemble, competent person, critical barrier, director of NIOSH, disturbance, glovebag, homogeneous area, industrial hygienist, intact, modification negative initial exposure assessment, PACM, presumed asbestos containing materials, project designer, surfacing material, surfacing ACM, thermal system insulation, and thermal system insulation ACM.

WAC 296-62-07705 Permissible exposure limits (PEL), proposed amendments are made to:

- Lower the permissible exposure limit for eight-hour time-weighted average (TWA) from 0.2 f/cc. to 0.1 f/cc.
- Delete reference to and use of action level (0.1 f/cc.).
- Change the sampling period for excursion limit from fifteen minutes to thirty minutes.
- Add a reference to Appendix A.

WAC 296-62-07706 Communication among workers, proposed amendments are made to:

- Change the section title to "Multi-employer worksites."
- Expand and include specific (federal) requirements for a multi-employer worksite where asbestos abatement is taking place.

WAC 296-62-07707 Identification, proposed amendments are made to:

- Incorporate existing requirements of this section into WAC 296-62-07721 Communication of hazards to employees.

- Repeal this section.

WAC 296-62-07709 Exposure assessment and monitoring, proposed amendments are made to identify specific exposure assessment requirements for construction and shipyard work.

WAC 296-62-07711 Regulated areas, proposed amendments are made to:

- Add a requirement for a competent person.
- Modify subsection (1) to include Class I, II, and III work.
- Modify subsection (2) to limit the number of people exposed to asbestos.

WAC 296-62-07712 Requirements for asbestos removal, demolition, and renovation operations, proposed amendments are made to:

- Change the section title to "Requirements for asbestos removal, demolition, and renovation operations in construction and shipyard work."
- Replace negative pressure enclosure and Appendix J work practices requirements with a four class category system to classify asbestos work based on risk of asbestos exposure.

(Note: Requirements of this section do not negate requirements contained in chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation.)

WAC 296-62-07713 Methods of compliance, proposed amendments are made to:

- Add specific compliance methods for brake and clutch repair.
- Change "action level" to "permissible exposure limit."

WAC 296-62-07715 Respiratory protection, proposed amendments are made to:

- Explain the specific requirements for each class in the new asbestos class system.
- Explain requirements for respirator use during class work.
- Change the permissible exposure limit to 0.1 as it relates to the requirements for respirator selection criteria.

WAC 296-62-07717 Protective work clothing and equipment, proposed amendments are made to:

- Require the competent person to examine protective work clothing at least once per work shift.
- Reorganize section information to the federal format.

WAC 296-62-07719 Hygiene facilities and practices, proposed amendments are made to:

- Elaborate on the new asbestos class system.

WAC 296-62-07721 Communication of hazards to employees, proposed amendments are made to:

- Incorporate identification of hazard requirements from WAC 296-62-07707 Identification.
- Add requirements for identification of asbestos containing material (ACM) by EPA accredited inspectors.
- Add employee notification requirements.
- Add requirements for labeling, signs, and employers and building owners responsibilities to communicate hazards to employees using labels and signs.

WAC 296-62-07722 Employee information and training, proposed amendments are made to:

- Add this new section.
- Incorporate existing training requirements from WAC 296-62-07721.
- Add federal training requirements.
- Identify where federal or chapter 296-65 WAC, Safety standards for asbestos encapsulation and removal, training requirements apply.

WAC 296-62-07723 Housekeeping, proposed amendments are made to:

- Modify processes for "waste removal" and "deterioration."

WAC 296-62-07725 Medical surveillance, proposed amendments are made to:

- Add federal language to include construction and shipyard industries under the surveillance scope.

WAC 296-62-07727 Recordkeeping, proposed amendments are made to:

- Replace existing language with federal language relating to data gathering and recordkeeping.

WAC 296-62-07728 Competent person, proposed amendments are made to:

- Add this new section which defines competent person and their required duties.

WAC 296-62-07731 Dates, proposed amendments are made to:

- Repeal the section as all implementation dates have expired.

WAC 296-62-07733 Appendices, proposed amendments are made to:

- Change Appendix F from a nonmandatory appendix to a mandatory appendix.

WAC 296-62-07735 Appendix A—WISHA reference method—Mandatory, proposed amendments are made to:

- Expand the definition of asbestos to include tremolite, anthophyllite, and actinolite.
- Add federal language to be consistent with the federal rule.

WAC 296-62-07737 Appendix B—Detailed procedure for asbestos sampling and analysis—Nonmandatory, proposed amendments are made to:

- Replace the existing appendix with the federal appendix.

WAC 296-62-07741 Appendix D—Medical questionnaires—Mandatory, proposed amendments are made to:

- Expand the definition of asbestos to include tremolite, anthophyllite, and actinolite.
- Replace existing language with federal language relating to requiring medical questionnaires when the permissible exposure limit is exceeded.

WAC 296-62-07745 Appendix F—Work practices and engineering controls for automotive brake repair operations—Mandatory, proposed amendments are made to:

- Change Appendix F from a nonmandatory appendix to a mandatory appendix.
- Replace existing language with federal language.



WAC 296-62-07747 Appendix G—Substance technical information for asbestos—Nonmandatory, proposed amendments are made to:

- Change the PEL and STEL from 2 to 1 PPM.
- Change the fifteen minute STEL to thirty minutes.

WAC 296-62-07749 Appendix H—Medical surveillance guidelines for asbestos—Nonmandatory, proposed amendments are made to:

- Clarify medical surveillance requirements for workers who wear negative pressure respirators for thirty or more days per year.
- Replace the term "action level" with "permissible exposure limit."

WAC 296-62-07751 Appendix I—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations, proposed amendments are made to:

- Replace the existing appendix with the federal appendix. This appendix addresses the requirements for negative pressure enclosures and defines class one work procedures.

WAC 296-62-07753 Appendix J—Work practices and engineering controls for small scale, short duration asbestos renovation and maintenance activities, proposed amendments are made to:

- Replace the existing appendix with the federal appendix. This appendix lists in detail how to perform microscopy.

Chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation, a federal-initiated Environmental Protection Agency (EPA) amendment relating to asbestos removal and encapsulation, as published in Federal Register Volume 59, Number 23, dated February 3, 1994, is proposed to add a reference to subsection (13) of WAC 296-65-015 Training course approval. This proposed amendment will make asbestos supervisor and worker training requirements consistent with each other and with the federal standard.

Statutory Authority for Adoption: Chapter 49.17 RCW.  
Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, 7273 Linderson Way, Tumwater, WA, (360) 902-5530; Implementation and Enforcement: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register Volume 59, Number 23, dated February 3, 1994; Federal Register Volume 59, Number 153, dated August 10, 1994; Federal Register Volume 60, Number 125, dated June 29, 1995; Federal Register Volume 60, Number 189, dated September 29, 1995; Federal Register Volume 60, Number 134, dated July 13, 1995; and ESB 5397 (1995).

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. A small business economic impact statement is not necessary when rules are proposed for adoption solely for the purpose of complying with federal regulations (RCW 19.85.061). The department is proposing to amend these rules to comply with the Washington Industrial Safety and Health Act (chapter 49.17 RCW) which requires the department to be at-least-as-effective-as the standards adopted or recognized by the United States secretary of labor under the authority of the Occupational Safety and Health Act (OSHA) of 1970, and chapter 49.26 RCW, Health and safety—Asbestos. The department is proposing to amend rules relating to asbestos to be at-least-as-effective-as the adopted federal standards as published in Federal Register Volume 59, Number 153, dated August 10, 1994; Federal Register Volume 60, Number 125, dated June 29, 1995; Federal Register Volume 60, Number 189, dated September 29, 1995; Federal Register Volume 59, Number 23, dated February 3, 1994; Federal Register Volume 60, Number 134, dated July 13, 1995; and ESB 5397 (1995).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule amendments because they meet the exempt criteria outlined in RCW 34.05.328 (5)(b)(iii) and (iv). Significant rule-making criteria does not apply when adopting federal statutes or regulations without material change.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on October 10, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by September 25, 1996, (360) 902-5516.

Submit Written Comments to: Frank Leuck, Assistant Director, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by October 17, 1996. In addition to written comments, the department will accept comments submitted to FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: December 17, 1996.

September 4, 1996

Mike Watson

for Mark O. Brown

Director

AMENDATORY SECTION (Amending WSR 96-05-056, filed 2/16/96, effective 4/1/96)

**WAC 296-65-015 Training course approval.** (1) Basic and refresher asbestos training courses may be sponsored by any individual, person, or other entity having department approval. Approval shall be contingent on the sponsor's compliance, as applicable, with licensing requirements established by the state board of vocational education.

(2) Prior to receiving department approval, each course shall be evaluated by the department for the breadth of knowledge and experience required to properly train asbestos workers or supervisors. Course content shall be carefully scrutinized for adequacy and accuracy. Training techniques will be evaluated by the department.

(3) Sponsors of basic and refresher training courses proposed for approval must submit:



- (a) Background information about course sponsors;
- (b) Course locations and fees;
- (c) Copies of course handouts;
- (d) A detailed description of course content and the amount of time allotted to each major topic;

(e) A description of teaching methods to be utilized and a list of all audio-visual materials; the department may, in its discretion, request that copies of the materials be provided for review. Any audio-visual materials provided to the department will be returned to the applicant;

(f) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualifications of each. Instructors shall have academic and/or field experience in asbestos abatement. The department may, in its discretion, require proposed instructors to pass an examination on subjects related to their respective topics of instruction;

(g) A description of student evaluation methods and a copy of the required written examination including the scoring methodology to be used in grading the examination;

(h) A description of course evaluation methods;

(i) Any restrictions on attendance (language, class size, affiliation, etc.);

(j) A list of any other states that currently approve the training course;

(k) A letter from the course provider that clearly indicates how the course provider meets the EPA MAP requirements; and

(l) The amount and type of hands-on training for initial training courses.

(4) Application for training course approval and course materials shall be submitted to the department at least sixty days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program  
Department of Labor and  
Industries  
P.O. Box 44614  
Olympia, Washington 98504-4614

(5) The decision to grant or renew approval of a basic or refresher asbestos training course shall be in the sole discretion of the department.

Following approval of a basic or refresher asbestos training course, the department will issue the course sponsor an approval which is valid for one year from the date of issuance. Application for renewal must follow the procedures described in subsections (3) and (4) of this section.

Following approval of a basic or refresher asbestos training course, in recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which shall be allotted to adequately cover required subjects. To assure adequate coverage of required material, each sponsor shall be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

(6) To be considered timely, the training course approval renewal must be received by the department no later than thirty days before the certificate expiration date.

(7) Any changes to a training course must be approved by the department in advance.

(8) The course sponsor shall provide the department with a list of all persons who have completed a basic or refresher training course. The list must be provided no later than ten days after a course is completed and must include the name and address of each trainee.

(9) The course sponsor must notify the department, in writing, at least fourteen days before a training course is scheduled to begin. The notification must include the date, time and address where the training will be conducted.

(10) A representative of the department may, at the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved by the department.

(11) Course sponsors conducting training outside the state of Washington shall reimburse the department for reasonable travel expenses associated with department audits of the training courses. Reasonable travel expenses are defined as current state of Washington per diem and travel allowance rates including airfare and/or surface transportation rates. Such reimbursement shall be paid within thirty days of receipt of the billing notice.

(12) The training course sponsor shall limit each class to a maximum of thirty participants.

(13) The instructor to student ratio shall not exceed one-to-ten for any of the training required by WAC 296-65-005(13) and 296-65-007(14).

(14) The department may terminate the training course approval, if in the department's judgment the sponsor fails to maintain the course content and quality as initially approved, or fails to make changes to a course as required by WAC 296-65-015(5). The minimum criteria for withdrawal of training course approval shall include:

(a) Misrepresentation of the extent of training courses approval by a state or EPA;

(b) Failure to submit required information or notification in a timely manner;

(c) Failure to maintain requisite records;

(d) Falsification of accreditation records, instructor qualifications, or other accreditation information; or

(e) Failure to adhere to the training standards and accreditation requirements of chapter 296-65 WAC.

(15) Any "notice of termination of training course approval" issued by the department may act as an order of immediate restraint as described by RCW 49.17.130.

(16) Recordkeeping requirements for training providers: All approved providers of accredited asbestos training courses must comply with the following minimum recordkeeping requirements:

(a) Training course materials. A training provider must retain copies of all instructional materials used in delivery of the classroom training such as student manuals, instructor notebooks and handouts.

(b) Instructor qualifications. A training provider must retain copies of all instructors' resumes, and the documents approving each instructor issued by either EPA or the department. Instructors must be approved by the department before teaching courses for accreditation purposes. A training provider must notify the department in advance whenever it changes course instructors. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.

(c) Examinations. A training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records must clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate.

(d) Accreditation certificates. The training providers shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification by telephone of the required information.

(e) Verification of certificate information. Training providers of refresher training courses shall confirm that their students possess valid accreditation before granting course admission.

(f) Records retention and access.

(i) The training provider shall maintain all required records for a minimum of three years. The training provider, however, may find it advantageous to retain these records for a longer period of time.

(ii) The training provider must allow reasonable access to all of the records required by the MAP, and to any other records which may be required by the department for the approval of asbestos training providers or the accreditation of asbestos training courses, to both EPA and to the department, on request.

(iii) If a training provider ceases to conduct training, the training provider shall notify the department and give it the opportunity to take possession of that provider's asbestos training records.

(17) A representative of the department may, at the department's discretion, provide an examination as a substitution to the examination administered by the training course provider. The examination replacement will be used to verify that the training course is conducted in accordance with the program approved by the department.

**AMENDATORY SECTION** (Amending Order 87-24, filed 11/30/87)

**WAC 296-62-07701 Scope and application.** (1) WAC 296-62-07701 through 296-62-07753 applies to all occupational exposures to asbestos in all industries covered by the Washington Industrial Safety and Health Act.

(2) This section does apply to construction work as defined in WAC 296-155-012.

(3) This section does apply to ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

**AMENDATORY SECTION** (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

**WAC 296-62-07703 Definitions.** For the purpose of WAC 296-62-077 through 296-62-07753:

~~((1)) "Action level" means an airborne concentration of asbestos of 0.1 fiber per cubic centimeter (f/cc) of air calculated as an eight-hour time-weighted average.~~

~~(2) "Air lock" means a system for ingress or egress to minimize air movement between a contaminated area and an uncontaminated area, consisting of an enclosure with two curtained doorways at least six feet apart unless space prohibits.~~

~~(3) "Accredited inspector" means any person meeting the accreditation requirements of the Federal Toxic Substance Control Act, Section 206 (a)(1) and (3). 15 U.S.C. 2646 (a)(1) and (3).~~

Aggressive method means removal or disturbance of building material by sanding, abrading, grinding or other method that breaks, crumbles, or disintegrates intact ACM.

Amended water means water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate ACM.

Asbestos<sup>(2)</sup> includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

~~((4)) "For purposes of this standard, "asbestos" includes PACM, as defined below.~~

Asbestos abatement project means an asbestos project involving three square feet or three linear feet, or more, of asbestos-containing material.

Asbestos-containing material (ACM) means any material containing more than 1% asbestos.

Asbestos project - definition as stated in WAC 296-65-003.

Authorized person<sup>(2)</sup> means any person authorized by the employer and required by work duties to be present in regulated areas.

~~((5)) "Clean room" means an uncontaminated room having facilities for the storage of employees' street clothing and uncontaminated materials and equipment.~~

~~(6) "Building/facility/vessel owner" means any legal entity or person who owns any public or private building, vessel, structure, facility, or mechanical system or the remnants thereof, including the agent of such person, but does not include individuals who work on asbestos projects in their own single-family residences, no part of which is used for commercial purposes. Also included is any lessee, who exercises control over management and recordkeeping functions relating to a building, vessel, and/or facility in which activities covered by this standard takes place.~~

Certified asbestos supervisor<sup>(2)</sup> means an individual certified by the department under WAC 296-65-012. ((This person shall be capable of identifying existing asbestos hazards in the workplace and have the authority to take prompt corrective measures to eliminate them, as specified in WAC 296-62-202(6)). The duties of the asbestos supervisor include at least the following: Establishing the negative-pressure enclosure, mini enclosure, glove bag, or any other engineering control used in an asbestos removal or encapsulation operation; ensuring the integrity of the control being used; supervising any employee monitoring required by the standard; ensuring that all employees involved in removal or encapsulation of asbestos wear the appropriate protective equipment, are trained in the use of appropriate methods of exposure control, and use the hygiene facilities and decon-

~~tamination procedures specified in the standard; and ensuring that engineering controls in use are in proper operating condition and are functioning properly.~~

~~(7) "Curtained doorway" means overlapping plastic sheeting curtains, at least four mils in thickness, constructed and used at entrance and exit of regulated areas, and designed to restrict the movement of air from one area to another.~~

~~(8) "Certified asbestos worker" means an individual certified by the department under WAC 296-65-010.~~

~~**Certified industrial hygienist (CIH)** means one certified in the practice of industrial hygiene by the American Board of Industrial Hygiene.~~

~~**Class I asbestos work** means activities involving the removal of thermal system insulation or surfacing ACM/PACM.~~

~~**Class II asbestos work** means activities involving the removal of ACM which is not thermal system insulation or surfacing material. This includes, but is not limited to, the removal of asbestos-containing wallboard, floor tile and sheeting, roofing and siding shingles, and construction mastics.~~

~~**Class III asbestos work** means repair and maintenance operations where "ACM," including TSI and surfacing ACM and PACM, may be disturbed.~~

~~**Class IV asbestos work** means maintenance and custodial activities during which employees contact but do not disturb ACM or PACM and activities to clean up dust, waste and debris resulting from Class I, II, and III activities.~~

~~**Clean room** means an uncontaminated room having facilities for the storage of employees' street clothing and uncontaminated materials and equipment.~~

~~**Closely resemble** means that the major workplace conditions which have contributed to the levels of historic asbestos exposure, are no more protective than conditions of the current workplace.~~

~~**Competent person** means, in addition to the definition in WAC 296-62-07728, one who is capable of identifying existing asbestos, hazards in the workplace and selecting the appropriate control strategy for asbestos exposure, who has the authority to take prompt corrective measures to eliminate them as specified in WAC 296-62-07728. The competent person shall be certified as an asbestos supervisor in compliance with WAC 296-65-030(3) and 296-65-012 for Class I and Class II work, and for Class III and Class IV work involving 3 square feet or 3 linear feet or more of asbestos-containing material. For Class III and Class IV work, less than 3 square feet or 3 linear feet, the competent person shall be trained in an operations and maintenance (O&M) course which meets the criteria of EPA (40 CFR 763.92 (a)(2)).~~

~~**Critical barrier** means one or more layers of plastic sealed over all openings into a work area or any other similarly placed physical barrier sufficient to prevent airborne asbestos in a work area from migrating to an adjacent area.~~

~~**Decontamination area** means an enclosed area adjacent and connected to the regulated area and consisting of an equipment room, shower area, and clean room, which is used for the decontamination of workers, materials, and equipment contaminated with asbestos.~~

~~((9) "Demolition" means the wrecking or taking out of any load-supporting structural member and any related razing, removing, or stripping of asbestos products. Where feasible, asbestos-containing materials shall be removed from all structures prior to the commencement of any demolition activity.~~

~~((10) "Department" means the department of labor and industries.~~

~~((11) "Director" means the director of the department of labor and industries or his/her authorized representative.~~

~~((12) "Director of NIOSH" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.~~

~~**Disturbance** means activities that disrupt the matrix of ACM or PACM, crumble or pulverize ACM or PACM, or generate visible debris from ACM or PACM. This term includes activities that disrupt the matrix of ACM or PACM, render ACM or PACM friable, or generate visible debris. Disturbance includes cutting away small amounts of ACM or PACM, no greater than the amount which can be contained in one standard size glove bag or waste bag in order to access a building or vessel component. In no event shall the amount of ACM or PACM so disturbed exceed that which can be contained in one glove bag or waste bag which shall not exceed 60 inches in length and width.~~

~~**Employee exposure** means that exposure to airborne asbestos that would occur if the employee were not using respiratory protective equipment.~~

~~((13) "Equipment room" (change room) means a contaminated room located within the decontamination area that is supplied with impermeable bags or containers for the disposal of contaminated protective clothing and equipment.~~

~~((14) "Fiber" means a particulate form of asbestos, five micrometers or longer, with a length-to-diameter ratio of at least three to one.~~

~~((15) "Glove bag" means not more than a 60 x 60 inch impervious plastic bag-like enclosure affixed around an asbestos-containing material, with glove-like appendages through which material and tools may be handled.~~

~~**High-efficiency particulate air (HEPA) filter** means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.~~

~~((16) "Owner" means the person who owns any public or private building, structure, facility, or mechanical system, or the remnants thereof, or the agent of such person, but does not include individuals who work on asbestos projects in their own single family residences, no part of which is used for commercial purposes.~~

~~((17) "Homogeneous area" means an area of surfacing material or thermal system insulation that is uniform in color and texture.~~

~~**Industrial hygienist** means a professional qualified by education, training, and experience to anticipate, recognize, evaluate and develop controls for occupational health hazards.~~

~~**Intact** means that the ACM has not crumbled, been pulverized, or otherwise deteriorated so that the asbestos is no longer likely to be bound with its matrix.~~

~~**Modification** for the purpose of WAC 296-62-07712 means a changed or altered procedure, material or compo-~~

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ment of a control system, which replaces a procedure, material or component of a required system. Omitting a procedure or component, or reducing or diminishing the stringency or strength of a material or component of the control system is not a "modification" for the purposes of WAC 296-62-07712.

Negative initial exposure assessment means a demonstration by the employer (which complies with the criteria in WAC 296-62-07709) that employee exposure during an operation is expected to be consistently below the PELs.

PACM means "presumed asbestos-containing material."

Presumed asbestos-containing material means thermal system insulation and surfacing material found in buildings, vessels, and vessel sections constructed no later than 1980. The designation of a material as "PACM" may be rebutted pursuant to WAC 296-62-07721.

Project designer means a person who has successfully completed the training requirements for an abatement project designer established by 40 U.S.C. 763.90(g).

Regulated area<sup>(=)</sup> means an area established by the employer to demarcate areas where ((airborne concentrations of asbestos exceed, or can reasonably be expected to exceed, the permissible exposure limits. The regulated area may take the form of (a) a temporary enclosure, as required by WAC 296-62-07711, or (b) an area demarcated in any manner that minimizes the number of employees exposed to asbestos)) Class I, II, and III asbestos work is conducted, and any adjoining area where debris and waste from such asbestos work accumulate; and a work area within which airborne concentrations of asbestos, exceed or can reasonably be expected to exceed the permissible exposure limit. Requirements for regulated areas are set out in WAC 296-62-07711.

~~((18)=)~~ Removal<sup>(=)</sup> means ((the taking out or stripping of asbestos or materials containing asbestos)) all operations where ACM and/or PACM is taken out or stripped from structures or substrates, and includes demolition operations.

~~((19)=)~~ Renovation<sup>(=)</sup> means the modifying of any existing ((structure, or portion thereof, where exposure to airborne asbestos may result)) vessel, vessel section, structure, or portion thereof.

~~((20)=)~~ Repair<sup>(=)</sup> means overhauling, rebuilding, reconstructing, or reconditioning of ((structure or substrates where asbestos is present)) vessels, vessel sections, structures or substrates, including encapsulation or other repair of ACM or PACM attached to vessels, vessel sections, structures or substrates.

~~((21) "Structural member" means any load supporting or nonload supporting member of a facility such as beams, walls, and ceilings.) Surfacing material means material that is sprayed, troweled-on or otherwise applied to surfaces (such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, and other purposes).~~

Surfacing ACM means surfacing material which contains more than 1% asbestos.

Thermal system insulation (TSI) means ACM applied to pipes, fittings, boilers, breaching, tanks, ducts, or other structural components to prevent heat loss or gain.

Thermal system insulation ACM is thermal system insulation which contains more than 1% asbestos.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-07705 Permissible exposure limits (PEL). (1) Time weighted average (TWA)((±)); The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of ((0.2)) 0.1 fiber per cubic centimeter (((0.2)) 0.1 f/cc) of air as an eight-hour time-weighted average (TWA) as determined by the method prescribed in ((WAC 296-62-07735,)) Appendix A of this part, or by an equivalent method recognized by the department.

(2) Excursion limit. The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of 1.0 fiber per cubic centimeter of air (1 f/cc) as averaged over a sampling period of ((fifteen)) thirty minutes, as determined by the method prescribed in Appendix A of this part, or by an equivalent method recognized by the department.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-07706 ((Communication among employers.)) Multi-employer worksites. (1) On multi-employer worksites, an employer performing ((asbestos)) work requiring the establishment of a regulated area shall inform other employers on the site of the nature of the employer's work with asbestos and/or PACM, of the existence of and requirements pertaining to regulated areas((-

Note: ~~Notified employers shall ensure their employees are informed and trained as required by the hazard communication standard, chapter 296-62-WAC, Part C,)) and the measures taken to ensure that employees of such other employers are not exposed to asbestos.~~

(2) Asbestos hazards at a multi-employer worksite shall be abated by the employer who created or controls the source of asbestos contamination. For example, if there is a significant breach of an enclosure containing Class I work, the employer responsible for erecting the enclosure shall repair the breach immediately.

(3) In addition, all employers of employees exposed to asbestos hazards shall comply with applicable protective provisions to protect their employees. For example, if employees working immediately adjacent to a Class I asbestos job are exposed to asbestos due to the inadequate containment of such jobs, their employer shall either remove the employees from the area until the enclosure breach is repaired; or perform an initial exposure assessment pursuant to WAC 296-62-07709.

(4) All employers of employees working adjacent to regulated areas established by another employer on a multi-employer worksite, shall take steps on a daily basis to ascertain the integrity of the enclosure and/or the effectiveness of the control method relied on by the primary asbestos contractor to assure that asbestos fibers do not migrate to such adjacent areas.

(5) All general contractors on a construction project which includes work covered by this standard shall be deemed to exercise general supervisory authority over the work covered by this standard, even though the general contractor is not qualified to serve as the asbestos "compe-

tent person" as defined by WAC 296-62-07703. As supervisor of the entire project, the general contractor shall ascertain whether the asbestos contractor is in compliance with this standard, and shall require such contractor to come into compliance with this standard when necessary.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-62-07709 Exposure assessment and monitoring.** (1) General monitoring criteria.

(a) Each employer who has a workplace or work operation where exposure monitoring is required under this section shall perform monitoring to determine accurately the airborne concentrations of asbestos to which employees may be exposed.

(b) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the eight-hour TWA and ~~((fifteen))~~ thirty minute short-term exposures of each employee.

(c) Representative eight-hour TWA employee exposures shall be determined on the basis of one or more samples representing full-shift exposure~~((s))~~ for each shift for each employee in each job classification in each work area.

(d) Representative ~~((fifteen))~~ thirty minute short-term employee exposures shall be determined on the basis of one or more samples representing ~~((fifteen))~~ thirty minute exposures associated with operations that are most likely to produce exposures above the excursion limit for each shift for each job classification in each work area.

~~((e)) Prior to the start of the removal, demolition, or renovation project, representative area monitoring shall be conducted for later use (see WAC 296-62-07713 (2)(e)).~~

(2) Exposure monitoring requirements for all occupational exposures to asbestos in all industries covered by the Washington Industrial Safety and Health Act except construction work, as defined in WAC 296-155-012, and except ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

(a) Initial monitoring.

~~((a))~~ (i) Each employer who has a workplace or work operation covered by this standard, except as provided for in ~~((b) and (e))~~ (a)(ii) and (iii) of this subsection, shall perform initial monitoring of employees who are, or may reasonably be expected to be exposed to airborne concentrations at or above the ~~((action-level))~~ TWA permissible exposure limit and/or excursion limit. The initial monitoring shall be at the initiation of each asbestos job to accurately determine the airborne concentration of asbestos to which employees may be exposed.

~~((b))~~ (ii) Where the employer or his/her representative has monitored after ~~((December 20, 1985,))~~ March 31, 1992, for the TWA permissible exposure limit and/or excursion limit, and the monitoring satisfies all other requirements of this section, and the monitoring data was obtained during work operations conducted under workplace conditions closely resembling the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the employer may rely on such earlier monitoring results to satisfy the requirements of (a)(i) of this subsection~~((, except for employees engaged in~~

~~removal, demolition, or renovation operations using negative-pressure enclosures as required by WAC 296-62-07712)).~~

~~((e))~~ (iii) Where the employer has relied upon objective data that demonstrates that asbestos is not capable of being released in airborne concentrations at or above the ~~((action-level))~~ TWA permissible exposure limit and/or excursion limit under ~~((these work))~~ the expected conditions of processing, use, or handling expected to have the greatest potential for releasing asbestos, then no initial monitoring is required.

~~((3))~~ (b) Monitoring frequency (periodic monitoring) and patterns. After the initial determinations required by subsection (2)(a)(i) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. ~~((a))~~ In no case shall sampling be at intervals greater than six months for employees whose exposures may reasonably be foreseen to exceed the ~~((action-level))~~ TWA permissible exposure limit and/or excursion limit.

~~((b))~~ (c) Daily monitoring within regulated areas: The employer shall conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area. Exception: When all employees within a regulated area are equipped with full facepiece supplied-air respirators operated in the pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter, the employer may dispense with the daily monitoring required by this subsection.

~~((e))~~ (d) Monitoring outside negative-pressure enclosures: The employer shall conduct representative area monitoring of the airborne fiber levels at least every other day at the HEPA machine exhaust and entrance to the decontamination area.

~~((4))~~ (e) Changes in monitoring frequency. If either the initial or the periodic monitoring required by subsection~~((s))~~ (2)(a) and ~~((3))~~ (b) of this section statistically indicates that employee exposures are below the ~~((action-level))~~ TWA permissible exposure limit and/or excursion limit, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

~~((5))~~ (f) Additional monitoring. Notwithstanding the provisions of subsection~~((s))~~ (2)~~((b) and (4))~~ (a)(ii) and (c) of this section, the employer shall institute the exposure monitoring required under subsection~~((s))~~ (2)(a)(i) and ~~((3))~~ (ii) of this section whenever there has been a change in the production, process, control equipment, personnel, or work practices that may result in new or additional exposures above the ~~((action-level))~~ TWA permissible exposure limit and/or excursion limit, or when the employer has any reason to suspect that a change may result in new or additional exposures above the ~~((action-level))~~ TWA permissible exposure limit and/or excursion limit.

~~((6))~~ (3) Exposure assessment monitoring requirements for all construction work as defined in WAC 296-155-012 and for all ship repairing, shipbuilding and shipbreaking employments and related employments as defined in WAC 296-304-01001.

(a) Initial exposure assessment.

(i) Each employer who has a workplace or work operation covered by this standard shall ensure that a

"competent person" conducts an exposure assessment immediately before or at the initiation of the operation to ascertain expected exposures during that operation or workplace. The assessment must be completed in time to comply with the requirements which are triggered by exposure data or lack of a "negative exposure assessment," and to provide information necessary to assure that all control systems planned are appropriate for that operation and will work properly.

(ii) Basis of initial exposure assessment: Unless a negative exposure assessment has been made pursuant to (b) of this subsection, the initial exposure assessment shall, if feasible, be based on monitoring conducted pursuant to (b) of this subsection. The assessment shall take into consideration both the monitoring results and all observations, information or calculations which indicate employee exposure to asbestos, including any previous monitoring conducted in the workplace, or of the operations of the employer which indicate the levels of airborne asbestos likely to be encountered on the job. For Class I asbestos work, until the employer conducts exposure monitoring and documents that employees on that job will not be exposed in excess of the PELs, or otherwise makes a negative exposure assessment pursuant to (b) of this subsection, the employer shall presume that employees are exposed in excess of the TWA and excursion limit.

(b) Negative exposure assessment: For any one specific asbestos job which will be performed by employees who have been trained in compliance with the standard, the employer may demonstrate that employee exposures will be below the PELs by data which conform to the following criteria:

(i) Objective data demonstrating that the products or material containing asbestos minerals or the activity involving such product or material cannot release airborne fibers in concentrations exceeding the TWA and excursion limit under those work conditions having the greatest potential for releasing asbestos; or

(ii) Where the employer has monitored prior asbestos jobs for the PEL and the excursion limit within 12 months of the current or projected job, the monitoring and analysis were performed in compliance with the asbestos standard in effect; and the data was obtained during work operations conducted under workplace conditions "closely resembling" the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the operations were conducted by employees whose training and experience are no more extensive than that of employees performing the current job, and these data show that under the conditions prevailing and which will prevail in the current workplace there is a high degree of certainty that employee exposures will not exceed the TWA or excursion limit; or

(iii) The results of initial exposure monitoring of the current job made from breathing zone samples that are representative of the 8-hour TWA and 30-minute short-term exposures of each employee covering operations which are most likely during the performance of the entire asbestos job to result in exposures over the PELs.

(c) Periodic monitoring.

(i) Class I and Class II operations. The employer shall conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area who is performing Class I or II work, unless the employer pursuant to (b) of this subsection, has made a negative exposure assessment for the entire operation.

(ii) All operations under the standard other than Class I and II operations. The employer shall conduct periodic monitoring of all work where exposures are expected to exceed a PEL, at intervals sufficient to document the validity of the exposure prediction.

(iii) Exception. When all employees required to be monitored daily are equipped with supplied-air respirators operated in the pressure demand mode, the employer may dispense with the daily monitoring required by this paragraph. However, employees performing Class I work using a control method which is not listed in WAC 296-62-07712 of this section or using a modification of a listed control method, shall continue to be monitored daily even if they are equipped with supplied-air respirators.

(d) Termination of monitoring. If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by statistically reliable measurements, are below the permissible exposure limit and excursion limit the employer may discontinue monitoring for those employees whose exposures are represented by such monitoring.

(e) Additional monitoring. Notwithstanding the provisions of (b), (c), and (d) of this subsection, the employer shall institute the exposure monitoring required under (c) of this subsection whenever there has been a change in process, control equipment, personnel or work practices that may result in new or additional exposures above the permissible exposure limit and/or excursion limit or when the employer has any reason to suspect that a change may result in new or additional exposures above the permissible exposure limit and/or excursion limit. Such additional monitoring is required regardless of whether a "negative exposure assessment" was previously produced for a specific job.

(f) Prior to the start of the removal, demolition, or renovation project, representative area monitoring shall be conducted for later use (see WAC 296-62-07712 (5)(c)).

(4) Method of monitoring.

(a) All samples taken to satisfy the monitoring requirements of this section shall be personal samples collected following the procedures specified in WAC 296-62-07735, Appendix A.

(b) Monitoring shall be performed by persons having a thorough understanding of monitoring principles and procedures and who can demonstrate proficiency in sampling techniques.

(c) All samples taken to satisfy the monitoring requirements of this section shall be evaluated using the WISHA reference method specified in WAC 296-62-07735, Appendix A, or an equivalent counting method recognized by the department.

(d) If an equivalent method to the WISHA reference method is used, the employer shall ensure that the method meets the following criteria:

(i) Replicate exposure data used to establish equivalency are collected in side-by-side field and laboratory comparisons; and



(ii) The comparison indicates that ninety percent of the samples collected in the range ~~((0.1 to 0.4 f/ee))~~ 0.5 to 2.0 times the permissible limit have an accuracy range of plus or minus twenty-five percent of the WISHA reference method results ~~((with))~~ at a ninety-five percent confidence level as demonstrated by a statistically valid protocol; and

(iii) The equivalent method is documented and the results of the comparison testing are maintained.

~~((e))~~ (d) To satisfy the monitoring requirements of this section, employers must use the results of monitoring analysis performed by laboratories which have instituted quality assurance programs that include the elements as prescribed in WAC 296-62-07735, Appendix A.

~~((7))~~ (5) Employee notification of monitoring results.

(a) The employer shall, as soon as possible but no later than within fifteen working days after the receipt of the results of any monitoring performed under the standard, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(b) The written notification required by (a) of this subsection shall contain the corrective action being taken by the employer to reduce employee exposure to or below the ~~((permissible))~~ TWA and/or excursion exposure limits, wherever monitoring results indicated that the ~~((permissible))~~ TWA and/or excursion exposure limits ~~((have))~~ had been exceeded.

~~((8))~~ (6) Observation of monitoring.

(a) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to asbestos conducted in accordance with this section.

(b) When observation of the monitoring of employee exposure to asbestos requires entry into an area where the use of protective clothing or equipment is required, the observer shall be provided with and be required to use such clothing and equipment and shall comply with all other applicable safety and health procedures.

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 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-62-07711 Regulated areas. (1) General. The employer shall establish a regulated area in work areas where airborne concentrations of asbestos exceed or can reasonably be expected to exceed the permissible exposure limits prescribed in WAC 296-62-07705. All Class I, II and III asbestos work shall be conducted within regulated areas. All other operations covered by this standard shall be conducted within the regulated area where airborne concentrations of asbestos exceed or can reasonably be expected to exceed permissible exposure limits. Regulated areas shall comply with the requirements of subsections (2), (3), (4), (5), (6), (7), and (8) of this section.

(2) ~~((Demarcation. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne concentrations of asbestos in excess of the permissible exposure limits.))~~ Demarcation. The regulat-

ed area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne asbestos. Where critical barriers or negative pressure enclosures are used, they may demarcate the regulated area. Signs shall be provided and displayed pursuant to the requirements of WAC 296-62-07721.

(3) Access. Access to regulated areas shall be limited to authorized persons or to persons authorized by the Washington Industrial Safety and Health Act or regulations issued pursuant thereto.

(4) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with WAC 296-62-07715.

(5) Protective clothing. All persons entering a regulated area shall be supplied with and required to wear protective clothing, selected in accordance with WAC 296-62-07717.

(6) Prohibited activities. The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated areas.

(7) Permit-required confined space. The employer shall determine if a permit-required confined space hazard exists and shall take any necessary precautions in accordance with chapter 296-62 WAC Part M.

(8) Competent persons. For construction and shipyard work the employer shall ensure that all asbestos work performed within regulated areas is supervised by a competent person, as defined in WAC 296-62-07703. The duties of the competent person are set out in WAC 296-62-07729.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-62-07712 Requirements for asbestos ~~((removal, demolition, and renovation operations))~~ activities in construction and shipyard work. ~~((1) The employer, wherever feasible, shall establish negative pressure enclosures having a minimum of one air exchange every fifteen minutes within the enclosure before commencing removal, demolition, and renovation operations. A sufficient amount of air shall be exhausted to create a pressure of -0.02 inches of water within the enclosure with respect to the area outside the enclosure.~~

~~((2) The employer shall designate a certified asbestos supervisor who shall perform or directly supervise the following duties:~~

~~((a) Set up the enclosure;~~

~~((b) Ensure the integrity of the enclosure;~~

~~((c) Control entry to and exit from the enclosure;~~

~~((d) Supervise all employee exposure monitoring required by this section;~~

~~((e) Ensure that employees working within the enclosure wear protective clothing and respirators as required by WAC 296-62-07715 and 296-62-07717;~~

~~((f) Ensure that employees are trained in the use of engineering controls, work practices, and personal protective equipment;~~

~~((g) Ensure that employees use the hygiene facilities and observe the decontamination procedures specified in WAC 296-62-07719; and~~

~~((h) Ensure that engineering controls including HEPA filters are functioning properly.~~

~~(3) In addition to the qualifications specified in WAC 296-62-07703, the certified asbestos supervisor shall be trained in all aspects of asbestos abatement, the contents of this standard, the identification of asbestos and their removal procedures, and other practices for reducing the hazard. Such training shall be obtained in a comprehensive course conducted by an approved asbestos supervisor course as specified in WAC 296-65-007. The certified asbestos supervisor shall meet all requirements as specified in WAC 296-65-012.~~

~~(4) Exceptions:~~

~~(a) For small scale, short duration operations, such as pipe repair, valve replacement, installing electrical conduits, installing or removing drywall, roofing, and other general building maintenance or renovation, the employer is not required to comply with the requirements of WAC 296-62-07712(1). Employers wishing to take advantage of the exemption in this subsection shall comply with WAC 296-62-07753, Appendix J.~~

~~(b) A certified asbestos supervisor shall not be required for projects consisting of less than 48 square feet or 10 lineal feet of asbestos containing material.)~~ (1) Methods of compliance, the following engineering controls and work practices of this section shall be used for construction work defined in WAC 296-155-012 and for all ship repair defined in WAC 296-304-010.

(2) Engineering controls and work practices for all operations covered by this section. The employer shall use the following engineering controls and work practices in all operations covered by this section, regardless of the levels of exposure:

(a) Vacuum cleaners equipped with HEPA filters to collect all debris and dust containing ACM and PACM, except as provided in subsection (10)(a) of this section in the case of roofing material.

(b) Wet methods, or wetting agents, to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup, except where employers demonstrate that the use of wet methods is infeasible due to, for example, the creation of electrical hazards, equipment malfunction, and, in roofing, except as provided in subsection (10)(a) of this section.

(c) Asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet saturated state to prevent the emission of airborne fibers unless the usefulness of the product would be diminished thereby.

(d) Prompt cleanup and disposal of wastes and debris contaminated with asbestos in leak-tight containers except in roofing operations, where the procedures specified in this section apply.

(3) In addition to the requirements of subsection (2) of this section, the employer shall use the following control methods to achieve compliance with the TWA permissible exposure limit and excursion limit prescribed by WAC 296-62-07705:

(a) Local exhaust ventilation equipped with HEPA filter dust collection systems;

(b) Enclosure or isolation of processes producing asbestos dust;

(c) Ventilation of the regulated area to move contaminated air away from the breathing zone of employees and

toward a filtration or collection device equipped with a HEPA filter;

(d) Use of other work practices and engineering controls that the department can show to be feasible;

(e) Wherever the feasible engineering and work practice controls described above are not sufficient to reduce employee exposure to or below the permissible exposure limit and/or excursion limit prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to the lowest levels attainable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of WAC 296-62-07715.

(4) Prohibitions. The following work practices and engineering controls shall not be used for work related to asbestos or for work which disturbs ACM or PACM, regardless of measured levels of asbestos exposure or the results of initial exposure assessments:

(a) High-speed abrasive disc saws that are not equipped with point or cut ventilator or enclosures with HEPA filtered exhaust air;

(b) Compressed air used to remove asbestos, or materials containing asbestos, unless the compressed air is used in conjunction with an enclosed ventilation system designed to capture the dust cloud created by the compressed air;

(c) Dry sweeping, shoveling or other dry cleanup of dust and debris containing ACM and PACM;

(d) Employee rotation as a means of reducing employee exposure to asbestos.

(5) Cleanup.

(a) After completion of asbestos removal, demolition, and renovation operations, all surfaces in and around the work area shall be cleared of any asbestos debris.

(b) Lock-down. Where asbestos has been removed, encapsulant shall be applied to ensure binding of remaining fibers.

(c) The employer shall demonstrate by monitoring that the airborne fiber concentration is below the permissible exposure limits; or, at or below the airborne fiber level existing prior to the start of the removal, demolition, or renovation project; whichever level is lower.

(6) Class I requirements. The following engineering controls and work practices and procedures shall be used:

(a) All Class I work, including the installation and operation of the control system shall be supervised by a competent person as defined in WAC 296-62-07703;

(b) For all Class I jobs involving the removal of more than 25 lineal or 10 square feet of thermal system insulation or surfacing material; for all other Class I jobs, where the employer cannot produce a negative exposure assessment pursuant to WAC 296-62-07711, or where employees are working in areas adjacent to the regulation area, while the Class I work is being performed, the employer shall use one of the following methods to ensure that airborne asbestos does not migrate from the regulated area:

(i) Critical barriers shall be placed over all the openings to the regulated area, except where activities are performed outdoors; or

(ii) The employer shall use another barrier or isolation method which prevents the migration of airborne asbestos from the regulated area, as verified by perimeter area surveillance during each work shift at each boundary of the regulated area, showing no visible asbestos dust; and



perimeter area monitoring showing that clearance levels contained in 40 CFR Part 763, Subpart E, of the EPA Asbestos in Schools Rule are met, or that perimeter area levels, measured by Phase Contrast Microscopy (PCM) are no more than background levels representing the same area before the asbestos work began. The results of such monitoring shall be made known to the employer no later than 24 hours from the end of the work shift represented by such monitoring. Exception: For work completed outdoors where employees are not working in areas adjacent to the regulated areas, (a) of this subsection is satisfied when the specific control methods in subsection (7) of this section are used;

(c) For all Class I jobs, HVAC systems shall be isolated in the regulated area by sealing with a double layer of 6 mil plastic or the equivalent;

(d) For all Class I jobs, impermeable dropcloths shall be placed on surfaces beneath all removal activity;

(e) For all Class I jobs, all objects within the regulated area shall be covered with impermeable dropcloths or plastic sheeting which is secured by duct tape or an equivalent;

(f) For all Class I jobs where the employer cannot produce a negative exposure assessment, or where exposure monitoring shows that a PEL is exceeded, the employer shall ventilate the regulated area to move contaminated air away from the breathing zone of employees toward a HEPA filtration or collection device.

(7) Specific control methods for Class I work. In addition, Class I asbestos work shall be performed using one or more of the following control methods pursuant to the limitations stated below:

(a) Negative pressure enclosure (NPE) systems: NPE systems may be used where the configuration of the work area does not make the erection of the enclosure infeasible, with the following specifications and work practices:

(i) Specifications:

(A) The negative pressure enclosure (NPE) may be of any configuration;

(B) At least 4 air changes per hour shall be maintained in the NPE;

(C) A minimum of -0.02 column inches of water pressure differential, relative to outside pressure, shall be maintained within the NPE as evidenced by manometric measurements;

(D) The NPE shall be kept under negative pressure throughout the period of its use; and

(E) Air movement shall be directed away from employees performing asbestos work within the enclosure, and toward a HEPA filtration or collection device.

(ii) Work practices:

(A) Before beginning work within the enclosure and at the beginning of each shift, the NPE shall be inspected for breaches and smoke-tested for leaks, and any leaks sealed.

(B) Electrical circuits in the enclosure shall be deactivated, unless equipped with ground-fault circuit interrupters.

(b) Glove bag systems may be used to remove PACM and/or ACM from straight runs of piping and elbows and other connections with the following specifications and work practices:

(i) Specifications:

(A) Glove bags shall be made of 6 mil thick plastic and shall be seamless at the bottom.

(B) Glove bags used on elbows and other connections must be designed for that purpose and used without modifications.

(ii) Work practices:

(A) Each glove bag shall be installed so that it completely covers the circumference of pipe or other structure where the work is to be done.

(B) Glove bags shall be smoke-tested for leaks and any leaks sealed prior to use.

(C) Glove bags may be used only once and may not be moved.

(D) Glove bags shall not be used on surfaces whose temperature exceeds 150°F.

(E) Prior to disposal, glove bags shall be collapsed by removing air within them using a HEPA vacuum.

(F) Before beginning the operation, loose and friable material adjacent to the glove bag/box operation shall be wrapped and sealed in two layers of six mil plastic or otherwise rendered intact.

(G) Where system uses attached waste bag, such bag shall be connected to collection bag using hose or other material which shall withstand pressure of ACM waste and water without losing its integrity.

(H) Sliding valve or other device shall separate waste bag from hose to ensure no exposure when waste bag is disconnected.

(I) At least two persons shall perform Class I glove bag removal operations.

(c) Negative pressure glove bag systems. Negative pressure glove bag systems may be used to remove ACM or PACM from piping.

(i) Specifications: In addition to specifications for glove bag systems above, negative pressure glove bag systems shall attach HEPA vacuum systems or other devices to bag during removal.

(ii) Work practices:

(A) The employer shall comply with the work practices for glove bag systems in this section.

(B) The HEPA vacuum cleaner or other device used during removal shall run continually during the operation until it is completed at which time the bag shall be collapsed prior to removal of the bag from the pipe.

(C) Where a separate waste bag is used along with a collection bag and discarded after one use, the collection bag may be reused if rinsed clean with amended water before reuse.

(d) Negative pressure glove box systems: Negative pressure glove boxes may be used to remove ACM or PACM from pipe runs with the following specifications and work practices:

(i) Specifications:

(A) Glove boxes shall be constructed with rigid sides and made from metal or other material which can withstand the weight of the ACM and PACM and water used during removal.

(B) A negative pressure generator shall be used to create negative pressure in the system.

(C) An air filtration unit shall be attached to the box.

(D) The box shall be fitted with gloved apertures.

(E) An aperture at the base of the box shall serve as a bagging outlet for waste ACM and water.

(F) A back-up generator shall be present on site.

(G) Waste bags shall consist of 6 mil thick plastic double-bagged before they are filled or plastic thicker than 6 mil.

(ii) Work practices:

(A) At least two persons shall perform the removal.

(B) The box shall be smoke-tested for leaks and any leaks sealed prior to each use.

(C) Loose or damaged ACM adjacent to the box shall be wrapped and sealed in two layers of 6 mil plastic prior to the job, or otherwise made intact prior to the job.

(D) A HEPA filtration system shall be used to maintain pressure barrier in box.

(e) Water spray process system. A water spray process system may be used for removal of ACM and PACM from cold line piping if, employees carrying out such process have completed a 40-hour separate training course in its use, in addition to training required for employees performing Class I work. The system shall meet the following specifications and shall be performed by employees using the following work practices:

(i) Specifications:

(A) Piping shall be surrounded on 3 sides by rigid framing.

(B) A 360 degree water spray, delivered through nozzles supplied by a high pressure separate water line, shall be formed around the piping.

(C) The spray shall collide to form a fine aerosol which provides a liquid barrier between workers and the ACM and PACM.

(ii) Work practices:

(A) The system shall be run for at least 10 minutes before removal begins.

(B) All removal shall take place within the water barrier.

(C) The system shall be operated by at least three persons, one of whom shall not perform removal, but shall check equipment, and ensure proper operation of the system.

(D) After removal, the ACM and PACM shall be bagged while still inside the water barrier.

(f) A small walk-in enclosure which accommodates no more than two persons (mini-enclosure) may be used if the disturbance or removal can be completely contained by the enclosure with the following specifications and work practices:

(i) Specifications:

(A) The fabricated or job-made enclosure shall be constructed of 6 mil plastic or equivalent.

(B) The enclosure shall be placed under negative pressure by means of a HEPA filtered vacuum or similar ventilation unit.

(C) Change room. A small change room (approximately three feet square) made of 6-mil-thick polyethylene plastic supported by two-inch by four-inch lumber (the plastic should be attached to the lumber supports with staples or spray adhesive and tape) shall be constructed. The change room should be contiguous to the mini-enclosure, and is necessary to allow the worker to vacuum off his/her protective coveralls and remove them before leaving the work area. While inside the enclosure, the worker should wear Tyvek disposable coveralls and use the appropriate HEPA-filtered dual cartridge respiratory protection. The advantages of mini-enclosures are that they limit the spread of asbestos

contamination, reduce the potential exposure of bystanders and other workers who may be working in adjacent areas, and are quick and easy to install. The disadvantage of mini-enclosures is that they may be too small to contain the equipment necessary to create a negative-pressure within the enclosure; however, the double layer of plastic sheeting will serve to restrict the release of asbestos fibers to the area outside the enclosure.

(ii) Work practices:

(A) Before use, the mini-enclosure shall be inspected for leaks and smoke-tested to detect breaches, and any breaches sealed.

(B) Before reuse, the interior shall be completely washed with amended water and HEPA-vacuumed.

(C) During use, air movement shall be directed away from the employee's breathing zone within the mini-enclosure.

(8) Alternative control methods for Class I work. Class I work may be performed using a control method which is not referenced in subsection (2)(a) through (3)(e) of this section, or which modifies a control method referenced in subsection (2)(a) through (3)(e) of this section, if the following provisions are complied with:

(a) The control method shall enclose, contain or isolate the processes or source of airborne asbestos dust, or otherwise capture or redirect such dust before it enters the breathing zone of employees.

(b) A certified industrial hygienist or licensed professional engineer who is also qualified as a project designer as defined in WAC 296-62-07703, shall evaluate the work area, the projected work practices and the engineering controls and shall certify in writing that the planned control method is adequate to reduce direct and indirect employee exposure to below the PELs under worst-case conditions of use, and that the planned control method will prevent asbestos contamination outside the regulated area, as measured by clearance sampling which meets the requirements of EPA's Asbestos in Schools rule issued under AHERA, or perimeter monitoring which meets the criteria in subsection (6)(b)(i) of this section. Where the TSI or surfacing material to be removed is 25 linear or 10 square feet or less, the evaluation required in subsection (8)(b) of this section may be performed by a competent person.

(c) Before work which involves the removal of more than 25 linear or 10 square feet of thermal system insulation or surfacing material is begun using an alternative method which has been the subject of subsection (2)(a) through (3)(e) of this section required evaluation and certification, the employer shall send a copy of such evaluation and certification to the Department of Labor and Industries, Asbestos Certification Program, P.O. Box 44614, Olympia, Washington 98504-4614. The submission shall not constitute approval by WISHA.

(9) Work practices and engineering controls for Class II work.

(a) All Class II work shall be supervised by a competent person as defined in WAC 296-62-07703.

(b) For all indoor Class II jobs, where the employer has not produced a negative exposure assessment pursuant to WAC 296-62-07711, or where during the job, changed conditions indicate there may be exposure above the PEL or where the employer does not remove the ACM in a substan-

tially intact state, the employer shall use one of the following methods to ensure that airborne asbestos does not migrate from the regulated area:

(i) Critical barriers shall be placed over all openings to the regulated area; or

(ii) The employer shall use another barrier or isolation method which prevents the migration of airborne asbestos from the regulated area, as verified by perimeter area monitoring or clearance monitoring which meets the criteria set out in subsection (6)(b)(ii) of this section; or

(iii) Impermeable dropcloths shall be placed on surfaces beneath all removal activity.

(c) (Reserved.)

(d) All Class II asbestos work shall be performed using the work practices and requirements set out above in subsection (9)(a) and (b) of this section.

(10) Additional controls for Class II work. Class II asbestos work shall also be performed by complying with the work practices and controls designated for each type of asbestos work to be performed, set out in this paragraph. Where more than one control method may be used for a type of asbestos work, the employer may choose one or a combination of designated control methods. Class II work also may be performed using a method allowed for Class I work, except that glove bags and glove boxes are allowed if they fully enclose the Class II material to be removed.

(a) For removing vinyl and asphalt flooring materials which contain ACM or for which in buildings constructed no later than 1980, the employer has not verified the absence of ACM pursuant to WAC 296-62-07709 (3)(b). The employer shall ensure that employees comply with the following work practices and that employees are trained in these practices pursuant to WAC 296-62-07721.

(i) Flooring or its backing shall not be sanded.

(ii) Vacuums equipped with HEPA filter, disposable dust bag, and metal floor tool (no brush) shall be used to clean floors.

(iii) Resilient sheeting shall be removed by cutting with wetting of the snip point and wetting during delamination. Rip-up of resilient sheet floor material is prohibited.

(iv) All scraping of residual adhesive and/or backing shall be performed using wet methods.

(v) Dry sweeping is prohibited.

(vi) Mechanical chipping is prohibited unless performed in a negative pressure enclosure which meets the requirements of subsection (7)(a) of this section.

(vii) Tiles shall be removed intact, unless the employer demonstrates that intact removal is not possible.

(viii) When tiles are heated and can be removed intact, wetting may be omitted.

(ix) Resilient flooring material including associated mastic and backing shall be assumed to be asbestos-containing unless an industrial hygienist determines that it is asbestos-free using recognized analytical techniques.

(b) For removing roofing material which contains ACM the employer shall ensure that the following work practices are followed:

(i) Roofing material shall be removed in an intact state to the extent feasible.

(ii) Wet methods shall be used to remove roofing materials that are not intact, or that will be rendered not

intact during removal, unless such wet methods are not feasible or will create safety hazards.

(iii) Cutting machines shall be continuously misted during use, unless a competent person determines that misting substantially decreases worker safety.

(iv) When removing built-up roofs with asbestos-containing roofing felts and an aggregate surface using a power roof cutter, all dust resulting from the cutting operation shall be collected by a HEPA dust collector, or shall be HEPA vacuumed by vacuuming along the cut line. When removing built-up roofs with asbestos-containing roofing felts and a smooth surface using a power roof cutter, the dust resulting from the cutting operation shall be collected either by a HEPA dust collector or HEPA vacuuming along the cut line, or by gently sweeping and then carefully and completely wiping up the still wet dust and debris left along the cut line. The dust and debris shall be immediately bagged or placed in covered containers.

(v) Asbestos-containing material that has been removed from a roof shall not be dropped or thrown to the ground. Unless the material is carried or passed to the ground by hand, it shall be lowered to the ground via covered, dust-tight chute, crane or hoist:

(A) Any ACM that is not intact shall be lowered to the ground as soon as is practicable, but in any event no later than the end of the work shift. While the material remains on the roof it shall either be kept wet, placed in an impermeable waste bag, or wrapped in plastic sheeting.

(B) Intact ACM shall be lowered to the ground as soon as is practicable, but in any event no later than the end of the work shift.

(vi) Upon being lowered, unwrapped material shall be transferred to a closed receptacle in such manner so as to preclude the dispersion of dust.

(vii) Roof level heating and ventilation air intake sources shall be isolated or the ventilation system shall be shut down.

(viii) Notwithstanding any other provision of this section, removal or repair of sections of intact roofing less than 25 square feet in area does not require use of wet methods or HEPA vacuuming as long as manual methods which do not render the material nonintact are used to remove the material and no visible dust is created by the removal method used. In determining whether a job involves less than 25 square feet, the employer shall include all removal and repair work performed on the same roof on the same day.

(c) When removing cementitious asbestos-containing siding and shingles or transite panels containing ACM on building exteriors (other than roofs, where subsection (10)(a) of this section applies) the employer shall ensure that the following work practices are followed:

(i) Cutting, abrading or breaking siding, shingles, or transite panels, shall be prohibited unless the employer can demonstrate that methods less likely to result in asbestos fiber release cannot be used.

(ii) Each panel or shingle shall be sprayed with amended water prior to removal.

(iii) Unwrapped or unbagged panels or shingles shall be immediately lowered to the ground via covered dust-tight chute, crane or hoist, or placed in an impervious waste bag

or wrapped in plastic sheeting and lowered to the ground no later than the end of the work shift.

(iv) Nails shall be cut with flat, sharp instruments.

(d) When removing gaskets containing ACM, the employer shall ensure that the following work practices are followed:

(i) If a gasket is visibly deteriorated and unlikely to be removed intact, removal shall be undertaken within a glove bag as described in subsection (7)(b) of this section.

(ii) (Reserved.)

(iii) The gasket shall be immediately placed in a disposal container.

(iv) Any scraping to remove residue must be performed wet.

(e) When performing any other Class II removal of asbestos-containing material for which specific controls have not been listed in subsection (10) of this section, the employer shall ensure that the following work practices are complied with.

(i) The material shall be thoroughly wetted with amended water prior to and during its removal.

(ii) The material shall be removed in an intact state unless the employer demonstrates that intact removal is not possible.

(iii) Cutting, abrading or breaking the material shall be prohibited unless the employer can demonstrate that methods less likely to result in asbestos fiber release are not feasible.

(iv) Asbestos-containing material removed, shall be immediately bagged or wrapped, or kept wet until transferred to a closed receptacle, no later than the end of the work shift.

(f) Alternative work practices and controls. Instead of the work practices and controls listed in subsection (10) of this section, the employer may use different or modified engineering and work practice controls if the following provisions are complied with.

(i) The employer shall demonstrate by data representing employee exposure during the use of such method under conditions which closely resemble the conditions under which the method is to be used, that employee exposure will not exceed the PELs under any anticipated circumstances.

(ii) A competent person shall evaluate the work area, the projected work practices and the engineering controls, and shall certify in writing, that the different or modified controls are adequate to reduce direct and indirect employee exposure to below the PELs under all expected conditions of use and that the method meets the requirements of this standard. The evaluation shall include and be based on data representing employee exposure during the use of such method under conditions which closely resemble the conditions under which the method is to be used for the current job, and by employees whose training and experience are equivalent to employees who are to perform the current job.

(11) Work practices and engineering controls for Class III asbestos work. Class III asbestos work shall be conducted using engineering and work practice controls which minimize the exposure to employees performing the asbestos work and to bystander employees.

(a) The work shall be performed using wet methods.

(b) To the extent feasible, the work shall be performed using local exhaust ventilation.

(c) Where the disturbance involves drilling, cutting, abrading, sanding, chipping, braking, or sawing of thermal system insulation or surfacing material, the employer shall use impermeable dropcloths, and shall isolate the operation using mini-enclosures or glove bag systems pursuant to subsection (7)(b) of this section or another isolation method.

(d) Where the employer does not produce a "negative exposure assessment" for a job, or where monitoring results show the PEL has been exceeded, the employer shall contain the area using impermeable dropcloths and plastic barriers or their equivalent, or shall isolate the operation using a control system listed in and in compliance with subsection (7) of this section.

(e) Employees performing Class III jobs, which involve the disturbance of thermal system insulation or surfacing material, or where the employer does not produce a "negative exposure assessment" or where monitoring results show a PEL has been exceeded, shall wear respirators which are selected, used and fitted pursuant to provisions of WAC 296-62-07715.

(12) Class IV asbestos work. Class IV asbestos jobs shall be conducted by employees trained pursuant to the asbestos awareness training program set out in WAC 296-62-07721. In addition, all Class IV jobs shall be conducted in conformity with the requirements set out in this section, mandating wet methods, HEPA vacuums, and prompt clean up of debris containing ACM and PACM.

(a) Employees cleaning up debris and waste in a regulated area where respirators are required shall wear respirators which are selected, used and fitted pursuant to provisions of WAC 296-62-07715.

(b) Employers of employees who clean up waste and debris in, and employers in control of, areas where friable thermal system insulation or surfacing material is accessible, shall assume that such waste and debris contain asbestos.

(13) Alternative methods of compliance for installation, removal, repair, and maintenance of certain roofing and pipeline coating materials. Notwithstanding any other provision of this section, an employer who complies with all provisions of subsection (10)(a) and (b) of this section when installing, removing, repairing, or maintaining intact pipeline asphaltic wrap, or roof cements, mastics, coatings, or flashings which contain asbestos fibers encapsulated or coated by bituminous or resinous compounds shall be deemed to be in compliance with this section. If an employer does not comply with all provisions of this subsection (13), or if during the course of the job the material does not remain intact, the provisions of subsection (10) of this section apply instead of this subsection (13).

(a) Before work begins and as needed during the job, a competent person who is capable of identifying asbestos hazards in the workplace and selecting the appropriate control strategy for asbestos exposure, and who has the authority to take prompt corrective measures to eliminate such hazards, shall conduct an inspection of the worksite and determine that the roofing material is intact and will likely remain intact.

(b) All employees performing work covered by this subsection (13) shall be trained in a training program that meets the requirements of WAC 296-62-07721.

(c) The material shall not be sanded, abraded, or ground. Manual methods which do not render the material nonintact shall be used.

(d) Material that has been removed from a roof shall not be dropped or thrown to the ground. Unless the material is carried or passed to the ground by hand, it shall be lowered to the ground via covered, dust-tight chute, crane or hoist. All such material shall be removed from the roof as soon as is practicable, but in any event no later than the end of the work shift.

(e) Where roofing products which have been labeled as containing asbestos pursuant to WAC 296-62-0772.1, installed on nonresidential roofs during operations covered by this subsection (13), the employer shall notify the building owner of the presence and location of such materials no later than the end of the job.

(f) All removal or disturbance of pipeline asphaltic wrap shall be performed using wet methods.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07707 Identification.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

**WAC 296-62-07713 Methods of compliance.** (1) Engineering controls and work practices.

(a) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, except to the extent that such controls are not feasible. Engineering controls and work practices include but are not limited to the following:

- (i) Local exhaust ventilation equipped with HEPA filter dust collection systems;
- (ii) Vacuum cleaners equipped with HEPA filters;
- (iii) Enclosure or isolation of processes producing asbestos dust;
- (iv) Use of wet methods, wetting agents, or removal encapsulants to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup;
- (v) Prompt disposal of wastes contaminated with asbestos in leak-tight containers; or
- (vi) Use of work practices or other engineering controls that the director can show to be feasible.

(b) Wherever the feasible engineering controls and work practices that can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of WAC 296-62-07715.

(c) For the following operations, wherever feasible engineering controls and work practices that can be instituted are not sufficient to reduce the employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to or below 0.5 fiber per cubic centime-

ter of air (as an eight-hour time-weighted average) or 2.5 fibers per cubic centimeter of air for 30 minutes (short-term exposure), and shall supplement them by the use of any combination of respiratory protection that complies with the requirements of WAC 296-62-07715, work practices and feasible engineering controls that will reduce employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705: Coupling cutoff in primary asbestos cement pipe manufacturing; sanding in primary and secondary asbestos cement sheet manufacturing; grinding in primary and secondary friction product manufacturing; carding and spinning in dry textile processes; and grinding and sanding in primary plastics manufacturing.

(d) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with good practices such as those found in the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1979.

(e) Particular tools. All hand-operated and power-operated tools which would produce or release fibers of asbestos so as to expose employees to levels in excess of the exposure limits prescribed in WAC 296-62-07705, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems which comply with (d) of this subsection. High-speed abrasive disc saws that are not equipped with appropriate engineering controls shall not be used for work related to asbestos.

(f) Wet methods. Asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet saturated state to prevent the emission of airborne fibers unless the usefulness of the product would be diminished thereby.

(g) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, enclosed, or ventilated so as to prevent effectively the release of airborne fibers of asbestos (~~so as to expose employees to levels in excess of the permissible exposure limits prescribed in WAC 296-62-07705~~).

(h) Compressed air. Compressed air shall not be used to remove asbestos or materials containing asbestos unless the compressed air is used in conjunction with an enclosed ventilation system designed to effectively capture the dust cloud created by the compressed air.

(2) Clean-up.

(a) After completion of asbestos removal, demolition, and renovation operations, all surfaces in and around the work area shall be cleared of any asbestos debris.

(b) Lock-down. Where asbestos has been removed, encapsulant shall be applied to ensure binding of remaining fibers.

(c) The employer shall demonstrate by monitoring that the airborne fiber concentration is below the ~~(action level)~~ permissible exposure limits; or, at or below the airborne fiber level existing prior to the start of the removal, demolition, or renovation project; whichever level is lower.

(3) Compliance program.

(a) Where either the time weighted average and/or excursion limit is exceeded, the employer shall establish and

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implement a written program to reduce employee exposure to or below the permissible exposure limits by means of engineering and work practice controls as required by subsection (1) of this section, and by the use of respiratory protection where required or permitted under this section.

(b) Such programs shall be reviewed and updated as necessary to reflect significant changes in the status of the employer's compliance program.

(c) Written programs shall be submitted upon request for examination and copying to the director, affected employees and designated employee representatives.

(d) The employer shall not use employee rotation as a means of compliance with the permissible exposure limits specified in WAC 296-62-07705.

(4) Specific compliance methods for brake and clutch repair:

(a) Engineering controls and work practices for brake and clutch repair and service. During automotive brake and clutch inspection, disassembly, repair and assembly operations, the employer shall institute engineering controls and work practices to reduce employee exposure to materials containing asbestos using a negative pressure enclosure/HEPA vacuum system method or low pressure/wet cleaning method which meets the detailed requirements set out in Appendix F to this section. The employer may also comply using an equivalent method which follows written procedures which the employer demonstrates can achieve results equivalent to Method A in Appendix F to this section. For facilities in which no more than 5 pair of brakes or 5 clutches are inspected, disassembled, repaired, or assembled per week, the method set forth in Appendix F to this section may be used.

(b) The employer may also comply by using an equivalent method which follows written procedures, which the employer demonstrates can achieve equivalent exposure reductions as do the two "preferred methods." Such demonstration must include monitoring data conducted under workplace conditions closely resembling the process, type of asbestos containing materials, control method, work practices and environmental conditions which the equivalent method will be used, or objective data, which document that under all reasonably foreseeable conditions of brake and clutch repair applications, the method results in exposure which are equivalent to the methods set out in Appendix F to this section.

**AMENDATORY SECTION** (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

**WAC 296-62-07715 Respiratory protection.** (1) General. The employer shall provide respirators, and ensure that they are used, where required by WAC 296-62-077 through 296-62-07753. Respirators shall be used in the following circumstances:

(a) During the interval necessary to install or implement feasible engineering and work practice controls;

(b) In work operations, such as maintenance and repair activities, or other activities for which engineering and work practice controls are not feasible;

(c) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits;

- (d) In emergencies;
- (e) In all regulated areas; ~~((and))~~
- (f) Whenever employee exposure exceeds the permissible exposure limits;

(g) During all Class I asbestos jobs;

(h) During all Class II work where the ACM is not removed in a substantially intact state;

(i) During all Class II and Class III work which is not performed using wet methods, provided, however, that respirators need not be worn during removal of ACM from sloped roofs when a negative exposure assessment has been made and the ACM is removed in an intact state;

(j) During all Class II and Class III asbestos jobs where the employer does not produce a "negative exposure assessment";

(k) During all Class III jobs where TSI or surfacing ACM or PACM is being disturbed; and

(l) During all Class IV work performed within regulated areas where employees performing other work are required to wear respirators.

(2) Respirator selection.

(a) Where respirators are ~~((required under this section))~~ used, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1 of this section or in WAC 296-62-07715(2), and shall ensure that the employee uses the respirator provided.

(b) The employer shall select respirators from among those jointly approved as being acceptable for protection by the Mine Safety and Health Administration (MSHA) ~~((or by))~~ and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

~~((b))~~ (c) The employer shall provide a tight fitting powered, air-purifying respirator in lieu of any negative pressure respirator specified in Table 1 of this section whenever:

(i) An employee chooses to use this type of respirator; and

(ii) This respirator will provide adequate protection to the employee.

(d) In addition to the selection criterion below, the employer shall provide a half-mask air purifying respirator, other than a disposable respirator, equipped with high efficiency filters whenever the employee performs the following activities: Class II and III asbestos jobs where the employer does not produce a negative exposure assessment; and Class III jobs where TSI or surfacing ACM or PACM is being disturbed.

TABLE 1—RESPIRATORY PROTECTION FOR ASBESTOS FIBERS

<del>((Concentration of</del> asbestos fibers	Required Respirator <sup>a</sup>
Not in excess of 2 f/cc.	1. Half mask, air purifying respirator, other than a disposable respirator, equipped with high efficiency filters. <sup>b</sup>
Not in excess of 10 f/cc.	1. Full facepiece air purifying respirator equipped with high efficiency filters.

- ~~Not in excess of 20 f/cc.~~ 1. ~~Any powered air purifying respirator equipped with high efficiency filters.~~  
 2. ~~Any supplied air respirator operated in continuous flow mode.~~

- ~~Not in excess of 200 f/cc.~~ 1. ~~Full facepiece supplied air respirator operated in pressure demand mode.~~

- ~~Greater than 200 f/cc or unknown concentration.~~ 1. ~~Full facepiece supplied air respirator operated in pressure demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter.~~  
 2. ~~Full facepiece positive pressure self-contained breathing apparatus (SCBA).~~

<u>Airborne concentration of asbestos or conditions of use</u>	<u>Required respirator. (See Note a.)</u>
<u>Not in excess of 1 f/cc (10 X PEL), or otherwise as required independent of exposure</u>	<u>Half-mask air-purifying respirator other than a disposable respirator, equipped with high efficiency filters. (See Note b.)</u>
<u>Not in excess of 5 f/cc (50 X PEL)</u>	<u>Full facepiece air-purifying respirator equipped with high efficiency filters.</u>
<u>Not in excess of 10 f/cc (100 X PEL)</u>	<u>Any powered air-purifying respirator equipped with high efficiency filters or any supplied-air respirator operated in continuous flow mode.</u>
<u>Not in excess of 100 f/cc (1,000 X PEL)</u>	<u>Full facepiece supplied-air respirator operated in pressure demand mode.</u>
<u>Greater than 100 f/cc (1,000 X PEL) or unknown concentration</u>	<u>Full facepiece supplied-air respirator operated in pressure demand mode, equipped with an auxiliary positive pressure self-contained breathing apparatus or HEPA filter egress cartridges. (See Note c.)</u>

Note:

- a. Respirators assigned for higher environmental concentrations may be used at lower concentrations.
- b. A high-efficiency filter means a filter that is capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.
- c. See subsection (5)(c) of this section for fit testing requirements.

(3) Special respiratory protection requirements.

(a) Unless specifically identified in this subsection, respirator selection for asbestos removal, demolition, and renovation operations shall be in accordance with Table 1 of subsection (2) of this section. The employer shall provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the pressure demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter to employees engaged in the following asbestos operations:

- ~~((a))~~ (i) Inside negative pressure enclosures used for removal, demolition, and renovation of friable asbestos from walls, ceilings, vessels, ventilation ducts, elevator shafts, and other structural members, but does not include pipes or piping systems; or
- ~~((b))~~ (ii) Any dry removal of asbestos.

Exception: In lieu of the supplied-air respirator required by subsection (3) of this section, an employer may provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the continuous flow mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a back-up HEPA filter egress cartridge where daily and historical personal monitoring data indicates the concentration of asbestos fibers is not reasonably expected to exceed ~~((20))~~ 10 f/cc. The continuous flow respirator shall be operated at a minimum air flow rate of six cubic feet per minute at the facepiece using respirable air supplied in accordance with WAC 296-62-07111.

(b) For all Class I work not specified in (a) of this subsection, the employer shall provide a tight-fitting powered air purifying respirator equipped with high-efficiency filters or a full facepiece supplied-air respirator operated in the pressure demand mode equipped with HEPA egress cartridges or an auxiliary positive pressure self-contained breathing apparatus for all employees within the regulated area where asbestos work is being performed for which a negative exposure assessment has not been produced and, the exposure assessment indicates the exposure level will not exceed 1 f/cc as an 8-hour time weighted average. A full facepiece supplied-air respirator operated in the pressure demand mode equipped with an auxiliary positive pressure self-contained breathing apparatus shall be provided under such conditions, if the exposure assessment indicates exposure levels above 1 f/cc as an 8-hour time weighted average.

(4) Respirator program.

(a) Where respiratory protection is ~~((required))~~ used, the employer shall institute a respirator program in accordance with WAC 296-62-071.

(b) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) Employees who wear respirators shall be permitted to leave work areas to wash their faces and respirator

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facepieces whenever necessary to prevent skin irritation associated with respirator use.

(d) No employee shall be assigned to tasks requiring the use of respirators if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by the use of a respirator. Such employee shall be assigned to another job or given the opportunity to transfer to a different position whose duties he or she is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay the employee had just prior to such transfer, if such a different position is available.

(5) Respirator fit testing.

(a) The employer shall ensure that the respirator issued to the employee exhibits the least possible facepiece leakage and that the respirator is fitted properly.

(b) For each employee wearing negative pressure respirators, employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter. The qualitative fit tests may be used only for testing the fit of half-mask respirators to be worn in concentrations of asbestos not in excess of  $(\frac{2}{2})$  1 f/cc, and shall be conducted in accordance with WAC 296-62-07739, Appendix C. The tests shall be used to select facepieces that provide the required protection as prescribed in Table 1 of this section.

(c) Any supplied-air respirator facepiece equipped with a back-up HEPA filter egress cartridge shall be quantitatively fit tested with the air supply disconnected at the time of initial fitting and at least every six months thereafter. The quantitative fit tests shall be conducted using the procedures described in WAC 296-62-07739(2), Appendix C, for negative pressure respirators.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-62-07717 Protective work clothing and equipment.** (1) Provision and use. If an employee is exposed to asbestos above the permissible exposure limits, or where the possibility of eye irritation exists, or for which a required negative exposure assessment is not produced and for any employee performing Class I operations, the employer shall provide at no cost to the employee and ~~((ensure))~~ require that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(a) Coveralls or similar full-body work clothing;

(b) Gloves, head coverings, and foot coverings; and

(c) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-07801.

(2) Removal and storage.

(a) The employer shall ensure that employees remove work clothing contaminated with asbestos only in change rooms provided in accordance with WAC 296-62-07719(1).

(b) The employer shall ensure that no employee takes contaminated work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

~~(c) ((Contaminated work clothing shall be placed and stored in closed containers which prevent dispersion of the asbestos outside the container.))~~ Contaminated clothing. Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and be labeled in accordance with WAC 296-62-07721.

(d) Containers of contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance, or disposal, shall bear labels in accordance with WAC 296-62-07721(3).

(3) Cleaning and replacement.

(a) The employer shall clean, launder, repair, or replace protective clothing and equipment required by this paragraph to maintain their effectiveness. The employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(b) The employer shall prohibit the removal of asbestos from protective clothing and equipment by blowing or shaking.

(c) Laundering of contaminated clothing shall be done so as to prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits prescribed in WAC 296-62-07705.

(d) Any employer who gives contaminated clothing to another person for laundering shall inform such person of the requirement in (c) of this subsection to effectively prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with asbestos of the potentially harmful effects of exposure to asbestos.

(f) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with WAC 296-62-07721.

~~(4) ((Protective clothing for removal, demolition, and renovation operations.~~

~~(a) The certified asbestos supervisor shall periodically examine worksuits worn by employees for rips or tears that may occur during performance of work.~~

~~(b) When rips or tears are detected while an employee is working within a negative pressure enclosure, rips and tears shall be immediately mended, or the worksuit shall be immediately replaced.))~~ Inspection of protective clothing for construction and shipyard work.

(a) The competent person shall examine worksuits worn by employees at least once per workshift for rips or tears that may occur during performance of work.

(b) When rips or tears are detected while an employee is working, rips and tears shall be immediately mended, or the worksuit shall be immediately replaced.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

**WAC 296-62-07719 Hygiene facilities and practices.**

(1) Change rooms.

(a) The employer shall provide clean change rooms for employees required to work in regulated areas or required by WAC 296-62-07717(1) to wear protective clothing.

Exception: In lieu of the change area requirement specified in this subsection, the employer may permit employees in



~~((small scale, short duration operations, as described in WAC 296-62-07712(4))) Class III and Class IV asbestos work, to clean their protective clothing with a portable HEPA-equipped vacuum before such employees leave the area where maintenance was performed.~~

(b) The employer shall ensure that change rooms are in accordance with WAC 296-24-120, and are equipped with two separate lockers or storage facilities, so separated as to prevent contamination of the employee's street clothes from his/her protective work clothing and equipment.

(2) Showers.

(a) The employer shall ensure that employees who work in negative pressure enclosures required by WAC 296-62-07712, or who work in areas where their airborne exposure is above the permissible exposure limits prescribed in WAC 296-62-07705, shower at the end of the work shift.

(b) The employer shall provide shower facilities which comply with WAC 296-24-12009(3).

(c) The employer shall ensure that employees who are required to shower pursuant to (a) of this subsection do not leave the workplace wearing any clothing or equipment worn during the work shift.

(3) Special requirements in addition to the other provisions of WAC 296-62-07719 for ((removal, demolition, and renovation operations:

~~(a) Decontamination area. Except for small scale, short duration operations, as described in WAC 296-62-07753 Appendix J, the employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of employees contaminated with asbestos. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.~~

~~(b) Clean room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.~~

~~(c) Shower area. Where feasible, shower facilities shall be provided which comply with WAC 296-24-12009(3). The showers shall be contiguous both to the equipment room and the clean change room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean change room, the employer shall ensure that employees:~~

~~(i) Remove asbestos contamination from their worksuits using a HEPA vacuum before proceeding to a shower that is not contiguous to the work area; or~~

~~(ii) Remove their contaminated worksuits, don clean worksuits, and proceed to a shower that is not contiguous to the work area.~~

~~(d) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective clothing and equipment.~~

~~(e) Decontamination area entry procedures:~~

~~(i) The employer shall ensure that employees:~~

~~(A) Enter the decontamination area through the clean room;~~

~~(B) Remove and deposit street clothing within a locker provided for their use; and~~

~~(C) Put on protective clothing and respiratory protection before leaving the clean room:~~

~~(ii) Before entering the enclosure, the employer shall ensure that employees pass through the equipment room.~~

~~(f) Decontamination area exit procedures:~~

~~(i) Before leaving the regulated area, the employer shall ensure that employees remove all gross contamination and debris from their protective clothing.~~

~~(ii) The employer shall ensure that employees remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers.~~

~~(iii) The employer shall ensure that employees do not remove their respirators in the equipment room.~~

~~(iv) The employer shall ensure that employees shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing their respirators.~~

~~(v) The employer shall ensure that, after showering, employees enter the clean room before changing into street clothes.~~

~~(g)) construction work defined in WAC 296-155-012 and for all shipyard work defined in WAC 296-304-010.~~

~~(a) Requirements for employees performing Class I asbestos jobs involving over 25 linear or 10 square feet of TSI or surfacing ACM and PACM.~~

~~(i) Decontamination areas: The employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of such employees. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.~~

~~(A) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective equipment.~~

~~(B) Shower area. Shower facilities shall be provided which comply with WAC 296-24-12009(3), unless the employer can demonstrate that they are not feasible. The showers shall be adjacent both to the equipment room and the clean room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean room, or where the work is performed outdoors, the employers shall ensure that employees:~~

~~(I) Remove asbestos contamination from their worksuits in the equipment room using a HEPA vacuum before proceeding to a shower that is not adjacent to the work area; or~~

~~(II) Remove their contaminated worksuits in the equipment room, then don clean worksuits, and proceed to a shower that is not adjacent to the work area.~~

~~(C) Clean change room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.~~

~~(ii) Decontamination area entry procedures. The employer shall ensure that employees:~~

~~(A) Enter the decontamination area through the clean room;~~

~~(B) Remove and deposit street clothing within a locker provided for their use; and~~

(C) Put on protective clothing and respiratory protection before leaving the clean room.

(D) Before entering the regulated area, the employer shall ensure that employees pass through the equipment room.

(iii) Decontamination area exit procedures. The employer shall ensure that:

(A) Before leaving the regulated area, employees shall remove all gross contamination and debris from their protective clothing;

(B) Employees shall remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers;

(C) Employees shall not remove their respirators in the equipment room;

(D) Employees shall shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing the respirators;

(E) After showering, employees shall enter the clean room before changing into street clothes.

(b) Requirements for Class I work involving less than 25 linear or 10 square feet of TSI or surfacing ACM and PACM, and for Class II and Class III asbestos work operations where exposures exceed a PEL or where there is no negative exposure assessment produced before the operation.

(i) The employer shall establish an equipment room or area that is adjacent to the regulated area for the decontamination of employees and their equipment which is contaminated with asbestos which shall consist of an area covered by a impermeable drop cloth on the floor or horizontal working surface.

(ii) The area must be of sufficient size as to accommodate cleaning of equipment and removing personal protective equipment without spreading contamination beyond the area (as determined by visible accumulations).

(iii) Work clothing must be cleaned with a HEPA vacuum before it is removed.

(iv) All equipment and surfaces of containers filled with ACM must be cleaned prior to removing them from the equipment room or area.

(v) The employer shall ensure that employees enter and exit the regulated area through the equipment room or area.

(c) Requirements for Class IV work. Employers shall ensure that employees performing Class IV work within a regulated area comply with hygiene practice required of employees performing work which has a higher classification within that regulated area. Otherwise employers of employees cleaning up debris and material which is TSI or surfacing ACM or identified as PACM shall provide decontamination facilities for such employees which are required by WAC 296-62-07719 (3)(b).

(d) Decontamination area for personnel shall not be used for the transportation of asbestos debris.

((H)) (e) Waste load-out procedure. The waste load-out area as required by WAC 296-62-07723((7)) shall be used as an area for final preparation and external decontamination of waste containers, as a short term storage area for bagged waste, and as a port for transporting waste. The employer shall ensure waste containers be free of all gross contaminated material before removal from the negative-pressure enclosure. Gross contamination shall be wiped,

scraped off, or washed off containers before they are placed into a two chamber air lock which is adjacent to the negative-pressure enclosure. In the first chamber, the exterior of the waste container shall be decontaminated or placed within a second waste container, and then it shall be moved into the second chamber of the air lock for temporary storage or transferred outside of the regulated area. The second waste container shall not be reused unless thoroughly decontaminated.

(4) Lunchrooms.

(a) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit.

(b) The employer shall ensure that lunchroom facilities have a positive pressure, filtered air supply, and are readily accessible to employees.

(c) The employer shall ensure that employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit, wash their hands and faces prior to eating, drinking, or smoking.

(d) The employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface asbestos fibers have been removed from the clothing or equipment by vacuuming or other method that removes dust without causing the asbestos to become airborne.

(5) Smoking in work areas. The employer shall ensure that employees do not smoke in work areas where they are occupationally exposed to asbestos because of activities in that work area.

**AMENDATORY SECTION** (Amending Order 92-20, filed 12/2/92, effective 1/15/93)

**WAC 296-62-07721 Communication of hazards to employees.** ~~((1) Upon written or oral request, a copy of the written report required in WAC 296-62-07707 and 296-65-020 shall be given to the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing material. A copy of the written report shall be posted conspicuously at the location where employees report to work.~~

~~(2) Warning signs.~~

~~(a) Warning signs shall be provided and displayed at each regulated area. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.~~

~~(b) The warning signs required by (a) of this subsection shall bear the following information:~~

~~DANGER  
ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED  
IN THIS AREA~~

~~(c) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by paragraph (2)(a) of this section. Means to ensure employee comprehension may~~

include the use of foreign languages, pictographs, and graphics:

(3) Warning labels:

(a) Warning labels shall be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, and to their containers including waste containers. Where feasible, installed asbestos products shall contain a visible label.

(b) Labels shall be printed in large, bold letters on a contrasting background.

(c) The labels shall comply with the requirements of WAC 296-62-05411, and shall include the following information:

~~DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS FIBERS~~

(4) Material safety data sheets. Employers who are manufacturers or importers of asbestos, or asbestos products shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413, except as provided by subsection (5) of this section.

(5) The provisions for labels required by subsection (3) of this section or for material safety data sheets required by subsection (4) of this section do not apply where:

(a) Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos in excess of the action level and/or excursion limit will be released; or

(b) Asbestos is present in a product in concentrations less than 0.1 percent by weight.

(6) Employee information and training:

(a) The employer shall institute a training program for all employees who are exposed to airborne concentrations of asbestos at or above the action level and/or excursion limit and ensure their participation in the program.

(b) Training shall be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(c) The training program shall be conducted in a manner which the employee is able to understand. The employer shall ensure that each employee is informed of the following:

(i) The health effects associated with asbestos;

(ii) The relationship between smoking and exposure to asbestos in producing lung cancer;

(iii) Methods of recognizing asbestos and the quantity, location, manner of use, release, and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(iv) The engineering controls and work practices associated with the employee's job assignment;

(v) The specific procedures implemented to protect employees from exposure to asbestos such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up

procedures, personal protective equipment to be used, and waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(vi) The purpose, proper use, and limitations of respirators and protective clothing;

(vii) The purpose and a description of the medical surveillance program required by WAC 296-62-07725;

(viii) The content of this standard, including appendices;

(ix) The names, addresses, and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in Appendix I, to comply with this requirement; and

(x) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels.

(d) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) The employer shall inform all employees concerning the availability of self help smoking cessation program material. Upon employee request, the employer shall distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self help material, which is approved or published by a public health organization listed in Appendix I.

(7) Certification:

(a) All individuals working or supervising asbestos projects, as defined in WAC 296-65-003(4) shall be certified as required by WAC 296-65-010, 296-65-012, and 296-65-030.

(b) In cases excepted under WAC 296-65-030 (2) and (3), all employees shall be trained according to subsection (6) of this section, regardless of their exposure levels.)) (1) Communication of hazards to employees. General industry requirements.

(a) Introduction. This section applies to the communication of information concerning asbestos hazards in general industry. Asbestos exposure in industry occurs in a wide variety of industrial and commercial settings. Employees who manufacture asbestos-containing products may be exposed to asbestos fibers. Employees who repair and replace automotive brakes and clutches may be exposed to asbestos fibers. In addition, employees engaged in housekeeping activities in industrial facilities with asbestos product manufacturing operations, and in public and commercial buildings with installed asbestos-containing materials may be exposed to asbestos fibers. It should be noted that employees who perform housekeeping activities during and after construction activities are covered by asbestos construction work requirements. Housekeeping employees, regardless of industry designation, should know whether building components they maintain may expose them to asbestos. Building owners are often the only and/or best source of information concerning the presence of previously installed asbestos-containing building materials. Therefore they, along with employers of potentially exposed employees, are assigned

specific information conveying and retention duties under this section.

(b) Installed asbestos-containing material. Employers and building owners are required to treat installed TSI and sprayed-on and troweled-on surfacing materials as ACM for the purposes of this standard. These materials are designated "presumed ACM or PACM," and are defined in WAC 296-62-07703. Asphalt and vinyl flooring installed no later than 1980 also must be treated as asbestos-containing. The employer or building owner may demonstrate that PACM and flooring materials do not contain asbestos by complying with WAC 296-62-07721(3).

(c) Duties of employers and building and facility owners.

(i) Building and facility owners shall determine the presence, location, and quantity of ACM and/or PACM at the worksite. Employers and building and facility owners shall exercise due diligence in complying with these requirements to inform employers and employees about the presence and location of ACM and PACM.

(ii) Before authorizing or allowing any construction, renovation, remodeling, maintenance, repair, or demolition project, an owner or owner's agent shall perform, or cause to be performed, a good faith inspection to determine whether materials to be worked on or removed contain asbestos. The inspection shall be documented by a written report maintained on file and made available upon request to the director.

(A) The good faith inspection shall be conducted by an accredited inspector.

(B) Such good faith inspection is not required if the owner or owner's agent is reasonably certain that asbestos will not be disturbed by the project or the owner or owner's agent assumes that the suspect material contains asbestos and handles the material in accordance with WAC 296-62-077 through 296-62-07753.

(iii) The owner or owner's agent shall provide, to all contractors submitting a bid to undertake any construction, renovation, remodeling, maintenance, repair, or demolition project, the written statement either of the reasonable certainty of nondisturbance of asbestos or of assumption of the presence of asbestos. Contractors shall be provided with the written report before they apply or bid to work.

(iv) Any owner or owner's agent who fails to comply with (c)(ii) and (iii) of this subsection shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section shall be halted immediately and cannot be resumed before meeting such requirements.

(v) Building and facility owners shall inform employers of employees, and employers shall inform employees who will perform housekeeping activities in areas which contain ACM and/or PACM of the presence and location of ACM and/or PACM in such areas which may be contacted during such activities.

(vi) Upon written or oral request, building or facility owners shall make a copy of the written report required in this section available to the department of labor and industries and the collective bargaining representatives or employ-

ee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(vii) Building and facility owners shall maintain records of all information required to be provided pursuant to this section and/or otherwise known to the building owner concerning the presence, location and quantity of ACM and PACM in the building/facility. Such records shall be kept for the duration of ownership and shall be transferred to successive owners.

(2) Communication of hazards to employees. Requirements for construction and shipyard employment activities.

(a) Introduction. This section applies to the communication of information concerning asbestos hazards in construction and shipyard employment activities. Most asbestos-related construction and shipyard activities involve previously installed building materials. Building/vessel owners often are the only and/or best sources of information concerning them. Therefore, they, along with employers of potentially exposed employees, are assigned specific information conveying and retention duties under this section. Installed Asbestos Containing Building/Vessel Material: Employers and building/vessel owners shall identify TSI and sprayed or troweled on surfacing materials as asbestos-containing unless the employer, by complying with WAC 296-62-07721(3) determines it is not asbestos containing. Asphalt or vinyl flooring/decking material installed in buildings or vessels no later than 1980 must also be considered as asbestos containing unless the employer/owner, pursuant to WAC 296-62-07712 determines it is not asbestos containing. If the employer or building/vessel owner has actual knowledge or should have known, through the exercise of due diligence, that materials other than TSI and sprayed-on or troweled-on surfacing materials are asbestos containing, they must be treated as such. When communicating information to employees pursuant to this standard, owners and employers shall identify "PACM" as ACM. Additional requirements relating to communication of asbestos work on multi-employer worksites are set out in WAC 296-62-07706.

(b) Duties of building/vessel and facility owners.

(i) Before work subject to this section is begun, building/vessel and facility owners shall identify the presence, location and quantity of ACM, and/or PACM at the work site. All thermal system insulation and sprayed on or troweled on surfacing materials in buildings/vessels or substrates constructed no later than 1980 shall be identified as PACM. In addition, resilient flooring/decking material installed no later than 1980 shall also be identified as asbestos containing.

(ii) Before authorizing or allowing any construction, renovation, remodeling, maintenance, repair, or demolition project, a building/vessel and facility owner or owner's agent shall perform, or cause to be performed, a good faith inspection to determine whether materials to be worked on or removed contain asbestos. The inspection shall be documented by a written report maintained on file and made available upon request to the director.

(A) The good faith inspection shall be conducted by an accredited inspector.

(B) Such good faith inspection is not required if the building/vessel and facility owner or owner's agent assumes

that the suspect material contains asbestos and handles the material in accordance with WAC 296-62-077 through 296-62-07753.

(iii) The building/vessel and facility owner or owner's agent shall provide, to all contractors submitting a bid to undertake any construction, renovation, remodeling, maintenance, repair, or demolition project, the written statement either of the reasonable certainty of nondisturbance of asbestos or of assumption of the presence of asbestos. Contractors shall be provided the written report before they apply or bid on work.

(iv) Any building/vessel and facility owner or owners agent who fails to comply with WAC 296-62-07719 (2)(b)(ii) and (iii) shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section shall be halted immediately and cannot be resumed before meeting such requirements.

(v) Upon written or oral request, building/vessel and facility owner or owner's agent shall make a copy of the written report required in this section available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(vi) Building/vessel and facility owner or owner's agent shall notify in writing the following persons of the presence, location and quantity of ACM or PACM, at work sites in their buildings/facilities/vessels.

(A) Prospective employers applying or bidding for work whose employees reasonably can be expected to work in or adjacent to areas containing such material;

(B) Employees of the owner who will work in or adjacent to areas containing such material;

(C) On multi-employer worksites, all employers of employees who will be performing work within or adjacent to areas containing such materials;

(D) Tenants who will occupy areas containing such materials.

(c) Duties of employers whose employees perform work subject to this standard in or adjacent to areas containing ACM and PACM. Building/vessel and facility owner or owner's agents whose employees perform such work shall comply with these provisions to the extent applicable.

(i) Before work subject to this standard is begun, building/vessel and facility owner or owner's agents shall determine the presence, location, and quantity of ACM and/or PACM at the work site pursuant to WAC 296-62-07721 (2)(b).

(ii) Before work under this standard is performed employers of employees who will perform such work shall inform the following persons of the location and quantity of ACM and/or PACM present at the work site and the precautions to be taken to insure that airborne asbestos is confined to the area.

(A) Owners of the building/vessel or facility;

(B) Employees who will perform such work and employers of employees who work and/or will be working in adjacent areas;

(iii) Within 10 days of the completion of such work, the employer whose employees have performed work subject to this standard, shall inform the building/vessel or facility owner and employers of employees who will be working in the area of the current location and quantity of PACM and/or ACM remaining in the former regulated area and final monitoring results, if any.

(d) In addition to the above requirements, all employers who discover ACM and/or PACM on a work site shall convey information concerning the presence, location and quantity of such newly discovered ACM and/or PACM to the owner and to other employers of employees working at the work site, within 24 hours of the discovery.

(e) No contractor may commence any construction, renovation, remodeling, maintenance, repair, or demolition project without receiving a copy of the written response or statement required by WAC 296-62-07721 (2)(b). Any contractor who begins any project without the copy of the written report or statement shall be subject to a mandatory fine of not less than two hundred fifty dollars per day. Each day the violation continues shall be considered a separate violation.

(3) Criteria to rebut the designation of installed material as PACM.

(a) At any time, an employer and/or building/vessel owner may demonstrate, for purposes of this standard, that PACM does not contain asbestos. Building/vessel owners and/or employers are not required to communicate information about the presence of building material for which such a demonstration pursuant to the requirements of (b) of this subsection has been made. However, in all such cases, the information, data and analysis supporting the determination that PACM does not contain asbestos, shall be retained pursuant to WAC 296-62-07727.

(b) An employer or owner may demonstrate that PACM does not contain asbestos by the following:

(i) Having a completed inspection conducted pursuant to the requirements of AHERA (40 CFR Part 763, Subpart E) which demonstrates that the material is not ACM;

(ii) Performing tests of the material containing PACM which demonstrate that no asbestos is present in the material. Such tests shall include analysis of 3 bulk samples of each homogeneous area of PACM collected in a randomly distributed manner. The tests, evaluation and sample collection shall be conducted by an accredited inspector. Analysis of samples shall be performed by persons or laboratories with proficiency demonstrated by current successful participation in a nationally recognized testing program such as the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute for Standards and Technology (NIST) of the Round Robin for bulk samples administered by the American Industrial Hygiene Associate (AIHA), or an equivalent nationally recognized Round Robin testing program.

(4) At the entrance to mechanical rooms/areas in which employees reasonably can be expected to enter and which contain TSI or surfacing ACM and PACM, the building/vessel and facility owner or owner's agent shall post signs which identify the material which is present, its location, and

appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed.

(5) Warning signs.

(a) Warning signs that demarcate the regulated area shall be provided and displayed at each location where a regulated area is required. In addition, warning signs shall be posted at all approaches to regulated areas and be posted at such a distance from such a location that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

(b) The warning signs required by (a) of this subsection shall bear the following information:

DANGER  
ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED  
IN THIS AREA

(c) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by (a) of this subsection. Means to ensure employee comprehension may include the use of foreign languages, pictographs, and graphics.

(6) Warning labels.

(a) Warning labels shall be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, and to their containers including waste containers. Where feasible, installed asbestos products shall contain a visible label.

(b) Labels shall be printed in large, bold letters on a contrasting background.

(c) The labels shall comply with the requirements of WAC 296-62-05411, and shall include the following information:

DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS FIBERS

(7) The provisions for labels required by subsection (6)(a) of this section or for material safety data sheets required by subsection (8) of this section do not apply where:

(a) Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos in excess of the excursion limit will be released; or

(b) Asbestos is present in a product in concentrations less than 0.1 percent by weight.

(8) Material safety data sheets. Employers who are manufacturers or importers of asbestos, or asbestos products shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-07413, except as provided by subsection (7) of this section.

(9) When a building/vessel owner or employer identifies previously installed PACM and/or ACM, labels or signs shall be affixed or posted so that employees will be notified of

what materials contain PACM and/or ACM. The employer shall attach such labels in areas where they will clearly be noticed by employees who are likely to be exposed, such as at the entrance to mechanical rooms/areas. Signs required by subsection (5)(a) of this section may be posted in lieu of labels so long as they contain information required for labeling.

## NEW SECTION

**WAC 296-62-07722 Employee information and training.** (1) Certification.

(a) All individuals working or supervising asbestos projects, as defined in WAC 296-65-003(4) shall be certified as required by WAC 296-65-010, 296-65-012, and 296-65-030.

(b) In cases where certification requirements of chapter 296-65 WAC do not apply, all employees shall be trained according to provisions of this section regardless of their exposure levels.

(2) Training shall be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(3) Training for Class I and Class II operations.

(a) Training for Class I and Class II operations shall be the certified asbestos worker training specified in WAC 296-65-003, 296-65-010, and 296-65-030.

(b) Exceptions. For employees whose Class II work with intact asbestos-containing materials involves only the removal and/or disturbance of one generic category of intact building/vessel material, such as intact roofing material, bituminous or asphaltic pipeline coating, intact flooring/decking material, siding materials and ceiling tiles, or transite panels, such employers are required to train employees who perform such work by providing a training course which includes as a minimum all elements of subsection (5) of this section and in addition the specific work practices and engineering controls set forth in WAC 296-62-07712 and 296-62-07713 which specifically relate to that material category. Such course shall include "hands-on" training, and shall take at least 8 hours.

(i) For Class II operations involving intact materials not specified in (b) of this subsection, training shall include the requirements of (b) of this subsection and specific work practices and engineering controls specified in WAC 296-62-07712 which specifically relates to the category of material being removed, and shall include hands-on training in the work practices applicable to each category of material the employee removes and each removal method that the employee uses.

(ii) Employees performing Class II operations that require the use of critical barriers (or equivalent isolation methods) and/or negative pressure enclosures, shall be certified as required by WAC 296-65-010, 296-65-012, and 296-65-030.

(4) Training for Class III and IV operations.

(a) Training for Class III and IV operations shall be the certified asbestos worker training specified in WAC 296-65-003, 296-65-001, and 296-65-030.

(b) Training for Class III employees exempted from certification requirements in chapter 296-65 WAC, safety



standards for asbestos removal and encapsulation shall be the equivalent in curriculum and training method to the 16-hour operations and maintenance course developed by EPA for maintenance and custodial workers who conduct activities that will result in the disturbance of ACM. (See 40 CFR 763.92 (a)(2).) Such course shall include "hands-on" training in the use of respiratory protection and work practices and shall take at least 16 hours.

(c) Training for employees exempted from certification requirements in chapter 296-65 WAC, safety standards for asbestos removal and encapsulation performing Class IV operations shall be the equivalent in curriculum and training method to the awareness training course developed by EPA for maintenance and custodial workers who work in buildings containing asbestos-containing material. (See 40 CFR 763.92 (a)(1).) Such course shall include available information concerning the locations of PACM an ACM, and asbestos-containing flooring material, or flooring material where the absence of asbestos has not been certified; and instruction in recognition of damage, deterioration, and delamination of asbestos-containing building materials. Such a course shall take at least 2 hours.

(5) The training program shall be conducted in a manner which the employee is able to understand. The employer shall ensure that each employee is informed of the following:

- (a) The health effects associated with asbestos exposure;
- (b) The relationship between smoking and exposure to asbestos producing lung cancer;

(c) Methods of recognizing asbestos and quantity, location, manner of use, release (including the requirements of WAC 296-62-07721 (1)(c) and (2)(b) to presume certain building materials contain asbestos), and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(d) The engineering controls and work practices associated with the employee's job assignment;

(e) The specific procedures implemented to protect employees from exposure to asbestos, such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up procedures (including where Class III and IV work is performed, the contents "Managing Asbestos In Place" (EPA 20T-2003, July 1990) or its equivalent in content), personal protective equipment to be used, waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(f) The purpose, proper use, and limitations of respirators and protective clothing;

(g) The purpose and a description of the medical surveillance program required by WAC 296-62-07725;

(h) The content of this standard, including appendices;

(i) The names, addresses and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in Appendix I, to comply with this requirement; and

(j) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels.

(6) The employer shall also provide, at no cost to employees who perform housekeeping operations in a facility

which contains ACM or PACM, an asbestos awareness training course, which shall at a minimum contain the following elements: Health effects of asbestos, locations of ACM and PACM in the building/facility, recognition of ACM and PACM damage and deterioration, requirements in this standard relating to housekeeping, and proper response to fiber release episodes, to all employees who are or will work in areas where ACM and/or PACM is present. Each such employee shall be so trained at least once a year.

(7) Access to information and training materials.

(a) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees.

(b) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(c) The employer shall inform all employees concerning the availability of self-help smoking cessation program material. Upon employee request, the employer shall distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self-help material, which is approved or published by a public health organization listed in Appendix I, WAC 296-62-07751.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

**WAC 296-62-07723 Housekeeping.** (1) All surfaces shall be maintained as free as practicable of accumulations of dusts and waste containing asbestos.

(2) All spills and sudden releases of material containing asbestos shall be cleaned up as soon as possible.

(3) Surfaces contaminated with asbestos may not be cleaned by the use of compressed air.

(4) Vacuuming. HEPA-filtered vacuuming equipment shall be used for vacuuming. The equipment shall be used and emptied in a manner which minimizes the reentry of asbestos into the workplace.

(5) Shoveling, dry sweeping, and dry clean-up of asbestos may be used only where vacuuming and/or wet cleaning are not feasible.

(6) Waste disposal. Waste, scrap, debris, bags, containers, equipment, and clothing contaminated with asbestos consigned for disposal, shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers. To avoid breakage, bags shall be at least six mils in thickness and shall not be dragged or slid across rough or abrasive surfaces.

(7) Waste removal. Whenever a negative-pressure enclosure is required by WAC 296-62-07712, the employer wherever feasible, shall establish a waste-load-out area that is adjacent and connected to the negative-pressure enclosure, constructed of a two chamber air lock, for the decontamination and removal of asbestos debris.

(8) Deterioration. Asbestos and asbestos containing material which has become damaged or deteriorated shall be repaired, enclosed, encapsulated, or removed.

(9) Care of asbestos-containing flooring/decking material.

(a) Sanding of asbestos-containing floor/deck material is prohibited.

PROPOSED

(b) Stripping of finishes shall be conducted using low abrasion pads at speeds lower than 300 rpm and wet methods.

(c) Burnishing or dry buffing may be performed only on asbestos-containing flooring/decking which has sufficient finish so that the pad cannot contact the asbestos-containing material.

(d) Dust and debris in an area containing TSI or surfacing ACM/PACM or visibly deteriorated ACM, shall not be dusted or swept dry, or vacuumed without using a HEPA filter.

(10) Waste and debris and accompanying dust in an area containing accessible thermal system insulation or surfacing material or visibly deteriorated ACM:

(a) Shall not be dusted or swept dry, or vacuumed without using a HEPA filter;

(b) Shall be promptly cleaned up and disposed of in leak tight containers.

**AMENDATORY SECTION** (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

**WAC 296-62-07725 Medical surveillance.** (1) General.

(a) Employees covered. The employer shall institute a medical surveillance program for all employees who are or will be exposed to airborne concentrations of fibers of asbestos at or above the ~~((action level and/or excursion))~~ permissible exposure limits. Exception. ~~((Employers in the construction industry shall institute a medical surveillance program for all employees engaged in work involving levels of asbestos at or above the action level for thirty or more days per year, or who are required by this section to wear negative pressure respirators.))~~

Employers in the construction or shipyard industries shall institute a medical surveillance program for all employees who for a combined total of 30 or more days per year are engaged in Class I, II, and III work, or are exposed at or above the permissible exposure limit for combined 30 days or more per year; or who are required by the section to wear negative pressure respirators. For the purpose of this subsection, any day in which an employee engaged in Class II or III work or a combination thereof for one hour or less, and, while doing so adheres to the work practices specified in this standard, shall not count.

(b) Examination by a physician.

(i) The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee and at a reasonable time and place.

(ii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a training course in spirometry sponsored by an appropriate academic or professional institution.

(2) Preplacement examinations.

(a) Except as provided by WAC 296-62-07725 (1)(a), before an employee is assigned to an occupation exposed to airborne concentrations of asbestos, a preplacement medical examination shall be provided or made available by the employer. Examinations administered using the thirty or more days per year criteria of WAC 296-62-07725 (1)(a) shall be given within ten working days following the thirtieth

day of exposure. Examinations must be given prior to assignment of employees to areas where negative-pressure respirators are worn.

(b) All examinations shall include, as a minimum, a medical and work history: A complete physical examination of all systems with special emphasis on the pulmonary, cardiovascular, and gastrointestinal systems; completion of the respiratory disease standardized questionnaire in WAC 296-62-07741, Appendix D, Part 1; a chest roentgenogram (posterior-anterior 14x17 inches); pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV<sub>1.0</sub>); and any additional tests deemed appropriate by the examining physician. Interpretation and classification of chest roentgenograms shall be conducted in accordance with WAC 296-62-07743, Appendix E.

(3) Periodic examinations.

(a) Periodic medical examinations shall be made available annually.

(b) The scope of the medical examination shall be in conformance with the protocol established in subsection (2)(b) of this section, except that the frequency of chest roentgenograms shall be conducted in accordance with Table 2 of this section, and the abbreviated standardized questionnaire contained in WAC 296-62-07741, Appendix D, Part 2, shall be administered to the employee.

TABLE 2—FREQUENCY OF CHEST ROENTGENOGRAMS

Years since first exposure	Age of employee		
	15 to 35	35+ to 45	45+
0 to 10 . . . . .	Every 5 years	Every 5 years	Every 5 years.
10+ . . . . .	Every 5 years	Every 2 years	Every 1 year.

(c) If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies specified by the physician.

(4) Termination of employment examinations.

(a) The employer shall provide, or make available, a termination of employment medical examination for any employee who has been exposed to airborne concentrations of fibers of asbestos at or above the ~~((action level and/or excursion))~~ permissible exposure limits.

(b) The medical examination shall be in accordance with the requirements of the periodic examinations stipulated in subsection (3) of this section, and shall be given within thirty calendar days before or after the date of termination of employment.

(5) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with subsection (2), (3), or (4) of this section within the past one-year period.

(6) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of this standard and Appendices D, E, and H of WAC 296-62-07741, 296-62-07743, and 296-62-07749 respectively.



(b) A description of the affected employee's duties as they relate to the employee's exposure.

(c) The employee's representative exposure level or anticipated exposure level.

(d) A description of any personal protective and respiratory equipment used or to be used.

(e) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

(7) Physician's written opinion.

(a) The employer shall obtain a written signed opinion from the examining physician. This written opinion shall contain the results of the medical examination and shall include:

(i) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to asbestos;

(ii) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators;

(iii) A statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions resulting from asbestos exposure that require further explanation or treatment; and

(iv) A statement that the employee has been informed by the physician of the increased risk of lung cancer attributable to the combined effect of smoking and asbestos exposure.

(b) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to asbestos.

(c) The employer shall provide a copy of the physician's written opinion to the affected employee within thirty days from its receipt.

**AMENDATORY SECTION** (Amending Order 87-24, filed 11/30/87)

**WAC 296-62-07727 Recordkeeping.** (1) Exposure measurements.

(a) The employer shall keep an accurate record of all measurements taken to monitor employee exposure to asbestos as prescribed in WAC 296-62-07709.

(b) This record shall include at least the following information:

(i) Name of employer;

(ii) Name of person conducting monitoring;

(iii) The date of measurement;

(iv) Address of operation or activity;

(v) Description of the operation or activity involving exposure to asbestos that is being monitored;

(vi) Personal or area sample;

(vii) Name, Social Security number, and exposure level of the employees whose exposures are represented;

(viii) Type of protective devices worn, if any;

(ix) Pump calibration date and flow rate;

(x) Total volume of air sampled;

(xi) Name and address of analytical laboratory;

(xii) Number, duration, and results (f/cc) of samples taken;

(xiii) Date of analysis; and

(xiv) Sampling and analytical methods used and evidence of their accuracy.

(c) The employer shall maintain this record for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(2) Objective data for exempted operations.

(a) Where the processing, use, or handling of products made from or containing asbestos is exempted from other requirements of this section under WAC 296-62-07709 (2)(c), the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(b) The record shall include at least the following:

(i) The product qualifying for exemption;

(ii) The source of the objective data;

(iii) The testing protocol, results of testing, and/or analysis of the material for the release of asbestos;

(iv) A description of the operation exempted and how the data support the exemption; and

(v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(c) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

Note: The employer may utilize the services of competent organizations such as industry trade associations and employee associations to maintain the records required by this section.

(3) Medical surveillance.

(a) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance by WAC 296-62-07725 (1)(a), in accordance with WAC 296-62-052.

(b) The record shall include at least the following information:

(i) The name and Social Security number of the employee;

(ii) Physician's written opinions;

(iii) Any employee medical complaints related to exposure to asbestos;

(iv) A copy of the information provided to the physician as required by WAC 296-62-07725(6); and

(v) A copy of the employee's medical examination results, including the medical history, questionnaire responses, results of any tests, and physicians recommendations.

(c) The employer shall ensure that this record is maintained for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(4) Training. The employer shall maintain all employee training records for one year beyond the last date of employment of that employee.

(5) Availability.

(a) The employer, upon written request, shall make all records required to be maintained by this section available to the director for examination and copying.

(b) The employer, upon request, shall make any exposure records required by subsection (1) of this section available for examination and copying to affected employees, former employees, designated representatives, and the director, in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(c) The employer, upon request, shall make employee medical records required by subsection (2) of this section available for examination and copying to the subject employee, to anyone having the specific written consent of the subject employee, and the director, in accordance with WAC 296-62-052.

(6) Transfer of records.

(a) The employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(b) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director at least ninety days prior to disposal of records and, upon request, transmit them to the director.

(7) Data to rebut PACM. Where the building owner and employer have relied on data to demonstrate that PACM is not asbestos-containing, such data shall be maintained for as long as they are relied upon to rebut the presumption.

(8) Records of required notifications. Where the building owner has communicated and received information concerning the identification, location and quantity of ACM and PACM, written records of such notifications and their content shall be maintained by the building owner for the duration of ownership and shall be transferred to successive owners of such buildings/facilities.

#### NEW SECTION

**WAC 296-62-07728 Competent person.** (1) General. For all construction and shipyard work covered by this standard, the employer shall designate a competent person, having the qualifications and authorities for ensuring worker safety and health as required by chapter 296-155 WAC.

(2) Required inspections by the competent person. WAC 296-155-110(9) which requires health and safety prevention programs to provide for frequent and regular inspections on the job sites, materials, and equipment to be made by the competent person, is incorporated.

(3) Additional inspections. In addition, the competent person shall make frequent and regular inspections of the job sites in order to perform the duties set out below in this section. For Class I jobs, on-site inspections shall be made at least once during each work shift, and at any time at employee request. For Class II and III jobs, on-site inspections shall be made at intervals sufficient to assess whether conditions have changed, and at any reasonable time at employee request.

(a) On all worksites where employees are engaged in Class I or II asbestos work, the competent person designated in accordance with WAC 296-62-07712 shall perform or supervise the following duties, as applicable:

(i) Set up the regulated area, enclosure, or other containment;

(ii) Ensure (by on-site inspection) the integrity of the enclosure or containment;

(iii) Set up procedures to control entry and exit from the enclosure and/or area;

(iv) Supervise all employee exposure monitoring required by this section and ensure that it is conducted as required by WAC 296-62-07709;

(v) Ensure that employees working within the enclosure and/or using glovebags wear protective clothing and respirators as required by WAC 296-62-07715 and 296-62-07717;

(vi) Ensure through on-site supervision, that employees set up and remove engineering controls, use work practices and personal protective equipment in compliance with all requirements;

(vii) Ensure that employees use the hygiene facilities and observe the decontamination procedures specified in WAC 296-62-07719;

(viii) Ensure that through on-site inspection engineering controls are functioning properly and employees are using proper work practices; and

(ix) Ensure that notification requirements in WAC 296-62-07721 are met.

(4) Training for competent person.

(a) For Class I and II asbestos work the competent person shall be trained in all aspects of asbestos removal and handling, including: Abatement, installation, removal and handling, the contents of this standard, the identification of asbestos, removal procedures where appropriate, and other practices for reducing the hazard. Such training shall be the certified asbestos supervisor training specified in WAC 296-65-003, 296-65-012, and 296-65-030.

(b) For Class III and IV asbestos work:

(i) The competent person shall be certified as an asbestos supervisor as prescribed in WAC 296-65-012 and 296-65-030 for Class III and IV work involving 3 square feet or 3 linear feet or more of asbestos containing material.

(ii) For Class III and IV asbestos work involving less than 3 square feet or 3 linear feet of asbestos containing material, the competent person shall be trained in aspects of asbestos handling appropriate for the nature of the work, to include procedures for setting up glove bags and mini-enclosures, practices for reducing asbestos exposures, use of wet methods, the contents of this standard, and the identification of asbestos. Such training shall include successful completion of a course equivalent in curriculum and training method to the 16-hour Operations and Maintenance course developed by EPA for maintenance and custodial workers (see (b)(i) of this subsection) or its equivalent in stringency, content and length.

#### AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

~~WAC 296-62-07733 Appendices. ((1) The following appendices to this chapter are mandatory:~~

~~(a) WAC 296-62-07735, Appendix A—WISHA reference method—Mandatory.~~

~~(b) WAC 296-62-07739, Appendix C—Qualitative and quantitative fit testing procedures—Mandatory.~~

~~(c) WAC 296-62-07741, Appendix D—Medical questionnaires—Mandatory.~~

~~(d) WAC 296-62-07743, Appendix E—Interpretation and classification of chest roentgenograms—Mandatory.~~

~~(2) The following appendices to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations:~~

~~(a) WAC 296-62-07737, Appendix B—Detailed procedure for asbestos sampling and analysis—Nonmandatory.~~

~~(b) WAC 296-62-07745, Appendix F—Work practices and engineering controls for automotive brake repair operations—Nonmandatory.~~

~~(c) WAC 296-62-07747, Appendix G—Substance technical information for asbestos—Nonmandatory.~~

~~(d) WAC 296-62-07749, Appendix H—Medical surveillance guidelines for asbestos—Nonmandatory.~~

~~(e) WAC 296-62-07751, Appendix I—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations—Nonmandatory.~~

~~(f) WAC 296-62-07753, Appendix J—Work practices and engineering controls for small scale, short duration asbestos renovation and maintenance activities—Nonmandatory.~~

~~(g) WAC 296-62-07755, Appendix K—Smoking cessation program information for asbestos, tremolite, anthophyllite, and actinolite—Nonmandatory.)~~ (1) Appendices A, C, D, E, and F to this part are incorporated as part of this section and the contents of these appendices are mandatory.

(2) Appendices B, G, H, I, J and K to this part are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

**WAC 296-62-07735 Appendix A—WISHA reference method—Mandatory.** This mandatory appendix specifies the procedure for analyzing air samples for asbestos tremolite, anthophyllite, and actinolite and specifies quality control procedures that must be implemented by laboratories performing the analysis. The sampling and analytical methods described below represent the elements of the available monitoring methods (such as Appendix B to this section, the most current version of the WISHA method ID-60, or the most current version of the NIOSH 7400 method) which WISHA considers to be essential to achieve adequate employee exposure monitoring while allowing employers to use methods that are already established within their organizations. All employers who are required to conduct air monitoring under WAC 296-62-07709 are required to utilize analytical laboratories that use this procedure, or an equivalent method (~~recognized by the department~~), for collecting and analyzing samples.

(1) Sampling and analytical procedure.

(a) The sampling medium for air samples shall be mixed cellulose ester filter membranes. These shall be designated by the manufacturer as suitable for asbestos tremolite, anthophyllite, and actinolite counting. See below for rejection of blanks.

(b) The preferred collection device shall be the 25-mm diameter cassette with an open-faced 50-mm (~~electrically conductive~~) extension cowl. The 37-mm cassette may be used if necessary but only if written justification for the need to use the 37-mm filter cassette accompanies the sample results in the employee's exposure monitoring record. Do not reuse or reload cassettes for asbestos sample collection.

(c) An air flow rate between 0.5 liter/min and ~~((4.0))~~ 2.5 liters/min shall be selected for the 25-mm cassette. If the 37-mm cassette is used, an air flow rate between 1 liter/min and ~~((4.0))~~ 2.5 liters/min shall be selected.

(d) Where possible, a sufficient air volume for each air sample shall be collected to yield between one hundred and one thousand three hundred fibers per square millimeter on the membrane filter. If a filter darkens in appearance or if loose dust is seen on the filter, a second sample shall be started.

(e) Ship the samples in a rigid container with sufficient packing material to prevent dislodging the collected fibers. Packing material that has a high electrostatic charge on its surface (e.g., expanded polystyrene) cannot be used because such material can cause loss of fibers to the sides of the cassette.

(f) Calibrate each personal sampling pump before and after use with a representative filter cassette installed between the pump and the calibration devices.

(g) Personal samples shall be taken in the "breathing zone" of the employee (i.e., attached to or near the collar or lapel near the worker's face).

(h) Fiber counts shall be made by positive phase contrast using a microscope with an 8 to 10 X eyepiece and a 40 to 45 X objective for a total magnification of approximately 400 X and a numerical aperture of 0.65 to 0.75. The microscope shall also be fitted with a green or blue filter.

(i) The microscope shall be fitted with a Walton-Beckett eyepiece graticule calibrated for a field diameter of one hundred micrometers (+/-2 micrometers).

(j) The phase-shift detection limit of the microscope shall be about 3 degrees measured using the HSE phase shift test slide as outlined below.

(i) Place the test slide on the microscope stage and center it under the phase objective.

(ii) Bring the blocks of grooved lines into focus.

Note: The slide consists of seven sets of grooved lines (ca. 20 grooves to each block) in descending order of visibility from sets one to seven, seven being the least visible. The requirements for asbestos tremolite, anthophyllite, and actinolite counting are that the microscope optics must resolve the grooved lines in set three completely, although they may appear somewhat faint, and that the grooved lines in sets six and seven must be invisible. Sets four and five must be at least partially visible but may vary slightly in visibility between microscopes. A microscope that fails to meet these requirements has either too low or too high a resolution to be used for asbestos tremolite, anthophyllite, and actinolite counting.

(iii) If the image deteriorates, clean and adjust the microscope optics. If the problem persists, consult the microscope manufacturer.

(k) Each set of samples taken will include ten percent blanks or a minimum of two blanks. ~~((The))~~ These blanks ((results shall be averaged and subtracted from the analytical results before reporting)) must come from the same lot as the filters used for sample collection. The field blank results shall be averaged and subtracted from the analytical results before reporting. Any samples represented by a blank having a fiber count in excess of ((seven fibers/one hundred fields)) the detection limit of the method being used shall be rejected.

(l) The samples shall be mounted by the acetone/triacetin method or a method with an equivalent index of refraction and similar clarity.

(m) Observe the following counting rules.

PROPOSED

(i) Count only fibers equal to or longer than five micrometers. Measure the length of curved fibers along the curve.

(ii) ~~((In the absence of other information,))~~ Count all particles as asbestos tremolite, anthophyllite, and actinolite that have a length-to-width ratio (aspect ratio) of three to one or greater.

(iii) Fibers lying entirely within the boundary of the Walton-Beckett graticule field shall receive a count of one. Fibers crossing the boundary once, having one end within the circle, shall receive the count of one-half. Do not count any fiber that crosses the graticule boundary more than once. Reject and do not count any other fibers even though they may be visible outside the graticule area.

(iv) Count bundles of fibers as one fiber unless individual fibers can be identified by observing both ends of an individual fiber.

~~(v) ((For a 25mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than ten fibers are found after counting one hundred fields and the sample air volume is less than sixty liters, count a total number of fields calculated from the following formulas:~~

~~$$N = 6000/V \text{ For TWA Determination (QL} = 0.085)$$
  

$$N = 2400/V \text{ For Ceiling Determinations (QL} = 0.21)$$~~

~~Where  $N$  = Number of fields counted on a 25mm filter  
 $V$  = Air volume of sample in liters  
 $QL$  = Limit of reliable quantification in fibers/cc for the NIOSH 7400 method~~

~~Note: Filter samples (25mm) with air volumes of less than thirty liters will have decreased analytical accuracy and precision and should be avoided.~~

~~(vi) For a 37mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than one hundred fibers are found after counting one hundred fields and the sample air volume is less than one hundred thirty three liters, count a total number of fields calculated from the following formulas:~~

~~$$N = 13300/V \text{ For TWA Determination (QL} = 0.085)$$
  

$$N = 5320/V \text{ For Ceiling Determinations (QL} = 0.21)$$~~

~~Where  $N$  = Number of fields counted on a 37mm filter  
 $V$  = Air volume of sample in liters  
 $QL$  = Limit of reliable quantification in fibers/cc~~

~~Note: Filter samples (37mm) with air volumes of less than seventy liters will have decreased analytical accuracy and precision and should be avoided.)~~

Count enough graticule fields to yield 100 fibers. Count a minimum of 20 fields; stop counting at 100 fields regardless of fiber count.

(n) Blind recounts shall be conducted at the rate of ten percent.

(2) Quality control procedures.

(a) Intralaboratory program. Each laboratory and/or each company with more than one microscopist counting slides shall establish a statistically designed quality assurance program involving blind recounts and comparisons between microscopists to monitor the variability of counting by each microscopist and between microscopists. In a company with more than one laboratory, the program shall include all laboratories and shall also evaluate the laboratory-to-laboratory variability.

(b) Interlaboratory program.

(i) Each laboratory analyzing asbestos tremolite, anthophyllite, and actinolite samples for compliance determination shall implement an interlaboratory quality assurance program that as a minimum includes participation of at least two other independent laboratories. Each laboratory shall participate in round robin testing at least once every six months with at least all the other laboratories in its interlaboratory quality assurance group. Each laboratory shall submit slides typical of its own work load for use in this program. The round robin shall be designed and results analyzed using appropriate statistical methodology.

(ii) All laboratories should participate in a national sample testing scheme such as the Proficiency Analytical Testing Program (PAT), the Asbestos Registry sponsored by the American Industrial Hygiene Association (AIHA).

(c) All individuals performing asbestos tremolite, anthophyllite, and actinolite analysis must have taken the NIOSH course for sampling and evaluating airborne asbestos tremolite, anthophyllite, and actinolite dust or an equivalent course, recognized by the department.

(d) When the use of different microscopes contributes to differences between counters and laboratories, the effect of the different microscope shall be evaluated and the microscope shall be replaced, as necessary.

(e) Current results of these quality assurance programs shall be posted in each laboratory to keep the microscopists informed.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07737 Appendix B—Detailed procedure for asbestos sampling and analysis—Nonmandatory. ((This appendix contains a detailed procedure for sampling and analysis and includes those critical elements specified in WAC 296-62-07735, Appendix A. Employers are not required to use this procedure, but they are required to use Appendix A. The purpose of Appendix B is to provide a detailed step-by-step sampling and analysis procedure that conforms to the elements specified in WAC 296-62-07735, Appendix A. Since this procedure may also standardize the analysis and reduce variability, WISHA encourages employers to use this appendix.

Asbestos Sampling and Analysis Method

- ~~Technique: Microscopy, phase contrast.~~
- ~~Analyte: Fibers (manual count).~~
- ~~Sample preparation: Acetone/triacetin method.~~
- ~~Calibration: Phase shift detection limit about three degrees.~~
- ~~Range: One hundred to one thousand three hundred fibers/mm<sup>2</sup> filter area.~~
- ~~Estimated limit of detection: Seven fibers/mm<sup>2</sup> filter area.~~
- ~~Sampler: Filter (0.8-1.2 um mixed cellulose ester membrane, 25 mm diameter).~~
- ~~Flow rate: 0.5 L/min to 4.0 L/min (25 mm cassette)  
1.0 L/min to 4.0 L/min (37 mm cassette).~~
- ~~Sample volume: Adjust to obtain one hundred to one thousand three hundred fibers/mm<sup>2</sup>.~~

Shipment: ~~\_\_\_\_\_~~ Routine.  
 Sample stability: ~~\_\_\_\_\_~~ Indefinite.  
 Blanks: ~~\_\_\_\_\_~~ Ten percent of samples (minimum two).  
 Standard  
~~\_\_\_\_\_~~ analytical error: 0.25.

**Applicability:** The working range is 0.02 f/ee (1920-L air sample) to 1.25 f/ee (400-L air sample). The method gives an index of airborne asbestos fibers but may be used for other materials such as fibrous glass by inserting suitable parameters into the counting rules. The method does not differentiate between asbestos and other fibers. Asbestos fibers less than ca. 0.25  $\mu\text{m}$  diameter will not be detected by this method.

**Interferences:** Any other airborne fiber may interfere since all particles meeting the counting criteria are counted. Chain-like particles may appear fibrous. High levels of nonfibrous dust particles may obscure fibers in the field of view and raise the detection limit.

(1) Reagents.

(a) Acetone.

(b) Triacetin (glycerol triacetate), reagent grade.

**Special precautions:** Acetone is an extremely flammable liquid and precautions must be taken not to ignite it. Heating of acetone must be done in a ventilated laboratory fume hood using a flameless, spark free heat source.

(2) Equipment.

(a) Collection device: 25-mm cassette with 50-mm electrically conductive extension cowl with cellulose ester filter, 0.8 to 1.2 mm pore size and backup pad.

**Note:** Analyze representative filters for fiber background before use and discard the filter lot if more than five fibers/one hundred fields are found.

(b) Personal sampling pump, greater than or equal to 0.5 L/min. with flexible connecting tubing.

(c) Microscope, phase contrast, with green or blue filter, 8 to 10 X eyepiece, and 40 to 45 X phase objective (total magnification ca. 400 X); numerical aperture = 0.65 to 0.75.

(d) Slides, glass, single frosted, precleaned, 25 x 75 mm.

(e) Cover slips, 25 x 25 mm, No. 1 1/2 unless otherwise specified by microscope manufacturer.

(f) Knife, No. 1 surgical steel, curved blade.

(g) Tweezers.

(h) Flask, Guth type, insulated neck, 250 to 500 mL (with single hole rubber stopper and elbow jointed glass tubing, 16 to 22 cm long).

(i) Hotplate, spark free, stirring type; heating mantle; or infrared lamp and magnetic stirrer.

(j) Syringe, hypodermic, with 22 gauge needle.

(k) Graticule, Walton Beckett type with 100  $\mu\text{m}$  diameter circular field at the specimen plane (area = 0.00785  $\text{mm}^2$ ), (Type G-22).

**Note:** The graticule is custom made for each microscope.

(l) HSE/NPL phase contrast test slide, Mark II.

(m) Telescope, ocular phase ring centering.

(n) Stage micrometer (0.01 mm divisions).

(3) Sampling.

(a) Calibrate each personal sampling pump with a representative sampler in line.

(b) Fasten the sampler to the worker's lapel as close as possible to the worker's mouth. Remove the top cover from the end of the cowl extension (open face) and orient face down. Wrap the joint between the extender and the monitors body with shrink tape to prevent air leaks.

(c) Submit at least two blanks (or ten percent of the total samples, whichever is greater) for each set of samples. Remove the caps from the field blank cassettes and store the caps and cassettes in a clean area (bag or box) during the sampling period. Replace the caps in the cassettes when sampling is completed.

(d) Sample at 0.5 L/min or greater. Do not exceed 1 mg total dust loading on the filter. Adjust sampling flow rate,  $Q$  (L/min), and time to produce a fiber density,  $E$  (fibers/ $\text{mm}^2$ ), of one hundred to one thousand three hundred fibers/ $\text{mm}^2$  ( $3.85 \times 10^4$  to  $5 \times 10^5$  fibers per 25 mm filter with effective collection area ( $A_e = 385 \text{ mm}^2$ )) for optimum counting precision (see subsection (7)(a) of this section). Calculate the minimum sampling time,  $T$  (minutes) at the action level (one half of the current standard),  $L$  (f/ee) of the fibrous aerosol being sampled:

$$T = \frac{(A_e)(E)}{(Q)(L)10^3}$$

(e) Remove the field monitor at the end of sampling, replace the plastic top cover and small end caps, and store the monitor.

(f) Ship the samples in a rigid container with sufficient packing material to prevent jostling or damage.

**Note:** Do not use polystyrene foam in the shipping container because of electrostatic forces which may cause fiber loss from the sample filter.

(4) Sample preparation.

**Note:** The object is to produce samples with a smooth (nongrainy) background in a medium with a refractive index equal to or less than 1.46. The method below collapses the filter for easier focusing and produces permanent mounts which are useful for quality control and interlaboratory comparison. Other mounting techniques meeting the above criteria may also be used, e.g., the nonpermanent field mounting technique used in P & CAM 239.

(a) Ensure that the glass slides and cover slips are free of dust and fibers.

(b) Place 40 to 60 ml of acetone into a Guth type flask. Stopper the flask with a single hole rubber stopper through which a glass tube extends 5 to 8 cm into the flask. The portion of the glass tube that exits the top of the stopper (8 to ten cm) is bent downward in an elbow that makes an angle of twenty to thirty degrees with the horizontal.

(c) Place the flask in a stirring hotplate or wrap in a heating mantle. Heat the acetone gradually to its boiling temperature (ca. 58°C).

**Caution:** The acetone vapor must be generated in a ventilated fume hood away from all open flames and spark sources. Alternate heating methods can be used, providing no open flame or sparks are present.

(d) Mount either the whole sample filter or a wedge cut from the sample filter on a clean glass slide.

(i) Cut wedges of ca. twenty-five percent of the filter area with a curved blade steel surgical knife using a rocking motion to prevent tearing.

(ii) Place the filter or wedge, dust slide up, on the slide. Static electricity will usually keep the filter on the slide until it is cleared.

(iii) Hold the glass slide supporting the filter approximately 1 to 2 cm from the glass tube port where the acetone vapor is escaping from the heated flask. The acetone vapor stream should cause a condensation spot on the glass slide ca. 2 to 3 cm in diameter. Move the glass slide gently in the vapor stream. The filter should clear in two to five seconds. If the filter curls, distorts, or is otherwise rendered unusable, the vapor stream is probably not strong enough. Periodically wipe the outlet port with tissue to prevent liquid acetone dripping onto the filter.

(iv) Using the hypodermic syringe with a 22-gauge needle, place one to two drops of triacetin on the filter. Gently lower a clean 25-mm square cover slip down onto the filter at a slight angle to reduce the possibility of forming bubbles. If too many bubbles form or the amount of triacetin is insufficient, the cover slip may become detached within a few hours.

(v) Glue the edges of the cover slip to the glass slide using a lacquer or nail polish.

Note:—If clearing is slow, the slide preparation may be heated on a hotplate (surface temperature 50°C) for fifteen minutes to hasten clearing. Counting may proceed immediately after clearing and mounting are completed.

#### (5) Calibration and quality control.

(a) Calibration of the Walton-Beckett graticule.—The diameter,  $d_g$  (mm), of the circular counting area and the disc diameter must be specified when ordering the graticule.

(i) Insert any available graticule into the eyepiece and focus so that the graticule lines are sharp and clear.

(ii) Set the appropriate interpupillary distance and, if applicable, reset the binocular head adjustment so that the magnification remains constant.

(iii) Install the 40 to 45 X phase objective.

(iv) Place a stage micrometer on the microscope object stage and focus the microscope on the graduated lines.

(v) Measure the magnified grid length,  $L_o$  (um) using the stage micrometer.

(vi) Remove the graticule from the microscope and measure its actual grid length,  $L_g$  (mm). This can best be accomplished by using a stage fitted with verniers.

(vii) Calculate the circle diameter,  $d_g$  (mm), for the Walton-Beckett graticule:

$$d_g = \frac{L_g \times D}{L_o}$$

Example:—If  $L_o = 108 \text{ um}$ ,  $L_g = 2.93 \text{ mm}$  and  $D = 100 \text{ um}$ , then  $d_g = 2.71 \text{ mm}$ .

(viii) Check the field diameter,  $D$  (acceptable range 100 mm  $\pm$  2 mm) with a stage micrometer upon receipt of the graticule from the manufacturer. Determine field area (mm<sup>2</sup>).

(b) Microscope adjustments. Follow the manufacturer's instructions and also the following:

(i) Adjust the light source for even illumination across the field of view at the condenser iris.

Note:—Kohler illumination is preferred, where available.

(ii) Focus on the particulate material to be examined.

(iii) Make sure that the field iris is in focus, centered on the sample, and open only enough to fully illuminate the field of view.

(iv) Use the telescope ocular supplied by the manufacturer to ensure that the phase rings (annular diaphragm and phase shifting elements) are concentric.

(e) Check the phase shift detection limit of the microscope periodically.

(i) Remove the HSE/NPL phase contrast test slide from its shipping container and center it under the phase objective.

(ii) Bring the blocks of grooved lines into focus.

Note:—The slide consists of seven sets of grooves (ca. 20 grooves to each block) in descending order of visibility from sets one to seven. The requirements for counting are that the microscope optics must resolve the grooved lines in set three completely, although they may appear somewhat faint, and that the grooved lines in sets six to seven must be invisible. Sets four and five must be at least partially visible but may vary slightly in visibility between microscopes. A microscope which fails to meet these requirements has either too low or too high a resolution to be used for asbestos, tremolite, anthophyllite, and actinolite counting.

(iii) If the image quality deteriorates, clean the microscope optics and, if the problem persists, consult the microscope manufacturer.

(d) Quality control of fiber counts.

(i) Prepare and count field blanks along with the field samples. Report the counts on each blank. Calculate the mean of the field blank counts and subtract this value from each sample count before reporting the results.

Note 1:—The identity of the blank filters should be unknown to the counter until all counts have been completed.

Note 2:—If a field blank yields fiber counts greater than seven fibers/one hundred fields, report possible contamination of the samples.

(ii) Perform blind recounts by the same counter on ten percent of filters counted (slides relabeled by a person other than the counter).

(e) Use the following test to determine whether a pair of counts on the same filter should be rejected because of possible bias. This statistic estimates the counting repeatability at the ninety five percent confidence level. Discard the sample if the difference between the two counts exceeds  $2.77(F)sr$ , where  $F$  = average of the two fiber counts and  $Sr$  = relative standard deviation, which should be derived by each laboratory based on historical in-house data.

Note:—If a pair of counts is rejected as a result of this test, recount the remaining samples in the set and test the new counts against the first counts. Discard all rejected paired counts.

(f) Enroll each new counter in a training course that compares performance of counters on a variety of samples using this procedure.

Note:—To ensure good reproducibility, all laboratories engaged in asbestos counting are required to participate in the proficiency analytical testing (PAT) program and should routinely participate with other asbestos fiber counting laboratories in the exchange of field samples to compare performance of counters.

#### (6) Measurement.

(a) Place the slide on the mechanical stage of the calibrated microscope with the center of the filter under the objective lens. Focus the microscope on the plane of the filter.

(b) Regularly check phase ring alignment and Kohler illumination.

(c) The following are the counting rules:

(i) Count only fibers 5 μm or longer in length. Measure the length of curved fibers along the curve.

(ii) Count only fibers with a length to width ratio equal to or greater than three to one.

(iii) For fibers that cross the boundary of the graticule field, do the following:

(A) Count any fiber 5 μm or longer in length that lies entirely within the graticule area.

(B) Count as one half fiber any fiber with only one end lying within the graticule area.

(C) Do not count any fiber that crosses the graticule boundary more than once.

(D) Reject and do not count all other fibers.

(iv) Count bundles of fibers as one fiber unless individual fibers can be identified by observing both ends of a fiber.

(v) For a 25mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than ten fibers are found after counting one hundred fields and the sample air volume is less than sixty liters, count a total number of fields calculated from the following formulas:

$$N = 6000/V \quad \text{For TWA Determination (QL} = 0.085\text{)}$$

$$N = 2400/V \quad \text{For Ceiling Determinations (QL} = 0.21\text{)}$$

Where  $N$  = Number of fields counted on a 25mm filter  
 $V$  = Air volume of sample in liters  
 $QL$  = Limit of reliable quantification in fibers/cc for the NIOSH 7400 method

Note: Filter samples (25mm) with air volumes of less than thirty liters will have decreased analytical accuracy and precision and should be avoided.

(vi) For a 37mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than one hundred fibers are found after counting one hundred fields and the sample air volume is less than one hundred thirty three liters, count a total number of fields calculated from the following formulas:

$$N = 13300/V \quad \text{For TWA Determination (QL} = 0.085\text{)}$$

$$N = 5320/V \quad \text{For Ceiling Determinations (QL} = 0.21\text{)}$$

Where  $N$  = Number of fields counted on a 37mm filter  
 $V$  = Air volume of sample in liters  
 $QL$  = Limit of reliable quantification in fibers/cc

Note: Filter samples (37mm) with air volumes of less than seventy liters will have decreased analytical accuracy and precision and should be avoided.

(d) Start counting from one end of the filter and progress along a radial line to the other end, shift either up or down on the filter, and continue in the reverse direction. Select fields randomly by looking away from the eyepiece briefly while advancing the mechanical stage. When an agglomerate covers ca. 1/6 or more of the field of view, reject the field and select another. Do not report rejected fields in the number of total fields counted.

Note: When counting a field, continuously scan a range of focal planes by moving the fine focus knob to detect very fine fibers which have become embedded in the filter. The small diameter fibers will be very faint but are an important contribution to the total count.

(7) Calculations.

(a) Calculate and report fiber density on the filter,  $E$  (fibers/mm<sup>2</sup>); by dividing the total fiber count,  $F$ , minus the mean field blank count,  $B$ , by the number of fields,  $n_f$ , and the field area,  $A_f$  (0.00785 mm<sup>2</sup> for a properly calibrated Walton-Beckett graticule):

$$E = \frac{(F/n_f) - (B/n_b)}{A_f} \quad \text{fibers/mm}^2$$

Where:  $n_f$  = number of fields in submission sample  
 $n_b$  = number of fields in blank sample

(b) Calculate the concentration,  $C$  (f/cc), of fibers in the air volume sampled,  $V$  (L), using the effective collection area of the filter,  $A_e$  (385 mm<sup>2</sup> for a 25 mm filter):

$$C = \frac{(E)(A_e)}{V(10^3)}$$

Note: Periodically check and adjust the value of  $A_e$ , if necessary.

Bulk sample collection and analysis:

Bulk samples should be collected as specified in Appendix G, Section 1 of the United States Environmental Protection Agency (EPA) publication No. 560/5-85-024 (June 1985) entitled *Guidance for Controlling Asbestos-Containing Materials in Buildings*.

Analysis of the samples should be conducted by polarizing light microscopy in a qualified laboratory. In certain cases, x ray diffraction may be required to confirm the presence of asbestos. Qualified laboratories must be participants in the EPA bulk asbestos quality assurance program or other bulk asbestos quality assurance program recognized by the department.)

Air

Matrix:

WISHA Permissible Exposure Limits:

<u>Time Weighted Average</u>	<u>0.1 fiber/cc</u>
<u>Excursion Level (30 minutes)</u>	<u>1.0 fiber/cc</u>

Collection Procedure:

A known volume of air is drawn through a 25-mm diameter cassette containing a mixed-cellulose ester filter. The cassette must be equipped with an electrically conductive 50-mm extension cowl. The sampling time and rate are chosen to give a fiber density of between 100 to 1,300 fibers/mm<sup>2</sup> on the filter.

Recommended Sampling Rate 0.5 to 5.0 liters/minute (L/min)

Recommended Air Volumes:

<u>Minimum</u>	<u>25 L</u>
<u>Maximum</u>	<u>2,400 L</u>

Analytical Procedure: A portion of the sample filter is cleared and prepared for asbestos fiber counting by Phase Contrast Microscopy (PCM) at 400X. Commercial manufacturers and products mentioned in this method are for descriptive use only and do not constitute endorsements by WISHA. Similar products from other sources can be substituted.

Introduction.

This method describes the collection of airborne asbestos fibers using calibrated sampling pumps with mixed-cellulose ester (MCE) filters and analysis by phase contrast microscopy (PCM). Some terms used are unique to this method and are defined below:

PROPOSED



**Asbestos:** A term for naturally occurring fibrous minerals. Asbestos includes chrysotile, crocidolite, amosite (cummingtonite-grunerite asbestos), tremolite asbestos, actinolite asbestos, anthophyllite asbestos, and any of these minerals that have been chemically treated and/or altered. The precise chemical formulation of each species will vary with the location from which it was mined. Nominal compositions are listed:

Chrysotile	$Mg_3Si_2O_5(OH)_4$
Crocidolite	$Na_2Fe_3^{2+}Fe_3^{3+}Si_8O_{22}(OH)_2$
Amosite	$(Mg,Fe)_7Si_8O_{22}(OH)_2$
Tremolite-actinolite	$Ca_2(Mg,Fe)_5Si_8O_{22}(OH)_2$
Anthophyllite	$(Mg,Fe)_7Si_8O_{22}(OH)_2$

**Asbestos Fiber:** A fiber of asbestos which meets the criteria specified below for a fiber.

**Aspect Ratio:** The ratio of the length of a fiber to its diameter (e.g. 3:1, 5:1 aspect ratios).

**Cleavage Fragments:** Mineral particles formed by comminution of minerals, especially those characterized by parallel sides and a moderate aspect ratio (usually less than 20:1).

**Detection Limit:** The number of fibers necessary to be 95% certain that the result is greater than zero.

**Differential Counting:** The term applied to the practice of excluding certain kinds of fibers from the fiber count because they do not appear to be asbestos.

**Fiber:** A particle that is 5  $\mu\text{m}$  or longer, with a length-to-width ratio of 3 to 1 or longer.

**Field:** The area within the graticule circle that is superimposed on the microscope image.

**Set:** The samples which are taken, submitted to the laboratory, analyzed, and for which, interim or final result reports are generated.

**Tremolite, Anthophyllite, and Actinolite:** The non-asbestos form of these minerals which meet the definition of a fiber. It includes any of these minerals that have been chemically treated and/or altered.

**Walton-Beckett Graticule:** An eyepiece graticule specifically designed for asbestos fiber counting. It consists of a circle with a projected diameter of  $100 \pm 2 \mu\text{m}$  (area of about  $0.00785 \text{ mm}^2$ ) with a crosshair having tic-marks at 3- $\mu\text{m}$  intervals in one direction and 5- $\mu\text{m}$  in the orthogonal direction. There are marks around the periphery of the circle to demonstrate the proper sizes and shapes of fibers. The disk is placed in one of the microscope eyepieces so that the design is superimposed on the field of view.

## 1. History.

(a) Early surveys to determine asbestos exposures were conducted using impinger counts of total dust with the counts expressed as million particles per cubic foot. The British Asbestos Research Council recommended filter membrane counting in 1969. In July 1969, the Bureau of Occupational Safety and Health published a filter membrane method for counting asbestos fibers in the United States. This method was refined by NIOSH and published as P & CAM 239. On May 29, 1971, OSHA specified filter membrane sampling with phase contrast counting for evaluation of asbestos exposures at work sites in the United States. The use of this technique was again required by OSHA in 1986. Phase contrast microscopy has continued to

be the method of choice for the measurement of occupational exposure to asbestos.

(b) Principle. Air is drawn through a MCE filter to capture airborne asbestos fibers. A wedge shaped portion of the filter is removed, placed on a glass microscope slide and made transparent. A measured area (field) is viewed by PCM. All the fibers meeting a defined criteria for asbestos are counted and considered a measure of the airborne asbestos concentration.

(c) Advantages and Disadvantages

(i) There are four main advantages of PCM over other methods:

(A) The technique is specific for fibers. Phase contrast is a fiber counting technique which excludes non-fibrous particles from the analysis.

(B) The technique is inexpensive and does not require specialized knowledge to carry out the analysis for total fiber counts.

(C) The analysis is quick and can be performed on-site for rapid determination of air concentrations of asbestos fibers.

(D) The technique has continuity with historical epidemiological studies so that estimates of expected disease can be inferred from long-term determinations of asbestos exposures.

(ii) The main disadvantage of PCM is that it does not positively identify asbestos fibers. Other fibers which are not asbestos may be included in the count unless differential counting is performed. This requires a great deal of experience to adequately differentiate asbestos from non-asbestos fibers. Positive identification of asbestos must be performed by polarized light or electron microscopy techniques. A further disadvantage of PCM is that the smallest visible fibers are about 0.2  $\mu\text{m}$  in diameter while the finest asbestos fibers may be as small as 0.02  $\mu\text{m}$  in diameter. For some exposures, substantially more fibers may be present than are actually counted.

(d) Workplace Exposure. Asbestos is used by the construction industry in such products as shingles, floor tiles, asbestos cement, roofing felts, insulation and acoustical products. Non-construction uses include brakes, clutch facings, paper, paints, plastics, and fabrics. One of the most significant exposures in the workplace is the removal and encapsulation of asbestos in schools, public buildings, and homes. Many workers have the potential to be exposed to asbestos during these operations. About 95% of the asbestos in commercial use in the United States is chrysotile. Crocidolite and amosite make up most of the remainder. Anthophyllite and tremolite or actinolite are likely to be encountered as contaminants in various industrial products.

(e) Physical Properties. Asbestos fiber possesses a high tensile strength along its axis, is chemically inert, non-combustible, and heat resistant. It has a high electrical resistance and good sound absorbing properties. It can be weaved into cables, fabrics or other textiles, and also matted into asbestos papers, felts, or mats.

## 2. Range and Detection Limit.

(a) The ideal counting range on the filter is 100 to 1,300 fibers/ $\text{mm}^2$ . With a Walton-Beckett graticule this range is equivalent to 0.8 to 10 fibers/field. Using NIOSH counting



statistics, a count of 0.8 fibers/field would give an approximate coefficient of variation (CV) of 0.13.

(b) The detection limit for this method is 4.0 fibers per 100 fields or 5.5 fibers/mm<sup>2</sup>. This was determined using an equation to estimate the maximum CV possible at a specific concentration (95% confidence) and a Lower Control Limit of zero. The CV value was then used to determine a corresponding concentration from historical CV vs fiber relationships. As an example:

Lower Control Limit (95% Confidence) =  $AC - 1.645(CV)(AC)$

Where:

$AC =$  Estimate of the airborne fiber concentration (fibers/cc) Setting the Lower Control Limit = 0 and solving for CV:

$0 = AC - 1.645(CV)(AC)$

$CV = 0.61$

This value was compared with CV vs. count curves. The count at which CV = 0.61 for Leidel-Busch counting statistics 8(i) or for an OSHA Salt Lake Technical Center (OSHA-SLTC) CV curve (see Appendix A for further information) was 4.4 fibers or 3.9 fibers per 100 fields, respectively. Although a lower detection limit of 4 fibers per 100 fields is supported by the OSHA-SLTC data, both data sets support the 4.5 fibers per 100 fields value.

3. Method Performance—Precision and Accuracy. Precision is dependent upon the total number of fibers counted and the uniformity of the fiber distribution on the filter. A general rule is to count at least 20 and not more than 100 fields. The count is discontinued when 100 fibers are counted, provided that 20 fields have already been counted. Counting more than 100 fibers results in only a small gain in precision. As the total count drops below 10 fibers, an accelerated loss of precision is noted. At this time, there is no known method to determine the absolute accuracy of the asbestos analysis. Results of samples prepared through the Proficiency Analytical Testing (PAT) Program and analyzed by the OSHA-SLTC showed no significant bias when compared to PAT reference values. The PAT samples were analyzed from 1987 to 1989 (N=36) and the concentration range was from 120 to 1,300 fibers/mm<sup>2</sup>.

4. Interferences. Fibrous substances, if present, may interfere with asbestos analysis. Some common fibers are:

Fiber glass	Perlite veins.
Anhydrite plant fibers gypsum	Some synthetic fibers.
Membrane structures	Sponge spicules and diatoms.
Microorganisms	Wollastonite.

The use of electron microscopy or optical tests such as polarized light, and dispersion staining may be used to differentiate these materials from asbestos when necessary.

### 5. Sampling.

#### (a) Equipment.

(i) Sample assembly. Conductive filter holder consisting of a 25-mm diameter, 3-piece cassette having a 50-mm long electrically conductive extension cowl. Backup pad, 25-mm, cellulose. Membrane filter, mixed-cellulose ester (MCE), 25-mm, plain, white, 0.8- to 1.2- $\mu$ m pore size.

Notes: (A) DO NOT RE-USE CASSETTES.

(B) Fully conductive cassettes are required to reduce fiber loss to the sides of the cassette due to electrostatic attraction.

(C) Purchase filters which have been selected by the manufacturer for asbestos counting or analyze representative filters for fiber background before use. Discard the filter lot if more than 4 fibers/100 fields are found.

(D) To decrease the possibility of contamination, the sampling system (filter-backup pad-cassette) for asbestos is usually preassembled by the manufacturer.

(ii) Gel bands for sealing cassettes.

(iii) Sampling pump. Each pump must be a battery operated, self-contained unit small enough to be placed on the monitored employee and not interfere with the work being performed. The pump must be capable of sampling at 2.5 liters per minute (L/min) for the required sampling time.

(iv) Flexible tubing, 6-mm bore.

(v) Pump calibration. Stopwatch and bubble tube/burette or electronic meter.

(b) Sampling Procedure.

(i) Seal the point where the base and cowl of each cassette meet with a gel band or tape.

(ii) Charge the pumps completely before beginning.

(iii) Connect each pump to a calibration cassette with an appropriate length of 6-mm bore plastic tubing. Do not use luer connectors—the type of cassette specified above has built-in adapters.

(iv) Select an appropriate flow rate for the situation being monitored. The sampling flow rate must be between 0.5 and 5.0 L/min for personal sampling and is commonly set between 1 and 2 L/min. Always choose a flow rate that will not produce overloaded filters.

(v) Calibrate each sampling pump before and after sampling with a calibration cassette in-line (Note: This calibration cassette should be from the same lot of cassettes used for sampling). Use a primary standard (e.g. bubble burette) to calibrate each pump. If possible, calibrate at the sampling site.

Note: If sampling site calibration is not possible, environmental influences may affect the flow rate. The extent is dependent on the type of pump used. Consult with the pump manufacturer to determine dependence on environmental influences. If the pump is affected by temperature and pressure changes, use the formula in Appendix B to this section to calculate the actual flow rate.

(vi) Connect each pump to the base of each sampling cassette with flexible tubing. Remove the end cap of each cassette and take each air sample open face. Assure that each sample cassette is held open side down in the employee's breathing zone during sampling. The distance from the nose/mouth of the employee to the cassette should be about 10 cm. Secure the cassette on the collar or lapel of the employee using spring clips or other similar devices.

(vii) A suggested minimum air volume when sampling to determine TWA compliance is 25 L. For Excursion Limit (30 min sampling time) evaluations, a minimum air volume of 48 L is recommended.

(viii) The most significant problem when sampling for asbestos is overloading the filter with non-asbestos dust. Suggested maximum air sample volumes for specific environments are:

PROPOSED

Type of asbestos	Index of refraction
Chrysotile.....	n=1.550.
Amosite .....	n=1.670 r 1.680.
Crocidolite .....	n=1.690.
Anthophyllite .....	n=1.605 nd 1.620.
Tremolite .....	n=1.605 and 1.620
Actinolite .....	n=1.620

Caution: Do not overload the filter with dust. High levels of non-fibrous dust particles may obscure fibers on the filter and lower the count or make counting impossible. If more than about 25 to 30% of the field area is obscured with dust, the result may be biased low. Smaller air volumes may be necessary when there is excessive non-asbestos dust in the air. While sampling, observe the filter with a small flashlight. If there is a visible layer of dust on the filter, stop sampling, remove and seal the cassette, and replace with a new sampling assembly. The total dust loading should not exceed 1 mg.

(ix) Blank samples are used to determine if any contamination has occurred during sample handling. Prepare two blanks for the first 1 to 20 samples. For sets containing greater than 20 samples, prepare blanks as 10% of the samples. Handle blank samples in the same manner as air samples with one exception: Do not draw any air through the blank samples. Open the blank cassette in the place where the sample cassettes are mounted on the employee. Hold it open for about 30 seconds. Close and seal the cassette appropriately. Store blanks for shipment with the sample cassettes.

(x) Immediately after sampling, close and seal each cassette with the base and plastic plugs. Do not touch or puncture the filter membrane as this will invalidate the analysis.

(xi) Attach a seal (OSHA-21 or equivalent) around each cassette in such a way as to secure the end cap plug and base plug. Tape the ends of the seal together since the seal is not long enough to be wrapped end-to-end. Also wrap tape around the cassette at each joint to keep the seal secure.

(c) Sample Shipment.

(i) Send the samples to the laboratory with paperwork requesting asbestos analysis. List any known fibrous interferences present during sampling on the paperwork. Also, note the workplace operation(s) sampled.

(ii) Secure and handle the samples in such that they will not rattle during shipment nor be exposed to static electricity. Do not ship samples in expanded polystyrene peanuts, vermiculite, paper shreds, or excelsior. Tape sample cassettes to sheet bubbles and place in a container that will cushion the samples without rattling.

(iii) To avoid the possibility of sample contamination, always ship bulk samples in separate mailing containers.

6. Analysis.

(a) Safety Precautions.

(i) Acetone is extremely flammable and precautions must be taken not to ignite it. Avoid using large containers or quantities of acetone. Transfer the solvent in a ventilated laboratory hood. Do not use acetone near any open flame. For generation of acetone vapor, use a spark free heat source.

(ii) Any asbestos spills should be cleaned up immediately to prevent dispersal of fibers. Prudence should be exercised to avoid contamination of laboratory facilities or exposure of personnel to asbestos. Asbestos spills should be cleaned up with wet methods and/or a High Efficiency Particulate-Air (HEPA) filtered vacuum.

Caution: Do not use a vacuum without a HEPA filter—It will disperse fine asbestos fibers in the air.

(b) Equipment.

(i) Phase contrast microscope with binocular or trinocular head.

(ii) Widefield or Huygenian 10X eyepieces (NOTE: The eyepiece containing the graticule must be a focusing eyepiece. Use a 40X phase objective with a numerical aperture of 0.65 to 0.75).

(iii) Kohler illumination (if possible) with green or blue filter.

(iv) Walton-Beckett Graticule, type G-22 with 100 ± 2 µm projected diameter.

(v) Mechanical stage. A rotating mechanical stage is convenient for use with polarized light.

(vi) Phase telescope.

(vii) Stage micrometer with 0.01-mm subdivisions.

(viii) Phase-shift test slide, mark II (Available from PTR optics Ltd., and also McCrone).

(ix) Precleaned glass slides, 25 mm X 75 mm. One end can be frosted for convenience in writing sample numbers, etc., or paste-on labels can be used.

(x) Cover glass #1-1/2.

(xi) Scalpel (#10, curved blade).

(xii) Fine tipped forceps.

(xiii) Aluminum block for clearing filter.

(xiv) Automatic adjustable pipette, 100- to 500-µL.

(xv) Micropipette, 5 µL.

(c) Reagents.

(i) Acetone (HPLC grade).

(ii) Triacetin (glycerol triacetate).

(iii) Lacquer or nail polish.

(d) Standard Preparation. A way to prepare standard asbestos samples of known concentration has not been developed. It is possible to prepare replicate samples of nearly equal concentration. This has been performed through the PAT program. These asbestos samples are distributed by the AIHA to participating laboratories. Since only about one-fourth of a 25-mm sample membrane is required for an asbestos count, any PAT sample can serve as a "standard" for replicate counting.

(e) Sample Mounting.

**Note:** See Safety Precautions in (6)(a) before proceeding. The objective is to produce samples with a smooth (non-grainy) background in a medium with a refractive index of approximately 1.46. The technique below collapses the filter for easier focusing and produces permanent mounts which are useful for quality control and interlaboratory comparison. An aluminum block or similar device is required for sample preparation.

(i) Heat the aluminum block to about 70°C. The hot block should not be used on any surface that can be damaged by either the heat or from exposure to acetone.

(ii) Ensure that the glass slides and cover glasses are free of dust and fibers.

(iii) Remove the top plug to prevent a vacuum when the cassette is opened. Clean the outside of the cassette if necessary. Cut the seal and/or tape on the cassette with a razor blade. Very carefully separate the base from the extension cowl, leaving the filter and backup pad in the base.

(iv) With a rocking motion cut a triangular wedge from the filter using the scalpel. This wedge should be one-sixth to one-fourth of the filter. Grasp the filter wedge with the forceps on the perimeter of the filter which was clamped between the cassette pieces. DO NOT TOUCH the filter with your finger. Place the filter on the glass slide sample side up. Static electricity will usually keep the filter on the slide until it is cleared.

(v) Place the tip of the micropipette containing about 200 µL acetone into the aluminum block. Insert the glass slide into the receiving slot in the aluminum block. Inject the acetone into the block with slow, steady pressure on the plunger while holding the pipette firmly in place. Wait 3 to 5 seconds for the filter to clear, then remove the pipette and slide from the aluminum block.

(vi) Immediately (less than 30 seconds) place 2.5 to 3.5 µL of triacetin on the filter (Note: Waiting longer than 30 seconds will result in increased index of refraction and decreased contrast between the fibers and the preparation. This may also lead to separation of the cover slip from the slide).

(vii) Lower a cover slip gently onto the filter at a slight angle to reduce the possibility of forming air bubbles. If more than 30 seconds have elapsed between acetone exposure and triacetin application, glue the edges of the cover slip to the slide with lacquer or nail polish.

(viii) If clearing is slow, warm the slide for 15 min on a hot plate having a surface temperature of about 50°C to hasten clearing. The top of the hot block can be used if the slide is not heated too long.

(ix) Counting may proceed immediately after clearing and mounting are completed.

(f) Sample Analysis. Completely align the microscope according to the manufacturer's instructions. Then, align the

microscope using the following general alignment routine at the beginning of every counting session and more often if necessary.

(i) Alignment.

(A) Clean all optical surfaces. Even a small amount of dirt can significantly degrade the image.

(B) Rough focus the objective on a sample.

(C) Close down the field iris so that it is visible in the field of view. Focus the image of the iris with the condenser focus. Center the image of the iris in the field of view.

(D) Install the phase telescope and focus on the phase rings. Critically center the rings. Misalignment of the rings results in astigmatism which will degrade the image.

(E) Place the phase-shift test slide on the microscope stage and focus on the lines. The analyst must see line set 3 and should see at least parts of 4 and 5 but, not see line set 6 or 6. A microscope/microscopist combination which does not pass this test may not be used.

(ii) Counting Fibers.

(A) Place the prepared sample slide on the mechanical stage of the microscope. Position the center of the wedge under the objective lens and focus upon the sample.

(B) Start counting from one end of the wedge and progress along a radial line to the other end (count in either direction from perimeter to wedge tip). Select fields randomly, without looking into the eyepieces, by slightly advancing the slide in one direction with the mechanical stage control.

(C) Continually scan over a range of focal planes (generally the upper 10 to 15 µm of the filter surface) with the fine focus control during each field count. Spend at least 5 to 15 seconds per field.

(D) Most samples will contain asbestos fibers with fiber diameters less than 1 µ. Look carefully for faint fiber images. The small diameter fibers will be very hard to see. However, they are an important contribution to the total count.

(E) Count only fibers equal to or longer than 5 µ. Measure the length of curved fibers along the curve.

(F) Count fibers which have a length to width ratio of 3:1 or greater.

(G) Count all the fibers in at least 20 fields. Continue counting until either 100 fibers are counted or 100 fields have been viewed; whichever occurs first. Count all the fibers in the final field.

(H) Fibers lying entirely within the boundary of the Walton-Beckett graticule field shall receive a count of 1. Fibers crossing the boundary once, having one end within the circle shall receive a count of 1/2. Do not count any fiber that crosses the graticule boundary more than once. Reject and do not count any other fibers even though they may be visible outside the graticule area. If a fiber touches the circle, it is considered to cross the line.

(I) Count bundles of fibers as one fiber unless individual fibers can be clearly identified and each individual fiber is clearly not connected to another counted fiber.

(J) Record the number of fibers in each field in a consistent way such that filter non-uniformity can be assessed.

(K) Regularly check phase ring alignment.

(L) When an agglomerate (mass of material) covers more than 25% of the field of view, reject the field and

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select another. Do not include it in the number of fields counted.

(M) Perform a "blind recount" of 1 in every 10 filter wedges (slides). Re-label the slides using a person other than the original counter.

(g) Fiber Identification. As previously mentioned in (1)(c), PCM does not provide positive confirmation of asbestos fibers. Alternate differential counting techniques should be used if discrimination is desirable. Differential counting may include primary discrimination based on morphology, polarized light analysis of fibers, or modification of PCM data by Scanning Electron or Transmission Electron Microscopy. A great deal of experience is required to routinely and correctly perform differential counting. It is discouraged unless it is legally necessary. Then, only if a fiber is obviously not asbestos should it be excluded from the count. Further discussion of this technique can be found in reference 8(j). If there is a question whether a fiber is asbestos or not, follow the rule: "WHEN IN DOUBT, COUNT."

(h) Analytical Recommendations—Quality Control System.

(i) All individuals performing asbestos analysis must have taken the NIOSH course for sampling and evaluating airborne asbestos or an equivalent course.

(ii) Each laboratory engaged in asbestos counting shall set up a slide trading arrangement with at least two other laboratories in order to compare performance and eliminate inbreeding of error. The slide exchange occurs at least semiannually. The round robin results shall be posted where all analysts can view individual analyst's results.

(iii) Each laboratory engaged in asbestos counting shall participate in the Proficiency Analytical Testing Program, the Asbestos Analyst Registry or equivalent.

(iv) Each analyst shall select and count prepared slides from a "slide bank". These are quality assurance counts. The slide bank shall be prepared using uniformly distributed samples taken from the workload. Fiber densities should cover the entire range routinely analyzed by the laboratory. These slides are counted blind by all counters to establish an original standard deviation. This historical distribution is compared with the quality assurance counts. A counter must have 95% of all quality control samples counted within three standard deviations of the historical mean. This count is then integrated into a new historical mean and standard deviation for the slide. The analyses done by the counters to establish the slide bank may be used for an interim quality control program if the data are treated in a proper statistical fashion.

**7. Calculations.**

(a) Calculate the estimated airborne asbestos fiber concentration on the filter sample using the following formula:

$$AC = \frac{\left[ \frac{FB}{FL} \right] - \left[ \frac{BFB}{BFL} \right] \times ECA}{1000 \times FR \times T \times MFA}$$

Where:

<u>AC</u>	=	<u>Airborne fiber concentration</u>
<u>FB</u>	=	<u>Total number of fibers greater than 5 μm counted</u>
<u>FL</u>	=	<u>Total number of fields counted on the filter</u>
<u>BFB</u>	=	<u>Total number of fibers greater than 5μm counted in the blank</u>
<u>BFL</u>	=	<u>Total number of fields counted on the blank</u>
<u>ECA</u>	=	<u>Effective collecting area of filter (385 mm<sup>2</sup> nominal for a 25-mm filter.)</u>
<u>FR</u>	=	<u>Pump flow rate (L/min)</u>
<u>MFA</u>	=	<u>Microscope count field area (mm<sup>2</sup>). This is 0.00785 mm<sup>2</sup> for a Walton-Beckett Graticule.</u>
<u>T</u>	=	<u>Sample collection time (min)</u>
<u>1,000</u>	=	<u>Conversion of L to cc</u>

Note: The collection area of a filter is seldom equal to 385 mm<sup>2</sup>. It is appropriate for laboratories to routinely monitor the exact diameter using an inside micrometer. The collection area is calculated according to the formula:  
Area = π(d/2)<sup>2</sup>

**(b) Short-cut Calculation**

Since a given analyst always has the same interpupillary distance, the number of fields per filter for a particular analyst will remain constant for a given size filter. The field size for that analyst is constant (i.e. the analyst is using an assigned microscope and is not changing the reticle). For example, if the exposed area of the filter is always 385 mm<sup>2</sup> and the size of the field is always 0.00785 mm<sup>2</sup>, the number of fields per filter will always be 49,000. In addition it is necessary to convert liters of air to cc. These three constants can then be combined such that ECA/(1,000 X MFA) = 49. The previous equation simplifies to:

$$AC = \frac{\left[ \frac{FB}{FL} \right] - \left[ \frac{BFB}{BFL} \right] \times 49}{FR \times T}$$

(c) Recount Calculations. As mentioned in step 13 of 6 (f)(ii), a "blind recount" of 10% of the slides is performed. In all cases, differences will be observed between the first and second counts of the same filter wedge. Most of these differences will be due to chance alone, that is, due to the random variability (precision) of the count method. Statistical recount criteria enables one to decide whether observed differences can be explained due to chance alone or are probably due to systematic differences between analysts, microscopes, or other biasing factors. The following recount criterion is for a pair of counts that estimate AC in fibers/cc. The criterion is given at the type-I error level. That is, there is 5% maximum risk that we will reject a pair of counts for the reason that one might be biased, when the large observed difference is really due to chance. Reject a pair of counts if:

$$\left| \sqrt{AC_2} - \sqrt{AC_1} \right| > 2.78 \times \left( \sqrt{AC_{avg}} \right) \times CV_{FB}$$

Where:

- $AC_1$  = lower estimated airborne fiber concentration
- $AC_2$  = higher estimated airborne fiber concentration
- $AC_{avg}$  = average of the two concentration estimates
- $CV_{FB}$  = CV for the average of the two concentration estimates

If a pair of counts are rejected by this criterion then, recount the rest of the filters in the submitted set. Apply the test and reject any other pairs failing the test. Rejection shall include a memo to the industrial hygienist stating that the sample failed a statistical test for homogeneity and the true air concentration may be significantly different than the reported value.

(d) Reporting Results. Report results to the industrial hygienist as fibers/cc. Use two significant figures. If multiple analyses are performed on a sample, an average of the results is to be reported unless any of the results can be rejected for cause.

8. References.

(a) Dreesen, W.C., et al, U.S. Public Health Service: A Study of Asbestosis in the Asbestos Textile Industry, (Public Health Bulletin No. 241), US Treasury Dept., Washington, DC, 1938. (b) Asbestos Research Council: The Measurement of Airborne Asbestos Dust by the Membrane Filter Method (Technical Note), Asbestos Research Council, Rockdale, Lancashire, Great Britain, 1969.

(c) Bayer, S.G., Zumwalde, R.D., Brown, T.A., Equipment and Procedure for Mounting Millipore Filters and Counting Asbestos Fibers by Phase Contrast Microscopy, Bureau of Occupational Health, U.S. Dept. of Health, Education and Welfare, Cincinnati, OH, 1969.

(d) NIOSH Manual of Analytical Methods, 2nd ed., Vol. 1 (DHEW/NIOSH Pub. No. 77-157-A). National Institute for Occupational Safety and Health, Cincinnati, OH, 1977. pp.239-1-239-21.

(e) Asbestos, Code of Federal Regulations 29 CFR 1910.1001. 1971.

(f) Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite. Final Rule, Federal Register 51: 119 (20 June 1986). pp.22612-22790.

(g) Asbestos, Tremolite, Anthophyllite, and Actinolite, Code of Federal Regulations 1910.1001. 1988. pp 711-752.

(h) Criteria for a Recommended Standard—Occupational Exposure to Asbestos (DHEW/NIOSH Pub. No. HSM 72-10267), National Institute for Occupational Safety and Health NIOSH, Cincinnati, OH, 1972. pp. III-1-III-24.

(i) Leidel, N.A., Bayer, S.G., Zumwalde, R.D., Busch, K.A., USPHS/NIOSH Membrane Filter Method for Evaluating Airborne Asbestos Fibers (DHEW/NIOSH Pub. No. 79-127). National Institute for Occupational Safety and Health, Cincinnati, OH, 1979.

(j) Dixon, W.C., Applications of Optical Microscopy in Analysis of Asbestos and Quartz, Analytical Techniques in Occupational Health Chemistry, edited by D.D. Dollberg and A.W. Verstuyft. Wash. D.C.: American Chemical Society, (ACS Symposium Series 120) 1980. pp. 13-41.

9. Quality Control. The OSHA asbestos regulations require each laboratory to establish a quality control program. The following is presented as an example of how the OSHA-SLTC constructed its internal CV curve as part of meeting this requirement. Data for the CV curve shown below is from 395 samples collected during OSHA compliance inspections and analyzed from October 1980 through April 1986. Each sample was counted by 2 to 5 different counters independently of one another. The standard deviation and the CV statistic was calculated for each sample. This data was then plotted on a graph of CV vs. fibers/mm<sup>2</sup>. A least squares regression was performed using the following equation:

$$CV = \text{antilog}_{10} [A(\log_{10}(x))^2 + B(\log_{10}(x)) + C]$$

Where:

x = the number of fibers/mm<sup>2</sup>

Application of least squares gave:

$$A = 0.182205$$

$$B = -0.973343$$

$$C = 0.327499$$

Using these values, the equation becomes:

$$CV = \text{antilog}_{10} [0.182205(\log_{10}(x))^2 - 0.973343(\log_{10}(x)) + 0.327499]$$

10. Sampling Pump Flow Rate Corrections. This correction is used if a difference greater than 5% in ambient temperature and/or pressure is noted between calibration and sampling sites and the pump does not compensate for the differences.

$$Q_{act} = Q_{cal} \times \sqrt{\left( \frac{P_{cal}}{P_{act}} \right)} \times \left( \frac{T_{act}}{T_{cal}} \right)$$

Where:

- $Q_{act}$  = actual flow rate
- $Q_{cal}$  = calibrated flow rate (if a rotameter was used, the rotameter value)

- $P_{cal}$  = uncorrected air pressure at calibration
- $P_{act}$  = uncorrected air pressure at sampling site
- $T_{act}$  = temperature at sampling site (K)
- $T_{cal}$  = temperature at calibration (K)

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11. Walton-Beckett Graticule

When ordering the Graticule for asbestos counting, specify the exact disc diameter needed to fit the ocular of the microscope and the diameter (mm) of the circular counting area. Instructions for measuring the dimensions necessary are listed:

(a) Insert any available graticule into the focusing eyepiece and focus so that the graticule lines are sharp and clear.

(b) Align the microscope.

(c) Place a stage micrometer on the microscope object stage and focus the microscope on the graduated lines.

(d) Measure the magnified grid length, PL ( $\mu\text{m}$ ), using the stage micrometer.

(e) Remove the graticule from the microscope and measure its actual grid length, AL (mm). This can be accomplished by using a mechanical stage fitted with verniers, or a jeweler's loupe with a direct reading scale.

(f) Let  $D=100 \mu\text{m}$ . Calculate the circle diameter,  $d_c$  (mm), for the Walton-Beckett graticule and specify the diameter when making a purchase:

$$d_c = \frac{AL \times D}{PL}$$

Example: If  $PL=108 \mu\text{m}$ ,  $AL=2.93 \text{ mm}$  and  $D=100 \mu\text{m}$ , then,  
 $d_c = (2.93 \times 100)/108 = 2.71 \text{ mm}$

(g) Each eyepiece-objective-reticle combination on the microscope must be calibrated. Should any of the three be changed (by zoom adjustment, disassembly, replacement, etc.), the combination must be recalibrated. Calibration may change if interpupillary distance is changed. Measure the field diameter, D (acceptable range:  $100 \pm 2 \mu\text{m}$ ) with a stage micrometer upon receipt of the graticule from the manufacturer. Determine the field area ( $\text{mm}^2$ ).

Field Area= $\pi(D/2)^2$

If  $D=100 \mu\text{m}=0.1 \text{ mm}$ , then

Field Area= $\pi(0.1 \text{ mm}/2)^2=0.00785 \text{ mm}^2$

The Graticule is available from: Graticules Ltd., Morley Road, Tonbridge TN9 IRN, Kent, England (Telephone 011-44-732-359061). Also available from PTR Optics Ltd., 145 Newton Street, Waltham, MA 02154 [telephone (617) 891-6000] or McCrone Accessories and Components, 2506 S. Michigan Ave., Chicago, IL 60616 [phone (312) 842-7100]. The graticule is custom made for each microscope.

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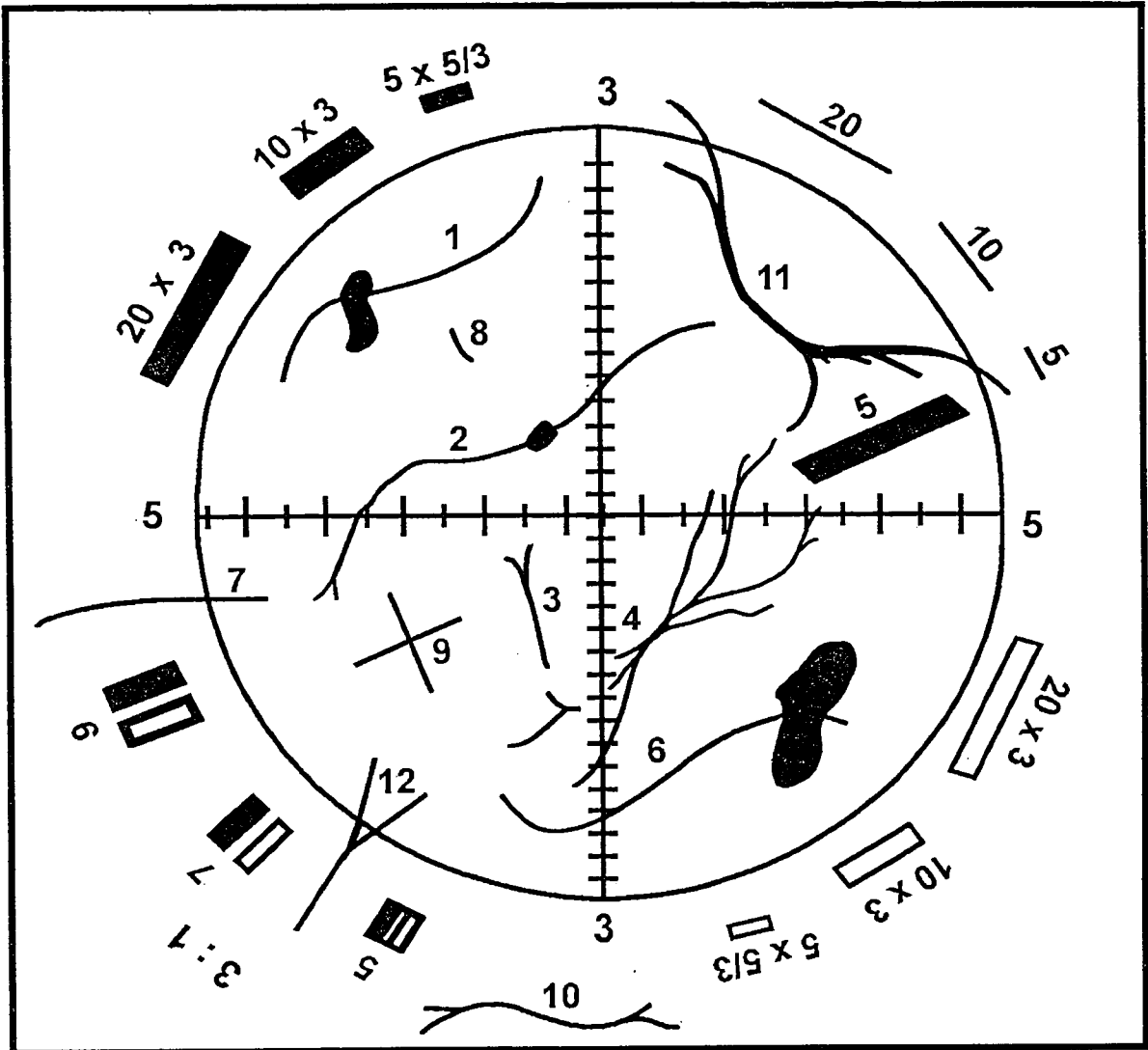


Figure 1: Walton-Beckett Graticule with some explanatory fibers.

Counts for the Fibers in the Figure

Structure No.	Count	Explanation
1 to 6	1	Single fibers all contained within the circle.
7	1/2	Fiber crosses circle once.
8	0	Fiber too short.
9	2	Two crossing fibers.
10	0	Fiber outside graticule.
11	0	Fiber crosses graticule twice.
12	1/2	Although split, fiber only crosses once.

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

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07741 Appendix D—Medical questionnaires—Mandatory. This mandatory appendix contains the medical questionnaires that must be administered to all employees who are exposed to asbestos ((above the action level)) tremolite, anthophyllite, and actinolite, or a combination of these minerals above the permissible exposure limit (0.1 f/cc), and who will therefore be included in their employer's medical surveillance program. Part 1 of the appendix contains the initial medical questionnaire, which must be obtained for all new hires who will be covered by the medical surveillance requirements. Part 2 includes the abbreviated periodical medical questionnaire, which must be administered to all employees who are provided periodic medical examinations under the medical surveillance provisions of the standard.

Part 1

INITIAL MEDICAL QUESTIONNAIRE

1. NAME
2. SOCIAL SECURITY #
3. CLOCK NUMBER
4. PRESENT OCCUPATION
5. PLANT
6. ADDRESS
7. (Zip Code)
8. TELEPHONE NUMBER
9. INTERVIEWER
10. DATE
11. Date of birth
12. Place of birth
13. Sex
14. What is your marital status?
15. Race
16. What is the highest grade completed in school?

OCCUPATIONAL HISTORY

17A. Have you ever worked full time (30 hours per week or more) for 6 months or more?
B. Have you ever worked for a year or more in any dusty job?
Specify job/industry Total years worked
Was dust exposure: 1. Mild 2. Moderate 3. Severe

C. Have you ever been exposed to gas or chemical fumes in your work?
Specify job/industry Total years worked
Was exposure: 1. Mild 2. Moderate 3. Severe
D. What has been your usual occupation or job—the one you have worked at the longest?
1. Job occupation
2. Number of years employed in this occupation
3. Position/job title
4. Business, field or industry
(Record on lines the years in which you have worked in any of these industries, e.g., 1960-1969.)

Have you ever worked:

E. In a mine?
F. In a quarry?
G. In a foundry?
H. In a pottery?
I. In a cotton, flax or hemp mill?
J. With asbestos?

18. PAST MEDICAL HISTORY

A. Do you consider yourself to be in good health?
If "NO" state reason
B. Have you any defect in vision?
If "YES" state nature of defect
C. Have you any hearing defect?
If "YES" state nature of defect
D. Are you suffering from or have you ever suffered from:
a. Epilepsy (or fits, seizures, convulsions)?
b. Rheumatic fever?
c. Kidney disease?
d. Bladder disease?
e. Diabetes?
f. Jaundice

19. CHEST COLDS AND CHEST ILLNESSES

19A. If you get a cold, does it usually go to your chest? (Usually means more than 1/2 the time.)
20A. During the past 3 years, have you had any chest illnesses that have kept you off work, indoors at home, or in bed?
IF YES TO 20A:
B. Did you produce phlegm with any of these chest illnesses?
C. In the last 3 years, how many such illnesses with (increased) phlegm did you have which lasted a week or more?
21. Did you have any lung trouble before the age of 16?
22. Have you ever had any of the following?
1A. Attacks of bronchitis?
IF YES TO 1A:
B. Was it confirmed by a doctor?
C. At what age was your first attack?
2A. Pneumonia? (include broncho-pneumonia)
IF YES TO 2A:
B. Was it confirmed by a doctor?
C. At what age did you first have it?
3A. Hay fever?

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IF YES TO 3A:

B. Was it confirmed by a doctor?

- 1. Yes ... 2. No ... 3. Does not apply ...

C. At what age did it start?

Age in years ... Does not apply ...

23A. Have you ever had chronic bronchitis?

- 1. Yes ... 2. No ...

IF YES TO 23A:

B. Do you still have it?

- 1. Yes ... 2. No ... 3. Does not apply ...

C. Was it confirmed by a doctor?

- 1. Yes ... 2. No ... 3. Does not apply ...

D. At what age did it start?

Age in years ... Does not apply ...

24A. Have you ever had emphysema?

- 1. Yes ... 2. No ...

IF YES TO 24A:

B. Do you still have it?

- 1. Yes ... 2. No ... 3. Does not apply ...

C. Was it confirmed by a doctor?

- 1. Yes ... 2. No ... 3. Does not apply ...

D. At what age did it start?

Age in years ... Does not apply ...

25A. Have you ever had asthma?

- 1. Yes ... 2. No ...

IF YES TO 25A:

B. Do you still have it?

- 1. Yes ... 2. No ... 3. Does not apply ...

C. Was it confirmed by a doctor?

- 1. Yes ... 2. No ... 3. Does not apply ...

D. At what age did it start?

Age in years ... Does not apply ...

E. If you no longer have it, at what age did it stop?

Age stopped ... Does not apply ...

26. Have you ever had:

A. Any other chest illness?

- 1. Yes ... 2. No ...

If yes, please specify

B. Any chest operations?

- 1. Yes ... 2. No ...

If yes, please specify

C. Any chest injuries?

- 1. Yes ... 2. No ...

If yes, please specify

27A. Has a doctor ever told you that you had heart trouble?

- 1. Yes ... 2. No ...

IF YES TO 27A:

B. Have you ever had treatment for heart trouble in the past 10 years?

- 1. Yes ... 2. No ... 3. Does not apply ...

28A. Has a doctor ever told you that you had high blood pressure?

- 1. Yes ... 2. No ...

IF YES TO 28A:

B. Have you had any treatment for high blood pressure (hypertension) in the past 10 years?

- 1. Yes ... 2. No ... 3. Does not apply ...

29. When did you last have your chest x-rayed?

(Year) ... 25 26 27 28

30. Where did you last have your chest x-rayed (if known)? What was the outcome?

FAMILY HISTORY

31. Were either of your natural parents ever told by a doctor that they had a chronic lung condition such as:

FATHER

MOTHER

- 1. Yes 2. No 3. Don't Know

A. Chronic Bronchitis?

... ..

B. Emphysema?

... ..

C. Asthma?

... ..

D. Lung cancer?

... ..

E. Other chest conditions?

... ..

F. Is parent currently alive?

... ..

G. Please specify

Age if living Age if death Don't know

H. Please specify cause of death

COUGH

32A. Do you usually have a cough? (Count a cough with first smoke or on first going out of doors. Exclude clearing of throat.) (If no, skip to question 32C.)

B. Do you usually cough as much as 4 to 6 times a day 4 or more days out of the week?

C. Do you usually cough at all on getting up or first thing in the morning?

D. Do you usually cough at all during the rest of the day or at night?

IF YES TO ANY OF ABOVE (32A, B, C, OR D), ANSWER THE FOLLOWING. IF NO TO ALL, CHECK DOES NOT APPLY AND SKIP TO NEXT PAGE

E. Do you usually cough like this on most days for 3 consecutive months or more during the year?

F. For how many years have you had the cough? Number of years Does not apply

33A. Do you usually bring up phlegm from your chest? (Count phlegm with the first smoke or on first going out of doors. Exclude phlegm from the nose. Count swallowed phlegm.) (If no, skip to 33C.)

B. Do you usually bring up phlegm like this as much as twice a day 4 or more days out of the week?

C. Do you usually bring up phlegm at all on getting up or first thing in the morning?

D. Do you usually bring up phlegm at all during the rest of the day or at night?

IF YES TO ANY OF THE ABOVE (33A, B, C, OR D), ANSWER THE FOLLOWING: IF NO TO ALL, CHECK DOES NOT APPLY AND SKIP TO 34A.

E. Do you bring up phlegm like this on most days for 3 consecutive months or more during the year?

F. For how many years have you had trouble with phlegm? Number of years Does not apply

EPISODES OF COUGH AND PHLEGM

34A. Have you had periods or episodes of (increased\*) cough and phlegm lasting for 3 weeks or more each year? \*(For persons who usually have cough and/or phlegm.)

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IF YES TO 34A:

B. For how long have you had at least 1 such episode per year?

Number of years ...
Does not apply ...

WHEEZING

35A. Does your chest ever sound wheezy or whistling:

- 1. When you have a cold?
2. Occasionally apart from colds?
3. Most days or nights?

1. Yes ... 2. No ...
1. Yes ... 2. No ...
1. Yes ... 2. No ...

IF YES TO 1, 2, OR 3 IN 35A:

B. For how many years has this been present?

Number of years ...
Does not apply ...

36A. Have you ever had an attack of wheezing that has made you feel short of breath?

1. Yes ... 2. No ...

IF YES TO 36A:

B. How old were you when you had your first such attack?

Age in years ...
Does not apply ...

C. Have you had 2 or more such episodes?

1. Yes ... 2. No ...
3. Does not apply ...

D. Have you ever required medicine or treatment for the(se) attack(s)?

1. Yes ... 2. No ...
3. Does not apply ...

BREATHLESSNESS

37. If disabled from walking by any condition other than heart or lung disease, please describe and proceed to question 39A. Nature of condition(s)

38A. Are you troubled by shortness of breath when hurrying on the level or walking up a slight hill?

1. Yes ... 2. No ...

IF YES TO 38A:

B. Do you have to walk slower than people of your age on the level because of breathlessness?

1. Yes ... 2. No ...
3. Does not apply ...

C. Do you ever have to stop for breath when walking at your own pace on the level?

1. Yes ... 2. No ...
3. Does not apply ...

D. Do you ever have to stop for breath after walking about 100 yards (or after a few minutes) on the level?

1. Yes ... 2. No ...
3. Does not apply ...

E. Are you too breathless to leave the house or breathless on dressing or climbing one flight of stairs?

1. Yes ... 2. No ...
3. Does not apply ...

TOBACCO SMOKING

39A. Have you ever smoked cigarettes? (No means less than 20 packs of cigarettes or 12 oz. of tobacco in a lifetime or less than 1 cigarette a day for 1 year.)

1. Yes ... 2. No ...

IF YES TO 39A:

B. Do you now smoke cigarettes (as of one month ago)?

1. Yes ... 2. No ...
3. Does not apply ...

C. How old were you when you first started regular cigarette smoking?

Age in years ...
Does not apply ...

D. If you have stopped smoking cigarettes completely, how old were you when you stopped?

Aged stopped ...
Check if still smoking ...
Does not apply ...

E. How many cigarettes do you smoke per day now?

Cigarettes per day ...
Does not apply ...

F. On the average of the entire time you smoked, how many cigarettes did you smoke per day?

Cigarettes per day ...
Does not apply ...

G. Do you or did you inhale the cigarette smoke?

1. Does not apply ...
2. Not at all ...
3. Slightly ...
4. Moderately ...
5. Deeply ...

40A. Have you ever smoked a pipe regularly? (Yes means more than 12 ounces of tobacco in a lifetime.)

1. Yes ... 2. No ...

IF YES TO 40A:

FOR PERSONS WHO HAVE EVER SMOKED A PIPE

B. 1. How old were you when you started to smoke a pipe regularly?

Age ...

2. If you have stopped smoking a pipe completely, how old were you when you stopped?

Age stopped ...
Check if still smoking pipe ...
Does not apply ...

C. On the average over the entire time you smoked a pipe, how much pipe tobacco did you smoke per week?

... oz. per week ...
(a standard pouch of tobacco contains 1-1/2 ounces) ...
Does not apply ...

D. How much pipe tobacco are you smoking now?

oz. per week ...
Not currently smoking a pipe ...

E. Do you or did you inhale the pipe smoke?

1. Never smoked ...
2. Not at all ...
3. Slightly ...
4. Moderately ...
5. Deeply ...

41A. Have you ever smoked cigars regularly? (Yes means more than 1 cigar a week for a year.)

1. Yes ... 2. No ...

IF YES TO 41A:

FOR PERSONS WHO HAVE EVER SMOKED CIGARS

B. 1. How old were you when you started smoking cigars regularly?

Age ...

2. If you have stopped smoking cigars completely, how old were you when you stopped?

Age stopped ...
Check if still smoking cigars ...
Does not apply ...

C. On the average over the entire time you smoked cigars, how many cigars did you smoke per week?

Cigars per week ...
Does not apply ...

D. How many cigars are you smoking per week now?

Cigars per week ...
Check if not smoking cigars currently ...

E. Do you or did you inhale the cigar smoke?

1. Never smoked ...
2. Not at all ...
3. Slightly ...
4. Moderately ...
5. Deeply ...

Signature ... Date

Part 2 PERIODIC MEDICAL QUESTIONNAIRE

- 1. NAME
2. SOCIAL SECURITY #
3. CLOCK NUMBER
4. PRESENT OCCUPATION
5. PLANT
6. ADDRESS
7. (Zip Code)
8. TELEPHONE NUMBER
9. INTERVIEWER

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10. DATE ..... 16 17 18 19 20 21

11. What is your marital status? 1. Single ... 4. Separated/  
2. Married ... Divorced ...  
3. Widowed ...

12. OCCUPATIONAL HISTORY

12A. In the past year, did you work full time (30 hours per week or more) for 6 months or more? 1. Yes ... 2. No ...

IF YES TO 12A:

12B. In the past year, did you work in a dusty job? 1. Yes ... 2. No ... 3. Does not apply ...

12C. Was dust exposure: 1. Mild ... 2. Moderate ... 3. Severe ...

12D. In the past year, were you exposed to gas or chemical fumes in your work? 1. Yes ... 2. No ...

12E. Was exposure: 1. Mild ... 2. Moderate ... 3. Severe ...

12F. In the past year, what was your: 1. Job/occupation? .....  
2. Position/job title? .....

13. RECENT MEDICAL HISTORY

13A. Do you consider yourself to be in good health? Yes ... No ...  
If NO, state reason .....

13B. In the past year, have you developed: Yes No  
Epilepsy? .....  
Rheumatic fever? .....  
Kidney disease? .....  
Bladder disease? .....  
Diabetes? .....  
Jaundice? .....  
Cancer? .....

14. CHEST COLDS AND CHEST ILLNESS

14A. If you get a cold, does it usually go to your chest? (Usually means more than 1/2 the time.) 1. Yes ... 2. No ... 3. Don't get colds ...

14B. During the past year, have you had any chest illnesses that have kept you off work, indoors at home, or in bed? 1. Yes ... 2. No ... 3. Does not apply ...

IF YES TO 14B:

14C. Did you produce phlegm with any of these chest illnesses? 1. Yes ... 2. No ... 3. Does not apply ...

14D. In the past year, how many such illnesses with (increased) phlegm did you have which lasted a week or more? Number of illnesses ...  
No such illnesses ...

16. RESPIRATORY SYSTEM

In the past year have you had:

Yes or No	Further Comment on Positive Answers
Asthma ...	
Bronchitis ...	
Hay fever ...	
Other allergies ...	
Yes or No	Further Comment on Positive Answers
Pneumonia ...	
Tuberculosis ...	
Chest surgery ...	
Other lung Problems ...	
Heart disease ...	
Do you have:	
Yes or No	Further Comment on Positive Answers

Frequent colds ...  
Chronic cough ...  
Shortness of breath when walking or climbing one flight of stairs ...

Do you:  
Wheeze ...  
Cough up phlegm ...  
Smoke cigarettes ... Packs per day ... How many years ...

Date ..... Signature .....

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-62-07745 Appendix F—Work practices and engineering controls for automotive brake ((repair operations—Nonmandatory)) and clutch inspection, disassembly, repair and assembly—Mandatory.** ((This appendix is intended as guidance for employers in the automotive brake and clutch repair industry who wish to reduce their employees' asbestos exposures during repair operations to levels below the new standard's action level (0.1 f/cc). WISHA believes that employers in this industry sector are likely to be able to reduce their employees' exposures to asbestos by employing the engineering and work practice controls described in subsections (1) and (2) of this section. Those employers who choose to use these controls and who achieve exposures below the action level will thus be able to avoid any burden that might be imposed by complying with such requirements as medical surveillance, recordkeeping, training, respiratory protection, and regulated areas, which are triggered when employee exposures exceed the action level or permissible exposure limits.

Asbestos exposure in the automotive brake and clutch repair industry occurs primarily during the replacement of clutch plates and brake pads, shoes, and linings. Asbestos fibers may become airborne when an automotive mechanic removes the asbestos-containing residue that has been deposited as brakes and clutches wear. Employee exposures to asbestos occur during the cleaning of the brake drum or clutch housing.

WISHA believes that employers engaged in brake repair operations who implement any of the work practices and engineering controls described in subsections (1) and (2) of this section may be able to reduce their employees' exposures to levels below the action level (0.1 fiber/cc). These control methods and the relevant record evidence on these and other methods are described in the following sections:

(1) Enclosed cylinder/HEPA vacuum system method.

The enclosed cylinder vacuum system used in one of the facilities visited by representatives of the National Institute for Occupational Safety and Health (NIOSH) during a health hazard evaluation of brake repair facilities consists of three components:

(a) A wheel-shaped cylinder designed to cover and enclose the wheel assembly;

(b) A compressed air hose and nozzle that fits into a port in the cylinder; and

(c) A HEPA filtered vacuum used to evacuate airborne dust generated within the cylinder by the compressed air.

To operate the system, the brake assembly is enclosed in a cylinder that has viewing ports to provide visibility and

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cotton sleeves through which the mechanic can handle the brake assembly parts. The cylinder effectively isolates asbestos dust in the drum from the mechanic's breathing zone. One company manufactures the brake assembly isolation cylinder. The cylinder is equipped with built-in compressed air guns and a connection for a vacuum cleaner equipped with a high efficiency particulate air (HEPA) filter. This type of filter is capable of removing all particles greater than 0.3 microns from the air. When the vacuum cleaner's filter is full, it must be replaced according to the manufacturer's instruction, and appropriate HEPA filtered dual cartridge respirators should be worn during the process. The filter of the vacuum cleaner is assumed to be contaminated with asbestos fibers and should be handled carefully, wetted with a fine mist of water, placed immediately in a labelled plastic bag, and disposed of properly. When the cylinder is in place around the brake assembly and the HEPA vacuum is connected, compressed air is blown into the cylinder to loosen the residue from the brake assembly parts. The vacuum then evacuates the loosened material from within the cylinder, capturing the airborne material on the HEPA filter.

The HEPA vacuum system can be disconnected from the brake assembly isolation cylinder when the cylinder is not being used. The HEPA vacuum can then be used for clutch facing work, grinding, or other routine cleaning.

(2) Compressed air/solvent system method.

A compressed air hose fitted at the end with a bottle of solvent can be used to loosen the asbestos-containing residue and to capture the resulting airborne particles in the solvent mist. The mechanic should begin spraying the asbestos-contaminated parts with the solvent at a sufficient distance to ensure that the asbestos particles are not dislodged by the velocity of the solvent spray. After the asbestos particles are thoroughly wetted, the spray may be brought closer to the parts and the parts may be sprayed as necessary to remove grease and other material. The automotive parts sprayed with the mist are then wiped with a rag, which must then be disposed of appropriately. Rags should be placed in a labelled plastic bag or other container while they are still wet. This ensures that the asbestos fibers will not become airborne after the brake and clutch parts have been cleaned. (If cleanup rags are laundered rather than disposed of, they must be washed using methods appropriate for the laundering of asbestos contaminated materials.)

WISHA believes that a variant of this compressed air/solvent mist process offers advantages over the compressed air/solvent mist technique discussed above, both in terms of costs and employee protection. The variant involves the use of spray cans filled with any of several solvent cleaners commercially available from auto supply stores. Spray cans of solvent are inexpensive, readily available, and easy to use. These cans will also save time, because no solvent delivery system has to be assembled, i.e., no compressed air hose/mister ensemble. OSHA believes that a spray can will deliver solvent to the parts to be cleaned with considerably less force than the alternative compressed air delivery system described above, and will thus generate fewer airborne asbestos fibers than the compressed air method. The agency therefore believes that the exposure levels of automotive repair mechanics using the spray can/solvent mist process will be even lower than the exposures reported by NIOSH for the compressed air/solvent mist system (0.08 f/cc).

(3) Information on the effectiveness of various control measures.

The amount of airborne asbestos generated during brake and clutch repair operations depends on the work practices and engineering controls used during the repair or removal activity.

(a) Prohibited methods.

The use of compressed air to blow the asbestos containing residue off the surface of the brake drum removes the residue effectively but simultaneously produces an airborne cloud of asbestos fibers. According to NIOSH, the peak exposures of mechanics using this technique were as high as fifteen fibers/cc, and eight hour TWA exposures ranged from 0.03 to 0.19 f/cc.

Dr. William J. Nicholson of the Mount Sinai School of Medicine cited data from Knight and Hickish (1970) that indicated that the concentration of asbestos ranged from 0.84 to 5.35 f/cc over a sixty minute sampling period when compressed air was being used to blow out the asbestos containing residue from the brake drum. In the same study, a peak concentration of eighty seven f/cc was measured for a few seconds during brake cleaning performed with compressed air. Rohl et al. (1976) measured area concentrations (of unspecified duration) within three to five feet of operations involving the cleaning of brakes with compressed air and obtained readings ranging from 6.6 to 29.8 f/cc. Because of the high exposure levels that result from cleaning brake and clutch parts using compressed air, WISHA has prohibited this practice in the revised standard.

(b) Ineffective methods.

When dry brushing was used to remove the asbestos-containing residue from the brake drums and wheel assemblies, peak exposures measured by NIOSH ranged from 0.61 to 0.81 f/cc, while eight hour TWA levels were at the new standard's permissible exposure limit (PEL) of 0.2 f/cc. Rohl and his colleagues collected area samples one to three feet from a brake cleaning operation being performed with a dry brush, and measured concentrations ranging from 1.3 to 3.6 f/cc; however, sampling times and TWA concentrations were not presented in the Rohl et al. study.

When a brush wetted with water, gasoline, or Stoddard solvent was used to clean the asbestos-containing residue from the affected parts, exposure levels (eight hour TWAs) measured by NIOSH also exceeded the new 0.2 f/cc PEL, and peak exposures ranged as high as 2.62 f/cc.

(c) Preferred methods.

Use of an engineering control system involving a cylinder that completely encloses the brake shoe assembly and a high efficiency particulate air (HEPA) filter equipped vacuum produced eight hour TWA employee exposures of 0.01 f/cc and peak exposures ranging from nondetectable to 0.07 f/cc. (Because this system achieved exposure levels below the standard's action level, it is described in detail above.) Data collected by the Mount Sinai Medical Center for Nilfisk of America, Inc., the manufacturer of the brake assembly enclosure system, showed that for two of three operations sampled, the exposure of mechanics to airborne asbestos fibers was nondetectable. For the third operator sampled by Mt. Sinai researchers, the exposure was 0.5 f/cc, which the authors attributed to asbestos that had contaminated the operator's clothing in the course of previous brake

~~repair operations performed without the enclosed cylinder/vacuum system.~~

Some automotive repair facilities use a compressed air hose to apply a solvent mist to remove the asbestos containing residue from the brake drums before repair. The NIOSH data indicated that mechanics employing this method experienced exposures (eight hour TWAs) of 0.8 f/cc, with peaks of 0.25 to 0.68 f/cc. This technique, and a variant of it, that WISHA believes is both less costly and more effective in reducing employee exposures, is described in greater detail in subsections (1) and (2) of this section.

(4) Summary.

In conclusion, WISHA believes that it is likely that employers in the brake and clutch repair industry will be able to avail themselves of the action level trigger built into the revised standard if they conscientiously employ one of the three control methods described above: The enclosed cylinder/HEPA vacuum system, the compressed air/solvent method, or the spray can/solvent mist system.)) This mandatory appendix specifies engineering controls and work practices that must be implemented by the employer during automotive brake and clutch inspection, disassembly, repair, and assembly operations. Proper use of these engineering controls and work practices will reduce employees' asbestos exposure below the permissible exposure level during clutch and brake inspection, disassembly, repair, and assembly operations. The employer shall institute engineering controls and work practices using either the method set forth in (1) or (2) of this appendix, or any other method which the employer can demonstrate to be equivalent in terms of reducing employee exposure to asbestos as defined and which meets the requirements described in (3) of this appendix, for those facilities in which no more than 5 pairs of brakes or 5 clutches are inspected, disassembled, reassembled and/or repaired per week, the method set forth in (4) of this appendix may be used:

(1) Negative pressure enclosure/HEPA vacuum system method.

(a) The brake and clutch inspection, disassembly, repair, and assembly operations shall be enclosed to cover and contain the clutch or brake assembly and to prevent the release of asbestos fibers into the worker's breathing zone.

(b) The enclosure shall be sealed tightly and thoroughly inspected for leaks before work begins on brake and clutch inspection, disassembly, repair and assembly.

(c) The enclosure shall be such that the worker can clearly see the operation and shall provide impermeable sleeves through which the worker can handle the brake and clutch inspection, disassembly, repair and assembly. The integrity of the sleeves and ports shall be examined before work begins.

(d) A HEPA-filtered vacuum shall be employed to maintain the enclosure under negative pressure throughout the operation. Compressed-air may be used to remove asbestos fibers or particles from the enclosure.

(e) The HEPA vacuum shall be used first to loosen the asbestos containing residue from the brake and clutch parts and then to evacuate the loosened asbestos containing material from the enclosure and capture the material in the vacuum filter.

(f) The vacuum's filter, when full, shall be first wetted with a fine mist of water, then removed and placed immedi-

ately in an impermeable container, labeled according to WAC 296-62-07721 (6)(b) and disposed of according to WAC 296-62-07713 (1)(a) and (2)(f).

(g) Any spills or releases of asbestos containing waste material from inside of the enclosure or vacuum hose or vacuum filter shall be immediately cleaned up and disposed of according to WAC 296-62-07713 (1)(a) and (2)(f).

(2) Low pressure/wet cleaning method.

(a) A catch basin shall be placed under the brake assembly, positioned to avoid splashes and spills.

(b) The reservoir shall contain water containing an organic solvent or wetting agent. The flow of liquid shall be controlled such that the brake assembly is gently flooded to prevent the asbestos-containing brake dust from becoming airborne.

(c) The aqueous solution shall be allowed to flow between the brake drum and brake support before the drum is removed.

(d) After removing the brake drum, the wheel hub and back of the brake assembly shall be thoroughly wetted to suppress dust.

(e) The brake support plate, brake shoes and brake components used to attach the brake shoes shall be thoroughly washed before removing the old shoes.

(f) In systems using filters, the filters, when full, shall be first wetted with a fine mist of water, then removed and placed immediately in an impermeable container, labeled according to WAC 296-62-07721 (6)(b) and disposed of according to WAC 296-62-07713 (1)(a) and (2)(f).

(g) Any spills of asbestos-containing aqueous solution or any asbestos-containing waste material shall be cleaned up immediately and disposed of according to WAC 296-62-07713 (1)(a) and (2)(f).

(h) The use of dry brushing during low pressure/wet cleaning operations is prohibited.

(3) Equivalent methods. An equivalent method is one which has sufficient written detail so that it can be reproduced and has been demonstrated that the exposures resulting from the equivalent method are equal to or less than the exposure which would result from the use of the method described in subsection (1) of this appendix. For purposes of making this comparison, the employer shall assume that exposures resulting from the use of the method described in subsection (1) of this appendix shall not exceed 0.016 f/cc, as measured by the WISHA reference method and as averaged over at least 18 personal samples.

(4) Wet method.

(a) A spray bottle, hose nozzle, or other implement capable of delivering a fine mist of water or amended water or other delivery system capable of delivering water at low pressure, shall be used to first thoroughly wet the brake and clutch parts. Brake and clutch components shall then be wiped clean with a cloth.

(b) The cloth shall be placed in an impermeable container, labeled according to WAC 296-62-07721 (6)(b) and then disposed of according to WAC 296-62-07713 (1)(a) and (2)(f), or the cloth shall be laundered in a way to prevent the release of asbestos fibers in excess of 0.1 fiber per cubic centimeter of air.

(c) Any spills of solvent or any asbestos containing waste material shall be cleaned up immediately according to WAC 296-62-07713 (1)(a) and (2)(f).

(d) The use of dry brushing during the wet method operations is prohibited.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

**WAC 296-62-07747 Appendix G—Substance technical information for asbestos—Nonmandatory.** (1) Substance identification.

(a) Substance: "Asbestos" is the name of a class of magnesium-silicate minerals that occur in fibrous form. Minerals that are included in this group are chrysotile, crocidolite, amosite, tremolite asbestos, anthophyllite asbestos, and actinolite asbestos.

(b) Asbestos is used in the manufacture of heat-resistant clothing, automotive brake and clutch linings, and a variety of building materials including floor tiles, roofing felts, ceiling tiles, asbestos-cement pipe and sheet, and fire-resistant drywall. Asbestos is also present in pipe and boiler insulation materials, and in sprayed-on materials located on beams, in crawlspaces, and between walls.

(c) The potential for a product containing asbestos, tremolite, anthophyllite, and actinolite to release breathable fibers depends on its degree of friability. Friable means that the material can be crumbled with hand pressure and is therefore likely to emit fibers. The fibrous or fluffy sprayed-on materials used for fireproofing, insulation, or sound proofing are considered to be friable, and they readily release airborne fibers if disturbed. Materials such as vinyl-asbestos floor tile or roofing felts are considered nonfriable and generally do not emit airborne fibers unless subjected to sanding or sawing operations. Asbestos-cement pipe or sheet can emit airborne fibers if the materials are cut or sawed, or if they are broken during demolition operations.

(d) Permissible exposure: Exposure to airborne asbestos fibers may not exceed ~~((0.2))~~ 0.1 fiber~~((s))~~ per cubic centimeter of air ~~((0.2))~~ 0.1 f/cc averaged over the eight-hour workday (time weighted average), or ~~((0.4))~~ 1 fiber~~((s))~~ per cubic centimeter of air ~~((0.4))~~ 1 f/cc during any ~~((fifteen))~~ thirty minute period, (excursion limit).

(2) Health hazard data.

(a) Asbestos can cause disabling respiratory disease and various types of cancers if the fibers are inhaled. Inhaling or ingesting fibers from contaminated clothing or skin can also result in these diseases. The symptoms of these diseases generally do not appear for twenty or more years after initial exposure.

(b) Exposure to asbestos has been shown to cause lung cancer, mesothelioma, and cancer of the stomach and colon. Mesothelioma is a rear cancer of the thin membrane lining of the chest and abdomen. Symptoms of mesothelioma include shortness of breath, pain in the walls of the chest, and/or abdominal pain.

(3) Respirators and protective clothing.

(a) Respirators: You are required to wear a respirator when performing tasks that result in asbestos exposure that exceeds ~~((0.2))~~ 0.1 fiber~~((s))~~ per cubic centimeter of air ~~((0.2))~~ 0.1 f/cc as an eight-hour time weighted average and/or 1.0 fiber per cubic centimeter (1 f/cc) during any ~~((45))~~ thirty minute period (excursion limit). These conditions can occur while your employer is in the process of installing engineering controls to reduce asbestos exposure, or where

engineering controls are not feasible to reduce asbestos exposure. Air-purifying respirators equipped with a high-efficiency particulate air (HEPA) filter can be used where airborne asbestos fiber concentrations do not exceed ~~((2))~~ 1 f/cc; otherwise, air-supplied, positive-pressure, full facepiece respirators must be used. Disposable respirators or dust masks are not permitted to be used for asbestos work. For effective protection, respirators must fit your face and head snugly. Your employer is required to conduct fit tests when you are first assigned a respirator and every six months thereafter. Respirators should not be loosened or removed in work situations where their use is required.

(b) Protective clothing: You are required to wear protective clothing in work areas where asbestos fiber concentrations exceed the permissible exposure limits to prevent contamination of the skin. Where protective clothing is required, your employer must provide you with clean garments. Unless you are working on a large asbestos removal or demolition project, your employer must also provide a change room and separate lockers for your street clothes and contaminated work clothes. If you are working on a large asbestos removal or demolition project, and where it is feasible to do so, your employer must provide a clean room, shower, and decontamination room contiguous to the work area. When leaving the work area, you must remove contaminated clothing before proceeding to the shower. If the shower is not adjacent to the work area, you must vacuum your clothing before proceeding to the change room and shower. To prevent inhaling fibers in contaminated change rooms and showers, leave your respirator on until you leave the shower and enter the clean change room.

(4) Disposal procedures and cleanup.

(a) Wastes that are generated by processes where asbestos is present include:

(i) Empty asbestos shipping containers.

(ii) Process wastes such as cuttings, trimmings, or reject material.

(iii) Housekeeping waste from sweeping or HEPA vacuuming.

(iv) Asbestos fireproofing or insulating material that is removed from buildings.

(v) Building products that contain asbestos removed during building renovation or demolition.

(vi) Contaminated disposable protective clothing.

(b) Empty shipping bags can be flattened under exhaust hoods and packed into airtight containers for disposal. Empty shipping drums are difficult to clean and should be sealed.

(c) Vacuum bags or disposable paper filters should not be cleaned, but should be sprayed with a fine water mist and placed into a labeled waste container.

(d) Process waste and housekeeping waste should be wetted with water or a mixture of water and surfactant prior to packaging in disposable containers.

(e) Material containing asbestos that is removed from buildings must be disposed of in leaktight 6-mil thick plastic bags, plastic-lined cardboard containers, or plastic-lined metal containers. These wastes, which are removed while wet, should be sealed in containers before they dry out to minimize the release of asbestos fibers during handling.

(5) Access to information.

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(a) Each year, your employer is required to inform you of the information contained in this standard and appendices for asbestos. In addition, your employer must instruct you in the proper work practices for handling materials containing asbestos and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to asbestos. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure, and, if you are exposed above the permissible limits, he or she is required to inform you of the actions that are being taken to reduce your exposure to within the permissible limits.

(c) Your employer is required to keep records of your exposures and medical examinations. These exposure records must be kept for at least thirty years. Medical records must be kept for the period of your employment plus thirty years.

(d) Your employer is required to release your exposure and medical records to your physician or designated representative upon your written request.

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

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-62-07749 Appendix H—Medical surveillance guidelines for asbestos—Nonmandatory.** (1) Route of entry inhalation, ingestion.

(2) Toxicology.

Clinical evidence of the adverse effects associated with exposure to asbestos is present in the form of several well-conducted epidemiological studies of occupationally exposed workers, family contacts of workers, and persons living near asbestos mines. These studies have shown a definite association between exposure to asbestos and an increased incidence of lung cancer, pleural and peritoneal mesothelioma, gastrointestinal cancer, and asbestosis. The latter is a disabling fibrotic lung disease that is caused only by exposure to asbestos. Exposure to asbestos has also been associated with an increased incidence of esophageal, kidney, laryngeal, pharyngeal, and buccal cavity cancers. As with other known chronic occupational diseases, disease associated with asbestos generally appears about twenty years following the first occurrence of exposure: There are no known acute effects associated with exposure to asbestos.

Epidemiological studies indicate that the risk of lung cancer among exposed workers who smoke cigarettes is greatly increased over the risk of lung cancer among nonexposed smokers or exposed nonsmokers. These studies suggest that cessation of smoking will reduce the risk of lung cancer for a person exposed to asbestos but will not reduce it to the same level of risk as that existing for an exposed worker who has never smoked.

(3) Signs and symptoms of exposure-related disease.

The signs and symptoms of lung cancer or gastrointestinal cancer induced by exposure to asbestos are not unique, except that a chest x-ray of an exposed patient with lung cancer may show pleural plaques, pleural calcification, or pleural fibrosis. Symptoms characteristic of mesothelioma

include shortness of breath, pain in the walls of the chest, or abdominal pain. Mesothelioma has a much longer latency period compared with lung cancer (forty years versus fifteen to twenty years), and mesothelioma is therefore more likely to be found among workers who were first exposed to asbestos at an early age. Mesothelioma is always fatal.

Asbestosis is pulmonary fibrosis caused by the accumulation of asbestos fibers in the lungs. Symptoms include shortness of breath, coughing, fatigue, and vague feelings of sickness. When the fibrosis worsens, shortness of breath occurs even at rest. The diagnosis of asbestosis is based on a history of exposure to asbestos, the presence of characteristic radiologic changes, endinspiratory crackles (rales), and other clinical features of fibrosing lung disease. Pleural plaques and thickening are observed on x-rays taken during the early stages of the disease. Asbestosis is often a progressive disease even in the absence of continued exposure, although this appears to be a highly individualized characteristic. In severe cases, death may be caused by respiratory or cardiac failure.

(4) Surveillance and preventive considerations.

As noted above, exposure to asbestos has been linked to an increased risk of lung cancer, mesothelioma, gastrointestinal cancer, and asbestosis among occupationally exposed workers. Adequate screening tests to determine an employee's potential for developing serious chronic diseases, such as cancer, from exposure to asbestos do not presently exist. However, some tests, particularly chest x-rays and pulmonary function tests, may indicate that an employee has been overexposed to asbestos increasing his or her risk of developing exposure-related chronic diseases. It is important for the physician to become familiar with the operating conditions in which occupational exposure to asbestos is likely to occur. This is particularly important in evaluating medical and work histories and in conducting physical examinations. When an active employee has been identified as having been overexposed to asbestos measures taken by the employer to eliminate or mitigate further exposure should also lower the risk of serious long-term consequences.

The employer is required to institute a medical surveillance program for all employees who are or will be exposed to asbestos at or above the ~~((action level))~~ permissible exposure limits (0.1 fiber per cubic centimeter of air) for 30 or more days per year and for all employees who are assigned to wear a negative pressure respirator. All examinations and procedures must be performed by or under the supervision of a licensed physician, at a reasonable time and place, and at no cost to the employee.

Although broad latitude is given to the physician in prescribing specific tests to be included in the medical surveillance program, WISHA requires inclusion of the following elements in the routine examination:

(a) Medical and work histories with special emphasis directed to symptoms of the respiratory system, cardiovascular system, and digestive tract.

(b) Completion of the respiratory disease questionnaire contained in WAC 296-62-07741, Appendix D.

(c) A physical examination including a chest roentgenogram and pulmonary function test that includes measurement of the employee's forced vital capacity (FVC) and forced expiratory volume at one second (FEV<sub>1</sub>).

(d) Any laboratory or other test that the examining physician deems by sound medical practice to be necessary.

The employer is required to make the prescribed tests available at least annually to those employees covered; more often than specified if recommended by the examining physician; and upon termination of employment.

The employer is required to provide the physician with the following information: A copy of this standard and appendices; a description of the employee's duties as they relate to asbestos exposure; the employee's representative level of exposure to asbestos; a description of any personal protective and respiratory equipment used; and information from previous medical examinations of the affected employee that is not otherwise available to the physician. Making this information available to the physician will aid in the evaluation of the employee's health in relation to assigned duties and fitness to wear personal protective equipment, if required.

The employer is required to obtain a written opinion from the examining physician containing the results of the medical examination; the physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of exposure-related disease; any recommended limitations on the employee or on the use of personal protective equipment; and a statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions related to asbestos exposure that require further explanation or treatment. This written opinion must not reveal specific findings or diagnoses unrelated to exposure to asbestos and a copy of the opinion must be provided to the affected employee.

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-62-07751 Appendix I—Work practices and engineering controls for ((major asbestos removal, renovation, and demolition operations)) Class I asbestos operations—Nonmandatory.** ((This is a nonmandatory appendix designed to provide guidelines to assist employers in complying with the requirements of WAC 296-62-077 through 296-62-07753. Specifically, this appendix describes the equipment, methods, and procedures that should be used in major asbestos removal projects conducted to abate a recognized asbestos hazard or in preparation for building renovation or demolition. These projects require the construction of negative pressure temporary enclosures to contain the asbestos material and to prevent the exposure of bystanders and other employees at the worksite. WAC 296-62-07712(1) of the standard requires that "The employer, wherever feasible, shall establish negative pressure enclosures having a minimum of one air exchange every fifteen minutes within the enclosure before commencing removal, demolition, or renovation operations." Employers should also be aware that, when conducting asbestos removal projects, they may be required under the National Emissions Standards for Hazardous Air Pollutants (NESHAPS), 40 CFR Part 61, Subpart M, or EPA regulations under the Clean Water Act.

(1) Introduction. Construction of a negative pressure enclosure is a simple but time-consuming process that

requires careful preparation and execution; however, if the procedures below are followed, contractors should be assured of achieving a temporary barricade that will protect employees and others outside the enclosure from exposure to asbestos and minimize to the extent possible the exposure of asbestos workers inside the barrier as well.

The equipment and materials required to construct these barriers are readily available and easily installed and used. In addition to an enclosure around the removal site, the standard requires employers to provide hygiene facilities that ensure that their asbestos contaminated employees do not leave the worksite with asbestos on their persons or clothing; the construction of these facilities is also described below. The steps in the process of preparing the asbestos removal site, building the enclosure, constructing hygiene facilities, removing the asbestos-containing material, and restoring the site include:

- (a) Planning the removal project;
- (b) Procuring the necessary materials and equipment;
- (c) Preparing the work area;
- (d) Removing the asbestos-containing material;
- (e) Cleaning the work area; and
- (f) Disposing of the asbestos-containing waste.

(2) Planning the removal project. The planning of an asbestos removal project is critical to completing the project safely and cost effectively. A written asbestos removal plan should be prepared that describes the equipment and procedures that will be used throughout the project. The asbestos abatement plan will aid not only in executing the project but also in complying with the reporting requirements of the USEPA asbestos regulations (40 CFR 61, Subpart M), which call for specific information such as a description of control methods and control equipment to be used and the disposal sites the contractor proposes to use to dispose of the asbestos-containing materials.

The asbestos abatement plan should contain the following information:

- (a) A physical description of the work area;
  - (b) A description of the approximate amount of material to be removed;
  - (c) A schedule for turning off and sealing existing ventilation systems;
  - (d) Personnel hygiene procedures;
  - (e) Labeling procedures;
  - (f) A description of personal protective equipment and clothing to be worn by employees;
  - (g) A description of the local exhaust ventilation systems to be used;
  - (h) A description of work practices to be observed by employees;
  - (i) A description of the methods to be used to remove the asbestos-containing material;
  - (j) The wetting agent to be used;
  - (k) A description of the sealant to be used at the end of the project;
  - (l) An air monitoring plan;
  - (m) A description of the method to be used to transport waste material; and
  - (n) The location of the dump site.
- (3) Materials and equipment necessary for asbestos removal. Although individual asbestos removal projects vary in terms of the equipment required to accomplish the



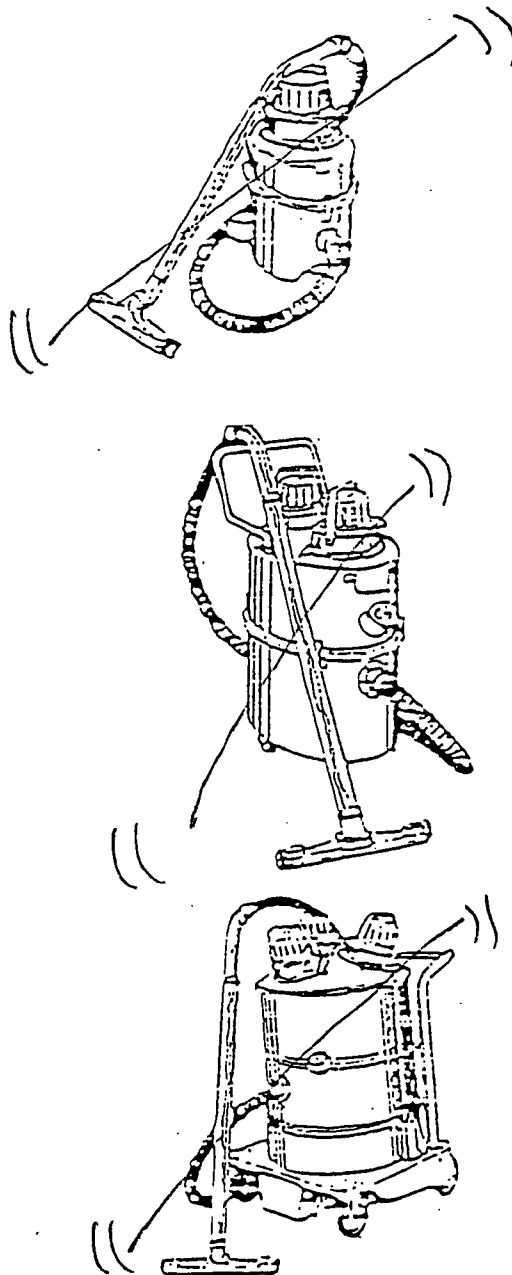
removal of the material, some equipment and materials are common to most asbestos removal operations. Equipment and materials that should be available at the beginning of each project are: (a) Rolls of polyethylene sheeting; (b) rolls of gray duct tape or clear plastic tape; (c) HEPA filtered vacuum(s); (d) HEPA filtered portable ventilation system(s); (e) a wetting agent; (f) an airless sprayer; (g) a portable shower unit; (h) appropriate respirators; (i) disposable coveralls; (j) signs and labels; (k) preprinted disposal bags; and (l) a manometer or pressure gauge.

(a) and (b) Rolls of polyethylene plastic and tape. Rolls of polyethylene plastic (6 mil in thickness) should be available to construct the asbestos removal enclosure and to seal windows, doors, ventilation systems, wall penetrations, and ceilings and floors in the work area. Gray duct tape or clear plastic tape should be used to seal the edges of the plastic and to seal any holes in the plastic enclosure. Polyethylene plastic sheeting can be purchased in rolls up to twelve to twenty feet in width and up to one hundred feet in length.

(c) HEPA filtered vacuum. A HEPA filtered vacuum is essential for cleaning the work area after the asbestos has been removed. Such vacuums are designed to be used with a HEPA (high efficiency particulate air) filter, which is capable of removing 99.97 percent of the asbestos particles from the air. Various sizes and capacities of HEPA vacuums are available. One manufacturer produces three models that range in capacity from five and one quarter gallons to seventeen gallons (see Figure I-1). All of these models are portable, and all have long hoses capable of reaching out of the way places, such as areas above ceiling tiles, behind pipes, etc.

(d) Exhaust air filtration system. A portable ventilation system is necessary to create a negative pressure within the asbestos removal enclosure. Such units are equipped with a HEPA filter and are designed to exhaust and clean the air inside the enclosure before exhausting it to the outside of the enclosure (see Figure I-2). Systems are available from several manufacturers. One supplier has two ventilation units that range in capacity from six hundred cubic feet per minute (CFM) to one thousand seven hundred CFM. According to the manufacturer's literature, these units filter particles of 0.3 micron in size with an efficiency of 99.99 percent. The number and capacity of units required to ventilate an enclosure depend on the size of the area to be ventilated.

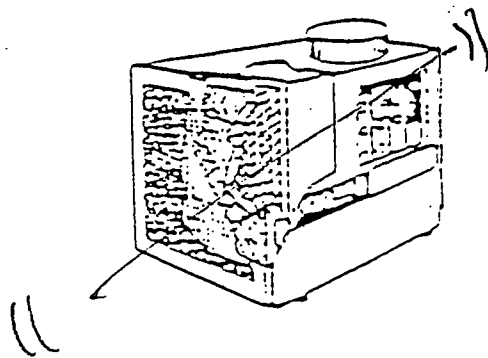
Figure I-1. HEPA filtered vacuums



Source: Product Catalog, Asbestos Control Technologies, Inc., Maple Shade, N.J., 1985

PROPOSED

Figure I-2. Portable exhaust ventilation system with HEPA filter



Source: Product Catalog, Asbestos Control Technologies, Inc., Maple Shade, N.J., 1985

(e) **Wetting agents.** Wetting agents (surfactants) are added to water (which is then called amended water) and used to soak asbestos-containing materials; amended water penetrates more effectively than plain water and permits more thorough soaking of the asbestos-containing materials. Wetting the asbestos-containing material reduces the number of fibers that will break free and become airborne when the asbestos-containing material is handled or otherwise disturbed. Asbestos-containing materials should be thoroughly soaked before removal is attempted; the dislodged material should feel spongy to the touch. Wetting agents are generally prepared by mixing one to three ounces of wetting agent to five gallons of water.

One type of asbestos, amosite, is relatively resistant to soaking, either with plain or amended water. The work practices of choice when working with amosite-containing material are to soak the material as much as possible and then to bag it for disposal immediately after removal, so that the material has no time to dry and be ground into smaller particles that are more likely to liberate airborne asbestos.

In a very limited number of situations, it may not be possible to wet the asbestos-containing material before removing it. Examples of such rare situations are: (i) Removal of asbestos material from a "live" electrical box that was oversprayed with the material when the rest of the area was sprayed with asbestos-containing coating; and (ii) removing asbestos-containing insulation from a live steam pipe. In both of these situations, the preferred approach would be to turn off the electricity or steam, respectively, to permit wet removal methods to be used. However, where removal work must be performed during working hours, i.e., when normal operations cannot be disrupted, the asbestos-containing material must be removed dry. Immediate bagging is then the only method of minimizing the amount of airborne asbestos generated.

(f) **Airless sprayer.** Airless sprayers are used to apply amended water to asbestos-containing materials. Airless sprayers allow the amended water to be applied in a fine spray that minimizes the release of asbestos fibers by reducing the impact of the spray on the material to be

removed. Airless sprayers are inexpensive and readily available.

(g) **Portable shower.** Unless the site has available a permanent shower facility that is contiguous to the removal area, a portable shower system is necessary to permit employees to clean themselves after exposure to asbestos and to remove any asbestos contamination from their hair and bodies. Taking a shower prevents employees from leaving the work area with asbestos on their clothes and thus prevents the spread of asbestos contamination to areas outside the asbestos removal area. This measure also protects members of the families of asbestos workers from possible exposure to asbestos. Showers should be supplied with warm water and a drain. A shower water filtration system to filter asbestos fibers from the shower water is recommended. Portable shower units are readily available, inexpensive, and easy to install and transport.

(h) **Respirators.** Employees involved in asbestos removal projects should be provided with appropriate NIOSH approved respirators. Selection of the appropriate respirator should be based on the concentration of asbestos fibers in the work area. If the concentration of asbestos fibers is unknown, employees should be provided with respirators that will provide protection against the highest concentration of asbestos fibers that can reasonably be expected to exist in the work area. For all work within an enclosure, employees should wear supplied air respirators (see WAC 296-62-07715(3)).

(i) **Disposable coveralls.** Employees involved in asbestos removal operations should be provided with disposable impervious coveralls that are equipped with head and foot covers. Such coveralls are typically made of Tyvek.<sup>†</sup> The coverall has a zipper front and elastic wrists and ankles.

(j) **Signs and labels.** Before work begins, a supply of signs to demarcate the entrance to the work area should be obtained. Signs are available that have the wording required by the final WISHA standard. The required labels are also commercially available as press-on labels and preprinted on the 6 mil polyethylene plastic bags used to dispose of asbestos-containing waste material.

(4) **Preparing the work area.** Preparation for constructing negative pressure enclosures should begin with the removal of all movable objects from the work area, e.g., desks, chairs, rugs, and light fixtures, to ensure that these objects do not become contaminated with asbestos. When objects or surfaces are contaminated or are suspected of being contaminated, they should be vacuumed with a HEPA vacuum and cleaned with amended water, unless they are made of material that will be damaged by the wetting agent; wiping with plain water is recommended in those cases where amended water will damage the object. Before the asbestos removal work begins, objects that cannot be removed from the work area should be covered with a 6 mil-thick polyethylene plastic sheeting that is securely taped with duct tape or plastic tape to achieve an air-tight seal around the object.

(5) **Constructing the enclosure.** When all objects have either been removed from the work area or covered with plastic, all penetrations of the floor, walls, and ceiling should be sealed with 6 mil polyethylene plastic and tape to prevent airborne asbestos from escaping into areas outside the work

area or from lodging in cracks around the penetrations. Penetrations that require sealing are typically found around electrical conduits, telephone wires, and water supply and drain pipes. A single entrance to be used for access and egress to the work area should be selected, and all other doors and windows should be sealed with tape or be covered with 6 mil polyethylene plastic sheeting and securely taped. Covering windows and unnecessary doors with a layer of polyethylene before covering the walls provides a second layer of protection and saves time in installation because it reduces the number of edges that must be cut and taped. All other surfaces such as support columns, ledges, pipes, and other surfaces should also be covered with polyethylene plastic sheeting and taped before the walls themselves are completely covered with sheeting.

Next a thin layer of spray adhesive should be sprayed along the top of all walls surrounding the enclosed work area, close to the wall ceiling interface, and a layer of polyethylene plastic sheeting should be stuck to this adhesive and taped. The entire inside surfaces of all wall areas are covered in this manner, and the sheeting over the walls is extended across the floor area until it meets in the center of the area, where it is taped to form a single layer of material encasing the entire room except for the ceiling. A final layer of plastic sheeting is then laid across the plastic-covered floor area and up the walls to a level of two feet or so; this layer provides a second protective layer of plastic sheeting over the floor, which can then be removed and disposed of easily after the asbestos-containing material that has dropped to the floor has been bagged and removed.

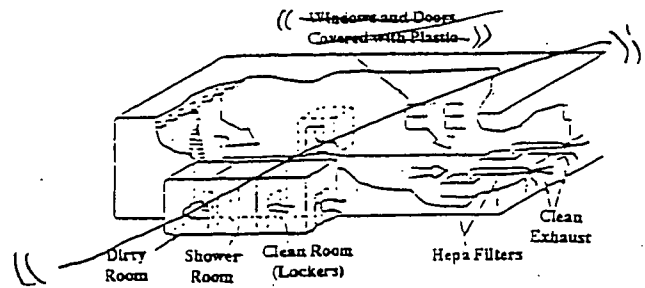
(6) Building hygiene facilities. WAC 296-62-07719 mandates that employers involved in asbestos removal, demolition, or renovation operations provide their employees with hygiene facilities to be used to decontaminate asbestos-exposed workers, equipment, and clothing before such employees leave the work area. These decontamination facilities consist of:

- (a) A clean change room;
- (b) A shower; and
- (c) An equipment room.

The clean change room is an area in which employees remove their street clothes and don their respirators and disposable protective clothing. The clean room should have hooks on the wall or be equipped with lockers for the storage of workers' clothing and personal articles. Extra disposable coveralls and towels can also be stored in the clean change room.

The shower should be contiguous with both the clean and dirty change room (see Figure I-3) and should be used by all workers leaving the work area. The shower should also be used to clean asbestos-contaminated equipment and materials, such as the outsides of asbestos waste bags and hand tools used in the removal process.

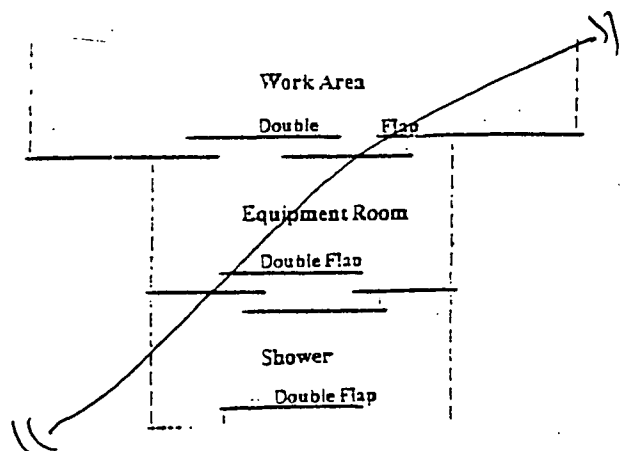
Figure I-3. Cutaway view of enclosure and hygiene facilities



Source: EPA 1985. Asbestos Waste Management Guidance (EPA/530-SW-85-007)

The equipment room (also called the dirty change room) is the area where workers remove their protective coveralls and where equipment that is to be used in the work area can be stored. The equipment room should be lined with 6 mil-thick polyethylene plastic sheeting in the same way as was done in the work area enclosure. Two layers of 6 mil polyethylene plastic sheeting that are not taped together from a double flap or barrier between the equipment room and the work area and between the shower and the clean change room (see Figure I-4).

Figure I-4. Typical hygiene facility layout



When feasible, the clean change room, shower, and equipment room should be contiguous and adjacent to the negative pressure enclosure surrounding the removal area. In the overwhelming number of cases, hygiene facilities can be built contiguous to the negative pressure enclosure. In some cases, however, hygiene facilities may have to be located on another floor of the building where removal of asbestos-containing materials is taking place. In these instances, the hygiene facilities can in effect be made to be contiguous to the work area by constructing a polyethylene plastic "tunnel" from the work area to the hygiene facilities. Such a tunnel can be made even in cases where the hygiene facilities are located several floors above or below the work area; the tunnel begins with a double flap door at the enclosure, extends through the exit from the floor, continues

down the necessary number of flights of stairs and goes through a double flap entrance to the hygiene facilities, which have been prepared as described above. The tunnel is constructed of two-inch by four-inch lumber or aluminum struts and covered with 6-mil thick polyethylene plastic sheeting.

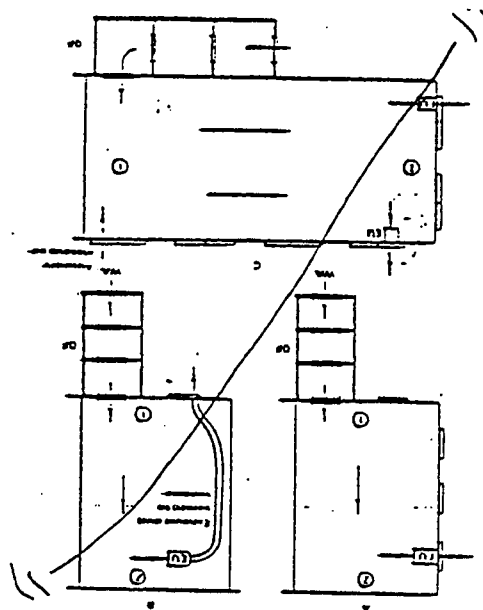
In the rare instances when there is not enough space to permit any hygiene facilities to be built at the worksite, employees should be directed to change into a clean disposable worksuit immediately after exiting the enclosure (without removing their respirators) and to proceed immediately to the shower. Alternatively, employees could be directed to vacuum their disposable coveralls with a HEPA-filtered vacuum before proceeding to a shower located a distance from the enclosure.

The clean room, shower, and equipment room must be sealed completely to ensure that the sole source of air flow through these areas originates from uncontaminated areas outside the asbestos removal, demolition, or renovation enclosure. The shower must be drained properly after each use to ensure that contaminated water is not released to uncontaminated areas. If waste water is inadvertently released, it should be cleaned up as soon as possible to prevent any asbestos in the water from drying and becoming airborne in areas outside the work area.

(7) Establishing negative pressure within the enclosure. After construction of the enclosure is completed, a ventilation system(s) should be installed to create a negative pressure within the enclosure with respect to the area outside the enclosure. Such ventilation systems must be equipped with HEPA filters to prevent the release of asbestos fibers to the environment outside the enclosure and should be operated twenty-four hours per day during the entire project until the final cleanup is completed and the results of final air samples are received from the laboratory. A sufficient amount of air should be exhausted to create a pressure of -0.02 inches of water within the enclosure with respect to the area outside the enclosure.

These ventilation systems should exhaust the HEPA-filtered clean air outside the building in which the asbestos removal, demolition, or renovation is taking place (see Figure I-5). If access to the outside is not available, the ventilation system can exhaust the HEPA-filtered asbestos-free air to an area within the building that is as far away as possible from the enclosure. Care should be taken to ensure that the clean air is released either to an asbestos-free area or in such a way as not to disturb any asbestos-containing materials.

Figure I-5. Examples of negative-pressure systems. DF, decontamination facility; EU, exhaust unit; WA, worker access; A, single-room work area with multiple windows; B, single-room work area with single window near entrance; C, large single-room work area with windows and auxiliary makeup air source (dotted arrow). Arrows denote direction of air flow. Circled numbers indicate progression of removal sequence.



Source: EPA 1985. Guidance for Controlling Asbestos-Containing Materials in Buildings (EPA 560/5-85-024)

A manometer or pressure gauge for measuring the negative pressure within the enclosure should be installed and should be monitored frequently throughout all work shifts during which asbestos removal, demolition, or renovation takes place. Several types of manometers and pressure gauges are available for this purpose.

All asbestos removal, renovation, and demolition operations should have a program for monitoring the concentration of airborne asbestos and employee exposures to asbestos. Area samples should be collected inside the enclosure (approximately four samples for five thousand square feet of enclosure area). At least two samples should be collected outside the work area, one at the entrance to the clean change room and one at the exhaust of the portable ventilation system. In addition, several breathing zone samples should be collected from those workers who can reasonably be expected to have the highest potential exposure to asbestos.

(8) Removing asbestos materials. Employers involved in asbestos removal, demolition, or renovation operations designate a certified asbestos supervisor to:

- (a) Set up the enclosure;
- (b) Ensure the integrity of the enclosure;
- (c) Control entry to and exit from the enclosure;
- (d) Supervise all employee exposure monitoring required by this section;
- (e) Ensure the use of protective clothing and equipment;

(f) Ensure that employees are trained in the use of engineering controls, work practices, and personal protective equipment;

(g) Ensure the use of hygiene facilities and the observance of proper decontamination procedures; and

(h) Ensure that engineering controls are functioning properly.

The certified asbestos supervisor will generally be a certified industrial hygienist, an industrial hygienist with training and experience in the handling of asbestos, or a person who has such training and experience as a result of on-the-job training and experience.

Ensuring the integrity of the enclosure is accomplished by inspecting the enclosure before asbestos removal work begins and prior to each work shift throughout the entire period work is being conducted in the enclosure. The inspection should be conducted by locating all areas where air might escape from the enclosure; this is best accomplished by running a hand over all seams in the plastic enclosure to ensure that no seams are ripped and the tape is securely in place.

The certified asbestos supervisor should also ensure that all unauthorized personnel do not enter the enclosure and that all employees and other personnel who enter the enclosure have the proper protective clothing and equipment. He or she should also ensure that all employees and other personnel who enter the enclosure use the hygiene facilities and observe the proper decontamination procedures (described below).

Proper work practices are necessary during asbestos removal, demolition, and renovation to ensure that the concentration of asbestos fibers inside the enclosure remains as low as possible. One of the most important work practices is to wet the asbestos-containing material before it is disturbed. After the asbestos-containing material is thoroughly wetted, it should be removed by scraping (as in the case of sprayed-on or troweled-on ceiling material) or removed by cutting the metal bands or wire mesh that support the asbestos-containing material on boilers or pipes. Any residue that remains on the surface of the object from which asbestos is being removed should be wire brushed and wet-wiped.

Bagging asbestos waste material promptly after its removal is another work practice control that is effective in reducing the airborne concentration of asbestos within the enclosure. Whenever possible, the asbestos should be removed and placed directly into bags for disposal rather than dropping the material to the floor and picking up all of the material when the removal is complete. If a significant amount of time elapses between the time that the material is removed and the time it is bagged, the asbestos material is likely to dry out and generate asbestos-laden dust when it is disturbed by people working within the enclosure. Any asbestos-contaminated supplies and equipment that cannot be decontaminated should be disposed of in pre-labeled bags; items in this category include plastic sheeting, disposable work clothing, respirator cartridges, and contaminated wash water.

A checklist is one of the most effective methods of ensuring adequate surveillance of the integrity of the asbestos removal enclosure. Such a checklist is shown in Figure I-6. Filling out the checklist at the beginning of each

shift in which asbestos removal is being performed will serve to document that all the necessary precautions will be taken during the asbestos removal work. The checklist contains entries for ensuring that:

- The work area enclosure is complete;
- The negative pressure system is in operation;
- Necessary signs and labels are used;

Asbestos Removal, Renovation, and Demolition Checklist

Date .....	Location .....
Supervisor .....	Project # .....
	Work Area (sq. ft.) .....
	Yes No
<b>I. Work site barrier</b>	
Floor covered .....	
Walls covered .....	
Area ventilation off .....	
All edges sealed .....	
Penetrations sealed .....	
Entry curtains .....	
<b>II. Negative air pressure</b>	
HEPA Vac .....	Ventilation system .....
	Constant operation .....
	Negative pressure achieved .....
<b>III. Signs</b>	
Work area entrance .....	
Bags labeled .....	
<b>IV. Work practices</b>	
Removed material promptly bagged .....	
Material worked wet .....	
HEPA vacuum used .....	
No smoking .....	
No eating, drinking .....	
Work area cleaned after completion .....	
Personnel decontaminated each departure .....	
<b>V. Protective equipment</b>	
Disposable clothing used one time .....	
Proper NIOSH approved respirators .....	
<b>VII. Showers</b>	
On site .....	
Functioning .....	
Soap and towels .....	
Used by all personnel .....	

Figure I-6. Checklist

Appropriate work practices are used;  
 Necessary protective clothing and equipment are used;  
 and  
 Appropriate decontamination procedures are being followed.

(9) Cleaning the work area. After all of the asbestos-containing material is removed and bagged, the entire work area should be cleaned until it is free of all visible asbestos dust. All surfaces from which asbestos has been removed should be cleaned by wire brushing the surfaces, HEPA vacuuming these surfaces, and wiping them with amended water. The inside of the plastic enclosure should be vacuumed with a HEPA vacuum and wet-wiped until there is no visible dust in the enclosure. Particular attention should be given to small horizontal surfaces such as pipes, electrical conduits, lights, and support tracks for drop ceilings. All such surfaces should be free of visible dust before the final air samples are collected.

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Additional sampling should be conducted inside the enclosure after the cleanup of the work area has been completed. Approximately four area samples should be collected for each five thousand square feet of enclosure area. The enclosure should not be dismantled unless the final samples show asbestos concentrations of less than the action level.

A clearance checklist is an effective method of ensuring that all surfaces are adequately cleaned and the enclosure is ready to be dismantled. Figure I-7 shows a checklist that can be used during the final inspection phase of asbestos abatement, removal, or renovation operations.

Final Inspection of Asbestos Removal, Renovation, and Demolition Projects

Date:
Project:
Location:
Building:

CHECKLIST:

Table with columns: Residual dust on: Yes No Yes No. Rows: a. Floor, b. Horizontal surfaces, c. Pipes, d. Ventilation equipment, e. Horizontal surfaces, f. Pipes, g. Ducts, h. Register, i. Lights

FIELD NOTES:

Record any problems encountered here.

FINAL AIR SAMPLE RESULTS:

Figure I-7. Clearance Checklist

+ Mention of trade names or commercial products does not constitute endorsement or recommendation for use.)

This is a nonmandatory appendix to the asbestos standards for construction and for shipyards. It describes criteria and procedures for erecting and using negative pressure enclosures for Class I Asbestos Work, when NPEs are used as an allowable control method to comply with WAC 296-62-07712 (7)(a). Many small and variable details are involved in the erection of a negative pressure enclosure. OSHA and most participants in the rulemaking agreed that only the major, more performance oriented criteria should be made mandatory. These criteria are set out in WAC 296-62-07712. In addition, this appendix includes these mandatory specifications and procedures in its guidelines in order to make this appendix coherent and helpful. The mandatory nature of the criteria which appear in the regulatory text is not changed because they are included in this "nonmandatory" appendix. Similarly, the additional criteria and procedures included as guidelines in the appendix, do not become mandatory because mandatory criteria are also included in these comprehensive guidelines.

In addition, none of the criteria, both mandatory and recommended, are meant to specify or imply the need for use of patented or licensed methods or equipment. Recommended specifications included in this attachment should not discourage the use of creative alternatives which can be

shown to reliably achieve the objectives of negative-pressure enclosures.

Requirements included in this appendix, cover general provisions to be followed in all asbestos jobs, provisions which must be followed for all Class I asbestos jobs, and provisions governing the construction and testing of negative pressure enclosures. The first category includes the requirement for use of wet methods, HEPA vacuums, and immediate bagging of waste; Class I work must conform to the following provisions:

- oversight by competent person
- use of critical barriers over all openings to work area
- isolation of HVAC systems
- use of impermeable dropcloths and coverage of all objects within regulated areas

In addition, more specific requirements for NPEs include:

- maintenance of -0.02 inches water gauge within enclosure
- manometric measurements
- air movement away from employees performing removal work
- smoke testing or equivalent for detection of leaks and air direction
- deactivation of electrical circuits, if not provided with ground-fault circuit interrupters.

Planning the Project

The standard requires that an exposure assessment be conducted before the asbestos job is begun WAC 296-62-07709 (1)(a). Information needed for that assessment, includes data relating to prior similar jobs, as applied to the specific variables of the current job. The information needed to conduct the assessment will be useful in planning the project, and in complying with any reporting requirements under this standard, when significant changes are being made to a control system listed in the standard, (see WAC 296-62-07719), as well as those of USEPA (40 CFR Part 61, subpart M). Thus, although the standard does not explicitly require the preparation of a written asbestos removal plan, the usual constituents of such a plan, i.e., a description of the enclosure, the equipment, and the procedures to be used throughout the project, must be determined before the enclosure can be erected. The following information should be included in the planning of the system:

- A physical description of the work area;
A description of the approximate amount of material to be removed;
A schedule for turning off and sealing existing ventilation systems;
Personnel hygiene procedures;
A description of personal protective equipment and clothing to be worn by employees;
A description of the local exhaust ventilation systems to be used and how they are to be tested;
A description of work practices to be observed by employees;
An air monitoring plan;
A description of the method to be used to transport waste material; and
The location of the dump site.

PROPOSED

### Materials and Equipment Necessary for Asbestos Removal

Although individual asbestos removal projects vary in terms of the equipment required to accomplish the removal of the materials, some equipment and materials are common to most asbestos removal operations.

Plastic sheeting used to protect horizontal surfaces, seal HVAC openings or to seal vertical openings and ceilings should have a minimum thickness of 6 mils. Tape or other adhesive used to attach plastic sheeting should be of sufficient adhesive strength to support the weight of the material plus all stresses encountered during the entire duration of the project without becoming detached from the surface.

Other equipment and materials which should be available at the beginning of each project are:

- HEPA Filtered Vacuum is essential for cleaning the work area after the asbestos has been removed. It should have a long hose capable of reaching out-of-the-way places, such as areas above ceiling tiles, behind pipes, etc.
- Portable air ventilation systems installed to provide the negative air pressure and air removal from the enclosure must be equipped with a HEPA filter. The number and capacity of units required to ventilate an enclosure depend on the size of the area to be ventilated. The filters for these systems should be designed in such a manner that they can be replaced when the air flow volume is reduced by the build-up of dust in the filtration material. Pressure monitoring devices with alarms and strip chart recorders attached to each system to indicate the pressure differential and the loss due to dust buildup on the filter are recommended.
- Water sprayers should be used to keep the asbestos material as saturated as possible during removal; the sprayers will provide a fine mist that minimizes the impact of the spray on the material.
- Water used to saturate the asbestos containing material can be amended by adding at least 15 milliliters (½ ounce) of wetting agent in 1 liter (1 pint) of water. An example of a wetting agent is a 50/50 mixture of polyoxyethylene ether and polyoxyethylene polyglycol ester.
- Backup power supplies are recommended, especially for ventilation systems.
- Shower and bath water should be with mixed hot and cold water faucets. Water that has been used to clean personnel or equipment should either be filtered or be collected and discarded as asbestos waste. Soap and shampoo should be provided to aid in removing dust from the workers' skin and hair.
- See WAC 296-62-07715 and 296-62-07717 for appropriate respiratory protection and protective clothing.
- See WAC 296-62-07721 for required signs and labels.

### Preparing the Work Area

Disabling HVAC Systems: The power to the heating, ventilation, and air conditioning systems that service the restricted area must be deactivated and locked off. All ducts, grills, access ports, windows and vents must be sealed

off with two layers of plastic to prevent entrainment of contaminated air.

Operating HVAC Systems in the Restricted Area: If components of a HVAC system located in the restricted area are connected to a system that will service another zone during the project, the portion of the duct in the restricted area must be sealed and pressurized. Necessary precautions include caulking the duct joints, covering all cracks and openings with two layers of sheeting, and pressurizing the duct throughout the duration of the project by restricting the return air flow. The power to the fan supplying the positive pressure should be locked "on" to prevent pressure loss.

Sealing Elevators: If an elevator shaft is located in the restricted area, it should be either shut down or isolated by sealing with two layers of plastic sheeting. The sheeting should provide enough slack to accommodate the pressure changes in the shaft without breaking the air-tight seal.

Removing Mobile Objects: All movable objects should be cleaned and removed from the work area before an enclosure is constructed unless moving the objects creates a hazard. Mobile objects will be assumed to be contaminated and should be either cleaned with amended water and a HEPA vacuum and then removed from the area or wrapped and then disposed of as hazardous waste.

Cleaning and Sealing Surfaces: After cleaning with water and a HEPA vacuum, surfaces of stationary objects should be covered with two layers of plastic sheeting. The sheeting should be secured with duct tape or an equivalent method to provide a tight seal around the object.

Bagging Waste: In addition to the requirement for immediate bagging of waste for disposal, it is further recommended that the waste material be double-bagged and sealed in plastic bags designed for asbestos disposal. The bags should be stored in a waste storage area that can be controlled by the workers conducting the removal. Filters removed from air handling units and rubbish removed from the area are to be bagged and handled as hazardous waste.

### Constructing the Enclosure

The enclosure should be constructed to provide an airtight seal around ducts and openings into existing ventilation systems and around penetrations for electrical conduits, telephone wires, water lines, drain pipes, etc. Enclosures should be both airtight and watertight except for those openings designed to provide entry and/or air flow control.

Size: An enclosure should be the minimum volume to encompass all of the working surfaces yet allow unencumbered movement by the worker(s), provide unrestricted air flow past the worker(s), and ensure walking surfaces can be kept free of tripping hazards.

Shape: The enclosure may be any shape that optimizes the flow of ventilation air past the worker(s).

Structural Integrity: The walls, ceilings and floors must be supported in such a manner that portions of the enclosure will not fall down during normal use.

Openings: It is not necessary that the structure be airtight; openings may be designed to direct air flow. Such openings should be located at a distance from active removal operations. They should be designed to draw air into the enclosure under all anticipated circumstances. In the event that negative pressure is lost, they should be fitted with either HEPA filters to trap dust or automatic trap doors that



prevent dust from escaping the enclosure. Openings for exits should be controlled by an airlock or a vestibule.

Barrier Supports: Frames should be constructed to support all unsupported spans of sheeting.

Sheeting: Walls, barriers, ceilings, and floors should be lined with two layers of plastic sheeting having a thickness of at least 6 mil.

Seams: Seams in the sheeting material should be minimized to reduce the possibilities of accidental rips and tears in the adhesive or connections. All seams in the sheeting should overlap, be staggered and not be located at corners or wall-to-floor joints.

Areas Within an Enclosure: Each enclosure consists of a work area, a decontamination area, and waste storage area. The work area where the asbestos removal operations occur should be separated from both the waste storage area and the contamination control area by physical curtains, doors, and/or airflow patterns that force any airborne contamination back into the work area.

See WAC 296-62-07719 for requirements for hygiene facilities.

During egress from the work area, each worker should step into the equipment room, clean tools and equipment, and remove gross contamination from clothing by wet cleaning and HEPA vacuuming. Before entering the shower area, foot coverings, head coverings, hand coverings, and coveralls are removed and placed in impervious bags for disposal or cleaning. Airline connections from airline respirators with HEPA disconnects and power cables from powered air-purifying respirators (PAPRs) will be disconnected just prior to entering the shower room.

#### Establishing Negative Pressure Within the Enclosure

Negative Pressure: Air is to be drawn into the enclosure under all anticipated conditions and exhausted through a HEPA filter for 24 hours a day during the entire duration of the project.

Air Flow Tests: Air flow patterns will be checked before removal operations begin, at least once per operating shift and any time there is a question regarding the integrity of the enclosure. The primary test for air flow is to trace air currents with smoke tubes or other visual methods. Flow checks are made at each opening and at each doorway to demonstrate that air is being drawn into the enclosure and at each worker's position to show that air is being drawn away from the breathing zone.

Monitoring Pressure Within the Enclosure: After the initial air flow patterns have been checked, the static pressure must be monitored within the enclosure. Monitoring may be made using manometers, pressure gauges, or combinations of these devices. It is recommended that they be attached to alarms and strip chart recorders at points identified by the design engineer.

Corrective Actions: If the manometers or pressure gauges demonstrate a reduction in pressure differential below the required level, work should cease and the reason for the change investigated and appropriate changes made. The air flow patterns should be retested before work begins again.

Pressure Differential: The design parameters for static pressure differentials between the inside and outside of enclosures typically range from 0.02 to 0.10 inches of water gauge, depending on conditions. All zones inside the enclosure must have less pressure than the ambient pressure

outside of the enclosure (-0.02 inches water gauge differential). Design specifications for the differential vary according to the size, configuration, and shape of the enclosure as well as ambient and mechanical air pressure conditions around the enclosure.

Air Flow Patterns: The flow of air past each worker shall be enhanced by positioning the intakes and exhaust ports to remove contaminated air from the worker's breathing zone, by positioning HEPA vacuum cleaners to draw air from the worker's breathing zone, by forcing relatively uncontaminated air past the worker toward an exhaust port, or by using a combination of methods to reduce the worker's exposure.

Air Handling Unit Exhaust: The exhaust plume from air handling units should be located away from adjacent personnel and intakes for HVAC systems.

Air Flow Volume: The air flow volume (cubic meters per minute) exhausted (removed) from the workplace must exceed the amount of makeup air supplied to the enclosure. The rate of air exhausted from the enclosure should be designed to maintain a negative pressure in the enclosure and air movement past each worker. The volume of air flow removed from the enclosure should replace the volume of the container at every 5 to 15 minutes. Air flow volume will need to be relatively high for large enclosures, enclosures with awkward shapes, enclosures with multiple openings, and operations employing several workers in the enclosure.

Air Flow Velocity: At each opening, the air flow velocity must visibly "drag" air into the enclosure. The velocity of air flow within the enclosure must be adequate to remove airborne contamination from each worker's breathing zone without disturbing the asbestos-containing material on surfaces.

Airlocks: Airlocks are mechanisms on doors and curtains that control the air flow patterns in the doorways. If air flow occurs, the patterns through doorways must be such that the air flows toward the inside of the enclosure. Sometimes vestibules, double doors, or double curtains are used to prevent air movement through the doorways. To use a vestibule, a worker enters a chamber by opening the door or curtain and then closing the entry before opening the exit door or curtain.

Airlocks should be located between the equipment room and shower room, between the shower room and the clean room, and between the waste storage area and the outside of the enclosure. The air flow between adjacent rooms must be checked using smoke tubes or other visual tests to ensure the flow patterns draw air toward the work area without producing eddies.

#### Monitoring for Airborne Concentrations

In addition to the breathing zone samples taken as outlined in WAC 296-62-07709, samples of air should be taken to demonstrate the integrity of the enclosure, the cleanliness of the clean room and shower area, and the effectiveness of the HEPA filter. If the clean room is shown to be contaminated, the room must be relocated to an uncontaminated area.

Samples taken near the exhaust of portable ventilation systems must be done with care.

#### General Work Practices



Preventing dust dispersion is the primary means of controlling the spread of asbestos within the enclosure. Whenever practical, the point of removal should be isolated, enclosed, covered, or shielded from the workers in the area. Waste asbestos containing materials must be bagged during or immediately after removal; the material must remain saturated until the waste container is sealed.

Waste material with sharp points or corners must be placed in hard air-tight containers rather than bags.

Whenever possible, large components should be sealed in plastic sheeting and removed intact.

Bags or containers of waste will be moved to the waste holding area, washed, and wrapped in a bag with the appropriate labels.

#### Cleaning the Work Area

Surfaces within the work area should be kept free of visible dust and debris to the extent feasible. Whenever visible dust appears on surfaces, the surfaces within the enclosure must be cleaned by wiping with a wet sponge, brush, or cloth and then vacuumed with a HEPA vacuum.

All surfaces within the enclosure should be cleaned before the exhaust ventilation system is deactivated and the enclosure is disassembled. An approved encapsulant may be sprayed onto areas after the visible dust has been removed.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

**WAC 296-62-07753 Appendix J—(Work practices and engineering controls for small-scale, short-duration asbestos renovation and maintenance activities) Polarized light microscopy of asbestos—Nonmandatory.** (This appendix is not mandatory, in that employers may choose to comply with all of the requirements of WISHA's standard for occupational exposure to asbestos during construction activities, WAC 296-62-077 through 296-62-07753. However, employers wishing to be exempted from the requirements of WAC 296-62-07712 shall comply with the provisions of this appendix when performing small-scale, short-duration renovation or maintenance operations. WISHA anticipates that employers in the electrical, carpentry, utility, plumbing, and interior construction trades may wish to avail themselves of the final standard's exemptions for small-scale, short-duration renovation and maintenance activities.)

(1) Definition of small-scale, short-duration activities. For the purposes of this appendix, small-scale, short-duration renovation and maintenance activities are tasks such as, but not limited to:

- Removal of asbestos containing insulation on pipes;
- Removal of small quantities of asbestos containing insulation on beams or above ceilings;
- Replacement of an asbestos containing gasket on a valve;
- Installation or removal of a small section of drywall;
- Installation of electrical conduits through or proximate to asbestos containing materials.

Evidence in the record suggests that the use of certain engineering and work practice controls is capable of reducing employee exposures to asbestos to levels below the action level (0.1 f/cc). Several controls and work practices, used either singly or in combination, can be employed

effectively to reduce asbestos exposures during small maintenance and renovation operations. These include:

- Wet methods;
- Removal methods;
- Use of glove bags;
- Removal of entire asbestos insulated pipes or structures;
- Use of mini enclosures;
- Enclosure of asbestos materials; and
- Maintenance programs.

This appendix describes these controls and work practices in detail.

(2) Preparation of the area before renovation or maintenance activities. The first step in preparing to perform a small-scale, short-duration asbestos renovation or maintenance task, regardless of the abatement method that will be used, is the removal from the work area of all objects that are movable to protect them from asbestos contamination. Objects that cannot be removed must be covered completely with a 6 mil thick polyethylene plastic sheeting before the task begins. If objects have already been contaminated, they should be thoroughly cleaned with a high efficiency particulate air (HEPA) filtered vacuum or be wet wiped before they are removed from the work area or completely encased in the plastic.

(3) Wet methods. Whenever feasible, and regardless of the abatement method to be used (e.g., removal, enclosure, use of glove bags), wet methods must be used during small-scale, short-duration maintenance and renovation activities that involve disturbing asbestos containing materials. Handling asbestos materials wet is one of the most reliable methods of ensuring that asbestos fibers do not become airborne, and this practice should therefore be used whenever feasible. Wet methods can be used in the great majority of workplace situations. Only in cases where asbestos work must be performed on live electrical equipment, on live steam lines, or in other areas where water will seriously damage materials or equipment may dry removal be performed. Amended water or another wetting agent should be applied by means of an airless sprayer to minimize the extent to which the asbestos containing material is disturbed.

Asbestos containing materials should be wetted from the initiation of the maintenance or renovation operation and wetting agents should be used continually throughout the work period to ensure that any dry asbestos containing material exposed in the course of the work is wet and remains wet until final disposal.

(4) Removal of small amount of asbestos containing materials. Several methods can be used to remove small amounts of asbestos containing materials during small-scale, short-duration renovation or maintenance tasks. These include the use of glove bags, the removal of an entire asbestos covered pipe or structure, and the construction of mini enclosures. The procedures that employers must use for each of these operations if they wish to avail themselves of the final rule's exemptions are described in the following subsections.

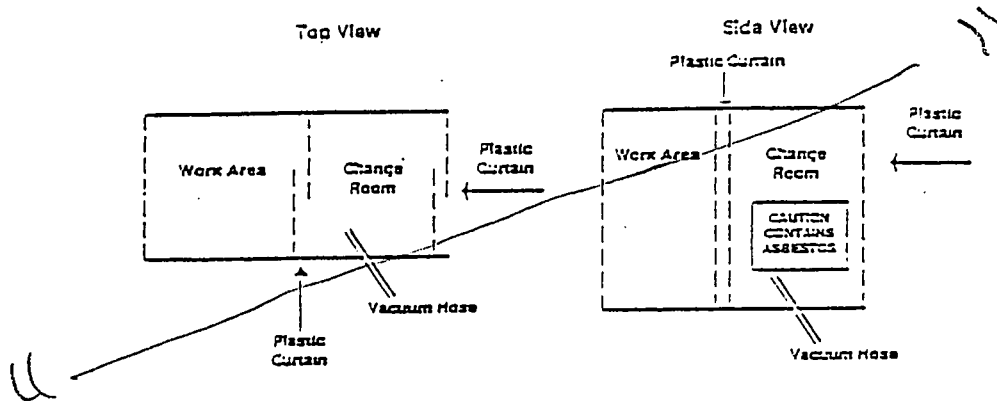
(5) Glove bags. The use of glove bags to enclose the work area during small-scale, short-duration maintenance or renovation activities will result in employee exposures to asbestos that are below the action level of 0.1 f/cc. This appendix provides requirements for glove bag procedures to be followed by employers wishing to avail themselves of the

standard's exemptions for each activities. WISHA has determined that the use of these procedures will reduce the eight hour time-weighted average (TWA) exposures of employees involved in these work operations to levels below the action level and will thus provide a degree of employee protection equivalent to that provided by compliance with all provisions of the final rule.

(a) **Glove bag installation.** Glove bags are approximately forty inch wide times sixty four inch long bags fitted with

arms through which the work can be performed (see Figure J-1(A)). When properly installed and used, they permit workers to remain completely isolated from the asbestos material removed or replaced inside the bag. Glove bags can thus provide a flexible, easily installed, and quickly dismantled temporary small work area enclosure that is ideal for small scale asbestos renovation or maintenance jobs.

Figure J-1. Diagrams showing proper use of glove bags in small scale, short duration maintenance and renovation operations



These bags are single use control devices that are disposed of at the end of each job. The bags are made of transparent 6 mil thick polyethylene plastic with arms made of material such as Tyvek\* (the same material used to make the disposable protective suits used in major asbestos removal, renovation, and demolition operations and in protective gloves). Glove bags are readily available from safety supply stores or specialty asbestos removal supply houses. Glove bags come pre-labeled with the asbestos warning label prescribed by WISHA and EPA for bags used to dispose of asbestos waste.

(b) **Glove bag equipment and supplies.** Supplies and materials that are necessary to use glove bags effectively include:

- (i) Tape to seal the glove bag to the area from which asbestos is to be removed;
- (ii) Amended water or other wetting agents;
- (iii) An airless sprayer for the application of the wetting agent;
- (iv) Bridging encapsulant (a paste-like substance for coating asbestos) to seal the rough edges of any asbestos-containing materials that remain within the glove bag at the points of attachment after the rest of the asbestos has been removed;
- (v) Tools such as razor knives, nips, and wire brushes (or other tools suitable for cutting wire, etc.);
- (vi) A HEPA filter equipped vacuum for evacuating the glove bag (to minimize the release of asbestos fibers) during removal of the bag from the work area and for cleaning any material that may have escaped during the installation of the glove bag; and

(vii) HEPA equipped cartridge respirators for use by the employees involved in the removal of asbestos with the glove bag.

(e) **Glove bag work practices.** The proper use of glove bags requires the following steps:

(i) Glove bags must be installed so that they completely cover the pipe or other structure where asbestos work is to be done. Glove bags are installed by cutting the sides of the glove bag to fit the size of the pipe from which asbestos is to be removed. The glove bag is attached to the pipe by folding the open edges together and securely sealing them with tape. All openings in the glove bag must be sealed with duct tape or equivalent material. The bottom seam of the glove bag must also be sealed with duct tape or equivalent to prevent any leakage from the bag that may result from a defect in the bottom seam (Figure J-1(B)).

(ii) The employee who is performing the asbestos removal with the glove bag must don a half-mask dual-cartridge HEPA equipped respirator; respirators and protective clothing should be worn by employees who are in close contact with the glove bag and who may thus be exposed as a result of small gaps in the seams of the bag or holes punched through the bag by a razor knife or a piece of wire mesh.

(iii) The removed asbestos material from the pipe or other surface that has fallen into the enclosed bag must be thoroughly wetted with a wetting agent (applied with an airless sprayer through the pre-cut port provided in most glove bags or applied through a small hole cut in the bag) (Figure J-1(C)).

(iv) Once the asbestos material has been thoroughly wetted, it can be removed from the pipe, beam or other surface. The choice of tool to use to remove the asbestos-containing material depends on the type of material to be removed. Asbestos-containing materials are generally covered with painted canvas and/or wire mesh. Painted canvas can be cut with a razor knife and peeled away from the asbestos-containing material underneath. Once the canvas has been peeled away, the asbestos-containing material underneath may be dry, in which case it should be resprayed with a wetting agent to ensure that it generates as little dust as possible when removed. If the asbestos-containing material is covered with wire mesh, the mesh should be cut with nips, tin snips, or other appropriate tool and removed.

A wetting agent must then be used to spray any layer of dry material that is exposed beneath the mesh, the surface of the stripped underlying structure, and the inside of the glove bag.

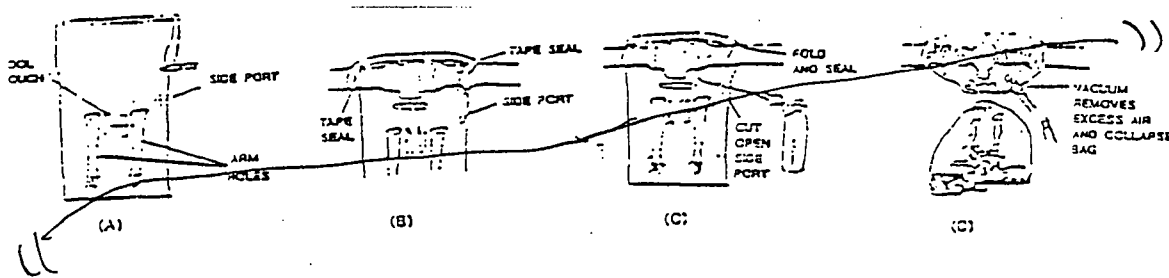
(v) After removal of the layer of asbestos-containing

material, the pipe or surface from which asbestos has been removed must be thoroughly cleaned with a wire brush and wet-wiped with a wetting agent until no traces of the asbestos-containing material can be seen.

(vi) Any asbestos-containing insulation edges that have been exposed as a result of the removal or maintenance activity must be encapsulated with bridging encapsulant to ensure that the edges do not release asbestos fibers to the atmosphere after the glove bag has been removed.

(vii) When the asbestos removal and encapsulation have been completed, a vacuum hose from a HEPA filtered vacuum must be inserted into the glove bag through the port to remove any air in the bag that may contain asbestos fibers. When the air has been removed from the bag, the bag should be squeezed tightly (as close to the top as possible), twisted, and sealed with tape, to keep the asbestos materials safely in the bottom of the bag. The HEPA vacuum can then be removed from the bag and the glove bag itself can be removed from the work area to be disposed of properly (Figure J-1(D)).

Figure J-2. Schematic of mini-enclosure



(6) Mini-enclosures. In some instances, such as removal of asbestos from a small ventilation system or from a short length of duct, a glove bag may not be either large enough or of the proper shape to enclose the work area. In such cases, a mini-enclosure can be built around the area where small-scale, short duration asbestos maintenance or renovation work is to be performed (Figure J-2). Such an enclosure should be constructed of 6 mil-thick polyethylene plastic sheeting and can be small enough to restrict entry to the asbestos work area to one worker.

For example, a mini-enclosure can be built in a small utility closet when asbestos-containing duct covering is to be removed. The enclosure is constructed by:

(a) Affixing plastic sheeting to the walls with spray adhesive and tape;

(b) Covering the floor with plastic and sealing the plastic covering the floor to the plastic on the walls;

(c) Sealing any penetrations such as pipes or electrical conduits with tape; and

(d) Constructing a small change room (approximately three feet square) made of 6 mil-thick polyethylene plastic supported by two-inch by four-inch lumber (the plastic should be attached to the lumber supports with staples or spray adhesive and tape).

The change room should be contiguous to the mini-enclosure, and is necessary to allow the worker to vacuum off his protective coveralls and remove them before leaving

the work area. While inside the enclosure, the worker should wear Tyvek<sup>+</sup> disposable coveralls and use the appropriate HEPA filtered dual cartridge respiratory protection.

The advantages of mini-enclosures are that they limit the spread of asbestos contamination, reduce the potential exposure of bystanders and other workers who may be working in adjacent areas, and are quick and easy to install. The disadvantage of mini-enclosures is that they may be too small to contain the equipment necessary to create a negative pressure within the enclosure; however, the double layer of plastic sheeting will serve to restrict the release of asbestos fibers to the area outside the enclosure.

(7) Removal of entire structures. When pipes are insulated with asbestos-containing materials, removal of the entire pipe may be more protective, easier, and more cost-effective than stripping the asbestos insulation from the pipe. Before such a pipe is cut, the asbestos-containing insulation must be wrapped with 6 mil polyethylene plastic and securely sealed with duct tape or equivalent. This plastic covering will prevent asbestos fibers from becoming airborne as a result of the vibration created by the power saws used to cut the pipe. If possible, the pipes should be cut at locations that are not insulated to avoid disturbing the asbestos. If a pipe is completely insulated with asbestos-containing materials, small sections should be stripped using

the glove bag method described above before the pipe is cut at the stripped sections.

(8) Enclosure. The decision to enclose rather than remove asbestos-containing material from an area depends on the building owner's preference, i.e., for removal or containment. Owners consider such factors as cost effectiveness, the physical configuration of the work area, and the amount of traffic in the area when determining which abatement method to use.

If the owner chooses to enclose the structure rather than to remove the asbestos-containing material insulating it, a solid structure (airtight walls and ceilings) must be built around the asbestos-covered pipe or structure to prevent the release of asbestos-containing materials into the area beyond the enclosure and to prevent disturbing these materials by casual contact during future maintenance operations.

Such a permanent (i.e., for the life of the building) enclosure should be built of new construction materials and should be impact resistant and airtight. Enclosure walls should be made of tongue and groove boards, boards with spine joints, or gypsum boards having taped seams. The underlying structure must be able to support the weight of the enclosure. (Suspended ceilings with laid in panels do not provide airtight enclosures and should not be used to enclose structures covered with asbestos-containing materials.) All joints between the walls and ceiling of the enclosure should be caulked to prevent the escape of asbestos fibers. During the installation of enclosures, tools that are used (such as drills or rivet tools) should be equipped with HEPA filtered vacuums. Before constructing the enclosure, all electrical conduits, telephone lines, recessed lights, and pipes in the area to be enclosed should be moved to ensure that the enclosure will not have to be reopened later for routine or emergency maintenance. If such lights or other equipment cannot be moved to a new location for logistic reasons, or if moving them will disturb the asbestos-containing materials, removal rather than enclosure of the asbestos-containing materials is the appropriate control method to use.

(9) Maintenance program. An asbestos maintenance program must be initiated in all facilities that have asbestos-containing materials. Such a program should include:

Development of an inventory of all asbestos-containing materials in the facility;

Periodic examination of all asbestos-containing materials to detect deterioration;

Written procedures for handling asbestos materials during the performance of small scale, short duration maintenance and renovation activities;

Written procedures for asbestos disposal; and

Written procedures for dealing with asbestos-related emergencies.

Members of the building's maintenance engineering staff (electricians, heating/air conditioning engineers, plumbers, etc.) who may be required to handle asbestos-containing materials should be trained in safe procedures. Such training should include at a minimum:

Information regarding types of asbestos and its various uses and forms;

Information on the health effects associated with asbestos exposure;

Descriptions of the proper methods of handling asbestos-containing materials; and

Information on the use of HEPA equipped dual cartridge respiratory and other personal protection during maintenance activities.

(10) Prohibited activities. The training program for the maintenance engineering staff should describe methods of handling asbestos-containing materials as well as routine maintenance activities that are prohibited when asbestos-containing materials are involved. For example, maintenance staff employees should be instructed:

Not to drill holes in asbestos-containing materials;

Not to hang plants or pictures on structures covered with asbestos-containing materials;

Not to sand asbestos-containing floor tile;

Not to damage asbestos-containing materials while moving furniture or other objects;

Not to install curtains, drapes, or dividers in such a way that they damage asbestos-containing materials;

Not to dust floors, ceilings, moldings or other surfaces in asbestos-contaminated environments with a dry brush or sweep with a dry broom;

Not to use an ordinary vacuum to clean up asbestos-containing debris;

Not to remove ceiling tiles below asbestos-containing materials without wearing the proper respiratory protection, clearing the area of other people, and observing asbestos removal/waste disposal procedures;

Not to remove ventilation system filters dry; and

Not to shake ventilation system filters.

<sup>\*</sup>Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

<sup>†</sup>Mention of trade names or commercial products does not constitute endorsement or recommendation for use.)

Method number: ID-191

Matrix: Bulk

Collection Procedure

Collect approximately 1 to 2 grams of each type of material and place into separate 20 mL scintillation vials.

Analytical Procedure

A portion of each separate phase is analyzed by gross examination, phase-polar examination, and central stop dispersion microscopy.

Commercial manufacturers and products mentioned in this method are for descriptive use only and do not constitute endorsements by USDOL-WISHA. Similar products from other sources may be substituted.

(1) Introduction

This method describes the collection and analysis of asbestos bulk materials by light microscopy techniques including phase-polar illumination and central-stop dispersion microscopy. Some terms unique to asbestos analysis are defined below:

Amphibole: A family of minerals whose crystals are formed by long, thin units which have two thin ribbons of double chain silicate with a brucite ribbon in between. The shape of each unit is similar to an "I beam." Minerals important in asbestos analysis include cummingtonite-grunerite, crocidolite, tremolite-actinolite and anthophyllite.

Asbestos: A term for naturally occurring fibrous minerals. Asbestos includes chrysotile, cummingtonite-grunerite asbestos (amosite), anthophyllite asbestos, tremolite asbestos, crocidolite, actinolite asbestos and any of these

minerals which have been chemically treated or altered. The precise chemical formulation of each species varies with the location from which it was mined. Nominal compositions are listed:

Chrysotile . . . . .  $Mg_3Si_2O_5(OH)_4$   
Crocidolite (Riebeckite  
asbestos) . . . . .  $Na_2Fe_3^{2+}Fe_7^{3+}Si_8O_{22}(OH)_2$   
Cummingtonite-Grunerite asbestos  
(Amosite) . . . . .  $(Mg,Fe)_7Si_8O_{22}(OH)_2$   
Tremolite-Actinolite asbestos . . .  $Ca_2(Mg,Fe)_5Si_8O_{22}(OH)_2$   
Anthophyllite asbestos . . . . .  $(Mg,Fe)_7Si_8O_{22}(HO)_2$   
Asbestos Fiber: A fiber of asbestos meeting the criteria for  
a fiber.

(See section (3)(e))

Aspect Ratio: The ratio of the length of a fiber to its  
diameter usually defined as "length :  
width", e.g. 3:1.

Brucite: A sheet mineral with the composition  
 $mg(OH)_2$ .

Central Stop Dispersion Staining (microscope): This is  
a dark field microscope technique that images particles using  
only light refracted by the particle, excluding light that  
travels through the particle unrefracted. This is usually  
accomplished with a McCrone objective or other arrange-  
ment which places a circular stop with apparent aperture  
equal to the objective aperture in the back focal plane of the  
microscope.

Cleavage Fragments: Mineral particles formed by the  
comminution of minerals, especially those characterized by  
relatively parallel sides and moderate aspect ratio.

Differential Counting: The term applied to the practice  
of excluding certain kinds of fibers from a phase contrast  
asbestos count because they are not asbestos.

Fiber: A particle longer than or equal to 5 microns with  
a length to width ratio greater than or equal to 3:1. This  
may include cleavage fragments. (See section (3)(e) of this  
appendix).

Phase Contrast: Contrast obtained in the microscope by  
causing light scattered by small particles to destructively  
interfere with unscattered light, thereby enhancing the  
visibility of very small particles and particles with very low  
intrinsic contrast.

Phase Contrast Microscope: A microscope configured  
with a phase mask pair to create phase contrast. The  
technique which uses this is called Phase Contrast Microscopy  
(PCM).

Phase-Polar Analysis: This is the use of polarized light  
in a phase contrast microscope. It is used to see the same  
size fibers that are visible in air filter analysis. Although  
fibers finer than 1 micron are visible, analysis of these is  
inferred from analysis of larger bundles that are usually  
present.

Phase-Polar Microscope: The phase-polar microscope  
is a phase contrast microscope which has an analyzer, a  
polarizer, a first order red plate and a rotating phase con-  
denser all in place so that the polarized light image is  
enhanced by phase contrast.

Sealing Encapsulant: This is a product which can be  
applied, preferably by spraying, onto an asbestos surface  
which will seal the surface so that fibers cannot be released.

Serpentine: A mineral family consisting of minerals  
with the general composition  $Mg_3(Si_2O_5(OH)_4$  having the  
magnesium in brucite layer over a silicate layer. Minerals  
important in asbestos analysis included in this family are  
chrysotile, lizardite, antigorite.

#### (a) History

Light microscopy has been used for well over 100 years  
for the determination of mineral species. This analysis is  
carried out using specialized polarizing microscopes as well  
as bright field microscopes. The identification of minerals  
is an on-going process with many new minerals described  
each year. The first recorded use of asbestos was in Finland  
about 2500 B.C. where the material was used in the mud  
wattle for the wooden huts the people lived in as well as  
strengthening for pottery. Adverse health aspects of the  
mineral were noted nearly 2000 years ago when Pliny the  
Younger wrote about the poor health of slaves in the  
asbestos mines. Although known to be injurious for centu-  
ries, the first modern references to its toxicity were by the  
British Labor Inspectorate when it banned asbestos dust from  
the workplace in 1898. Asbestosis cases were described in  
the literature after the turn of the century. Cancer was first  
suspected in the mid 1930's and a causal link to mesothelioma  
was made in 1965. Because of the public concern for  
worker and public safety with the use of this material,  
several different types of analysis were applied to the  
determination of asbestos content. Light microscopy  
requires a great deal of experience and craft. Attempts were  
made to apply less subjective methods to the analysis. X-ray  
diffraction was partially successful in determining the  
mineral types but was unable to separate out the fibrous  
portions from the nonfibrous portions. Also, the minimum  
detection limit for asbestos analysis by X-ray diffraction  
(XRD) is about 1%. Differential Thermal Analysis (DTA)  
was no more successful. These provide useful corroborating  
information when the presence of asbestos has been shown  
by microscopy; however, neither can determine the differ-  
ence between fibrous and nonfibrous minerals when both  
habitats are present. The same is true of Infrared Absorption  
(IR).

When electron microscopy was applied to asbestos  
analysis, hundreds of fibers were discovered present too  
small to be visible in any light microscope. There are two  
different types of electron microscopes used for asbestos  
analysis: Scanning Electron Microscope (SEM) and Trans-  
mission Electron Microscope (TEM). Scanning Electron  
Microscopy is useful in identifying minerals. The SEM can  
provide two of the three pieces of information required to  
identify fibers by electron microscopy: Morphology and  
chemistry. The third is structure as determined by Selected  
Area Electron Diffraction-SAED which is performed in the  
TEM. Although the resolution of the SEM is sufficient for  
very fine fibers to be seen, accuracy of chemical analysis  
that can be performed on the fibers varies with fiber diame-  
ter in fibers of less than 0.2 micron diameter. The TEM is  
a powerful tool to identify fibers too small to be resolved by  
light microscopy and should be used in conjunction with this  
method when necessary. The TEM can provide all three  
pieces of information required for fiber identification. Most  
fibers thicker than 1 micron can adequately be defined in the  
light microscope. The light microscope remains as the best  
instrument for the determination of mineral type. This is

because the minerals under investigation were first described analytically with the light microscope. It is inexpensive and gives positive identification for most samples analyzed. Further, when optical techniques are inadequate, there is ample indication that alternative techniques should be used for complete identification of the sample.

(b) Principle

Minerals consist of atoms that may be arranged in random order or in a regular arrangement. Amorphous materials have atoms in random order while crystalline materials have long range order. Many materials are transparent to light, at least for small particles or for thin sections. The properties of these materials can be investigated by the effect that the material has on light passing through it. The six asbestos minerals are all crystalline with particular properties that have been identified and cataloged. These six minerals are anisotropic. They have a regular array of atoms, but the arrangement is not the same in all directions. Each major direction of the crystal presents a different regularity. Light photons travelling in each of these main directions will encounter different electrical neighborhoods, affecting the path and time of travel. The techniques outlined in this method use the fact that light traveling through fibers or crystals in different directions will behave differently, but predictably. The behavior of the light as it travels through a crystal can be measured and compared with known or determined values to identify the mineral species. Usually, Polarized Light Microscopy (PLM) is performed with strain-free objectives on a bright-field microscope platform. This would limit the resolution of the microscope to about 0.4 micron. Because WISHA requires the counting and identification of fibers visible in phase contrast, the phase contrast platform is used to visualize the fibers with the polarizing elements added into the light path. Polarized light methods cannot identify fibers finer than about 1 micron in diameter even though they are visible. The finest fibers are usually identified by inference from the presence of larger, identifiable fiber bundles. When fibers are present, but not identifiable by light microscopy, use either SEM or TEM to determine the fiber identity.

(c) Advantages and Disadvantages

The advantages of light microscopy are:

(i) Basic identification of the materials was first performed by light microscopy and gross analysis. This provides a large base of published information against which to check analysis and analytical technique.

(ii) The analysis is specific to fibers. The minerals present can exist in asbestiform, fibrous, prismatic, or massive varieties all at the same time. Therefore, bulk methods of analysis such as X-ray diffraction, IR analysis, DTA, etc. are inappropriate where the material is not known to be fibrous.

(iii) The analysis is quick, requires little preparation time, and can be performed on-site if a suitably equipped microscope is available.

The disadvantages are:

(iv) Even using phase-polar illumination, not all the fibers present may be seen. This is a problem for very low asbestos concentrations where agglomerations or large bundles of fibers may not be present to allow identification by inference.

(v) The method requires a great degree of sophistication on the part of the microscopist. An analyst is only as useful as his mental catalog of images. Therefore, a microscopist's accuracy is enhanced by experience. The mineralogical training of the analyst is very important. It is the basis on which subjective decisions are made.

(vi) The method uses only a tiny amount of material for analysis. This may lead to sampling bias and false results (high or low). This is especially true if the sample is severely inhomogeneous.

(vii) Fibers may be bound in a matrix and not distinguishable as fibers so identification cannot be made.

(d) Method Performance

(i) This method can be used for determination of asbestos content from 0 to 100% asbestos. The detection limit has not been adequately determined, although for selected samples, the limit is very low, depending on the number of particles examined. For mostly homogeneous, finely divided samples, with no difficult fibrous interferences, the detection limit is below 1%. For inhomogeneous samples (most samples), the detection limit remains undefined. NIST has conducted proficiency testing of laboratories on a national scale. Although each round is reported statistically with an average, control limits, etc., the results indicate a difficulty in establishing precision especially in the low concentration range. It is suspected that there is significant bias in the low range especially near 1%. EPA tried to remedy this by requiring a mandatory point counting scheme for samples less than 10%. The point counting procedure is tedious, and may introduce significant biases of its own. It has not been incorporated into this method.

(ii) The precision and accuracy of the quantitation tests performed in this method are unknown. Concentrations are easier to determine in commercial products where asbestos was deliberately added because the amount is usually more than a few percent. An analyst's results can be "calibrated" against the known amounts added by the manufacturer. For geological samples, the degree of homogeneity affects the precision.

(iii) The performance of the method is analyst dependent. The analyst must choose carefully and not necessarily randomly the portions for analysis to assure that detection of asbestos occurs when it is present. For this reason, the analyst must have adequate training in sample preparation, and experience in the location and identification of asbestos in samples. This is usually accomplished through substantial on-the-job training as well as formal education in mineralogy and microscopy.

(e) Interferences

Any material which is long, thin, and small enough to be viewed under the microscope can be considered an interference for asbestos. There are literally hundreds of interferences in workplaces. The techniques described in this method are normally sufficient to eliminate the interferences. An analyst's success in eliminating the interferences depends on proper training.

Asbestos minerals belong to two mineral families: The serpentines and the amphiboles. In the serpentine family, the only common fibrous mineral is chrysotile. Occasionally, the mineral antigorite occurs in a fibril habit with morphology similar to the amphiboles. The amphibole minerals consist of a score of different minerals of which only five

are regulated by federal standard: Amosite, crocidolite, anthophyllite asbestos, tremolite asbestos and actinolite asbestos. These are the only amphibole minerals that have been commercially exploited for their fibrous properties; however, the rest can and do occur occasionally in asbestiform habit.

In addition to the related mineral interferences, other minerals common in building material may present a problem for some microscopists: Gypsum, anhydrite, brucite, quartz fibers, talc fibers or ribbons, wollastonite, perlite, attapulgitite, etc. Other fibrous materials commonly present in workplaces are: Fiberglass, mineral wool, ceramic wool, refractory ceramic fibers, kevlar, nomex, synthetic fibers, graphite or carbon fibers, cellulose (paper or wood) fibers, metal fibers, etc.

Matrix embedding material can sometimes be a negative interference. The analyst may not be able to easily extract the fibers from the matrix in order to use the method. Where possible, remove the matrix before the analysis, taking careful note of the loss of weight. Some common matrix materials are: Vinyl, rubber, tar, paint, plant fiber, cement, and epoxy. A further negative interference is that the asbestos fibers themselves may be either too small to be seen in Phase Contrast Microscopy (PCM) or of a very low fibrous quality, having the appearance of plant fibers. The analyst's ability to deal with these materials increases with experience.

#### (f) Uses and Occupational Exposure

Asbestos is ubiquitous in the environment. More than 40% of the land area of the United States is composed of minerals which may contain asbestos. Fortunately, the actual formation of great amounts of asbestos is relatively rare. Nonetheless, there are locations in which environmental exposure can be severe such as in the Serpentine Hills of California.

There are thousands of uses for asbestos in industry and the home. Asbestos abatement workers are the most current segment of the population to have occupational exposure to great amounts of asbestos. If the material is undisturbed, there is no exposure. Exposure occurs when the asbestos-containing material is abraded or otherwise disturbed during maintenance operations or some other activity. Approximately 95% of the asbestos in place in the United States is chrysotile.

Amosite and crocidolite make up nearly all the difference. Tremolite and anthophyllite make up a very small percentage. Tremolite is found in extremely small amounts in certain chrysotile deposits. Actinolite exposure is probably greatest from environmental sources, but has been identified in vermiculite containing, sprayed-on insulating materials which may have been certified as asbestos-free.

#### (g) Physical and Chemical Properties

The nominal chemical compositions for the asbestos minerals were given in subsection (1). Compared to cleavage fragments of the same minerals, asbestiform fibers possess a high tensile strength along the fiber axis. They are chemically inert, noncombustible, and heat resistant. Except for chrysotile, they are insoluble in Hydrochloric acid (HCl). Chrysotile is slightly soluble in HCl. Asbestos has high electrical resistance and good sound absorbing characteristics. It can be woven into cables, fabrics or other textiles, or matted into papers, felts, and mats.

#### (h) Toxicology (This Section is for Information Only and Should Not Be Taken as WISHA Policy)

Possible physiologic results of respiratory exposure to asbestos are mesothelioma of the pleura or peritoneum, interstitial fibrosis, asbestosis, pneumoconiosis, or respiratory cancer. The possible consequences of asbestos exposure are detailed in the NIOSH Criteria Document or in the WISHA Asbestos Standards, WAC 296-62-077.

#### (2) Sampling Procedure

##### (a) Equipment for Sampling

##### (i) Tube or cork borer sampling device

##### (ii) Knife

##### (iii) 20 mL scintillation vial or similar vial

##### (iv) Sealing encapsulant

##### (b) Safety Precautions

Asbestos is a known carcinogen. Take care when sampling. While in an asbestos-containing atmosphere, a properly selected and fit-tested respirator should be worn. Take samples in a manner to cause the least amount of dust. Follow these general guidelines:

##### (i) Do not make unnecessary dust.

##### (ii) Take only a small amount (1 to 2 g).

##### (iii) Tightly close the sample container.

(iv) Use encapsulant to seal the spot where the sample was taken, if necessary.

##### (c) Sampling procedure

Samples of any suspect material should be taken from an inconspicuous place. Where the material is to remain, seal the sampling wound with an encapsulant to eliminate the potential for exposure from the sample site. Microscopy requires only a few milligrams of material. The amount that will fill a 20 mL scintillation vial is more than adequate. Be sure to collect samples from all layers and phases of material. If possible, make separate samples of each different phase of the material. This will aid in determining the actual hazard. DO NOT USE ENVELOPES, PLASTIC OR PAPER BAGS OF ANY KIND TO COLLECT SAMPLES. The use of plastic bags presents a contamination hazard to laboratory personnel and to other samples. When these containers are opened, a bellows effect blows fibers out of the container onto everything, including the person opening the container.

If a cork-borer type sampler is available, push the tube through the material all the way, so that all layers of material are sampled. Some samplers are intended to be disposable. These should be capped and sent to the laboratory. If a nondisposable cork borer is used, empty the contents into a scintillation vial and send to the laboratory. Vigorously and completely clean the cork borer between samples.

##### (d) Shipment

Samples packed in glass vials must not touch or they might break in shipment.

(i) Seal the samples with a sample seal over the end to guard against tampering and to identify the sample.

(ii) Package the bulk samples in separate packages from the air samples. They may cross-contaminate each other and will invalidate the results of the air samples.

(iii) Include identifying paperwork with the samples, but not in contact with the suspected asbestos.

(iv) To maintain sample accountability, ship the samples by certified mail, overnight express, or hand carry them to the laboratory.



(3) Analysis

The analysis of asbestos samples can be divided into two major parts: Sample preparation and microscopy. Because of the different asbestos uses that may be encountered by the analyst, each sample may need different preparation steps. The choices are outlined below. There are several different tests that are performed to identify the asbestos species and determine the percentage. They will be explained below.

(a) Safety

(i) Do not create unnecessary dust. Handle the samples in HEPA-filter equipped hoods. If samples are received in bags, envelopes or other inappropriate container, open them only in a hood having a face velocity at or greater than 100 fpm. Transfer a small amount to a scintillation vial and only handle the smaller amount.

(ii) Open samples in a hood, never in the open lab area.

(iii) Index of refraction oils can be toxic. Take care not to get this material on the skin. Wash immediately with soap and water if this happens.

(iv) Samples that have been heated in the muffle furnace or the drying oven may be hot. Handle them with tongs until they are cool enough to handle.

(v) Some of the solvents used, such as THF (tetrahydrofuran), are toxic and should only be handled in an appropriate fume hood and according to instructions given in the Material Safety Data Sheet (MSDS).

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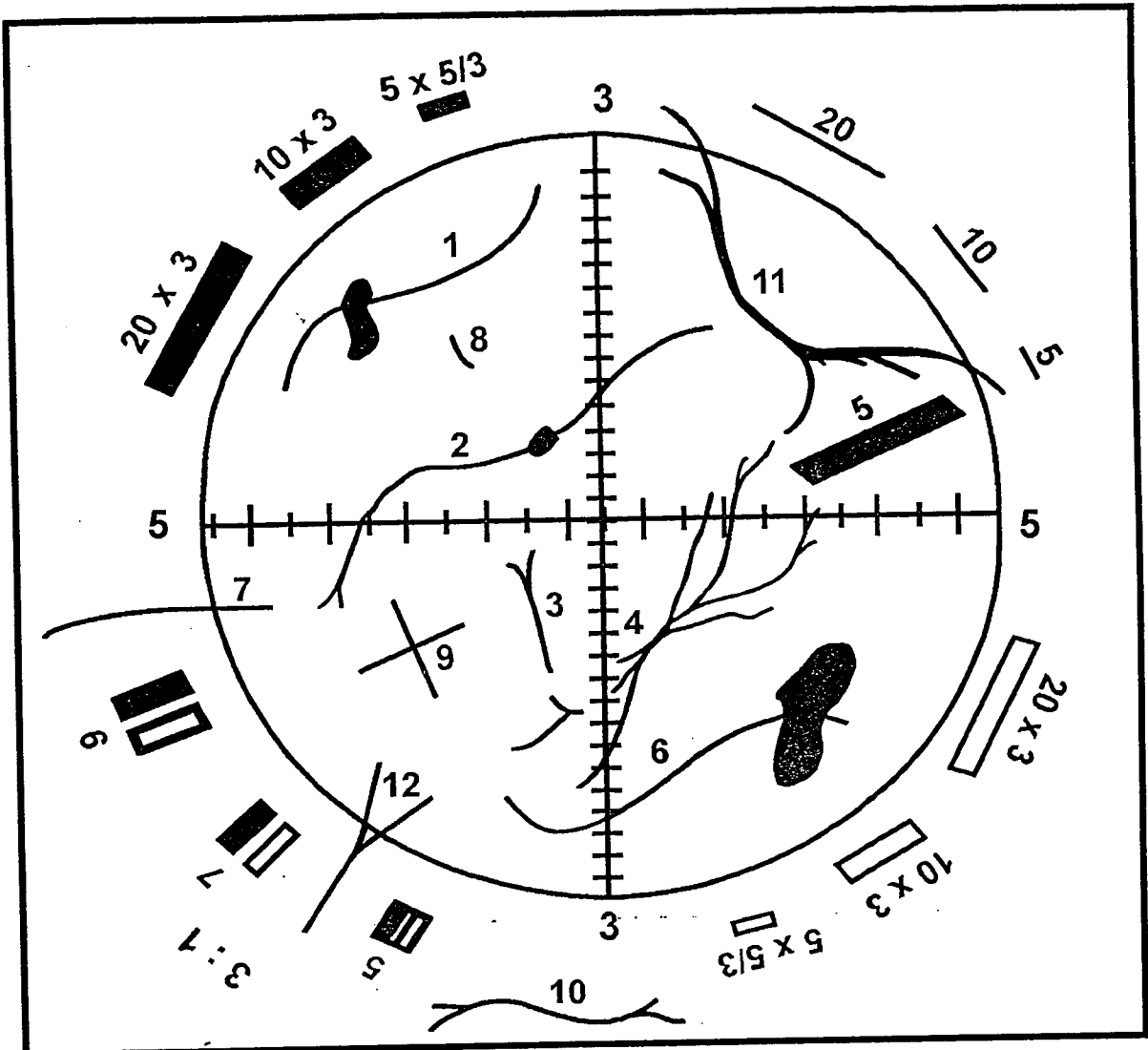


Figure 1: Walton-Beckett Graticule with some explanatory fibers.

Counts for the Fibers in the Figure

Structure No.	Count	Explanation
1 to 6	1	Single fibers all contained within the circle.
7	1/2	Fiber crosses circle once.
8	0	Fiber too short.
9	2	Two crossing fibers.
10	0	Fiber outside graticule.
11	0	Fiber crosses graticule twice.
12	1/2	Although split, fiber only crosses once.

(b) Equipment

(i) Phase contrast microscope with 10x, 16x and 40x objectives, 10x wide-field eyepieces, G-22 Walton-Beckett graticule, Whipple disk, polarizer, analyzer and first order red or gypsum plate, 100 Watt illuminator, rotating position condenser with oversize phase rings, central stop dispersion objective, Kohler illumination and a rotating mechanical stage. (See Figure 1).

(ii) Stereo microscope with reflected light illumination, transmitted light illumination, polarizer, analyzer and first order red or gypsum plate, and rotating stage.

(iii) Negative pressure hood for the stereo microscope

(iv) Muffle furnace capable of 600 degrees C

(v) Drying oven capable of 50-150 degrees C

(vi) Aluminum specimen pans

(vii) Tongs for handling samples in the furnace

(viii) High dispersion index of refraction oils (Special for dispersion staining.)

n=1.550

n=1.585

n=1.590

n=1.605

n=1.620

n=1.670

n=1.680

n=1.690

(ix) A set of index of refraction oils from about n=1.350 to n=2.000 in n=0.005 increments. (Standard for Becke line analysis.)

(x) Glass slides with painted or frosted ends 1 x 3 inches 1mm thick, precleaned.

(xi) Cover Slips 22 x 22 mm, #1 1/2

(xii) Paper clips or dissection needles

(xiii) Hand grinder

(xiv) Scalpel with both #10 and #11 blades

(xv) 0.1 molar HCl

(xvi) Decalcifying solution (Baxter Scientific Products)

Ethylenediaminetetraacetic Acid,

(xvii) Tetrasodium....0.7 g/l

Sodium Potassium Tartrate....8.0 mg/liter

Hydrochloric Acid....99.2 g/liter

Sodium Tartrate....0.14 g/liter

Tetrahydrofuran (THF)

(xviii) Hotplate capable of 60 degrees C

(xix) Balance

(xx) Hacksaw blade

(xxi) Ruby mortar and pestle

(c) Sample Pre-Preparation

Sample preparation begins with pre-preparation which may include chemical reduction of the matrix, heating the sample to dryness or heating in the muffle furnace. The end result is a sample which has been reduced to a powder that is sufficiently fine to fit under the cover slip. Analyze different phases of samples separately, e.g., tile and the tile mastic should be analyzed separately as the mastic may contain asbestos while the tile may not.

(i) Wet Samples

Samples with a high water content will not give the proper dispersion colors and must be dried prior to sample mounting. Remove the lid of the scintillation vial, place the

bottle in the drying oven and heat at 100 degrees C to dryness (usually about 2 h). Samples which are not submitted to the lab in glass must be removed and placed in glass vials or aluminum weighing pans before placing them in the drying oven.

(ii) Samples With Organic Interference-Muffle Furnace

These may include samples with tar as a matrix, vinyl asbestos tile, or any other organic that can be reduced by heating. Remove the sample from the vial and weigh in a balance to determine the weight of the submitted portion. Place the sample in a muffle furnace at 500 degrees C for 1 to 2 h or until all obvious organic material has been removed. Retrieve, cool and weigh again to determine the weight loss on ignition. This is necessary to determine the asbestos content of the submitted sample, because the analyst will be looking at a reduced sample.

Notes: Heating above 600 degrees C will cause the sample to undergo a structural change which, given sufficient time, will convert the chrysotile to forsterite. Heating even at lower temperatures for 1 to 2 h may have a measurable effect on the optical properties of the minerals. If the analyst is unsure of what to expect, a sample of standard asbestos should be heated to the same temperature for the same length of time so that it can be examined for the proper interpretation.

(iii) Samples With Organic Interference-THF

Vinyl asbestos tile is the most common material treated with this solvent, although, substances containing tar will sometimes yield to this treatment. Select a portion of the material and then grind it up if possible. Weigh the sample and place it in a test tube. Add sufficient THF to dissolve the organic matrix. This is usually about 4 to 5 mL. Remember, THF is highly flammable. Filter the remaining material through a tared silver membrane, dry and weigh to determine how much is left after the solvent extraction. Further process the sample to remove carbonate or mount directly.

(iv) Samples With Carbonate Interference

Carbonate material is often found on fibers and sometimes must be removed in order to perform dispersion microscopy. Weigh out a portion of the material and place it in a test tube. Add a sufficient amount of 0.1 M HCl or decalcifying solution in the tube to react all the carbonate as evidenced by gas formation; i.e., when the gas bubbles stop, add a little more solution. If no more gas forms, the reaction is complete. Filter the material out through a tared silver membrane, dry and weigh to determine the weight lost.

(d) Sample Preparation

Samples must be prepared so that accurate determination can be made of the asbestos type and amount present. The following steps are carried out in the low-flow hood (a low-flow hood has less than 50 fpm flow):

(i) If the sample has large lumps, is hard, or cannot be made to lie under a cover slip, the grain size must be reduced. Place a small amount between two slides and grind the material between them or grind a small amount in a clean mortar and pestle. The choice of whether to use an alumina, ruby, or diamond mortar depends on the hardness of the material. Impact damage can alter the asbestos

mineral if too much mechanical shock occurs. (Freezer mills can completely destroy the observable crystallinity of asbestos and should not be used). For some samples, a portion of material can be shaved off with a scalpel, ground off with a hand grinder or hacksaw blade.

The preparation tools should either be disposable or cleaned thoroughly. Use vigorous scrubbing to loosen the fibers during the washing. Rinse the implements with copious amounts of water and air-dry in a dust-free environment.

(ii) If the sample is powder or has been reduced as in (i) above, it is ready to mount. Place a glass slide on a piece of optical tissue and write the identification on the painted or frosted end. Place two drops of index of refraction medium  $n=1.550$  on the slide. (The medium  $n=1.550$  is chosen because it is the matching index for chrysotile.) Dip the end of a clean paper-clip or dissecting needle into the droplet of refraction medium on the slide to moisten it. Then dip the probe into the powder sample. Transfer what sticks on the probe to the slide. The material on the end of the probe should have a diameter of about 3 mm for a good mount. If the material is very fine, less sample may be appropriate. For nonpowder samples such as fiber mats, forceps should be used to transfer a small amount of material to the slide. Stir the material in the medium on the slide, spreading it out and making the preparation as uniform as possible. Place a cover-slip on the preparation by gently lowering onto the slide and allowing it to fall "trapdoor" fashion on the preparation to push out any bubbles. Press gently on the cover slip to even out the distribution of particulate on the slide. If there is insufficient mounting oil on the slide, one or two drops may be placed near the edge of the coverslip on the slide. Capillary action will draw the necessary amount of liquid into the preparation. Remove excess oil with the point of a laboratory wiper.

Treat at least two different areas of each phase in this fashion. Choose representative areas of the sample. It may be useful to select particular areas or fibers for analysis. This is useful to identify asbestos in severely inhomogeneous samples.

When it is determined that amphiboles may be present, repeat the above process using the appropriate high-dispersion oils until an identification is made or all six asbestos minerals have been ruled out. Note that percent determination must be done in the index medium 1.550 because amphiboles tend to disappear in their matching mediums.

(e) Analytical procedure

Note: This method presumes some knowledge of mineralogy and optical petrography.

The analysis consists of three parts: The determination of whether there is asbestos present, what type is present and the determination of how much is present. The general flow of the analysis is:

(i) Gross examination.

(ii) Examination under polarized light on the stereo microscope.

(iii) Examination by phase-polar illumination on the compound phase microscope.

(iv) Determination of species by dispersion stain. Examination by Becke line analysis may also be used; however, this is usually more cumbersome for asbestos determination.

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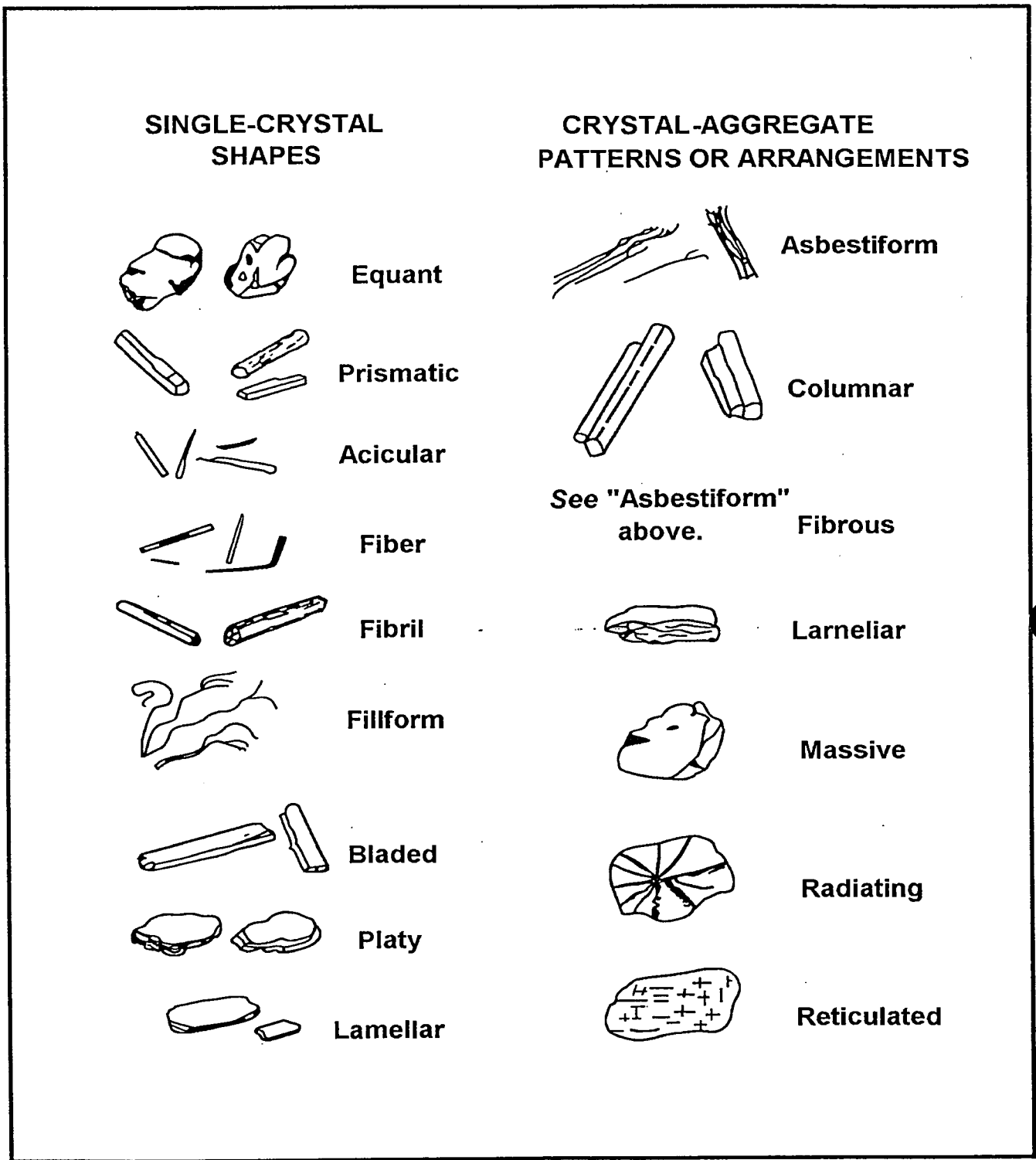


Figure 1. Particle definitions showing mineral growth habits. From the U.S. Bureau of Mines.

(v) Difficult samples may need to be analyzed by SEM or TEM, or the results from those techniques combined with light microscopy for a definitive identification. Identification of a particle as asbestos requires that it be asbestiform. Description of particles should follow the suggestion of Campbell. (Figure 2)

For the purpose of regulation, the mineral must be one of the six minerals covered and must be in the asbestos growth habit. Large specimen samples of asbestos generally have the gross appearance of wood. Fibers are easily parted from it. Asbestos fibers are very long compared with their widths. The fibers have a very high tensile strength as demonstrated by bending without breaking. Asbestos fibers exist in bundles that are easily parted, show longitudinal fine structure and may be tufted at the ends showing "bundle of sticks" morphology. In the microscope some of these properties may not be observable. Amphiboles do not always show striations along their length even when they are asbestos. Neither will they always show tufting. They generally do not show a curved nature except for very long fibers. Asbestos and asbestiform minerals are usually characterized in groups by extremely high aspect ratios (greater than 100:1). While aspect ratio analysis is useful for characterizing populations of fibers, it cannot be used to identify individual fibers of intermediate to short aspect ratio. Observation of many fibers is often necessary to determine whether a sample consists of "cleavage fragments" or of asbestos fibers.

Most cleavage fragments of the asbestos minerals are easily distinguishable from true asbestos fibers. This is because true cleavage fragments usually have larger diameters than 1 micron. Internal structure of particles larger than this usually shows them to have no internal fibrillar structure. In addition, cleavage fragments of the monoclinic amphiboles show inclined extinction under crossed polars with no compensator. Asbestos fibers usually show extinction at zero degrees or ambiguous extinction if any at all. Morphologically, the larger cleavage fragments are obvious by their blunt or stepped ends showing prismatic habit. Also, they tend to be acicular rather than filiform.

Where the particles are less than 1 micron in diameter and have an aspect ratio greater than or equal to 3:1, it is recommended that the sample be analyzed by SEM or TEM if there is any question whether the fibers are cleavage fragments or asbestiform particles.

Care must be taken when analyzing by electron microscopy because the interferences are different from those in light microscopy and may structurally be very similar to asbestos. The classic interference is between anthophyllite and biopyrbole or intermediate fiber. Use the same morphological clues for electron microscopy as are used for light microscopy, e.g. fibril splitting, internal longitudinal striation, fraying, curvature, etc.

(vi) Gross examination:

Examine the sample, preferably in the glass vial. Determine the presence of any obvious fibrous component. Estimate a percentage based on previous experience and current observation. Determine whether any pre-preparation is necessary. Determine the number of phases present. This

step may be carried out or augmented by observation at 6x to 40x under a stereo microscope.

(vii) After performing any necessary pre-preparation, prepare slides of each phase as described above. Two preparations of the same phase in the same index medium can be made side-by-side on the same glass for convenience. Examine with the polarizing stereo microscope. Estimate the percentage of asbestos based on the amount of birefringent fiber present.

(viii) Examine the slides on the phase-polar microscopes at magnifications of 160x and 400x. Note the morphology of the fibers. Long, thin, very straight fibers with little curvature are indicative of fibers from the amphibole family. Curved, wavy fibers are usually indicative of chrysotile. Estimate the percentage of asbestos on the phase-polar microscope under conditions of crossed polars and a gypsum plate. Fibers smaller than 1.0 microns in thickness must be identified by inference to the presence of larger, identifiable fibers and morphology. If no larger fibers are visible, electron microscopy should be performed. At this point, only a tentative identification can be made. Full identification must be made with dispersion microscopy. Details of the tests are included in the appendices.

(ix) Once fibers have been determined to be present, they must be identified. Adjust the microscope for dispersion mode and observe the fibers. The microscope has a rotating stage, one polarizing element, and a system for generating dark-field dispersion microscopy (see subsection (4)(f) of this appendix). Align a fiber with its length parallel to the polarizer and note the color of the Becke lines. Rotate the stage to bring the fiber length perpendicular to the polarizer and note the color. Repeat this process for every fiber or fiber bundle examined. The colors must be consistent with the colors generated by standard asbestos reference materials for a positive identification. In n=1.550, amphiboles will generally show a yellow to straw-yellow color indicating that the fiber indices of refraction are higher than the liquid. If long, thin fibers are noted and the colors are yellow, prepare further slides as above in the suggested matching liquids listed below:

<u>Type of asbestos</u>	<u>Index of refraction</u>
<u>Chrysotile</u>	<u>n=1.550.</u>
<u>Amosite</u>	<u>n=1.670 or 1.680.</u>
<u>Crocidolite</u>	<u>n=1.690.</u>
<u>Anthophyllite</u>	<u>n=1.605 and 1.620.</u>
<u>Tremolite</u>	<u>n=1.605 and 1.620.</u>
<u>Actinolite</u>	<u>n=1.620.</u>

Where more than one liquid is suggested, the first is preferred; however, in some cases this liquid will not give good dispersion color. Take care to avoid interferences in the other liquid; e.g., wollastonite in n=1.620 will give the same colors as tremolite. In n=1.605 wollastonite will appear yellow in all directions. Wollastonite may be determined under crossed polars as it will change from blue to yellow as it is rotated along its fiber axis by tapping on the cover slip. Asbestos minerals will not change in this way.

Determination of the angle of extinction may, when present, aid in the determination of anthophyllite from tremolite. True asbestos fibers usually have 0 degree extinction or ambiguous extinction, while cleavage fragments have more definite extinction.

Continue analysis until both preparations have been examined and all present species of asbestos are identified. If there are no fibers present, or there is less than 0.1% present, end the analysis with the minimum number of slides (2).

(x) Some fibers have a coating on them which makes dispersion microscopy very difficult or impossible. Becke line analysis or electron microscopy may be performed in those cases. Determine the percentage by light microscopy. TEM analysis tends to overestimate the actual percentage present.

(xi) Percentage determination is an estimate of occluded area, tempered by gross observation. Gross observation information is used to make sure that the high magnification microscopy does not greatly over- or under-estimate the amount of fiber present. This part of the analysis requires a great deal of experience. Satisfactory models for asbestos content analysis have not yet been developed, although some models based on metallurgical grain-size determination have found some utility. Estimation is more easily handled in situations where the grain sizes visible at about 160x are about the same and the sample is relatively homogeneous.

View all of the area under the cover slip to make the percentage determination. View the fields while moving the stage, paying attention to the clumps of material. These are not usually the best areas to perform dispersion microscopy because of the interference from other materials. But, they are the areas most likely to represent the accurate percentage in the sample. Small amounts of asbestos require slower scanning and more frequent analysis of individual fields.

Report the area occluded by asbestos as the concentration. This estimate does not generally take into consideration the difference in density of the different species present in the sample. For most samples this is adequate. Simulation studies with similar materials must be carried out to apply microvisual estimation for that purpose and is beyond the scope of this procedure.

(xii) Where successive concentrations have been made by chemical or physical means, the amount reported is the percentage of the material in the "as submitted" or original state. The percentage determined by microscopy is multiplied by the fractions remaining after pre-preparation steps to give the percentage in the original sample. For example:

Step 1. 60% remains after heating at 550 degrees C for 1 h.

Step 2. 30% of the residue of step 1 remains after dissolution of carbonate in 0.1 m HCl.

Step 3. Microvisual estimation determines that 5% of the sample is chrysotile asbestos.

The reported result is:

$R = (\text{Microvisual result in percent}) \times (\text{Fraction remaining after step 2}) \times (\text{Fraction remaining of original sample after step 1})$

$R = (5) \times (.30) \times (.60) = 0.9\%$

(xiii) Report the percent and type of asbestos present. For samples where asbestos was identified, but is less than 1.0%, report "Asbestos present, less than 1.0%." There must

have been at least two observed fibers or fiber bundles in the two preparations to be reported as present. For samples where asbestos was not seen, report as "None Detected."

#### (4) Auxiliary Information

Because of the subjective nature of asbestos analysis, certain concepts and procedures need to be discussed in more depth. This information will help the analyst understand why some of the procedures are carried out the way they are.

##### (a) Light

Light is electromagnetic energy. It travels from its source in packets called quanta. It is instructive to consider light as a plane wave. The light has a direction of travel. Perpendicular to this and mutually perpendicular to each other, are two vector components. One is the magnetic vector and the other is the electric vector. We shall only be concerned with the electric vector. In this description, the interaction of the vector and the mineral will describe all the observable phenomena. From a light source such a microscope illuminator, light travels in all different direction from the filament.

In any given direction away from the filament, the electric vector is perpendicular to the direction of travel of a light ray. While perpendicular, its orientation is random about the travel axis. If the electric vectors from all the light rays were lined up by passing the light through a filter that would only let light rays with electric vectors oriented in one direction pass, the light would then be POLARIZED.

Polarized light interacts with matter in the direction of the electric vector. This is the polarization direction. Using this property it is possible to use polarized light to probe different materials and identify them by how they interact with light. The speed of light in a vacuum is a constant at about  $2.99 \times 10^8$  m/s. When light travels in different materials such as air, water, minerals or oil, it does not travel at this speed. It travels slower. This slowing is a function of both the material through which the light is traveling and the wavelength or frequency of the light. In general, the more dense the material, the slower the light travels. Also, generally, the higher the frequency, the slower the light will travel. The ratio of the speed of light in a vacuum to that in a material is called the index of refraction (n). It is usually measured at 589 nm (the sodium D line). If white light (light containing all the visible wavelengths) travels through a material, rays of longer wavelengths will travel faster than those of shorter wavelengths, this separation is called dispersion. Dispersion is used as an identifier of materials as described in Section (4)(f).

##### (b) Material Properties

Materials are either amorphous or crystalline. The difference between these two descriptions depends on the positions of the atoms in them. The atoms in amorphous materials are randomly arranged with no long range order. An example of an amorphous material is glass. The atoms in crystalline materials, on the other hand, are in regular arrays and have long range order. Most of the atoms can be found in highly predictable locations. Examples of crystalline material are salt, gold, and the asbestos minerals.

It is beyond the scope of this method to describe the different types of crystalline materials that can be found, or the full description of the classes into which they can fall.

However, some general crystallography is provided below to give a foundation to the procedures described.

With the exception of anthophyllite, all the asbestos minerals belong to the monoclinic crystal type. The unit cell is the basic repeating unit of the crystal and for monoclinic crystals can be described as having three unequal sides, two 90 degrees angles and one angle not equal to 90 degrees. The orthorhombic group, of which anthophyllite is a member has three unequal sides and three 90 degrees angles. The unequal sides are a consequence of the complexity of fitting the different atoms into the unit cell. Although the atoms are in a regular array, that array is not symmetrical in all directions. There is long range order in the three major directions of the crystal. However, the order is different in each of the three directions. This has the effect that the index of refraction is different in each of the three directions. Using polarized light, we can investigate the index of refraction in each of the directions and identify the mineral or material under investigation. The indices alpha, beta, and gamma are used to identify the lowest, middle, and highest index of refraction respectively. The x direction, associated with alpha is called the fast axis. Conversely, the z direction is associated with gamma and is the slow direction. Crocidolite has alpha along the fiber length making it "length-fast." The remainder of the asbestos minerals have the gamma axis along the fiber length. They are called "length-slow." This orientation to fiber length is used to aid in the identification of asbestos.

#### (c) Polarized Light Technique

Polarized light microscopy as described in this section uses the phase-polar microscope described in Section (3)(b). A phase contrast microscope is fitted with two polarizing elements, one below and one above the sample. The polarizers have their polarization directions at right angles to each other. Depending on the tests performed, there may be a compensator between these two polarizing elements. Light emerging from a polarizing element has its electric vector pointing in the polarization direction of the element. The light will not be subsequently transmitted through a second element set at a right angle to the first element. Unless the light is altered as it passes from one element to the other, there is no transmission of light.

#### (d) Angle of Extinction

Crystals which have different crystal regularity in two or three main directions are said to be anisotropic. They have a different index of refraction in each of the main directions. When such a crystal is inserted between the crossed polars, the field of view is no longer dark but shows the crystal in color. The color depends on the properties of the crystal. The light acts as if it travels through the crystal along the optical axes. If a crystal optical axis were lined up along one of the polarizing directions (either the polarizer or the analyzer) the light would appear to travel only in that direction, and it would blink out or go dark. The difference in degrees between the fiber direction and the angle at which it blinks out is called the angle of extinction. When this angle can be measured, it is useful in identifying the mineral. The procedure for measuring the angle of extinction is to first identify the polarization direction in the microscope. A commercial alignment slide can be used to establish the polarization directions or use anthophyllite or another suitable mineral. This mineral has a zero degree angle of

extinction and will go dark to extinction as it aligns with the polarization directions. When a fiber of anthophyllite has gone to extinction, align the eyepiece reticle or graticule with the fiber so that there is a visual cue as to the direction of polarization in the field of view. Tape or otherwise secure the eyepiece in this position so it will not shift.

After the polarization direction has been identified in the field of view, move the particle of interest to the center of the field of view and align it with the polarization direction. For fibers, align the fiber along this direction. Note the angular reading of the rotating stage. Looking at the particle, rotate the stage until the fiber goes dark or "blinks out." Again note the reading of the stage. The difference in the first reading and the second is an angle of extinction.

The angle measured may vary as the orientation of the fiber changes about its long axis. Tables of mineralogical data usually report the maximum angle of extinction. Asbestos forming minerals, when they exhibit an angle of extinction, usually do show an angle of extinction close to the reported maximum, or as appropriate depending on the substitution chemistry.

#### (e) Crossed Polars With Compensator

When the optical axes of a crystal are not lined up along one of the polarizing directions (either the polarizer or the analyzer) part of the light travels along one axis and part travels along the other visible axis. This is characteristic of birefringent materials.

The color depends on the difference of the two visible indices of refraction and the thickness of the crystal. The maximum difference available is the difference between the alpha and the gamma axes. This maximum difference is usually tabulated as the birefringence of the crystal.

For this test, align the fiber at 45 degrees to the polarization directions in order to maximize the contribution to each of the optical axes. The colors seen are called retardation colors. They arise from the recombination of light which has traveled through the two separate directions of the crystal. One of the rays is retarded behind the other since the light in that direction travels slower. On recombination, some of the colors which make up white light are enhanced by constructive interference and some are suppressed by destructive interference. The result is a color dependent on the difference between the indices and the thickness of the crystal. The proper colors, thicknesses, and retardations are shown on a Michel-Levy chart. The three items, retardation, thickness and birefringence are related by the following relationship:  $\Lambda$

$$R = t(n_{\gamma} - \alpha)$$

R = retardation, t = crystal thickness in micron, and alpha, gamma = indices of refraction.

Examination of the equation for asbestos minerals reveals that the visible colors for almost all common asbestos minerals and fiber sizes are shades of gray and black. The eye is relatively poor at discriminating different shades of gray. It is very good at discriminating different

colors. In order to compensate for the low retardation, a compensator is added to the light train between the polarization elements. The compensator used for this test is a gypsum plate of known thickness and birefringence. Such a compensator when oriented at 45 degrees to the polarizer direction, provides a retardation of 530 nm of the 530 nm wavelength color. This enhances the red color and gives the background a characteristic red to red-magenta color. If this "full-wave" compensator is in place when the asbestos preparation is inserted into the light train, the colors seen on the fibers are quite different. Gypsum, like asbestos has a fast axis and a slow axis. When a fiber is aligned with its fast axis in the same direction as the fast axis of the gypsum plate, the ray vibrating in the slow direction is retarded by both the asbestos and the gypsum. This results in a higher retardation than would be present for either of the two minerals. The color seen is a second order blue. When the fiber is rotated 90 degrees using the rotating stage, the slow direction of the fiber is now aligned with the fast direction of the gypsum and the fast direction of the fiber is aligned with the slow direction of the gypsum. Thus, one ray vibrates faster in the fast direction of the gypsum, and slower in the slow direction of the fiber; the other ray will vibrate slower in the slow direction of the gypsum and faster in the fast direction of the fiber. In this case, the effect is subtractive and the color seen is a first order yellow. As long as the fiber thickness does not add appreciably to the color, the same basic colors will be seen for all asbestos types except crocidolite. In crocidolite the colors will be weaker, may be in the opposite directions, and will be altered by the blue absorption color natural to crocidolite. Hundreds of other materials will give the same colors as asbestos, and therefore, this test is not definitive for asbestos. The test is useful in discriminating against fiberglass or other amorphous fibers such as some synthetic fibers. Certain synthetic fibers will show retardation colors different than asbestos; however, there are some forms of polyethylene and aramid which will show morphology and retardation colors similar to asbestos minerals. This test must be supplemented with a positive identification test when birefringent fibers are present which can not be excluded by morphology. This test is relatively ineffective for use on fibers less than 1 micron in diameter. For positive confirmation TEM or SEM should be used if no larger bundles or fibers are visible.

#### (f) Dispersion Staining

Dispersion microscopy or dispersion staining is the method of choice for the identification of asbestos in bulk materials. Becke line analysis is used by some laboratories and yields the same results as does dispersion staining for asbestos and can be used in lieu of dispersion staining. Dispersion staining is performed on the same platform as the phase-polar analysis with the analyzer and compensator removed. One polarizing element remains to define the direction of the light so that the different indices of refraction of the fibers may be separately determined. Dispersion microscopy is a dark-field technique when used for asbestos. Particles are imaged with scattered light. Light which is unscattered is blocked from reaching the eye either by the back field image mask in a McCrone objective or a back field image mask in the phase condenser. The most convenient method is to use the rotating phase condenser to move an oversized phase ring into place. The ideal size for this

ring is for the central disk to be just larger than the objective entry aperture as viewed in the back focal plane. The larger the disk, the less scattered light reaches the eye. This will have the effect of diminishing the intensity of dispersion color and will shift the actual color seen. The colors seen vary even on microscopes from the same manufacturer. This is due to the different bands of wavelength exclusion by different mask sizes. The mask may either reside in the condenser or in the objective back focal plane. It is imperative that the analyst determine by experimentation with asbestos standards what the appropriate colors should be for each asbestos type. The colors depend also on the temperature of the preparation and the exact chemistry of the asbestos. Therefore, some slight differences from the standards should be allowed. This is not a serious problem for commercial asbestos uses. This technique is used for identification of the indices of refraction for fibers by recognition of color. There is no direct numerical readout of the index of refraction. Correlation of color to actual index of refraction is possible by referral to published conversion tables. This is not necessary for the analysis of asbestos. Recognition of appropriate colors along with the proper morphology are deemed sufficient to identify the commercial asbestos minerals. Other techniques including SEM, TEM, and XRD may be required to provide additional information in order to identify other types of asbestos.

Make a preparation in the suspected matching high dispersion oil, e.g.,  $n=1.550$  for chrysotile. Perform the preliminary tests to determine whether the fibers are birefringent or not. Take note of the morphological character. Wavy fibers are indicative of chrysotile while long, straight, thin, frayed fibers are indicative of amphibole asbestos. This can aid in the selection of the appropriate matching oil. The microscope is set up and the polarization direction is noted as in Section (4)(d). Align a fiber with the polarization direction. Note the color. This is the color parallel to the polarizer. Then rotate the fiber rotating the stage 90 degrees so that the polarization direction is across the fiber. This is the perpendicular position. Again note the color. Both colors must be consistent with standard asbestos minerals in the correct direction for a positive identification of asbestos. If only one of the colors is correct while the other is not, the identification is not positive. If the colors in both directions are bluish-white, the analyst has chosen a matching index oil which is higher than the correct matching oil, e.g. the analyst has used  $n = 1.620$  where chrysotile is present. The next lower oil (Section (3)(e)) should be used to prepare another specimen. If the color in both directions is yellow-white to straw-yellow-white, this indicates that the index of the oil is lower than the index of the fiber, e.g. the preparation is in  $n = 1.550$  while anthophyllite is present. Select the next higher oil (Section (3)(e)) and prepare another slide. Continue in this fashion until a positive identification of all asbestos species present has been made or all possible asbestos species have been ruled out by negative results in this test. Certain plant fibers can have similar dispersion colors as asbestos. Take care to note and evaluate the morphology of the fibers or remove the plant fibers in preparation. Coating material on the fibers such as carbonate or vinyl may destroy the dispersion color. Usually, there will be some outcropping of fiber which will show the colors sufficient for identification. When this is not the case, treat



the sample as described in Section (3)(c) and then perform dispersion staining. Some samples will yield to Becke line analysis if they are coated or electron microscopy can be used for identification.

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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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07731 Dates.

PROPOSED



**WSR 96-18-003  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION**

(Wildlife)

[Order 96-121—Filed August 22, 1996, 2:10 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To adopt WAC 232-28-420 1996-97 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-124 on July 3, 1996.

Changes Other than Editing from Proposed to Adopted Version: The amended version of WAC 232-28-420 differs from the proposed version filed with the Code Reviser in the following specifics: (1) Youth hunting day bag limit changed from 4 to 7 ducks; (2) "goose identification class" language replaced with "goose identification testing registration"; and (3) Fir Island waterfowl, coot, snipe closure added.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, 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: Thirty-one days after filing.

August 20, 1996  
Mitchell Johnson  
Chairman

NEW SECTION

**WAC 232-28-420 1996-97 Migratory waterfowl seasons and regulations**

**DUCKS**

**Western Washington**

8:00 a.m. Oct. 12, 1996 - Jan. 12, 1997

Daily bag limit: 7 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 14 ducks—to include not more than 2 hen mallards, not more than 4 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

SPECIAL YOUTH HUNTING DAY OPEN ONLY TO HUNTERS 16 YEARS OF AGE OR UNDER (MUST BE ACCOMPANIED BY AN ADULT AT LEAST 18 YEARS OLD WHO IS NOT HUNTING)

Oct. 5, 1996

Bag limit: ((4)) 7 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

**Eastern Washington**

Noon Oct. 12, 1996 - Jan. 19, 1997

Daily bag limit: 7 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 14 ducks—to include not more than 2 hen mallards, not more than 4 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

SPECIAL YOUTH HUNTING DAY OPEN ONLY TO HUNTERS 16 YEARS OF AGE OR UNDER (MUST BE ACCOMPANIED BY AN ADULT AT LEAST 18 YEARS OLD WHO IS NOT HUNTING)

Oct. 5, 1996

Bag limit: ((4)) 7 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

**COOT (Mudhen)**

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

**COMMON SNIPE**

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

**GEESE (except Brant and Aleutian Canada Geese)**

**WESTERN WASHINGTON**

**Western Washington Goose Management Area 1  
Island, Skagit, Snohomish counties**

The Skagit-Fraser population of lesser snow geese had consecutive breeding failures in 1994 and 1995 on Wrangel Island, Russia. If the 1996 wintering population is below 35,000 and the percentage of juveniles in the wintering flock is below 10 percent, the snow goose season will be closed early.

8 a.m. Oct. 12 - Dec. 29, 1996

Daily bag limit: 3 geese.

Possession limit: 6 geese.

**WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.** All persons hunting snow geese in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1995 authorization and returned the Harvest Report prior to the deadline will be mailed a 1996 authorization in early October. Hunters who did not possess a 1995 authorization must fill out an application (available at Washington Department of Fish and Wildlife Olympia and regional offices). **Application forms must be delivered to a Department office no later than September 25 or postmarked on or before September 25, in order for applicants to be mailed a 1996 authorization before the**

PERMANENT

season starts. No applications will be accepted after October 31, 1996. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1997, will be ineligible to participate in the 1997 snow goose season.

#### Western Washington Goose Management Area 2

Clark, Cowlitz, Pacific, and Wahkiakum counties

Open in Cowlitz County south of the Kalama River and Clark County on the following dates from 8:00 a.m. to 4:00 p.m.:

Nov. 23, 25, 27, 1996

Dec. 1, 3, 5, 7, 9, 11, 15, 17, 19, 21, 23, 26, 28, 30, 1996

Jan. 2, 4, 6, 8, 12, 14, 16, 18, 1997

Open in Cowlitz County north of the Kalama River, Pacific, and Wahkiakum counties on the following dates from 8:00 a.m. to 4:00 p.m.:

Mondays, Wednesdays, and Saturdays only, Nov. 23, 1996-Jan. 18, 1997, except closed Dec. 25, 1996 and Jan. 1, 1997.

Bag limits for all of Western Washington Goose Management Area 2:

Daily bag limit: 4 geese, to include not more than 3 Canada geese, not more than 1 dusky Canada goose, not more than 2 cackling Canada geese, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 Canada geese, not more than 1 dusky Canada goose, and not more than 4 cackling Canada geese, and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose with a culmen (bill) length of 40-50 mm.

Actual dusky harvest quota levels will be set during state and federal regulations meetings in July and August 1996. The following quota allocations have been developed based on 1995 quota distributions, and shift more quota to damage areas. The Canada goose season for Clark, Cowlitz, Pacific, and Wahkiakum counties will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 67 geese. The Fish and Wildlife Commission has authorized the Director to implement emergency area closures in accordance with the following quotas: a total of 67 dusky, to be distributed 18 for Clark County private lands, 10 for Ridgefield NWR, 19 for Cowlitz County south of the Kalama River, 10 for Cowlitz County north of the Kalama River and Wahkiakum County, and 10 for Pacific County.

Hunting only by written authorization from the Washington Department of Fish and Wildlife. All hunters participating in the season must successfully complete a new goose identification training class (including adequate performance on a test covering training materials) to receive written authorization. Information on class requirements will be available at the Olympia and Regional offices, and mailed to all hunters holding 1995 hunting authorizations. **Goose**

**identification ((classes)) testing registration will be ((~~offered~~ only)) through October 31, 1996.**

With written authorization, hunters will receive a Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in Western Washington Goose Management Area 2 for the remainder of the season and the Special Late Canada Goose Season.

#### Western Washington Goose Management Area 2 Special Late Canada Goose Season

OPEN TO WASHINGTON DEPARTMENT OF FISH AND WILDLIFE ADVANCED HUNTER EDUCATION PROGRAM GRADUATES POSSESSING A VALID 1996 SOUTHWEST WASHINGTON CANADA GOOSE HUNTING AUTHORIZATION. HUNTERS QUALIFYING FOR THE SEASON WILL BE NOTIFIED OF AVAILABLE HUNTING DATES AND SELECTED AT RANDOM FOR PARTICIPATION.

Agricultural Goose Damage Areas in Clark, Cowlitz, Pacific, and Wahkiakum County

Open in designated agricultural goose damage areas in Clark, Cowlitz, Pacific, and Wahkiakum Counties on selected dates within the following period from 7:00 a.m. to 4:00 p.m.:

February 5 - March 10, 1997

Daily bag limit: 4 geese, to include not more than 3 Canada geese, not more than 1 dusky Canada goose, not more than 2 cackling Canada geese, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 Canada geese, not more than 1 dusky Canada goose, not more than 4 cackling Canada geese and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose with a culmen (bill) length of 40-50 mm.

The Special Late Canada Goose Season will be closed by emergency action if the harvest of dusky Canada geese exceeds 5. ~~((Hunting only by written authorization from the Washington Department of Fish and Wildlife.))~~ Hunting only by written authorization from the Washington Department of Fish and Wildlife. All hunters participating in the season must successfully complete a new goose identification training class (including adequate performance on a test covering training materials) to receive written authorization. With written authorization, hunters will receive a Special Late Canada Goose Season authorization card and Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting.

Immediately after taking a Canada goose (dusky, lesser/Taverner, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site. If

a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in the Special Late Canada Goose Season for the remainder of the season.

### Western Washington Goose Management Area 3

Includes all parts of western Washington not included in Western Washington Goose Management Areas 1 and 2.

8 a.m. Oct. 12, 1996-Jan. 19, 1997

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue)

### EASTERN WASHINGTON

#### Eastern Washington Goose Management Area 1

Okanogan, Douglas, Kittitas, Grant, Adams, Franklin, Benton, Lincoln, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only, from noon Oct. 12, 1996-Jan. 12, 1997;

Nov. 11, 28, 29, and every day Jan. 13-19, 1997.

#### Eastern Washington Goose Management Area 2

Includes all other parts of eastern Washington not included in Eastern Washington Goose Management Area 1.

Every day, from noon Oct. 12, 1996-Jan. 19, 1997.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue).

### BRANT

In 1996, the brant wintering population in northern Puget Sound declined 76 percent from 1995. If the 1996 pre-season wintering population in Skagit County is below 6,000, the brant season in Skagit County will not open or will be closed early.

Open in Skagit and Pacific counties only, on the following dates:

Dec. 7, 8, 9, 11, 13, 14, 15, 17, 19, 21, 22, 1996.

**WRITTEN AUTHORIZATION REQUIRED:** All hunters participating in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1995 authorization and returned the Harvest Report prior to the deadline will be mailed a 1996 authorization in early December. Hunters who did not possess a 1995 authorization must fill out an application (available at Washington Department of Fish and Wildlife regional offices). Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or postmarked on or before November 10, after which applicants will be mailed a 1996 authorization in early December. **Late applications will not be accepted.** Immediately after taking a brant into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those

hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1997, will be ineligible to participate in the 1997 brant season.

Daily bag limit: 2 brant.

Possession limit: 4 brant.

### ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

### FALCONRY SEASONS

A falconry license and a current hunting license are required for hunting with a raptor. In addition, an Eastern Washington Upland Bird Permit or a Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge; and federal and state waterfowl stamps for hunting waterfowl are required. A 1997 hunting license, 1997 falconry license, and a 1997 Eastern or Western Washington Upland Bird Permit are required to hunt pheasant, partridge, and grouse after December 31.

#### Ducks and Coots (Falconry)

(Bag limits include geese, snipe, and mourning doves.)

Western Washington

Oct. 12, 1996-Jan. 12, 1997; Jan. 24-Feb. 6, 1997

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Eastern Washington

Oct. 12, 1996-Jan. 19, 1997; Mar. 4-10, 1997

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

#### Geese (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves)

Oct. 12, 1996-Jan. 26, 1997, statewide, except:

Oct. 12, 1996-Jan. 19, 1997 in Asotin, Columbia, 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.

Nov. 23, 1996-Jan. 18, 1997 in Clark, Cowlitz, Pacific, and Wahkiakum counties.

Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

#### Snipe (Falconry)

(Bag limits include ducks, coots, geese, and mourning doves)

Oct. 5, 1996-Jan. 19, 1997, statewide

Daily bag limit: 3, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

FIR ISLAND WATERFOWL, COOT, AND SNIPE CLOSURE

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

Beginning at the intersection of Fir Island Road and the east bank of Brown's Slough; then east along Fir Island Road (95 feet) to Brown's Slough Dike; then southerly and easterly along Brown's Slough Dike to the Fir Island Farms access road; then north along the Fir Island Farms access road to Fir Island Road; then east along Fir Island Road to the northeast corner of Section 22 (T33N, R3E); then south along the east line of Section 22 (T33N, R3E) to Dry Slough; then westerly and south along the west bank of Dry Slough to the intersection with Dike #13(1); then westerly along the Skagit Bay side of Dike #13(1) to the east bank of Brown's Slough; then north along the east bank of Brown's Slough to the intersection with the Fir Island Road and the point of beginning.

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

**WSR 96-18-004  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION**

(Wildlife)

[Order 96-122—Filed August 22, 1996, 2:15 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-28-514 1996-97 Trapping seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-137 on July 3, 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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1996  
Mitchell Johnson  
Chairman

AMENDATORY SECTION [(Amending Order 95-119, filed 9/1/95)]

WAC 232-28-514 ~~((1994-95 and 1995-96))~~ 1996-97  
Trapping seasons and regulations

TRAPPING REGULATIONS

IT SHALL BE UNLAWFUL TO: Trap for wild animals before October 1, and after March 15, in western Washington; EXCEPTION: trapping of unclassified wild animals causing damage or predation on private property by the owner or person legally controlling said property (or his designee) is permitted.

IT SHALL BE UNLAWFUL TO: Place traps or establish drowning wire and weights prior to 7:00 a.m. on the opening of the trapping season.

The fox season is closed within the exterior boundaries of the Mount Baker, Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests; and closed in San Juan, Island, Skagit, and Whatcom counties.

Federal lands within the Ross Lake and Lake Chelan National Recreation Areas are CLOSED to trapping.

Licenses will be issued only to trappers who have submitted their mandatory Trappers Report of Catch postmarked on or before April 10 of the previous year.

Trappers who fail to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as no Report of Catch being filed.

To be issued a trapping license, new trappers must meet trapper education requirements.

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions in the trapping zone in which you wish to trap. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening dates.

EASTERN WASHINGTON

General Seasons For All Eastern Washington

For purposes of this regulation, all of Klickitat County will have the same general seasons as Eastern Washington.

Bobcat . . . . . Dec. 15, ~~((1994)) 1996-Jan. 15, ((1995)) 1997 ((and Dec. 15, 1995-Jan. 15, 1996))~~

Beaver, River Otter, Nov. 8, ~~((1994)) 1996-Feb. 28, Badger, Fox . . . . . ((1995)) 1997 ((and Nov. 8, 1995-Feb. 28, 1996))~~

Muskrat . . . . . Nov. 8, ~~((1994)) 1996-Mar. 15, ((1995)) 1997 ((and Nov. 8, 1995-Mar. 15, 1996))~~

River Otter . . . . . Season bag limit is two (2)

Northern Zone (Chelan, Ferry, Okanogan, Pend Oreille, Spokane, and Stevens counties)

Weasel, Raccoon, Nov. 15, ~~((1994)) 1996-Jan. 31, Mink . . . . . ((1995)) 1997 ((and Nov. 15, 1995-Jan. 31, 1996))~~

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Marten . . . . . Dec. 15, ~~((1994)) 1996~~-Jan. 15, ~~((1995)) 1997 ((and Dec. 15, 1995 Jan. 15, 1996))~~

A permit is required to trap on the Little Pend Oreille National Wildlife Refuge. Contact Little Pend Oreille Refuge Headquarters to obtain permits.

EXCEPTIONS:

CHELAN

Beaver . . . . . Closed in Swakane and Mudd Creek

OKANOGAN

Marten . . . . . Dec. 1, ~~((1994)) 1996~~-Jan. 31, ~~((1995)) 1997 ((and Dec. 1, 1995 Jan. 31, 1996))~~

PEND OREILLE COUNTY

Marten . . . . . Closed west of the Pend Oreille River

SPOKANE COUNTY

River Otter, Marten . . . . . CLOSED

STEVENS COUNTY

Marten . . . . . Closed east of the Columbia River Southern Zone (Adams, Asotin, Benton, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, Whitman, and Yakima counties)

River Otter open only in Klickitat, Kittitas, and Yakima counties, as well as the Snake and Walla Walla Rivers and their tributaries (season bag limit 2 Otter).

Weasel, Raccoon, Nov. 15, ~~((1994)) 1996~~-Feb. 28, Mink . . . . . ~~((1995)) 1997 ((and Nov. 15, 1995 Feb. 28, 1996))~~

Marten . . . . . Dec. 1, ~~((1994)) 1996~~-Jan. 31, ~~((1995)) 1997 ((and Dec. 1, 1995 Jan. 31, 1996))~~

EXCEPTIONS:

KITTITAS COUNTY

BEAVER closed in the north fork of Tarpiscan Creek, and the Umtanum Creek drainage.

WESTERN WASHINGTON

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening dates.

General Seasons For All Western Washington

Beaver, Otter . . . . . Dec. 8, ~~((1994)) 1996~~-Jan. 31, ~~((1995)) 1997 ((and Dec. 8, 1995 Jan. 31, 1996))~~

Muskrat, Mink, Raccoon, Marten, Weasel . . . . . Nov. 21, ~~((1994)) 1996~~-Jan. 31, ~~((1995)) 1997 ((and Nov. 21, 1995 Jan. 31, 1996))~~

Bobcat, Fox . . . . . Nov. 21, ~~((1994)) 1996~~-Feb. 15, ~~((1995)) 1997 ((and Nov. 21, 1995 Feb. 15, 1996))~~

EXCEPTIONS:

COWLITZ COUNTY

Game Management Unit 522 (Loo-wit) closed to all trapping.

LEWIS COUNTY

Green River closed to trapping above confluence of Elk Creek except bobcat and coyote. Game Management Unit 522 (Loo-wit) closed to all trapping.

MASON COUNTY

Agate Peninsula (near Shelton) west of the Grunert Road and Agate Loop Road to Campbell Creek are open for the use of cage traps only.

SKAGIT COUNTY

Beaver . . . . . Dec. 1, ~~((1994)) 1996~~-Feb. 28, ~~((1995)) 1997 ((and Dec. 1, 1995 Feb. 28, 1996))~~ in that part of Skagit County west of I-5.

Trappers should note that the Illabot Slough and Barnaby Slough posted areas, within the Skagit Bald Eagle Natural Area, are closed to trespass to protect eagle roosting sites.

SKAMANIA COUNTY

Smith Creek, Bean Creek, Clearwater Creek, above USFS 83 Road on Pine Creek, above the confluence of Bean Creek on the Muddy River, CLOSED to all trapping except for bobcat and coyote. Game Management Unit 522 (Loo-wit) CLOSED to all trapping.

THURSTON COUNTY

Raccoon . . . . . Season extended for cage traps only. Feb. 1, ~~((1995)) 1996~~-Feb. 15, ~~((1995)) 1997 ((and Feb. 1, 1996 Feb. 15, 1996))~~

URBAN TRAPPING AREAS

Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of foot-hold, instant kill, or snare traps except muskrat and mink may be taken with a number ~~((one)) one and one-half~~ foot-hold drowning set or a 110 instant kill trap during lawful trapping seasons as established by the Fish and Wildlife Commission.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; then east up the Snohomish River to Interstate 5 (I-5); then south on I-5 to Interstate 405 (I-405); then south on I-405 to I-5; then south on I-5 to its junction with Pioneer Way; then east along Pioneer Way to Waller Road; then south along Waller Road to SR 512; then west along SR 512 to I-5; then

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north and west to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

In the described area Raccoon season is open (cage traps only) . . . . Nov. 21, ((1994)) 1996-Feb. 15, ((1995)) 1997 ((and Nov. 21, 1995-Feb. 15, 1996))

48 Hour Trap Check Time

In the following described areas all traps or devices, not capable of drowning the animal (land sets), must be checked and the animal removed within 48 hours.

Thurston County, within the established city limits (including county islands), of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the mouth of the Snohomish River; then south and east up the Snohomish River to Highway 9; then south on Highway 9 to the Woodinville-Duvall Road; then east on Woodinville-Duvall Road to Avondale Road; then south on Avondale Road to Highway 202; then east on Highway 202 to Duthie Hill Road; then southwest on Duthie Hill Road to its junction with the Issaquah-Fall City Road; then southwest on Issaquah-Fall City Road to East Lake Sammamish Parkway; then south on East Lake Sammamish Parkway to Front Street; then south on Front Street to Issaquah-Hobart Road; then southeast on Issaquah-Hobart Road to Highway 18; then southwest on Highway 18 to Highway 167; then south on Highway 167 to Highway 161; then south on Highway 161 to 224th Street E.; then west on 224th Street E. to Highway 7; then northwest on Highway 7 to Highway 507; then southwest on Highway 507 to Pierce County line; then west along the county line to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

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

WSR 96-18-005  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION  
(Wildlife)

[Order 96-123—Filed August 22, 1996, 2:17 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To adopt WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-140 on July 3, 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: Thirty-one days after filing.

August 20, 1996  
Mitchell Johnson  
Chairman

NEW SECTION

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. 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 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to Lower Monumental Dam.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

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**WSR 96-18-006  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION**

(Wildlife)

[Order 96-124—Filed August 22, 1996, 2:20 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To adopt WAC 232-16-750 Belfair, Hood Canal hunting area restriction.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-125 on July 3, 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: Thirty-one days after filing.

August 20, 1996

Mitchell Johnson

Chairman

**NEW SECTION**

**WAC 232-16-750 Belfair, Hood Canal hunting area restriction** It is unlawful to hunt waterfowl, coot, or snipe in Lynch Cove and the Union River except in designated blinds. The western and southern boundaries of this closure are posted with red steel markers. (This includes all of the Washington Department of Fish and Wildlife and Thelar Wetlands lands.)

**WSR 96-18-007  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION**

(Wildlife)

[Order 96-125—Filed August 22, 1996, 2:24 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To adopt WAC 232-16-760 Northern Puget Sound hunting method restriction.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-139 on July 3, 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: Thirty-one days after filing.

August 20, 1996

Mitchell Johnson

Chairman

**NEW SECTION**

**WAC 232-16-760 Northern Puget Sound hunting method restriction** It is unlawful to hunt waterfowl, coot or snipe from a moving boat or any free-floating device that is not in a fixed position which is either anchored or secured to shore in Port Susan Bay, Skagit Bay, Padilla Bay, and Samish Bay.

**WSR 96-18-008  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION**

(Wildlife)

[Order 96-126—Filed August 22, 1996, 2:27 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To adopt WAC 232-16-770 Skagit wildlife area shotgun shell restriction.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-138 on July 3, 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: Thirty-one days after filing.

August 20, 1996

Mitchell Johnson

Chairman

NEW SECTION

**WAC 232-16-770 Skagit wildlife area shotgun shell restriction** It is unlawful to have in possession more than 15 shotgun shells or to fire more than 15 shells in one day on the farmed island segment of the Skagit public hunting area, between the south fork of the Skagit River and Fresh Water Slough.

**WSR 96-18-009  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION  
(Wildlife)**

[Order 96-127—Filed August 22, 1996, 2:30 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-12-068 Nontoxic shot requirement for waterfowl, coot, and snipe hunting.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-142 on July 3, 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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1996

Mitchell Johnson

Chairman

AMENDATORY SECTION [(Amending Order 95-126, filed 9/1/95)]

**WAC 232-12-068 Nontoxic shot requirements for waterfowl, coot, and snipe hunting** It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than steel shot or ~~((other shot approved by the U.S. Fish and Wildlife Service))~~ bismuth-tin (nominally 97 percent bismuth, 3 percent tin shot), while hunting for waterfowl, coot, or snipe.

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 96-18-010  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION  
(Wildlife)**

[Order 96-128—Filed August 22, 1996, 2:33 p.m.]

Date of Adoption: August 10, 1996.

Purpose: Repeal WAC 232-16-080 Columbia and Snake River Game Reserve.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-126 on July 3, 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 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: Thirty-one days after filing.

August 20, 1996

Mitchell Johnson

Chairman

REPEALER

WAC 232-16-080 Columbia and Snake River Game Reserve.

**WSR 96-18-014  
PERMANENT RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed August 22, 1996, 4:05 p.m.]

Date of Adoption: August 22, 1996.

Purpose: Repeal outmoded or unnecessary rules.

Citation of Existing Rules Affected by this Order: See below.

Adopted under preproposal statement of inquiry filed as WSR 96-14-018 and 96-14-019 on June 21, 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.

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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.

August 22, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 392-103-005 Purpose and effect.
- WAC 392-103-010 Prohibited practices—Direct and indirect receipt of benefits prohibited.
- WAC 392-103-015 Prohibited practices—Certain assistance, gifts and sharing in compensation prohibited.
- WAC 392-103-020 Prohibited practices—Gifts and use of office to induce provision of economic benefits prohibited.
- WAC 392-103-025 Disqualification.
- WAC 392-103-030 Appointed advisory committee members.
- WAC 392-103-035 Former employees—Prohibited practices.
- WAC 392-103-040 Permissible transactions.
- WAC 392-103-045 Permissible outside employment.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 392-122-400 Fair start program—Applicable provisions.
- WAC 392-122-401 Fair start program—Timely reporting.
- WAC 392-122-405 Fair start program—Definition—Kindergarten through sixth grade annual average full-time equivalent students.
- WAC 392-122-410 Fair start program—Definition—Approved fair start program.
- WAC 392-122-415 Fair start program—Apportionment of moneys to school districts and educational service districts.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 392-140-175 1989-91 Vocational equipment allocation—Applicable provisions.
- WAC 392-140-176 1989-91 Vocational equipment allocation—Definition—Annual average full-time equivalent students.
- WAC 392-140-177 1989-91 Vocational equipment allocation—Definition—Vocational annual average full-time equivalent students.
- WAC 392-140-178 1989-91 Vocational equipment allocation—Definition—School year.
- WAC 392-140-179 1989-91 Vocational equipment allocation—Definition—Eligible school district.
- WAC 392-140-180 1989-91 Vocational equipment allocation—Definition—Form SPI 1154.
- WAC 392-140-181 1989-91 Vocational equipment allocation—Limitations and conditions.
- WAC 392-140-182 1989-91 Vocational equipment allocation—Apportionment of moneys.
- WAC 392-140-183 1989-91 Vocational equipment allocation—Reporting of 1989-90 and 1990-91 vocational annual average full-time equivalent students.
- WAC 392-140-185 1989-91 Vocational equipment allocation—Reporting of expenditures by eligible school districts.
- WAC 392-140-186 1989-91 Vocational equipment allocation—Recovery of unspent funds.
- WAC 392-140-220 1990-91 Supplies, materials, and equipment allocation—Applicable provisions.
- WAC 392-140-221 1990-91 Supplies, materials, and equipment allocation—Definition—School year.
- WAC 392-140-222 1990-91 Supplies, materials, and equipment allocation—Definition—Nonconsumable.
- WAC 392-140-223 1990-91 Supplies, materials, and equipment allocation—Definition—Annual average full-time equivalent students.
- WAC 392-140-224 1990-91 Supplies, materials, and equipment allocation—Definition—Specified objects of expenditure.
- WAC 392-140-225 1990-91 Supplies, materials, and equipment allocation—

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	Definition—Extenuating circumstance.	WAC 392-140-438	1991-93 Vocational equipment allocation—Reporting by the superintendent of public instruction.
WAC 392-140-226	1990-91 Supplies, materials, and equipment allocation—		
	Definition—Supplanting.	WAC 392-140-439	1991-93 Vocational equipment allocation—Recovery of moneys.
WAC 392-140-230	1990-91 Supplies, materials, and equipment allocation—		
	Allocations to school districts.	WAC 392-140-441	1991-93 Local education program enhancement—Applicable provisions.
WAC 392-140-231	1990-91 Supplies, materials, and equipment allocation—		
	Allowed and unallowed expenditures.	WAC 392-140-442	1991-93 Local education program enhancement—
WAC 392-140-232	1990-91 Supplies, materials, and equipment allocation—		
	Reporting of extenuating circumstances.	WAC 392-140-443	Definition—Allocation enrollment.
WAC 392-140-233	1990-91 Supplies, materials, and equipment allocation—		
	Recovery of moneys due to supplanting.	WAC 392-140-444	1991-93 Local education program enhancement—
WAC 392-140-234	1990-91 Supplies, materials, and equipment allocation—		
	Determination of recovery amount.	WAC 392-140-445	Definition—Form SPI 1129.
WAC 392-140-336	1989-90 through 1993-94		
	School year enrollment of returning high school students—Applicable provisions and authority.	WAC 392-140-446	1991-93 Local education program enhancement—
WAC 392-140-337	1989-90 through 1993-94		
	School year enrollment of returning high school students—Authority to report for apportionment purposes.	WAC 392-140-447	1991-93 Local education program enhancement—Recovery of moneys.
WAC 392-140-338	1989-90 through 1993-94		
	School year enrollment of returning high school students—Special enrollment reporting by school districts.	WAC 392-140-450	K-3 Staff enhancement—
WAC 392-140-431	1991-93 Vocational equipment allocation—Applicable provisions.	WAC 392-140-451	Applicable provisions.
WAC 392-140-432	1991-93 Vocational equipment allocation—Definition—	WAC 392-140-452	K-3 Staff enhancement—
	Vocational annual average full-time equivalent (FTE) students.	WAC 392-140-453	Authority.
WAC 392-140-433	1991-93 Vocational equipment allocation—Definition—	WAC 392-140-454	K-3 Staff enhancement—
	Eligible school district.	WAC 392-140-455	Purpose.
WAC 392-140-434	1991-93 Vocational equipment allocation—Definition—Form SPI 1154.	WAC 392-140-456	K-3 Staff enhancement—
WAC 392-140-435	1991-93 Vocational equipment allocation—Limitations and conditions.	WAC 392-140-457	Definition—Academic year.
WAC 392-140-436	1991-93 Vocational equipment allocation—School district reporting.	WAC 392-140-458	K-3 Staff enhancement—
WAC 392-140-437	1991-93 Vocational equipment allocation—Apportionment of moneys.	WAC 392-140-459	Definition—S-275.
		WAC 392-140-460	K-3 Staff enhancement—
		WAC 392-140-461	Definition—SPI Form S-277.
		WAC 392-140-462	K-3 Staff enhancement—
		WAC 392-140-463	Definition—SPI Form 1158.
		WAC 392-140-464	K-3 Staff enhancement—
		WAC 392-140-465	Definition—SPI Report 1159.
		WAC 392-140-466	K-3 Staff enhancement—
		WAC 392-140-467	Definition—SPI Form 1160.
		WAC 392-140-468	K-3 Staff enhancement—
		WAC 392-140-469	Definition—SPI Form 1230.
		WAC 392-140-470	K-3 Staff enhancement—
		WAC 392-140-471	Definition—FTE K-3 basic education enrollment.
		WAC 392-140-472	K-3 Staff enhancement—
		WAC 392-140-473	Definition—FTE basic education certificated instructional employee.
			K-3 Staff enhancement—
			Definition—FTE K-3 basic education certificated instructional employee.
			K-3 Staff enhancement—
			Definition—FTE K-3 basic

	education certificated instructional staff.	WAC 392-140-496	K-3 Staff enhancement— Calculation of K-3 apportionment ratios.
WAC 392-140-474	K-3 Staff enhancement— Definition—Average basic education certificated instructional staff salary for the purpose of apportionment.	WAC 392-140-497	K-3 Staff enhancement— Reporting by the superintendent of public instruction.
WAC 392-140-475	K-3 Staff enhancement— Definition—Basic education classified instructional assistant.	WAC 392-140-500	1994-95 Student learning improvement grants—Applicable provisions—Statutory authority.
WAC 392-140-476	K-3 Staff enhancement— Definition—Basic education classified instructional assistant FTE.	WAC 392-140-501	1994-95 Student learning improvement grants—Purpose of student learning improvement grant.
WAC 392-140-477	K-3 Staff enhancement— Definition—FTE K-3 basic education classified instructional assistants.	WAC 392-140-503	1994-95 Student learning improvement grants— Definition—School district.
WAC 392-140-478	K-3 Staff enhancement— Definition—Instructional FTE.	WAC 392-140-504	1994-95 Student learning improvement grants— Definition—Eligible school district.
WAC 392-140-480	K-3 Staff enhancement— Definition—K-3 addition FTE.	WAC 392-140-505	1994-95 Student learning improvement grants— Definition—School.
WAC 392-140-481	K-3 Staff enhancement— Definition—K-3 reduction FTE.	WAC 392-140-506	1994-95 Student learning improvement grants— Definition—Eligible school-based application.
WAC 392-140-482	K-3 Staff enhancement— Definition—K-3 reassignment FTE.	WAC 392-140-507	1994-95 Student learning improvement grants— Definition—Approved application.
WAC 392-140-483	K-3 Staff enhancement— Calculation of addition, reduction, and reassignment FTE.	WAC 392-140-508	1994-95 Student learning improvement grants— Definition—Certificated employee.
WAC 392-140-485	K-3 Staff enhancement— Definition—Supplemental FTE K-3 basic education certificated instructional staff.	WAC 392-140-509	1994-95 Student learning improvement grants— Definition—Full-time equivalent (FTE) certificated staff.
WAC 392-140-486	K-3 Staff enhancement— Definition—Supplemental FTE K-3 basic education classified instructional assistants.	WAC 392-140-510	1994-95 Student learning improvement grants— Definition—Form S-275.
WAC 392-140-490	K-3 Staff enhancement— Definition—K-3 certificated instructional staffing ratio.	WAC 392-140-511	1994-95 Student learning improvement grants— Definition—FTE certificated staff employed in a school.
WAC 392-140-491	K-3 Staff enhancement— Definition—Actual average salary for basic education classified instructional assistants.	WAC 392-140-512	1994-95 Student learning improvement grants— Definition—Allocation rate.
WAC 392-140-492	K-3 Staff enhancement— Definition—Increase in K-3 basic education classified instructional assistants from 1989-90.	WAC 392-140-516	1994-95 Student learning improvement grants—Allocation of moneys.
WAC 392-140-493	K-3 Staff enhancement— Definition—Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.	WAC 392-140-517	1994-95 Student learning improvement grants—Conditions and limitations on expenditures.
WAC 392-140-494	K-3 Staff enhancement— School district reporting— Required reports.	WAC 392-140-518	1994-95 Student learning improvement grants—School district reporting.
WAC 392-140-495	K-3 Staff enhancement— School district reporting— Optional reports.	WAC 392-140-519	1994-95 Student learning improvement grants—Recovery of unexpended grants.

PERMANENT

<p>WAC 392-140-525</p> <p>WAC 392-140-527</p> <p>WAC 392-140-529</p> <p>WAC 392-140-530</p> <p>WAC 392-140-531</p> <p>WAC 392-140-533</p> <p>WAC 392-140-535</p> <p>WAC 392-140-536</p> <p>WAC 392-140-537</p> <p>WAC 392-140-538</p> <p>WAC 392-140-540</p> <p>WAC 392-140-542</p> <p>WAC 392-140-543</p> <p>WAC 392-140-544</p> <p>WAC 392-140-545</p> <p>WAC 392-140-548</p> <p>WAC 392-140-549</p>	<p>1993-95 Local enhancement funding—Applicable provisions.</p> <p>1993-95 Local enhancement funding—Definition—Allocation enrollment.</p> <p>1993-95 Local enhancement funding—Definition—Form SPI 1129.</p> <p>1993-95 Local enhancement funding—Definition—Enrolled as a Medicaid service provider.</p> <p>1993-95 Local enhancement funding—Actively pursuing federal matching funds for medical services provided through special education programs.</p> <p>1993-95 Local enhancement funding—Condition of receipt of moneys.</p> <p>1993-95 Local enhancement funding—Conditions and limitations on expenditures.</p> <p>1993-95 Local enhancement funding—Apportionment of moneys.</p> <p>1993-95 Local enhancement funding—School district reporting.</p> <p>1993-95 Local enhancement funding—Recovery of moneys.</p> <p>1994-95 Allocation for instructional materials and technology related investments—Applicable provisions—Statutory authority.</p> <p>1994-95 Allocation for instructional materials and technology related investments—Definition—School district.</p> <p>1994-95 Allocation for instructional materials and technology related investments—Definition—School year.</p> <p>1994-95 Allocation for instructional materials and technology related investments—Definition—Instructional materials.</p> <p>1994-95 Allocation for instructional materials and technology related investments—Definition—Technology related investments.</p> <p>1994-95 Allocation for instructional materials and technology related investments—Definition—School district application.</p> <p>1994-95 Allocation for instructional materials and technology</p>	<p>related investments— Definition—Approved application.</p> <p>1994-95 Allocation for instructional materials and technology related investments— Definition—Allocation enrollment.</p> <p>1994-95 Allocation for instructional materials and technology related investments— Definition—Allocation rate.</p> <p>1994-95 Allocation for instructional materials and technology related investments—Allocation of moneys.</p> <p>1994-95 Allocation for instructional materials and technology related investments— Conditions and limitations on expenditures.</p> <p>1994-95 Allocation for instructional materials and technology related investments—School district reporting.</p> <p>1994-95 Allocation for instructional materials and technology related investments—Recovery of unexpected grants.</p>	<p>WAC 392-140-551</p> <p>WAC 392-140-552</p> <p>WAC 392-140-553</p> <p>WAC 392-140-555</p> <p>WAC 392-140-557</p> <p>WAC 392-140-559</p>
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REPEALER

The following sections of the Washington Administrative Code are repealed:

<p>WAC 392-141-125</p> <p>WAC 392-141-175</p> <p>WAC 392-141-176</p>	<p>Definition—Hazardous walking conditions.</p> <p>Hazardous walking conditions.</p> <p>Alleviating hazardous walking conditions.</p>
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REPEALER

The following sections of the Washington Administrative Code are repealed:

<p>WAC 392-163-100</p> <p>WAC 392-163-105</p> <p>WAC 392-163-110</p> <p>WAC 392-163-115</p> <p>WAC 392-163-120</p> <p>WAC 392-163-125</p> <p>WAC 392-163-130</p> <p>WAC 392-163-135</p> <p>WAC 392-163-140</p> <p>WAC 392-163-142</p> <p>WAC 392-163-145</p> <p>WAC 392-163-150</p>	<p>Authority.</p> <p>Purpose.</p> <p>Public policy.</p> <p>Accountability.</p> <p>Definition—Academic area of focus.</p> <p>Definition—Accounting manual.</p> <p>Definition—Activity.</p> <p>Definition—Advanced skills.</p> <p>Definition—Aggregate performance.</p> <p>Definition—Indirect expenditure.</p> <p>Definition—School attendance area.</p> <p>Definition—Capital expenses.</p>
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WAC 392-163-155	Definition—Carryover.	WAC 392-163-315	Definition—Supplement.
WAC 392-163-160	Definition—Chapter 1 Regular.	WAC 392-163-320	Definition—Support services.
WAC 392-163-165	Definition—Children.	WAC 392-163-322	Three-year assurances.
WAC 392-163-170	Definition—Comparability.	WAC 392-163-325	Definition—Unforeseen conditions.
WAC 392-163-175	Definition—Complaint.	WAC 392-163-330	Board approval.
WAC 392-163-180	Definition—Consultation with parents, teachers, and other interested parties.	WAC 392-163-335	Board certification.
WAC 392-163-185	Definition—Continuing need of special assistance.	WAC 392-163-340	Budget revision—Ten percent allowed.
WAC 392-163-186	Definition—Eligible student.	WAC 392-163-345	Budget revisions—Updating planned expenditures.
WAC 392-163-190	Definition—Desired outcomes.	WAC 392-163-350	Budget revision—Approval.
WAC 392-163-195	Definition—Direct expenditure.	WAC 392-163-355	Program update.
WAC 392-163-200	Definition—Educationally deprived children.	WAC 392-163-360	Supervisory expenditures.
WAC 392-163-205	Definition—Eligible student.	WAC 392-163-362	Reallocation of Chapter 1 Regular moneys in excess of a prudent and justifiable reserve.
WAC 392-163-210	Definition—Equivalence.	WAC 392-163-363	Reallocation of Chapter 1 Regular moneys—Waiver of limit.
WAC 392-163-215	Definition—Full-time equivalent (FTE) staff.	WAC 392-163-364	Reallocation of Chapter 1 Regular moneys—Application for available excess carryover.
WAC 392-163-220	Definition—Full-time equivalent (FTE) student.	WAC 392-163-365	End-of-year report—Annual requirement.
WAC 392-163-225	Definition—Grade span grouping.	WAC 392-163-370	End-of-year report—Summer school addendum.
WAC 392-163-230	Definition—Greatest need of special assistance.	WAC 392-163-375	Program evaluation.
WAC 392-163-235	Definition—Homeless.	WAC 392-163-385	Comparability of services—Computation basis.
WAC 392-163-236	Definition—Participating children.	WAC 392-163-390	Comparability of services maintained.
WAC 392-163-237	Definition—Continuing need of special assistance.	WAC 392-163-400	Annual needs assessment—Program requirement.
WAC 392-163-240	Definition—Indirect expenditure.	WAC 392-163-405	Allocation of resources to program areas and schools.
WAC 392-163-245	Definition—Instructional staff.	WAC 392-163-410	Selection of attendance areas for districts with under one thousand students—Program exemption.
WAC 392-163-250	Definition—Low-income children.	WAC 392-163-415	Selection of attendance areas—Program requirement.
WAC 392-163-255	Definition—Objective measurement.	WAC 392-163-420	Services for homeless children.
WAC 392-163-260	Definition—Object of expenditure.	WAC 392-163-425	Parent involvement—Program requirement.
WAC 392-163-265	Definition—Parent.	WAC 392-163-430	Acquisition, control and disposition of property.
WAC 392-163-270	Definition—Participating children.	WAC 392-163-435	Program compliance review.
WAC 392-163-275	Definition—Preschool children.	WAC 392-163-440	Program improvement.
WAC 392-163-280	Definition—Program.	WAC 392-163-445	Program improvement plan.
WAC 392-163-285	Definition—Program that is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special academic needs of children being served.	WAC 392-163-450	Program improvement joint plan.
WAC 392-163-290	Definition—Project.	WAC 392-163-455	Student improvement.
WAC 392-163-295	Definition—Regular program.	WAC 392-163-460	Serving students in greatest need—Program requirement.
WAC 392-163-299	Selection of attendance areas for districts with under one thousand students—Program exemption.	WAC 392-163-465	Student needs.
WAC 392-163-300	Definition—Revenue account.	WAC 392-163-470	Notification of parents.
WAC 392-163-305	Definition—Service model.	WAC 392-163-475	School district application required.
WAC 392-163-306	Serving students in greatest need—Program requirement.	WAC 392-163-480	Substance of annual school district application.
WAC 392-163-310	Definition—Similar services.	WAC 392-163-485	Annual assurances.

WAC 392-163-490	Planned expenditures by program object and activity.
WAC 392-163-495	Board approval.
WAC 392-163-500	Approval of Chapter 1 Regular program application by the office of the superintendent of public instruction.
WAC 392-163-505	Budget revision—Ten percent allowed.
WAC 392-163-510	Budget revisions—Updating planned expenditures.
WAC 392-163-515	Budget revision—Approval.
WAC 392-163-520	Program update.
WAC 392-163-525	Supervisory expenditures.
WAC 392-163-530	Reallocation of Chapter 1 Regular moneys in excess of fifteen percent carryover.
WAC 392-163-535	Reallocation of Chapter 1 Regular moneys—Waiver of limit.
WAC 392-163-540	Reallocation of Chapter 1 Regular moneys—Application for available excess carryover.
WAC 392-163-545	Program evaluation.
WAC 392-163-550	End-of-year report—Annual requirement.
WAC 392-163-555	End-of-year report—Summer school addendum.
WAC 392-163-560	Comparability of services—Computation basis.
WAC 392-163-565	Comparability of services maintained.
WAC 392-163-570	Comparability of services—Completed forms on file.
WAC 392-163-575	Maintenance of effort.
WAC 392-163-580	Maintenance of effort—Computations.
WAC 392-163-585	Maintenance of effort—Failure to maintain effort.
WAC 392-163-590	Acquisition, control, and disposition of property.
WAC 392-163-595	Construction and portable lease/purchase.
WAC 392-163-600	Capital expenses for serving private schools.
WAC 392-163-605	Distribution of Chapter 1 Regular moneys to local school districts.
WAC 392-163-610	Program compliance review.
WAC 392-163-615	Chapter 1 Regular audit.
WAC 392-163-620	Complaint procedure.
WAC 392-163-625	Sanctions.
WAC 392-163-630	Compliance agreement.
WAC 392-163-635	Withholding of Chapter 1 Regular payments.
WAC 392-163-640	Committee of practitioners.
WAC 392-163-645	State advisory council.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 392-166-100	Authority.
WAC 392-166-105	Purpose.
WAC 392-166-110	Student retention and retrieval program—Definition.
WAC 392-166-115	Qualifying school districts—Definition.
WAC 392-166-120	Students at risk—Definition.
WAC 392-166-125	Supplant—Definition.
WAC 392-166-130	Definition—Direct expenditure.
WAC 392-166-135	Applicable financial rules.
WAC 392-166-140	Qualifying school district—Option to participate.
WAC 392-166-145	Priority for funding.
WAC 392-166-150	District application required.
WAC 392-166-155	Cooperative applications.
WAC 392-166-160	Substance of school district application.
WAC 392-166-165	Assurances.
WAC 392-166-170	Board approval.
WAC 392-166-175	Application update.
WAC 392-166-180	Criteria for identifying students at risk.
WAC 392-166-185	Distribution of funds.
WAC 392-166-190	Issuance of grant award.
WAC 392-166-195	Supplant prohibition.
WAC 392-166-200	Twenty percent requirement for elementary and middle schools.
WAC 392-166-205	Supervisory expenditures.
WAC 392-166-210	Program requirement—Allowable expenditures.
WAC 392-166-215	Budget revisions—Twenty percent allowed.
WAC 392-166-220	Budget revisions—Updating planned expenditures.
WAC 392-166-225	Budget revision—Approval.
WAC 392-166-230	Acquisition, control and disposition of property.
WAC 392-166-235	District records.
WAC 392-166-240	End of year report.
WAC 392-166-245	End of year evaluation.
WAC 392-166-250	Basic education allocation.
WAC 392-166-255	Program audit.
WAC 392-166-260	Dissemination.
WAC 392-166-265	Notification of parents.
WAC 392-166-270	Encumbrance period.
WAC 392-166-275	Subsequent grants.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 392-167A-005	Authority.
WAC 392-167A-010	Purpose.
WAC 392-167A-015	Definition—Fair start program.
WAC 392-167A-020	Definition—Child intervention specialists or community based human service provider.



- WAC 392-167A-025 Definition—Elementary level.
- WAC 392-167A-030 Definition—Early intervention services.
- WAC 392-167A-035 Definition—Prevention services.
- WAC 392-167A-040 Definition—Supplant.
- WAC 392-167A-045 Applications for funding—Qualified applicants.
- WAC 392-167A-050 Applications for funding—Annual deadline and required contents.
- WAC 392-167A-055 Applications for funding—Required information.
- WAC 392-167A-060 Applications for funding—Required assurances.
- WAC 392-167A-065 Applications for funding—Approval or disapproval.
- WAC 392-167A-070 Apportionment of state moneys.
- WAC 392-167A-075 Allowable expenditures.
- WAC 392-167A-080 Application revisions.
- WAC 392-167A-085 Expenditures and accounting.
- WAC 392-167A-090 End of year report.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 392-193-005 Authority.
- WAC 392-193-010 Purpose.
- WAC 392-193-020 Applicability to teachers only.
- WAC 392-193-025 Teacher—Defined.
- WAC 392-193-030 Alien—Defined.
- WAC 392-193-035 Alien permits required.
- WAC 392-193-045 Immigrant alien permits—Requirements.
- WAC 392-193-050 Conversion of immigrant alien permit to regular certificate.
- WAC 392-193-055 Nonimmigrant alien permits—Requirements.
- WAC 392-193-060 Alien permits—Revocation—Hearing rights.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 392-310-010 Authority.
- WAC 392-310-015 Purpose.
- WAC 392-310-020 Administrative functions of the superintendent of public instruction.
- WAC 392-310-025 Incorporation by reference of state board of education rules.

**WSR 96-18-017**  
**PERMANENT RULES**  
**WASHINGTON STATE PATROL**  
 [Filed August 26, 1996, 10:20 a.m.]

Date of Adoption: August 15, 1996.

Purpose: Repeal section and create new sections in chapter 446-20 WAC to clarify fee structures and requirements for submitting fingerprint-based background checks and other criminal history record checks.

Citation of Existing Rules Affected by this Order: Repealing WAC 446-20-290.

Statutory Authority for Adoption: Chapter 10.97 RCW, RCW 43.43.830 - [43.43.]845.

Other Authority: Chapters 28A.400, 74.15 RCW.

Adopted under notice filed as WSR 96-14-078 on July 1, 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 4, amended 0, repealed 1.

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 4, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, amended 0, repealed 1.

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 4, amended 0, repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 15, 1996  
 Annette M. Sandberg  
 Chief

**NEW SECTION**

**WAC 446-20-600 Fees.** (1) A nonrefundable fee of ten dollars shall accompany each request for conviction records submitted for a name and date of birth background check or a twenty-five dollar fee if the request is submitted by fingerprint card at the state level pursuant to RCW 43.43.830 through 43.43.845, and chapter 10.97 RCW unless through prior arrangement, an account is authorized and established.

(2) A nonrefundable FBI fee of twenty-four dollars shall be charged for fingerprint cards submitted for federal searches. It shall be the responsibility of the Washington state patrol to collect all fees due and forward fingerprint cards and fees to the FBI.

(3) All fees are to be made payable to the Washington state patrol and are to be remitted by cashier's check, money order or check written on a business account. The Washington state patrol identification and criminal history section shall adjust the fee schedule as may be practicable to ensure that direct and indirect costs associated with the provisions of these chapters are recovered.

(4) Pursuant to the provisions of RCW 43.43.838 and chapter 28A.410 RCW, no fees will be charged to a nonprof-

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it organization, or volunteers in school districts and educational service districts for background checks.

#### NEW SECTION

**WAC 446-20-610 Superintendent of public instruction—Prospective educational employees—Fees.** (1) In addition to the state search, an FBI search is required for requests submitted under chapter 28A.410 RCW. Two fingerprint cards are required to be submitted to the Washington state patrol identification and criminal history section.

(2) Appropriate nonrefundable fees are to be charged and made payable to the Washington state patrol for searches conducted under chapter 28A.410 RCW as follows:

(a) The fee for the state search is fifteen dollars for school district employees.

(b) The fee for the state search is twenty-five dollars for persons applying for their certification or for contractual employees.

(c) The fee for the FBI search is twenty-four dollars.

(d) In addition, a four-dollar processing fee will be charged for each fingerprint background check processed under chapter 28A.410 RCW. The Washington state patrol will reimburse the superintendent of public instruction four dollars for each fingerprint background check processed under this chapter for applicants who are certificated, contractual or classified.

(3) Prospective employees hired by the superintendent of public instruction, educational service districts, school districts and/or their contractors shall pay the appropriate fees for state and federal fingerprint checks conducted under chapter 28A.410 RCW.

(4) Fees are to be deposited in the Washington state patrol fingerprint identification account.

#### NEW SECTION

**WAC 446-20-620 Superintendent of public instruction—Current educational employees hired prior to June 11, 1992.** (1) In addition to the state search, an FBI search is required for requests submitted under chapter 28A.410-RCW (2SSB6272). Two fingerprint cards are required to be submitted to the Washington state patrol identification and criminal history section.

(a) Fingerprint cards submitted under this law shall be clearly marked under reason fingerprinted in the following manner: "School district employees/contractors chapter 28A.400 RCW Laws of 1996."

(b) Failure to clearly identify fingerprint cards submitted under this rule will result in rejection for fees.

(2) An appropriation of fees is provided to the Washington state patrol for implementation of this section which expires March 31, 1998. No fees are to be charged to the superintendent of public instruction, educational service districts, school districts, their contractors or the employees.

(3) Distribution of the sixty-six dollar fee for each set of acceptable fingerprint cards received by the Washington state patrol will be as follows:

(a) A fee of ten dollars to the school district, educational service district, law enforcement agency or other named agency taking the fingerprint impressions. This fee will only be paid upon approval of acceptable quality fingerprints by the Washington state patrol.

(b) The fee for the state search is twenty-five dollars.

(c) The fee for the FBI search is twenty-four dollars.

(d) In addition, a seven-dollar fee for final disposition costs will be reimbursed to the superintendent of public instruction by the Washington state patrol for each fingerprint background check processed under chapter 28A.410 RCW (chapter 126, Laws of 1996).

(4) Fees are to be deposited in the Washington state patrol fingerprint identification account.

This section will expire March 31, 1998.

#### NEW SECTION

**WAC 446-20-630 Department of social and health services—Child care licensing—Fees.** (1) In addition to the state search, an FBI search is required for requests submitted under chapter 74.15 RCW. Two fingerprint cards are required to be submitted to the Washington state patrol identification and criminal history section.

(2) Department of social and health services (DSHS) shall process fingerprint background checks under chapter 74.15 RCW. Under "reason fingerprinted," cards will be marked "DSHS Child Care Licensing RCW 74.15.030" or "DSHS Child Care Licensing RCW 74.15.030 DDD."

(3) Department of social and health services, division of children and family services (DCFS) shall pay the expense and submit a waiver of fee form on licensees if the background check expense would work a hardship on the licensee. The six-dollar processing fee will not be applicable when a waiver of fee form is submitted to the Washington state patrol or the fingerprint card is marked "volunteer."

(4) A monthly billing account will be established for the DSHS division of developmental disabilities (DDD). The six-dollar processing fee will not be applicable on any fingerprint cards indicated as "DDD."

(5) Each month the Washington state patrol shall prepare a billing statement and detail report for waiver of fee forms from DCFS and for all DDD fingerprint cards submitted.

(6) All fees collected under chapter 74.15 RCW, will be deposited into the Washington state patrol fingerprint identification account.

(7) Nonrefundable fees are to be charged to:

(a) "DSHS child care licensing RCW 74.15.030" (division of children and family services (DCFS)) as follows:

(i) The fee for the state search is twenty-five dollars.

(ii) The fee for the FBI search is twenty-four dollars.

(iii) A six-dollar processing fee.

(b) "DSHS division of children and family services (DCFS) for fee waivers" as follows:

(i) The fee for the state search is twenty-five dollars.

(ii) The fee for the FBI search is twenty-four dollars.

(c) "DSHS child care licensing RCW 74.15.030 division of

developmental disabilities (DDD)" as follows:

(i) The fee for the state search is twenty-five dollars.

(ii) The fee for the FBI search is twenty-four dollars.

(d) "DSHS child care licensing RCW 74.15.030 division of developmental disabilities "volunteers" as follows:

(i) The fee for the state search is twenty-five dollars.

(ii) The FBI fee shall be eighteen dollars on those fingerprint cards clearly designated as "volunteer" pursuant to provisions under Section 3e of the National Child Care Protection Act of 1993 as amended by the Crime Control Act of 1994.

(iii) "Chapter 74.15 RCW" and "volunteer" must be entered in the "reason fingerprinted" box on both the state and FBI fingerprint cards submitted. Failure to indicate "volunteer" and the RCW citation on fingerprint cards will result in full fees being charged.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 446-20-290 Fees.

**WSR 96-18-023  
PERMANENT RULES  
HIGHER EDUCATION  
COORDINATING BOARD  
[Filed August 27, 1996, 12:20 p.m.]**

Date of Adoption: July 31, 1996.

Purpose: Implements statutory requirements amending future teacher conditional scholarship program regulations. Revises length and areas for teaching forgiveness.

Citation of Existing Rules Affected by this Order: Amending WAC 250-65-020 and 250-65-060.

Statutory Authority for Adoption: Chapter 53, Laws of 1996.

Adopted under notice filed as WSR 96-11-090 on May 15, 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 2, 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.  
August 1, 1996

John Klacik  
Associate Director for  
Student Financial Aid

**AMENDATORY SECTION (Amending Order 1/88, Resolution No. 87-81, filed 1/8/88)**

**WAC 250-65-020 Program definitions.** (1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in ~~((the~~

~~public schools of))~~ an approved education program in this state. A student's acceptance of ~~((one or more disbursements of))~~ a scholarship ~~((, regardless of its value,))~~ creates a contractual obligation on the part of the student to teach for a period of ~~((ten))~~ two years in ((a qualifying school,)) an approved education program for each year of scholarship received or incur an obligation to repay all or part of the scholarship.

(2) "Institution of higher education" or "institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of the Northwest Association of Schools and Colleges and, if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(4) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state constitution.

(5) "Forgiven" or "to forgive" or "forgiveness" means that a portion of the student's loan is reduced through the rendering of service as a teacher ~~((at a public school))~~ in an approved education program in the state of Washington in lieu of monetary repayment.

(6) "Approved education program" means an education program in the state of Washington for knowledge and skills generally learned in preschool through twelfth grade. Approved education programs may include but are not limited to:

(a) K-12 schools under Title 28A RCW;

(b) Early childhood education and assistance programs under RCW 28A.215.100 through 28A.215.200 or the Federal Head Start Program;

(c) An approved school under chapter 28A.195 RCW;

(d) Education centers under chapter 28A.205 RCW;

(e) English as a second language program and programs leading to high school graduation or the equivalency operated by community or technical colleges; and

(f) Tribal schools in Washington approved by the Federal Bureau of Indian Affairs.

(7) "Satisfied" means paid-in-full either through the rendering of service or monetary repayment in fulfillment of the student's contractual obligation.

~~((7))~~ (8) "Participant" means an eligible student who has received one or more disbursements under this program.

~~((8))~~ (9) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high drop out rates or low rates of college participation by members of this group. Wherever possible

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students selected for participation in the conditional scholarship program should be able to serve as role models for children and youth from targeted ethnic minorities.

~~((9))~~ (10) "Washington resident" or "resident student" means an individual who satisfies the requirements of RCW 28B.15.012 through 28B.15.015 and board-adopted rules and regulations pertaining to the determination of residency.

~~((10))~~ (11) "Needy student" shall mean a post-high school student of an institution of higher learning as defined in RCW 28B.10.802(1) who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books and tuition and incidental fees for any semester or quarter.

~~((11))~~ (12) "Financial need" shall be the difference between the budgetary cost to the student attending an institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

~~((12))~~ (13) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and his or her dependents during the period in which that individual is enrolled as a student. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses, and other cost factors deemed necessary for consideration, consistent with WAC 250-65-040(3)~~((a))~~.

~~((13))~~ (14) "Total applicant resources" for the dependent student shall mean the sum of the amounts which reasonably may be expected from the student and his or her spouse ~~((inclusive of expected summer savings))~~ to meet the student's cost of education, and the amount which reasonably may be expected to be made available to the student by his or her parents for such purpose. For the ~~((self-supporting))~~ independent student total applicant resources shall mean the amount which reasonably may be expected from the student and his or her spouse ~~((inclusive of expected summer savings))~~ to meet the student's cost of education.

~~((14))~~ (15) "Dependent student" ~~((shall mean any post-high school student attending an eligible institution of post-secondary education who does not qualify as a self-supporting student in accordance with subsection (15) of this section.~~

~~((15))~~ "Self-supporting student" shall be one who has established a bona fide independent relationship and who demonstrates compliance with criteria for determining self-supporting status as contained in the program guidelines) definition shall be consistent with the definition used for determining dependence for federal student aid programs.

(16) "Independent student" definition shall be consistent with the definition used for determining independence for federal student aid programs.

**AMENDATORY SECTION** (Amending WSR 93-19-022, filed 9/3/93, effective 10/4/93)

**WAC 250-65-060 Control of funds.** The higher education coordinating board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any funds given to the board for this program.

(1) Scholarship amounts:

The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years. The total amount of such scholarships to an eligible student shall not exceed fifteen thousand dollars. The duration of service obligation ~~((does not vary with the value of the scholarship(s)))~~ shall be two years for each year of scholarship received.

(2) The scholarship recipient shall enter into an agreement with the higher education coordinating board agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship program. The agreement shall serve as the legal document verifying the recipient's understanding of the obligation to repay the conditional scholarship if teaching service is not fulfilled.

(3) Repayment terms:

(a) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they teach for ~~((ten))~~ two years in ~~((the public schools of the state of Washington))~~ an approved education program for each year of scholarship received, under rules adopted by the board.

(b) The interest rate shall be eight percent for the first four years of repayment and ten percent beginning with the fifth year of repayment.

(c) The period for repayment shall be ten years, with payments of principal and interest accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study. Provisions for deferral of payment shall be determined by the board.

(d) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in ~~((a public school))~~ an approved education program until the entire repayment obligation is satisfied or the borrower ceases to teach ~~((at a public school in this state))~~ in an approved education program. Should the participant cease to teach ~~((at a public school in this state))~~ in an approved education program before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(4) Collection of repayments:

(a) The board is responsible for collection of repayments made and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made.

(b) The board is responsible to forgive all or parts of such repayments under the criteria established by the board and shall maintain all necessary records of forgiven payments.

(5) Receipts:

Receipts from the payment of the principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

**WSR 96-18-024**  
**PERMANENT RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**

[Filed August 27, 1996, 12:22 p.m.]

Date of Adoption: July 31, 1996.

Purpose: Conform with legislative intent. Change board policy which otherwise treats all students whose family incomes are less than 65% of the state's median family income as equally eligible. Changes to lowest income served first.

Citation of Existing Rules Affected by this Order: Amending WAC 250-20-021.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Adopted under notice filed as WSR 96-11-101 on May 17, 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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 1, 1996

John Klacik

Associate Director for  
Student Financial Aid

**AMENDATORY SECTION** (Amending WSR 96-04-019, filed 1/30/96, effective 3/1/96)

**WAC 250-20-021 Program definitions.** (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. The determination of need shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

(2) The term "disadvantaged student" shall mean a student who by reasons of adverse cultural, educational, environmental, experiential, or familial circumstance is unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not attained a college education and/or whose family income is substantially below the state's median.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college,

school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Accrediting Bureau of Health Education Schools, the Accrediting Council for Continuing Education and Training, the Accrediting Commission of Career Schools and Colleges of Technology, the Accrediting Council for Independent Colleges and Schools, or the National Accrediting Commission of Cosmetology Arts and Sciences and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 through 28B.15.013 and board-adopted rules and regulations pertaining to the determination of residency.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

(a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,

(b) Is a veteran of the U.S. Armed Forces; or,

(c) Is an orphan or ward of the court; or,

(d) Has legal dependents other than a spouse; or,

(e) Is a married student or a graduate/professional student; or,

(f) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

(8) "Student budgets" shall consist of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

(9) "State need grant cost-of-attendance" is the standard student cost per sector, as developed by the board.

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books, room, board, transportation and personal items, for all undergraduate students statewide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.10.808(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriate

tion per student for operating expenses in all public institutions.

(c) For example, in the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

(10) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

(11) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant. The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding. ~~((With the exception of the 1995-1996 academic year, in no case will the minimum income cutoff be less than sixty-five percent of the state's median family income, regardless of program funding.))~~ The Board will endeavor to award students, in order, from the lowest income to the highest income, within the limits of available funding.

(12) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

(13) "Maximum base grant" is a percentage of the state need grant costs-of-attendance for each sector. The percentage will be no less than fifteen percent and no more than twenty percent, dependent each year upon available funding. The maximum base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

For certain students who have completed board approved early awareness and preparation programs such as the Washington National Early Intervention Scholarship Program or a Trio program, the base grant will be an amount fixed annually by the board. Generally the base grant, in these

cases, will be no less than the current value of the federal PELL grant program.

(14) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the student's eligibility for the base grant. The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student. Care must be that assistance provided to the dependent which is paid to and provided by someone outside of the student's household.

(15) "State need grant award" is the maximum base grant adjusted according to level of family income, plus a dependent care allowance, if applicable.

(16) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(17) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

(18) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

(19) "Satisfactory progress" is the student's successful completion of a minimum number of creditor clock hours for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of creditor clock hours for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time students is six credits per term or 150 clock hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half of the minimum number of credits for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half, but less than all of the minimum number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

(20) The term "full institutional accreditation" shall mean the status of public recognition that an accrediting agency recognized by the U.S. Department of Education grants to an educational institution that meets the agency's established standards and requirements. Institutional accreditation applies to the entire institution, indicating that each of

an institution's parts is contributing to the achievement of the institution's objectives.

(21) The term "eligible program" for a public or private nonprofit educational institution, shall mean an associate or baccalaureate degree program; at least a two-year program that is acceptable for full credit toward a bachelor's degree, or at least a one-year educational program that leads to a degree or certificate and prepares the student for gainful employment in a recognized occupation. The term "eligible program" for a for-profit or a postsecondary vocational institution shall mean a program which provides at least a 15-week undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours. The program may admit students without an associate degree or equivalent. The term "eligible program" for a for-profit or a postsecondary vocational institution may also be a program that provides at least a 10-week program of 300 clock hours, 8 semester hours, or 12 quarter hours. A program in this category must be an undergraduate program that admits only students with an associate degree or equivalent. To be an "eligible program," a program must be encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs.

(22) A "for-profit institution" is a postsecondary educational institution other than a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

(23) A "postsecondary vocational institution" is a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

**WSR 96-18-025**  
**PERMANENT RULES**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
[Filed August 27, 1996, 3:25 p.m.]

Date of Adoption: August 26, 1996.

Purpose: To repeal chapter 250-74 WAC in its entirety. Chapter 28B.107 RCW, upon which this program is authorized, states that the program shall expire on June 30, 1996, and that no scholarships shall be granted under this program after that date.

Citation of Existing Rules Affected by this Order: Repealing WAC 250-74-010, 250-74-020, 250-74-030, 250-74-040, 250-74-050, and 250-74-060.

Statutory Authority for Adoption: Chapter 28B.107 RCW.

Other Authority: Chapter 28B.80 RCW.

Adopted under preproposal statement of inquiry filed as WSR 96-13-028 on June 11, 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 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 6.

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.

August 26, 1996  
Marcus S. Gaspard  
Executive Director

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 250-74-010	Purpose.
WAC 250-74-020	Program definitions.
WAC 250-74-030	Eligibility criteria.
WAC 250-74-040	Selection criteria.
WAC 250-74-050	Administration.
WAC 250-74-060	Management of funds.

**WSR 96-18-029**  
**PERMANENT RULES**  
**STATE TREASURER'S OFFICE**  
[Filed August 28, 1996, 11:05 a.m.]

Date of Adoption: August 28, 1996.

Purpose: To prescribe the procedures to be followed by participants in the local government investment pool and to amend existing rules to conform to statutory changes and contemporary practices and to correct a typographical error.

Citation of Existing Rules Affected by this Order: Amending WAC 210-01-020, 210-01-030, and 210-01-120.

Statutory Authority for Adoption: RCW 43.250.090.

Other Authority: RCW 43.250.010, [43.250].020, [43.250].040.

Adopted under notice filed as WSR 96-15-122 on July 24, 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 2, 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 3, 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.

August 28, 1996  
Scott Jarvis  
Legal Counsel

PERMANENT



AMENDATORY SECTION (Amending Resolution No. 639, filed 6/19/86)

**WAC 210-01-020 Definitions.** Unless the context requires otherwise:

(1) "Local government investment pool" or "pool" means the aggregate of all funds from political subdivisions that are placed in the custody of the state treasurer for investment and reinvestment.

(2) "Pool participant" means any county, city, town, municipal corporation, political subdivision, ~~((or special purpose taxing district in the state))~~ community and technical college district, the state board for community and technical colleges, or other entities in this state as may be designated by statute.

(3) "Local government official" means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision.

(4) "Financial officer" means the board-appointed treasurer of a community or technical college district or the state board for community and technical colleges.

(5) "Funds" means public funds under the control of or in the custody of any local government official or local funds, as defined by the official of financial management publication "Policies, Regulations and Procedures," under the control of or in the custody of a financial officer by virtue of the official's or financial officer's authority that are not immediately required to meet current demands.

~~((5))~~ (6) "Financial institution" means a qualified public depository as defined in RCW 39.58.010.

AMENDATORY SECTION (Amending Resolution No. 639, filed 6/19/86)

**WAC 210-01-030 Local government ordinance or resolution.** All ~~((local))~~ government entities participating in the local government investment pool will file with the state treasurer a certified copy of an ordinance or resolution containing the following:

(1) Name and address of entity

(2) A statement that the governmental entity agrees to deposit or withdraw funds in the local government investment pool in accordance with the provisions of the Washington Administrative Code for the purpose of investment as stated therein.

(3) The names and titles of the officials authorized by this ordinance or resolution to order the deposit or withdrawal of funds in the local government investment pool. No more than two signatures are necessary for this purpose.

AMENDATORY SECTION (Amending Resolution No. 639, filed 6/19/86)

**WAC 210-01-120 Administrative fees.** The state treasurer will charge a fee for the administration of the local government investment pool. This fee will be set in a manner that will allow the state treasurer to recover costs associated with the pool. The fee will be based on the average daily balance of the funds deposited in the pool. Each participant will pay a proportionate share of the pool's expenses based upon its share of the total pool's assets. The

fee will be expressed as a percentage of the average daily funds on deposit in the pool for a specified period. This fee will be charged against each participant's earnings prior to the credit of those earnings. ~~((For fiscal year 1987 the administrative fee will be set at one quarter of one percent.))~~ The administrative fee ~~((for following fiscal periods))~~ will be adjusted to reflect actual experience.

**WSR 96-18-035**

**PERMANENT RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed August 28, 1996, 4:35 p.m.]

Date of Adoption: August 26, 1996.

Purpose: Housekeeping. To repeal WAC 192-42-060, which is no longer applicable.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-42-060.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under preproposal statement of inquiry filed as WSR 96-14-042 on June 26, 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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

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.

August 26, 1996

Gary Moore

Commissioner

**WSR 96-18-040**

**PERMANENT RULES**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed August 29, 1996, 11:45 a.m.]

Date of Adoption: August 29, 1996.

Title of Rule: WAC 296-17-90100 Purpose, 296-17-90110 Definitions, 296-17-90120 Qualifications for drug-free workplace discount, 296-17-90130 Applications of drug-free workplace discount, 296-17-90140 Drug-free workplace discount certification, and 296-17-90150 Maximum program cap for drug-free workplace discount.

Purpose: To establish rules to certify and decertify employers to the Department of Labor and Industries for the workers' compensation premium discount.

PERMANENT



Statutory Authority for Adoption: 2SSB 5516 Section

13. Adopted under notice filed as WSR 96-13-105 on June 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 6, 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 6, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 29, 1996

Mark O. Brown  
Director

NEW SECTION

**WAC 296-17-90100 Purpose.** The department shall provide for a five percent workers' compensation premium discount for qualified employers certified by the division of alcohol and substance abuse of the department of social and health services as meeting the criteria for a drug-free workplace.

NEW SECTION

**WAC 296-17-90110 Definitions.** (1) An "employer" is defined as any individual or entity subject to Title 51 RCW excluding the state or any department, agency, or instrumentality of the state, any county, any city, any school district or educational service district, municipal corporation or employer qualifying as self insured.

(2) A premium discount is a reduction of premium, of a specified amount or percentage, which is earned by meeting certain requirements, such as, but not necessarily limited to, participation in a pilot program or initiative, agreement to alternative premium reporting and payment procedures, and/or adopting loss control initiatives not required of all employers.

Premium adjustments under rating systems such as experience rating and retrospective rating, which have a wide range of potential outcomes, and which may either increase or decrease premiums depending on the outcome, are not premium discounts.

NEW SECTION

**WAC 296-17-90120 Qualifications for drug-free workplace discount.** (1) Employers must maintain all industrial insurance accounts in good standing with the department, such that at the time of certification and for the duration of the certification period, no outstanding premium, penalties, or assessments are due and quarterly reporting of

payroll has been made in accordance with WAC 296-17-310. The department may at its discretion, determine that an employer is in good standing if the employer and the department agree upon a payment schedule or other arrangements satisfactory to the department for payment of the outstanding debt. Final determination of an employer's eligibility to participate in this discount program under this section rests with the department subject to review under chapter 51.52 RCW.

(2) An employer may not receive more than one premium discount. If participating in more than one program involving premium discounts, an employer will receive only the largest individual discount.

NEW SECTION

**WAC 296-17-90130 Application of drug-free workplace discount.** The premium discount will be applied by reducing the accident fund and medical aid premium rates by five percent.

Employers who are certified will have their five percent discount become effective with the quarter following the quarter in which such certification occurs. For example: An employer who is certified on September 20, 1996, will have his or her first discount available for the fourth quarter of 1996, to be taken in conjunction with his/her workers' compensation quarterly premium report filed on or before January 31, 1997.

The premium discount shall remain in effect as long as the employer remains certified, for a period not to exceed three years. It shall be the employer's responsibility to obtain certification for each year in which a premium discount is granted.

Retrospective rating refunds or assessments involving employers receiving the five percent drug-free workplace discount shall be based on the discounted premium.

NEW SECTION

**WAC 296-17-90140 Drug-free workplace discount certification.** Employers who fail to maintain certification in the program or maintain industrial insurance obligations in good standing for any part of a calendar quarter and subject to decertification, shall be liable for the premium discount payable retroactive to the beginning of that quarter. In the event of retroactive decertification, unless the decertification was caused through no fault of the employer, the employer shall remit to the department any premium discount previously received for the decertification period. Amounts payable shall be subject to the penalties and interest provided for in RCW 51.48.210.

NEW SECTION

**WAC 296-17-90150 Maximum program cap for drug-free workplace discount.** The aggregate amount of the premium discount, shall not exceed five million dollars in any given fiscal year. Once the "cap" is reached, qualifications and enrollment in this discount program shall be suspended until such time as the aggregate premium discount amount falls below the five million dollar threshold. The enrollment will be reopened at any point that the five million dollar threshold is not being attained.

PERMANENT

In the event the five million dollar cap is reached and the program is suspended, the department shall establish a waiting list of employers. Employers shall be placed on the list based on date of certification.

**WSR 96-18-041**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Institutions)

[Filed August 29, 1996, 2:45 p.m.]

Date of Adoption: August 28, 1996.

Purpose: To establish standards of eligibility for residential community placement of juvenile offenders and define serious violations and the discipline for those violations.

Statutory Authority for Adoption: RCW 13.40.460.

Adopted under notice filed as WSR 96-14-056 on June 27, 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 8, 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 8, 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 8, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 28, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**Chapter 275-46 WAC**  
**SECURITY CLASSIFICATION**

NEW SECTION

**WAC 275-46-005 Purpose.** This chapter establishes for juvenile offenders committed to the custody of the juvenile rehabilitation administration (JRA), department of social and health services (DSHS), rules pertaining to security level classifications and discipline for serious violations to:

- (1) Protect public safety;
- (2) Encourage youth to participate in treatment and follow facility rules;
- (3) Sanction negative behavior and failure to participate in treatment; and
- (4) Enhance the safe and orderly operation of institutions and community placements.

NEW SECTION

**WAC 275-46-010 Definitions.** As used in this chapter:

(1) "Community placement eligibility requirements" means requirements developed by JRA that must be met by a youth to demonstrate progress in treatment and low public safety risk, justifying an institutional minimum or minimum security classification for the youth.

(2) "Initial security classification assessment" means a written instrument, developed by JRA and administered by diagnostic staff, to determine to what extent a youth is a threat to public safety for the purpose of determining the youth's security classification when the youth initially is committed to JRA.

(3) "JRA" means juvenile rehabilitation administration, department of social and health services.

(4) "Program Administrator" means institution superintendent, regional administrator, or their designees.

NEW SECTION

**WAC 275-46-020 Security classifications.** (1) There are four JRA security classifications:

- (a) Maximum;
- (b) Medium;
- (c) Institutional minimum; and
- (d) Minimum.

(2) Prior to placement, a youth's initial security classification shall be determined utilizing the initial security classification assessment. A youth's security classification may be changed at any time, and shall be reviewed at least every ninety days.

NEW SECTION

**WAC 275-46-030 Maximum security.** (1) A maximum security classification may be assigned to a youth if:

- (a) Indicated by the initial security classification; or
- (b) Following the initial security classification, it is determined the youth:

(i) Does not meet the community placement eligibility requirements for minimum security; and

(ii) Requires maximum security restrictions to carry out the purpose of this chapter as set forth in WAC 275-46-005.

(2) A youth classified as maximum security shall:

- (a) Reside in an institution with the capability of:
  - (i) Security windows;
  - (ii) Locked exterior doors;
  - (iii) Lockable single-person rooms; and
  - (iv) A security fence.

(b) Be permitted movement between secured buildings only if accompanied by a close staff escort;

(c) Be confined to facility grounds, except for court appearances or emergencies, in which case a staff escort, and transportation in restraints and in a security vehicle, are required; and

(d) Be allowed authorized leave only for emergency and medical purposes pursuant to RCW 13.40.205.

NEW SECTION

**WAC 275-46-040 Medium security.** (1) A medium security classification shall be assigned to a youth if:

(a) Indicated by the initial security classification; or  
 (b) Following the initial security classification, it is determined that the youth:

(i) Does not meet the community placement eligibility requirements for minimum security; and

(ii) Requires medium security restrictions to carry out the purpose of this chapter as set forth in WAC 275-46-005.

(2) A youth classified as medium security shall:  
 (a) Reside in an institution with the capability of at least:

(i) Locked exterior doors or fire exit doors fitted with alarms; and

(ii) A security fence or windows without egress.

(b) Receive during movement a staff escort, continuous visual surveillance, or telephone/radio staff verification of departures and arrivals, unless the program administrator determines such measures are unnecessary;

(c) Be confined to facility grounds, except for:  
 (i) Participation in work crews or other programs outside the facility that require a close staff escort; and

(ii) Court appearances or emergencies, in which case a staff escort, and transportation in a security vehicle and/or in restraints, are required.

(d) Be allowed authorized leave only for emergency or medical purposes pursuant to RCW 13.40.205.

NEW SECTION

**WAC 275-46-050 Institutional minimum.** (1) An institutional minimum classification shall be assigned to a youth if:

(a) Indicated by the initial security classification;

(b) Indicated by the community placement eligibility requirements unless a recent incident indicates the youth no longer meets these requirements; or

(c) The assistant secretary for JRA or designee approves an override of the medium security classification.

(2) Even if eligible under subsection (1) of this section, a youth shall not receive an institutional minimum security classification if:

(a) The assistant secretary for JRA, or designee, signs an administrative override disapproving institutional minimum classification and assigning the youth a higher security classification; or

(b) The youth is a sex offender who meets the requirements for civil commitment referral pursuant to chapter 71.09 RCW.

(3) A youth classified as institutional minimum security:  
 (a) Shall reside in an institution with the capability of at least:

(i) Locked exterior doors or fire exit doors fitted with alarms; and

(ii) A security fence or windows without egress.

(b) May be permitted:  
 (i) Unescorted movement on facility grounds;

(ii) Participation in work crews or other programs outside the facility with a close staff escort;

(iii) Unescorted participation in community work, educational and community service programs, and family

treatment or other activities to strengthen family ties, for up to twelve hours per day; and

(iv) Authorized leave pursuant to RCW 13.40.205.

(4) A youth on institutional minimum security shall be transferred to minimum security upon the availability of an appropriate community placement.

NEW SECTION

**WAC 275-46-060 Minimum security.** The provisions of WAC 275-46-050 also apply to a youth classified as minimum security, except the youth shall:

(1) Reside in a community placement rather than in an institution; and

(2) In addition to the provisions of WAC 275-46-050 (3)(b)(iii), may be permitted unescorted participation in treatment programs in the community not involving the family for up to twelve hours per day.

NEW SECTION

**WAC 275-46-070 Disciplinary sanctions.** (1) The program administrator shall determine serious violations by a youth include:

(a) Escape or attempted escape;

(b) Staff assault or attempted staff assault;

(c) Peer assault or attempt peer assault;

(d) Extortion, blackmail, or demanding or receiving money or anything of value from other persons in return for protection or under threat of injury;

(e) Using physical force, intimidation, or coercion against any person;

(f) Setting or causing an unauthorized fire;

(g) Possession/manufacture of weapons/explosives/escape tools;

(h) Tampering with locks or other security hardware or equipment;

(i) Interfering with staff in performing duties relating to the security and/or safety of the facility;

(j) Property damage in excess of one thousand five hundred dollars;

(k) Possession/use/distribution of drugs or alcohol or paraphernalia;

(l) Rioting or inciting others to riot;

(m) Refusal of urinalysis or search; or

(n) Other behaviors which threaten the safety and security of the facility or its staff and residents.

(2) The program administrator shall document all serious violations in an incident report, including:

(a) Circumstances leading up to the violation;

(b) A description of the violation;

(c) Response by staff;

(d) Response by the youth; and

(e) Sanctions imposed or recommended for the violation.

(3) The program administrator shall determine sanctions for serious violations include one or more of the following:

(a) Loss of privileges for up to thirty days;

(b) Loss of program level; or

(c) Room confinement up to seventy-two hours.

(4) The program administrator shall determine sanctions for serious violations may also include, but are not limited to, one or more of the following:

(a) Change in release date;

- (b) Referral for prosecution;
  - (c) Transfer to an intensive management unit;
  - (d) Increase in security classification;
  - (e) Reprimand and loss of points;
  - (f) Restitution; or
  - (g) Community service.
- (5) When a sanction is imposed, the youth shall also receive a counseling intervention to address the violation.
- (6) If the proposed sanctions for a serious violation includes extending the youth's established release date, the youth shall be entitled to:
- (a) Notice of an administrative review to consider extension of the release date and a written statement of the incident;
  - (b) An opportunity to be heard before a neutral review chairperson;
  - (c) Present oral or written statements, and call witnesses unless testimony of a witness would be irrelevant, repetitive, unnecessary, or would disrupt the orderly administration of the institution;
  - (d) Imposition of the sanction only if the administrative review chairperson finds by a preponderance of the evidence that the serious violation did occur; and
  - (e) A written decision, stating the reasons for the decision, by the administrative review chairperson.
- (7) The program administrator shall conspicuously post notice of what constitutes a serious violation, and of the possible sanctions in all living units.
- (8) Each program administrator shall adopt procedures for implementing the requirements of this section.

**WSR 96-18-042**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Filed August 29, 1996, 2:48 p.m., effective October 1, 1996]

Date of Adoption: August 28, 1996.

Purpose: To delete cross-reference to repealed WAC.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-49-515.

Statutory Authority for Adoption: RCW 74.04.050.

Adopted under notice filed as WSR 96-15-038 on July 11, 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: October 1, 1996.

August 28, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 2663, filed 8/2/88)

**WAC 388-49-515 Eligibility determinations.** The department shall:

(1) Determine eligibility prospectively for each issuance month for all households;

(2) Budget income for eligible households prospectively or retrospectively according to WAC 388-49-520(~~(-388-49-530,)~~) or 388-49-535 after eligibility has been determined for each month; and

(3) Provide appropriate notice to the household as described in WAC 388-49-600.

**WSR 96-18-043**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Filed August 29, 1996, 2:52 p.m., effective October 1, 1996]

Date of Adoption: August 28, 1996.

Purpose: To repeal WAC 388-49-530 Retrospective income budgeting. All sections of this WAC are moved to other parts of WAC 388-49-520 or 388-49-535.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-49-530.

Statutory Authority for Adoption: RCW 74.04.050.

Adopted under notice filed as WSR 96-11-081 on May 14, 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 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 1.

Effective Date of Rule: October 1, 1996.

August 28, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

PERMANENT

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-49-530 Retrospective income budgeting.

**WSR 96-18-044  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed August 29, 1996, 2:55 p.m., effective October 1, 1996]

Date of Adoption: August 28, 1996.

Purpose: To include subsections from repealed WAC 388-49-530.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-535.

Statutory Authority for Adoption: RCW 74.04.050.

Adopted under notice filed as WSR 96-11-080 on May 14, 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: October 1, 1996.

August 28, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3611, filed 8/11/93, effective 9/11/93)

**WAC 388-49-535 Income budgeting—Special circumstances**~~((—Income budgeting))~~. The department shall:

(1) Budget additional public assistance payments either prospectively or retrospectively, using only the amount authorized for the month the income is received.

~~(2) ((Budget countable student financial aid retrospectively.~~

~~(3))~~ When a household receives self-employment income other than monthly or receives contract income in less than one year:

(a) Annualize and then prorate ((the following)) such income to determine eligibility and benefit levels in the beginning months ((#):

~~(a) Self-employment income is received other than monthly; or~~

~~(b) Contract income is received in less than one year. ((e)) ; and~~

~~(b) After the ((first)) beginning months, ((the department shall)) use actual income received during budget months to determine benefit levels in the corresponding ((budget)) payment months.~~

~~((4))~~ (3) When a participating household member establishes a new household:

(a) Remove that member from the prior household; and

(b) Use the method of income budgeting that was in effect in the prior household.

~~((5) Consider either prospectively or retrospectively over the period the expense is intended to cover, expenses that have been averaged if the household:~~

~~(a) Has expenses that fluctuate or are billed less often than monthly; and~~

~~(b) Chooses to have the expenses averaged.~~

~~(6))~~ (4) When adding or deleting a household member, add or delete that person's income, following change of circumstance rules in WAC 388-49-610.

~~((7) Consider income exclusions and deductions retrospectively in households having income budgeted both))~~

(5) Average expenses either prospectively ((and)) or retrospectively over the period the expense is intended to cover if the household:

(a) Has expenses that fluctuate or are billed less often than monthly; and

(b) Chooses to have the expense averaged.

(6) Retrospectively disregard income received;

(a) In a beginning month when the income was:

(i) From a source no longer providing income to the household; and

(ii) Included in the household's prospective budget.

(b) From a discontinued source when the household reports the discontinued income at least ten days before the start of the payment month for:

(i) A nonassistance household member who applies for and begins to receive a public assistance grant; or

(ii) A household receiving both public assistance and food stamps, when the discontinued income results in an increase in the public assistance grant.

**WSR 96-18-045  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed August 29, 1996, 2:58 p.m., effective October 1, 1996]

Date of Adoption: August 28, 1996.

Purpose: To include subsections from repealed WAC 388-49-530.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-520.

Statutory Authority for Adoption: RCW 74.04.050.

Adopted under notice filed as WSR 96-11-082 on May 14, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

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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: October 1, 1996.

August 28, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3611, filed 8/11/93, effective 9/11/93)

**WAC 388-49-520** (~~(Prospective)~~) **Income budgeting—General circumstances.** ~~((+))~~ The department shall:

(1) ~~Budget income~~ (~~(- income deductions, and income exclusions)~~) prospectively for the first two beginning months (~~(- except for student financial aid)~~).

(2) (~~The department shall~~) Budget income (~~(- income deductions, and income exclusions)~~) prospectively for the entire certification period for:

(a) Households with no earned income in which all adult members are elderly or disabled (~~and do not have earned income~~);

(b) Migrant households;

(c) Seasonal farmworker households; and

(d) Households in which all members are homeless individuals.

(3) (~~The department shall~~) Budget (~~(the following)~~) income (~~(- income deductions, and income exclusions prospectively, except as provided under WAC 388-49-535(7))~~):

(a) Public assistance as defined under WAC 388-22-030 except for Supplemental Security Income (SSI); and

(b) Income) from a new household member prospectively for the first two months of participation when:

(a) ~~The~~ (~~(=~~

~~(+))~~ household timely reports the new member; and

~~((+))~~ (b) The new member has not received benefits within the last calendar month.

(4) Budget public assistance prospectively.

(5) Budget income retrospectively in months other than beginning months for all households except those described in subsection (2) of this section.

(6) Budget allowable medical expenses prospectively for the entire certification period.

(7) Budget income exclusions and deductions other than allowable medical expenses:

(a) Prospectively when all household income is budgeted prospectively;

(b) Retrospectively when all household income is budgeted retrospectively; or

(c) Retrospectively when part of the household income is budgeted prospectively and part budgeted retrospectively.

(8) Use the household composition as of the last day of the budget month unless a member leaves or enters the household during the process month.

**WSR 96-18-051**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Order 96-133—Filed August 29, 1996, 4:12 p.m.]

Date of Adoption: August 28, 1996.

Purpose: To lengthen the general modern firearm deer seasons in the Okanogan for GMUs 215-233.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-240.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 96-15-116 on July 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 1, 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.

August 28, 1996

Bern Shanks

for Mitch Johnson, Chairman  
Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 94-142 [WSR 96-15-102], filed 1/10/95 [7/22/96], effective 2/10/95 [8/1/96])

**WAC 232-28-240 1994-95, 1995-96, 1996-97 Deer and bear hunting seasons and regulations.**

**DEER**

Bag Limit: One (1) deer per hunter during an annual (July 1-March 31) hunting season. The Fish and Wildlife Commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Definition: Visible antler is a horn-like growth projecting above the hairline.

Branched Antler Restriction GMUs: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one sid only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 433, 478, 558, 574, 576, 584, 586, 588, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: 127, 130, 133, 136, 139, 142, 145, 148, 151, 154, 160, 161, 163, 166, 169, 172, 175, 178, 181, 184,

185, 203, 231, 306, 328, 329, 330, 342, and 450.

Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

High Buck Hunt

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

General Modern Firearm Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
<b>Northeastern</b>				
100-124 (See late buck for extended whitetail season).	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only*
<b>Southeastern</b>				
127-185 Except closed in 157	Oct. 15-23	Oct. 14-22	Oct. 12-20	3 pt. min.*
<b>Okanogan &amp; Chelan</b>				
200-209, 239-242	Oct. 15-31	Oct. 14-27	Oct. 12-25	Buck only except 3 pt. min. in GMU 203
215-233			Oct. 12-20 <del>5</del>	Buck only except 3 pt. min. in GMU 231
300-316	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only except 3 pt. min. in GMU 306
<b>Columbia Basin</b>				
248-278**, 284	Oct. 15-21	Oct. 14-20	Oct. 12-18	Buck only
281	Oct. 15-23	Oct. 14-22	Oct. 12-20	Either sex

PERMANENT

Colockum and Central

334	Oct. 15-25	Oct. 14-25	Oct. 12-25	Buck only
328, 329, 330, 342			Oct. 12-18	3 pt. min.
371			Oct. 12-20	Buck only
335-340, 346-368, 372	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only

Western

405***-572, 580, 601-684. Closed in GMU 522. Permit only in GMU 485.	Oct. 15-31	Oct. 14-31	Oct. 12-31	Buck only except either sex in GMUs 410, 480, and 564; and 2 pt. min. in GMUs 433, 478, 558, 636, and 681; and 3 pt. min. in GMU 450.
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574, 576, 584, 586, 588	Oct. 15-Nov. 6	Oct. 14-Nov. 14	Oct. 12-Nov. 6	2 pt. min.
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\*Hunters meeting the requirements of disabled, senior or youth may hunt antlerless whitetail during the general buck season in GMUs 105-142.

\*\*Except by permit only in that portion of GMU 278 north of O'Sullivan Road and east of Beverly Road.

\*\*\*Modern firearm deer hunting on Guemes Island is by permit only.

Late Buck Season

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm deer tag on his/her person.

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
105-124	Nov. 1-20	Nov. 1-19	Nov. 1-24	Whitetail buck only
All 400, 500, & 600 Except closed in: GMUs 480, 485, 522, 574, 576, 580, 584, 586, 588	Nov. 17-20	Nov. 16-19	Nov. 21-24	Buck only except 2 pt. min. in GMUs 433, 478, 558, 636, and 681 and 3 pt. min. in GMU 450 and either sex in GMU 410 and 564

Archery Deer Seasons

Tag Required: Deer hunter must have a current valid, unaltered, unnotched archery deer tag on his/her person.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons.

Early Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
100-118, 121, 124, 215, 233, 300, 316	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
127, 130 133	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
136-154, 160-169, 175-185, 231, 306	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
200, 206, 218, 224, 239, 248-272, 278*, 281-284, 308, 335-340,	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex, except buck only in GMU 371

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352, 356,  
364, 371, 372,  
405-426, 440,  
442, 454-472, 490,  
504, 505, 510, 512,  
514, 516, 520, 524,  
530, 550, 554, 556,  
560, 568, 572, 580,  
601, 602, 607, 615,  
618, 621, 627\*\*, 633,  
638, 642-658, 663,  
667, 669, 678

433, 478, 558, 574, 576, 584, 586, 588, 681	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
328, 329, 330			Sept. 1-14	3 pt. min.
334, 480	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
203, 301, 302, 450	Sept. 15-30	Sept. 15-30	Sept. 15-30	3 pt. min. or antlerless
172	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	3 pt. min. 3 pt. min. or antlerless
119, 242, 304, 360, 448, 484, 564, 603, 612, 624, 666, 672, 684	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
636	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
660	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	2 pt. min. 2 pt. min. or antlerless
501, 506	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex
Deer Areas 010, 040, 060	Sept. 15-30	Sept. 15-30	Sept. 15-30	3 pt. min. or antlerless
Bow Area 802	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 15-30	Buck only Either sex

\*Except closed in that part of GMU 278 (Wahluke) north of O'Sullivan Road and east of Beverly Road.

\*\* Bangor Submarine Base within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunt, call Tom Jones at (360) 396-5097. Special Restrictions: Must be U.S. citizen, and hunting is open on weekends only.

Late Archery

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
103	Nov. 14-Dec. 15	Nov. 14-Dec. 15	Nov. 14-Dec. 15	Whitetail only, either sex
118, 121, 124	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Whitetail only; either sex
127, 166, 178	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min. or antlerless

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209, 215, 233, 242, 272, 300, 304, 316, 346, 352, 364	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Either sex
558, 584, 588, 636, 681	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min or antlerless
417, 418, 426, 440, 448, 460, 466, 480, 510, 512, 514, 516, 520, 524, 530, 556, 560, 572, 601, 607, 612, 615, 618, 638, 648, 669, 678	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
450	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	3 pt. min
<b>Bow Areas</b>	<b>1994 Dates</b>	<b>1995 Dates</b>	<b>1996 Dates</b>	<b>Legal Deer</b>
802	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
806, 807	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Either sex
820	Dec. 24-Jan. 8, 1995	Dec. 24-Jan. 8, 1996	Dec. 24-Jan. 8, 1997	Either sex
<u>Extended Late Archery</u>				
<b>GMUs</b>	<b>1994 Dates</b>	<b>1995 Dates</b>	<b>1996 Dates</b>	<b>Legal Deer</b>
405, 410, 442, 454, 484, 505, 506, 564, 568, 603, 624, 627*, 642, 660, 663, 666, 667, 672, and Deer Areas 041 and 042	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex
433	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	2 pt. min. or antlerless

\* Submarine Base Bangor within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunting opportunity call Tom James at (206) 396-5097. Special restrictions: U.S. citizenship is required by the Navy.

Muzzleloader Deer Seasons

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched muzzleloader deer tag on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits except on Private Lands Wildlife Management Area 201.

High Buck Hunt

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
203, 301, 302, 450	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.
Deer Areas 010, 040, 060	Sept. 15-25	Sept. 15-25	Sept. 15-25	3 pt. min.

Early Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
119, 242, 564, 666	Oct. 1-12	Oct. 1-11	Oct. 1-9	Either sex
506	Oct. 6-12	Oct. 5-11	Oct. 3-9	Buck only

209	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Either sex
302, 368	Sept. 29-Oct. 12	Sept. 28-Oct. 11	Sept. 26-Oct. 9	Buck only
304, 360, 484, 603, 612, 624, 672	Oct. 1-12	Oct 1-11	Oct. 1-9	Buck only

Late Muzzleloader

GMUs	1994 Dates	1995 Dates	1996 Dates	Legal Deer
113	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	Whitetail only, either sex
130, 133, 136, 139, 181	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	3 pt. min. or antlerless
304	Nov. 12-20	Nov. 11-19	Nov. 10-18	Buck only
410	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
478	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min. or antlerless
501, 504, 550	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
580	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Buck only
576, 586	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	2 pt. min.
602, 633, 651, 684	Nov. 23-Dec. 15	Nov. 22-Dec. 15	Nov. 27-Dec. 15	Either sex
666	Nov. 23-Dec. 31	Nov. 22-Dec. 31	Nov. 27-Dec. 31	Either sex
<u>Muzzleloader Area</u>				
925	Dec. 1-31	Dec. 1-31	Dec. 1-31	Antlerless only
926	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Nov. 24-Dec. 15	Either sex

Firearm Restricted Deer Hunts Open To All Deer Hunters

Tag Required: Deer hunter must have a current, valid, unaltered, unnotched modern firearm, archery or muzzleloader deer tag on his/her person.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

GMUs	Weapon Permitted	1994 Dates	1995 Dates	1996 Dates	Legal Deer
410 & 480	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex
564	Archery, Shotgun, Muzzleloader	Nov. 17-Dec. 31	Nov. 16-Dec. 31	Nov. 21-Dec. 31	Either sex
627*	Archery, Shotgun, Muzzleloader	Oct. 15-31	Oct. 14-31	Oct. 12-31	Either sex

Deer Area

062**	Archery, shotgun, muzzleloader			Sept. 1-Dec. 31	Either sex
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\*Only that portion of GMU 627 (Kitsap) on Vashon and Maury Islands.

\*\*Restricted Access: For information call Bill Kaling at (360) 396-5353.

Private Lands Wildlife Management Opportunities

Kapowsin Tree Farm (PLWMA 401 - Champion)

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Hunting Method	1994 Open Season	1995 Open Season	1996 Open Season	Special Restrictions
Archery	Sept. 1-14 Sept. 15-30	Sept. 1-14 Sept. 30-Oct. 11	Sept. 1-13 Sept. 28-Oct. 9	either sex either sex
Modern Firearm General	Oct. 15-31	Oct. 14-31	Oct. 12-27	2 pt. min.
Muzzleloader	Nov. 23-Dec. 8	Nov. 22-Dec. 8	Nov. 27-Dec. 8	2 pt. min.

**BLACK BEAR**

Bag Limit: Fall General - One (1) black bear.

Tag Sale Deadline: Bear tags must be purchased by midnight of the day preceding modern firearm deer season opener. Actual dates are: Oct. 14, 1994; Oct. 13, 1995; Oct. 11, 1996.

**PURSUIT ONLY SEASON**

It is lawful to pursue or tree black bears during established pursuit-only seasons, provided any bear pursued or treed is NOT killed or injured. Hunters participating in a pursuit only season for black bear must have a valid hound stamp, and hunting license. A bear tag is not required to pursue black bear during the pursuit only season.

Aug. 1-31, 1994, 1995, and 1996, in GMUs 100-111, GMU 113 outside of Selkirk Grizzly Bear Recovery Zone, GMUs 118-124 and GMUs 200 and 206.

**OPEN SEASON**

(Bear may be killed.)

**Eastern Washington**

Sept. 7-Oct. 31, 1994, Sept. 6-Oct. 31, 1995, Sept. 4-Oct. 31, 1996, EXCEPT Sept. 7-Nov. 6, 1994; Sept. 6-Nov. 5, 1995; Sept. 4-Nov. 10, 1996 in GMUs 145-154, 160-185.

**Western Washington**

Aug. 1-Oct. 31, 1994; Aug. 1-Oct. 31, 1995; Aug. 1-Oct. 31, 1996, EXCEPT Sept. 1-Oct. 31, 1994, Sept. 1-Oct. 31, 1995, and Sept. 1-Oct. 31, 1996, in Bow Area 802 and July 13-Sept. 7 and Sept. 26-Oct. 31 in PLWMA 401. CLOSED in GMUs 485 and 522.

The following regulations apply to the practice of HUNTING BLACK BEAR WITH BAIT.

Definition of Bait: A bait shall be defined as any substance placed with the intent of attracting bear.

Bait Types: It is unlawful to hunt bear with the aid of any bait other than unprocessed plant and plant parts including fruit, inedible parts of legally obtained food fish, game fish, and game animals; carcasses of legally trapped furbearing animals (hide removed); carcasses of unclassified fish and unclassified wildlife, and parts of domestic livestock carcasses.

Baits may not contain paper, cardboard, plastic, glass, aluminum, tin, steel, or styrofoam, or other packaging materials.

All other baits are illegal.

Placement of Bait: Baits for black bear may not be placed in an area until five days prior to the start of that area's established bear harvest season.

A bait may not be placed within fifty yards of any body of water (lake, pond, reservoir, stream, river, and spring), and not within two hundred yards of any road open to vehicular traffic or publicly maintained trail.

A bait may not be placed within one-half mile of any publicly designated administrative site, campground, picnic area, landfill or dump site, and not within one-quarter mile of any permanent residence or seasonal dwelling (except that private landowners may bait on their property within one-quarter mile of their own residence or seasonal dwelling when such baiting does not violate any of the aforementioned distance requirements with adjacent landholders).

Bait Containers: Bait must be contained within an excavated pit, or within a confine constructed of materials located at the site. Such containment structures might include, but not be restricted to, log cubbies, rock piles and stumps. Containers may also be used to hold bait, but if used, must be securely fastened (to tree, ground, post, etc.)

Any items used to contain or to fasten bait containment materials such as metal drums, nails, screws, bolts, rope, reinforcing rod, and spikes shall be removed from the area within 48 hours of the close of the bear harvest season. Excavated pits shall be filled and the area returned to pre-baiting condition. Tree stands and materials used to construct and erect tree stands shall be removed within the same 48-hour period (except that tree stands may be left on private property with landowner's permission).

All hunters who hunt bear with bait shall affix their bear tag number at their bear baiting sites in such a manner that it remains conspicuous and legible for the duration of the bear season.

**BAIT AND/OR HOUND HUNTING CLOSURES AND RESTRICTIONS**

**Selkirk Grizzly Bear Recovery Zone**

Use of hounds and bait to hunt black bear prohibited in that part of GMU 113 within the Selkirk Grizzly Bear Recovery Zone: (Pend Oreille County): Defined as beginning at the junction of the Canadian-Washington border and State Rout 31 by Boundary Lake; then east along the Canadian border to the Idaho border; then south along the Idaho-Washington border to the ridge top between Bath Creek and Lamb Creek at Section 1, Township 35 North, Range 45 East; then west along said ridge top to USFS Road 310; then west along USFS Road 310 to the peak of Gleason Mountain; then west along USFS Trail 162 to Hungry Mountain; then south and west along the ridge top between Fourth of July Creek and Middle Creek to the mouth of LeClerc Creek; then north along the ridge top between the Pend Oreille River and the West Branch LeClerc Creek (Dry Canyon Ridge) to Sullivan Lake Road; then north and east along Sullivan Lake Road to

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Sullivan Lake; then north along the east shoreline of Sullivan Lake to Sullivan Lake Road; then north and west along Sullivan Lake Road to State Route 31; then north along State Route 31 to the point of beginning. (See Washington Atlas & Gazetteer or Colville National Forest map.)

Hunters using bait to hunt black bear outside of the Selkirk Grizzly Bear Recovery Zone but within GMUs 105, 108, 111, or 113, are required to be an AHE graduate or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.

#### North Cascades Grizzly Bear Recovery Zone (Zone)

The use of hounds and bait to hunt black bear is prohibited in the North Cascades National Park Complex and in all portions of GMUs 203, 218, 224, 231, 242, 300, 301, 302, 304, 306, 308, 314, 316, 328, 335, 426, 440, and 450. The use of hounds and bait to hunt black bear is also prohibited within those portions of GMUs 215, 233, 239, 417, 418, 433, 448, and 460 that lie within the North Cascades Grizzly Bear Recovery Zone (Okanogan, Chelan, Kittitas, King, Snohomish, Skagit, and Whatcom counties). For the purposes of this regulation, the Zone boundaries are defined as beginning at the junction of the Canadian-Washington border at the Nighthawk Port of Entry. South and East on the Similkameen Road to the Loomis-Oroville Road. South on the Loomis-Oroville Road to the Town of Loomis. South from the Town of Loomis on the Sinlahekin Road to Conconully. South and West on the West Fork (Salmon Creek) Road to the Okanogan National Forest Boundary. East and South on the Okanogan National Forest Boundary; crossing U.S. Hwy. 20 and South of Loup Loup Summit. Continuing on the Okanogan National Forest boundary South and West to Vinton Road. Vinton Road South and West to Carlton at State Hwy. 153. State Hwy. 153 South and East to Pateros to U.S. Hwy 97. South on U.S. Hwy. 97 to the Okanogan County/Chelan County Line. West on the county line to the exterior boundary of the Wenatchee National Forest. West on the Wenatchee National Forest boundary, crossing Lake Chelan to South Lakeshore Drive. South on South Lakeshore Drive to U.S. Hwy. Alt. 97. South and West on U.S. Hwy. Alt. 97 to its intersection with U.S. Hwys. 2 and 97 at Sunnyslope. South and East on State Hwy. 285 to the Columbia River. South and East along the Columbia River to U.S. Interstate 90 at Vantage. West on U.S. Interstate 90 to the exterior boundary of the Mount Baker Snoqualmie National Forest at Garcia. North on the Mount Baker Snoqualmie National Forest Boundary to U.S. Hwy. 2 at the Skykomish River. U.S. Hwy. 2 west to the Kellog Lake Road. Kellog Lake Road North and West to Sultan Basin Road. Sultan Basin Road North and East to Olney Pass to Williamson Creek Road. North and East on the Williamson Creek Road to the Mount Baker Snoqualmie National Forest Boundary. West and North on the Mount Baker Snoqualmie National Forest Boundary to Pilchuck Mountain. North on the Mount Baker Snoqualmie National Forest Boundary to the South Fork Stilliguamish River. Continuing North on the Mount Baker Snoqualmie National Forest Boundary to Boulder Falls. North and East on Forest Road 2010 to French Creek. North on French Creek to the North Fork Stilliguamish River. West on the North Fork Stilliguamish River to Dicks Creek and the Mount Baker

Snoqualmie National Forest Boundary. North on the Mount Baker Snoqualmie National Forest Boundary to Cumberland Creek. Cumberland Creek West and North to the Skagit River. The Skagit River East to Grandy Creek. North and East on Grandy Creek to Baker Lake Road. Baker Lake Road North and East to the Whatcom County/Skagit County Line. West on the Whatcom County/Skagit County Line to the Mount Baker Snoqualmie National Forest Boundary at Howard Creek. West and North on the Mount Baker Snoqualmie National Forest Boundary to the Canadian-Washington border. East on the Canadian-Washington border to the point of origin. (See Washington Atlas and Gazetteer)

Hunters using bait to hunt black bear outside the North Cascades Grizzly Bear Recovery Zone but within GMUs 215, 233, 239, 417, 418, 433, 448, and 460, are required to be an AHE graduate or to obtain a bait hunter education certificate from the Washington Department of Fish and Wildlife.

Use of bait and hounds to hunt black bear is prohibited in Walla Walla and Columbia counties outside of the Umatilla National Forest.

Use of hounds is prohibited in GMU 684, and Bow Area 802.

#### TOOTH SUBMITTAL

Bear: Each hunter who takes a bear must submit the small premolar tooth behind the canine tooth of upper or lower jaw for age determination. Tooth envelopes are available from Department of Fish and Wildlife regional offices.

#### REPORT CARDS

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Fish and Wildlife within ten days after taking a deer or bear.

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

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

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

**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 96-18-053**  
**PERMANENT RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed August 30, 1996, 10:45 a.m.]

Date of Adoption: August 30, 1996.

Purpose: Regulates the transport of manufactured housing exceeding legal vehicle size limits. Amendment clarifies language in subsection (3) on how the housing components are to be transported. Clarifies original intent, removing cause for misinterpretation.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-120 Oversize manufactured home transport regulations.

Statutory Authority for Adoption: RCW 46.44.090.

Adopted under notice filed as WSR 96-15-018 on July 9, 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.

August 30, 1996

S. A. Moon

Deputy Secretary  
for Operations

**AMENDATORY SECTION** (Amending WSR 95-24-073, filed 12/4/95, effective 1/4/96)

**WAC 468-38-120 Oversize manufactured home transport regulations.** (1) The purpose of this section is to supplement the provisions of chapter 468-38 WAC as they relate to the movement of manufactured homes. Where conflicts with other sections of this chapter occur, the following rules apply.

(2) Definitions:

(a) "Manufactured home" means all trailers of the semitrailer type with hitch ball coupler designed as structures for human habitation which may have been subsequently adapted to other uses, which are capable of being towed upon the public highways and are more than thirty-six feet in length and more than eight and one-half feet in width.

(b) "Modular homes and sectional buildings" means any factory-built housing designed for human habitation which does not contain a permanent frame and must be mounted on a permanent foundation. Modular homes or sectional buildings with their own attached running gear which can be towed are considered to be manufactured homes for purposes of this regulation. Modular homes or sectional buildings moved on legally registered trailers are subject to the provisions of chapter 46.44 RCW and the provisions of this chapter of the Washington Administrative Code regulating the movement of overlegal loads.

(c) Oversize permits may be issued to transporters, dealers or owners who shall assume full responsibility while operating under a permit. Operators of tow vehicles and others assisting in the transport must function as agents or employees of the permittee.

(d) A "unit" is a complete or irreducible part of an oversize manufactured home.

(3) ~~((Oversize limits: The following regulations apply to))~~ ~~Manufactured homes of semi-trailer design whose~~ ~~((box))~~ width, including eaves, exceeds eight and one-half feet but whose box width does not exceed fourteen feet, and/or whose length exceeds ((thirty-six)) fifty-three feet but does not exceed seventy-five feet including tongue, may be moved under the provisions of an oversize load permit issued by the department: Provided, That ((a unit may have a maximum of a twelve inch eave on one side in addition to its box width. And provided further, That the manufactured home shall be transported with this eave on the right side in the direction of traffic)) the permitted oversize limits, incorporating box width and eave location when traveling, are as follows:

(a) The box may not exceed fourteen feet in width.

(b) The box plus eave may not exceed fifteen feet in width.

(c) With any combination of box and eave width, up to fourteen feet, the eave(s) may be traveled on either or both sides.

(d) Any eave in addition to the permitted combination of fourteen foot box and eave(s) shall be traveled on the right side in the direction of traffic.

The procedure for measuring box width shall not include external appurtenances such as door knobs, window fasteners, drip cap at roof edge, clearance lights, load securing devices and closure materials: Provided, That such external appurtenances do not exceed two inches on any side.

(4) Oversize manufactured home permits may be issued as follows:

(a) Annual permits may be issued only to permittees who are qualified as dealers or manufacturers as provided in chapter 46.70 RCW or to transporters licensed as provided in chapter 46.76 RCW.

Annual permits shall apply only to transport of manufactured homes fourteen feet or less in height, above level ground, while being transported.

(b) Monthly permits may be issued to dealers, manufacturers, and transporters under the same conditions as annual permits except that fourteen-foot height limitations may be waived.

(c) Single trip permits may be issued to dealers, transporters and owners for a specific combination of tow vehicle and mobile home to travel from a point of origin to a prescribed destination.

(5) The permittee must have insurance in effect while operating under the permit in the minimum amounts of one hundred thousand dollars - three hundred thousand dollars public liability and fifty thousand dollars property damage. Pilot car operators shall meet the insurance requirements of RCW 46.44.180.

(6) If an accident occurs while transporting a manufactured home under permit, the permittee shall immediately notify the nearest state patrol office if the damage is greater than two hundred fifty dollars to the manufactured home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(7) Dealers selling twelve to fourteen-foot wide manufactured homes must advise the prospective purchaser in writing that not all state highways are approved for the

transport of twelve to fourteen-foot wide manufactured homes.

(8) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(9) Manufactured homes:

(a) Overall dimensions shall not exceed those stated in the permit except for minor protrusions not to exceed two inches, such as door and window hardware. Eaves will be included in the measurement of maximum width. All dimensions shall be reduced to the practical minimum. Manufactured homes having a single eave overhang along their length will be transported to allow for safe passing distances.

(b) The complete system of the manufactured home, including running gear assembly, shall comply with the rules and regulations adopted by the United States Department of Housing and Urban Development (24 CFR 280 (1976) and as thereafter amended). Tires shall comply with applicable Federal Motor Carrier Safety Regulations, Title 49, chapter 111. Those manufactured homes not certified as qualifying to the minimum H.U.D. specifications shall have brakes on at least two axles and on four wheels. Units of sixty feet or more in length shall have at least three full axles, except that twelve-foot wide homes manufactured prior to November 1, 1970, may be moved with a minimum of two axles. The brakes shall be under the control of the driver from the cab of the towing vehicle, and shall be adequate to control the manufactured home and its load. They shall be so designed and connected that they shall automatically apply in case of accidental breakaway from the towing vehicle. A wet-cell or approved battery with a full charged rating of twelve volts will be installed in the manufactured home to actuate electric brakes in the event of a breakaway. The minimum track width between two wheels on the same axle shall be eight feet. Track width shall be measured from the outer edges of the road bearing tread of tires on a single axle. Tires shall have no signs of separation or excessive aging and shall be inflated to the maximum recommended tire pressure and have tread depth no less than 3/32nd inch in any part of tire contacting the road. Recapped or retreaded tires are not allowed. Minimum combined load rating of manufactured home tires must be in excess of their in-transit load. Axles and wheels must be properly aligned to minimize wear and overheating of tires.

(c) The open side of half sections of manufactured homes shall be covered in such a way as to prevent billowing of the covering material.

(d) Furnishings or loose objects within the manufactured home shall be secured in positions to achieve proper weight and balance.

(10) Tow vehicles:

(a) Tow vehicles shall comply with the following minimum requirements:

Manufactured Home Width to be Towed	Drive Axle		Gross		
	Tire Width	Tire Rating	Curb Weight	(1) Weight	Rear Axle Rating
Over 8 1/2' to 10'	7.00"	6 ply	(2)	6,000#	(2)
Over 10' to 12'	8.00"	8 ply	35,000(3)	8,000#	15,000#
Over 12' to 14'	8.25"	10 ply	35,000#	9,000#	15,000#

- (1) Includes fuel and accessories prior to hook-up with manufactured home.
- (2) Not required.
- (3) May be waived for older vehicles.

(b) Conventional or cab-forward configuration shall have a minimum wheelbase of one hundred twenty inches. Cab-over engine tow vehicles shall have a minimum wheelbase of eighty-nine inches. Tow vehicles shall have a minimum 4-speed transmission. Power shall be sufficient to meet the requirements listed.

(c) Electrical brake controls, wiring and connections to manufactured home brake systems will be capable of producing rated voltage and amperage at the manufactured home brake magnets in accordance with the manufactured home brake manufacturer's specifications.

(11) Signs and flags: In addition to the requirements of WAC 468-38-190, the OVERSIZE LOAD sign will be attached horizontally on the rear of the unit with the bottom edge between five and seven feet above the road surface. Sign material shall be impervious to moisture, clean and mounted with adequate supporting anchorage to provide legibility at all times.

(12) Lights: In addition to provisions of WAC 468-38-170, six-inch diameter flashing amber lights with a minimum of thirty-five candle power shall be mounted at the rear of the trailing unit, on a horizontal plane, at least ten feet above the roadway surface. They shall be operated with a flashing cycle of sixty to one hundred twenty times per minute during transit. Wiring and connections shall be in good working order.

(13) Travel speeds for manufactured homes shall be as set forth in WAC 468-38-340.

(14) Manufactured homes traveling in rural areas shall maintain adequate spacing of at least one-half mile between any two manufactured home units. All units shall maintain a minimum distance of from four hundred to five hundred feet behind any truck, truck-tractor or trailer which could impair the visibility of an overtaking vehicle.

(15) The manufactured home unit shall be operated in the right lane except when passing. On two-lane highways, units shall not pass other vehicles except when required to pass a vehicle being operated at a speed so slow as to hinder the safe flow of traffic.

(16)(a) A decal issued by the county treasurer shall be displayed on any manufactured or modular home being transported on public highways in this state. The decal is not required if one of the following conditions is met:

- (i) When a manufactured home is to enter the state;
- (ii) When a manufactured home is being moved from the manufacturer or distributor to a retail sales outlet;
- (iii) When a manufactured home is being moved from the manufacturer or distributor to a purchaser's designated location; or
- (iv) When a manufactured home is being moved between retail sales outlets.

(b) The county treasurer's decal shall be displayed on the rear of the manufactured home while in transport. It shall be issued at the same time as the tax certificate for manufactured home movement. If the tax certification is for a double-wide manufactured home, two manufactured home movement decals shall be issued.

(c) The decal shall meet the following requirements:

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- (i) It shall be at least eight and one-half inches square.
- (ii) It shall be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.
- (iii) It shall be of fluorescent orange color.
- (iv) It shall show the make, model and serial number of the manufactured home, the date issued, the name of the transporter, the transporter's WUTC permit number if required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.
- (v) It shall display in readily legible script the expiration date of the decal, which shall be not more than fifteen days after the date the decal is issued.
- (d) Manufactured home movement decals may not be transferred.

**WSR 96-18-059**  
**PERMANENT RULES**  
**FISH AND WILDLIFE**  
**COMMISSION**  
 (Wildlife)

[Order 96-135—Filed August 30, 1996, 3:00 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-12-064 Live wildlife.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 232-12-064.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-131 on July 3, 1996.

Changes Other than Editing from Proposed to Adopted Version: The amended version of WAC 232-12-064 differs from the proposed version filed with the code reviser in the following specifics:

1. In subsection (1), the sentence that began, "It is unlawful to take live wildlife, wild birds..." was modified to read as follows: "(1) It is unlawful to take live wildlife, wild birds (except starlings and house sparrows by falcons), or game fish from the wild without a permit provided for by rule of the commission and issued by the director."

2. In subsection (3), the sentence that began, "Live wild animals, wild birds or game fish..." was modified to read as follows: "Live wild animals, wild birds or game fish shall not be imported without first presenting to the department the health certificate required by the Washington State Department of Agriculture under WAC 16-54-030. Notwithstanding the provisions of this subsection, raptors used for falconry or propagation purposes may be imported if the health certificate is in the possession of the importer."

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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 1996

Mitchell S. Johnson

Chairman

AMENDATORY SECTION [(Amending Order 581, filed 1/27/93)]

**WAC 232-12-064 Live wildlife.** Taking from the wild, importation, possession, transfer, holding in captivity.

(1) It is unlawful to take live wildlife (~~(animals)~~), wild birds (except starlings and house sparrows by falcons), or game fish from the wild without a permit provided for by rule of the commission and issued by the director.

(2) Notwithstanding the provisions of WAC 232-12-027(1), 232-12-067 and subsections (3) and (4) herein, it is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of wildlife listed in this subsection, their gametes and/or embryo, except as provided under subsections (7), (8), (9) or (10) below:

In the family Cervidae, all of the following species:

Roosevelt and Rocky Mountain elk	Cervus elaphus
Mule deer and Black-tailed deer	Odocoileus hemionus
White-tailed deer	Odocoileus virginianus
Moose	Alces alces
Caribou	Rangifer tarandus caribou

(3) It is unlawful to import into the state or to hold live wildlife which were taken, held, possessed or transported contrary to federal or state law, local ordinance or department rule. Live wild animals, wild birds or game fish shall not be (~~(brought into the state)~~) imported without first presenting (~~(licensed, accredited veterinarian or fish pathologist certification)~~) to the department (~~(that the wildlife is disease free and that the area from which acquired has no history of wildlife disease which may pose a risk to wildlife in this state)~~) the health certificate required by the Washington State Department of Agriculture under WAC 16-54-030. Notwithstanding the provisions of this subsection, raptors used for falconry or propagation may be imported if the health certificate is in the possession of the importer. Proof of lawful importation must be produced for inspection on request of a department employee.

(4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired and possessed. Proof of lawful acquisition and possession must be produced for inspection on request of a department employee. Such proof shall contain: (1) Species; (2) age and sex of animal; (3) origin of animal; (4) name of receiving party; (5) source-name and address; (6) invoice/statement date; and (7) documentation of prior transfers.

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(5) Live wild animals, wild birds or game fish held in captivity or their progeny or parts thereof may not be sold or otherwise commercialized on except as provided by rule of the commission.

(6) No wildlife shall be released from captivity except as provided in WAC 232-12-271, except that it is lawful to return to the waters from which caught, game fish caught and subsequently kept alive on stringers, in live wells or other containers while fishing. The release of fish into any waters of the state, including private, natural or man-made ponds requires a fish planting permit.

(7) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess and propagate live specimens of wildlife listed in subsection (2) for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided:

(a) The specimens are confined to a secure facility,

(b) The specimens will not be transferred to any other location within the state, except to other AAZPA accredited facilities and transported by AAZPA accredited institutional members or their authorized agents with written approval of the director or as otherwise authorized in writing by the director,

(c) The specimens will not be sold or otherwise disposed of within the state without written approval of the director,

(d) The person will keep such records on the specimens and make such reports as the director may require, and

(e) The person complies with the other requirements of this section.

(8) Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992: A person holding live specimens of wildlife listed in subsection (2) by operation of emergency rule filed June 19, 1992 [in the family Cervidae, all of the following species: Roosevelt and Rocky Mountain elk (*Cervus elaphus*); Mule Deer and Black-tailed deer (*Odocoileus hemionus*); White-tailed deer (*Odocoileus virginianus*); and Moose (*Alces alces*)] may retain the specimens of such wildlife such person lawfully possessed prior to June 20, 1992 and the lawful progeny thereof provided such person complies with subsections (8)(a) through (8)(f) hereunder and the other requirements of this section.

(a) The person reported to the director in writing the species, number and location of the specimens as required.

(b) The specimens are confined to a secure facility at the location reported,

(c) Live specimens are not propagated except at AAZPA accredited facilities with the written permission of the director or as otherwise authorized in writing by the director;

(d) Live specimens are not released, except with written permission of the director,

(e) Live specimens are not sold or transferred except:

(i) Live specimens in lawful possession prior to June 20, 1992 and lawful progeny may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA accredited facilities where in compliance with federal law,

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements of this section are satisfied and the total number of locations where animals are held is not increased;

(iv) AAZPA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AAZPA accredited facilities with the written permission of the director.

(9) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding live specimens of wildlife newly listed in subsection (2) by operation of this rule [Caribou (*Rangifer tarandus caribou*)], may retain the specimens of such wildlife the person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens,

(b) The person complies with subsections (8)(b) through (8)(f) herein and the other requirements of this section.

(10) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(11) Escaped wildlife:

(a) Escaped wildlife will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of wildlife must be reported immediately to the department,

(c) The recapture or death of escaped wildlife must be reported immediately to the department.

(12) Secure facility:

(a) All captive wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of live wildlife specimens in captivity or ingress of resident wildlife ungulates (hoofed animals).

(b) For wildlife listed in subsection (2), the secure facility must comply with the fencing requirements in subsection (13) herein.

(13) Fencing requirements

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and captive wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

(i) If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of captive wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level;

(iv) Corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent captive wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993 and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

#### (14) Marking requirements

(a) All live specimens of wildlife identified in subsection (2) must be individually identified by the methods specified below:

(i) All live specimens of such wildlife shall be marked with USDA official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order, and

(ii) All live specimens of such wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) Where allowed, all lawful progeny of wildlife identified in subsection (2) must be tagged and tattooed by December 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(d) Where allowed, if wildlife identified in subsection (2) is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(e) Where allowed, live specimens of wildlife identified in subsection (2) shall be marked prior to importation.

(f) No unmarked wildlife identified in subsection (2) may be sold or otherwise transferred from the holding facility.

#### (15) Testing of specimens.

(a) Where allowed, prior to entry into the state of Washington, persons importing any member of the Genus *Cervus* which is identified in subsection (2) herein, must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington). Such testing shall be at the possessor's expense. Animals which are deemed by department of wildlife biologists upon examination to exhibit either: behavioral (vocalization), morphological (size, rump patch, color) or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) A person currently holding any member of the genus *Cervus elaphus* identified in subsection (2) herein must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington), for each individual cervid to the director within 90 days of passage of this rule. Such testing shall be at the possessor's expense. Any animals identified as red deer or having non-indigenous genetic influence must be destroyed, removed from the state, or neutered within 180 days of passage of this rule.

(c) The director may require that specimens listed in subsection (2) lawfully in captivity be tested for brucellosis (*brucella abortus*), tuberculosis (*mycobacterium bovis* and *mycobacterium tuberculosis*), meningeal worm (*Paralophostrongylus tenuis*), and muscle worm (*Elaphostrongylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-035 as now or hereafter amended, and/or for other diseases or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

#### (16) Reporting

(a) A person holding wildlife listed in subsection (2) in captivity shall submit a completed report no later than March 30, 1993 and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing wildlife listed in subsection (2) must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

#### (17) Inspection

(a) All holding facilities for captive wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections may take place without warrant or prior notice but shall be conducted at reasonable times and locations.

(18) Notification and disposition of diseased animals.

(a) Any person who has reason to believe that wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian, certified fish pathologist, or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of wildlife, quarantine, disinfection, or sterilization of facilities is required at any facility holding wildlife pursuant to this rule. If the director determines that destruction of wildlife, quarantine, disinfection, or sterilization of facilities is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

(19) Quarantine area

(a) Any facility holding wildlife listed in subsection (2) must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington state department of agriculture.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor of any wildlife must provide an on-site quarantine facility or make arrangements at such possessor's expense to transport such wildlife to an approved quarantine facility.

(20) Seizure

(a) The department of wildlife may seize any unlawfully possessed wildlife.

(b) The cost of any seizure and/or holding of wildlife may be charged to the possessor of such animals.

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

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

**WSR 96-18-060**  
**PERMANENT RULES**  
**FISH AND WILDLIFE**  
**COMMISSION**  
**(Wildlife)**

[Order 96-136—Filed August 30, 1996, 3:01 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-12-104 Falconry definitions.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-104.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-130 on July 3, 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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing,

August 26, 1996

Mitchell S. Johnson

Chairman

**AMENDATORY SECTION** [(Amending Order 177, filed 1/28/82)]

**WAC 232-12-104 Falconry definitions.** (1) (~~"Raptor" means a migratory bird of the family Accipitridae other than the bald eagle (*Haliaeetus leucocephalus*), or the family Falconidae, or the great horned owl (*Bubo virginianus*), of the family Strigidae.~~) "Raptor" means a live migratory bird of the Order Falconiformes or the Order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*).

(2) "Captive-bred raptor" means the progeny of a mating of raptors in captivity.

(3) "Take" means to trap or capture or attempt to trap or capture a raptor from the wild.

(4) "Falconry" means the possession and use of raptors for the purpose of hunting or free flight training.

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

**WSR 96-18-061**  
**PERMANENT RULES**  
**FISH AND WILDLIFE**  
**COMMISSION**  
 (Wildlife)

[Order 96-137—Filed August 30, 1996, 3:02 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-12-101 Falconry and captive propagation of raptors permitted.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-101.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-129 on July 3, 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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 1996

Mitchell S. Johnson

Chairman

**AMENDATORY SECTION** [(Amending Order 177, filed 1/28/82)]

**WAC 232-12-101 Falconry and captive propagation of raptors permitted.** (1) The director may issue permits for the taking and possession of a raptor for the purpose of falconry, captive live propagation, and for the possession, transfer, use and disposition of adult birds and progeny thereof, except for those species restricted by the state or that appear on the federal endangered species list. The director may issue a permit under WAC 232-12-274 for the taking or possession of raptor eggs. However, a federally threatened or endangered raptor held legally before November 10, 1978, and their progeny that have not been intentionally released to the wild may be retained for falconry use under these regulations. ~~((Such permits will be restricted to residents of the state of Washington.))~~ Non-resident falconers may only capture redtailed hawks or kestrels.

(2) It is unlawful to take or possess a raptor or fertile raptor eggs without a permit from the director. It is unlawful to violate the conditions of a permit issued under this rule.

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

**WSR 96-18-062**  
**PERMANENT RULES**  
**FISH AND WILDLIFE**  
**COMMISSION**  
 (Wildlife)

[Order 96-138—Filed August 30, 1996, 3:03 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-12-107 Falconry permits required.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-107.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-134 on July 3, 1996.

Changes Other than Editing from Proposed to Adopted Version: The amended version of WAC 232-12-107 differs from the proposed version filed with the code reviser in the following specifics: In subsection (1), the proposed language to change the word "permit" to "license" was not adopted.

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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 1996

Mitchell S. Johnson

Chairman

**AMENDATORY SECTION** [(Amending Order 472, filed 11/5/90)]

**WAC 232-12-107 Falconry permit~~(s)~~ license required.** (1) It is unlawful for any persons to take, possess, transport, import, export, sell, purchase, barter, offer to sell, purchase or barter raptors for falconry purposes, or to engage in the practice of falconry without first obtaining and having upon their person a valid Washington state "falconry permit."

(2) The requirements for ~~((each such))~~ a falconry permit shall be stated on each permit application. The limitations on the use of these permits shall be stated on each such permit. Federal falconry regulations not otherwise included in state regulations will be included as conditions on the federal/state falconry permit.

(3) Falconry permits shall be issued only to applicants who have successfully passed a supervised examination with a score of at least eighty percent and who have raptor housing facilities and falconry equipment approved by the director. The requirements for such facilities and equipment shall be stated on each falconry permit application.

(4) The department may periodically inspect the falconry facilities, equipment and raptors of a falconry permittee at reasonable times.

(5) It is unlawful for falconry permittees to have in their possession or under their control, or to capture or attempt to capture, a species or number of raptors specifically prohibited by the director.

(6) It is unlawful for any person(s) to possess a bald eagle, vulture, osprey, or owl (except the great horned owl) for falconry.

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 96-18-063  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION  
(Wildlife)**

[Order 96-139—Filed August 30, 1996, 3:04 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-12-124 Methods of capture and prohibitions in taking raptors.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-124.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-128 on July 3, 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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
August 26, 1996

Mitchell S. Johnson  
Chairman

**AMENDATORY SECTION** [(Amending Order 177, filed 1/28/82)]

**WAC 232-12-124 Methods of capture and prohibitions in taking raptors.** (~~(((1) It is unlawful for a person to remove more than one immature raptor from a nest.))~~)

~~(1)(2)~~ It is unlawful to trap a raptor originally taken after it attains adult plumage at any time of the year except (~~as provided in subsection (6) of this section~~) for kestrels and great horned owls.

~~(2)(3)~~ It is unlawful to remove any immature raptor from a nest unless one or more live, immature raptors remain in the nest after such removal.

~~(3)(4)~~ It is unlawful to possess or use a trap, snare, net, harnessed bait bird or other implement that is employed in an attempt to capture a raptor without said equipment being legibly marked with the name and address of the user.

~~(4)(5)~~ It is unlawful for a person to leave unattended a trap, snare, harnessed bait bird, or other implement that is set for the purpose of capturing a raptor, except for the Swedish goshawk-type trap.

~~(((6) It is unlawful for a person, other than the permittee, to retrap a marked raptor, which has been reported as lost, unless prior permission has been authorized by the director.))~~

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

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

**WSR 96-18-064  
PERMANENT RULES  
FISH AND WILDLIFE  
COMMISSION  
(Wildlife)**

[Order 96-140—Filed August 30, 1996, 3:05 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-12-114 Permits required for capture of raptors.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-114.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-127 on July 3, 1996.

Changes Other than Editing from Proposed to Adopted Version: The amended version of WAC 232-12-114 differs from the proposed version filed with the code reviser in the following specifics:

1. In subsection (1), the proposed language to change the word "permit" to "license" was not adopted.

2. In subsection (6), the sentence that began, "It is unlawful to capture..." was modified to read as follows: "It is unlawful to capture eyass prairie falcons in western Washington." The next sentence that began, "In addition, the director..." was modified to read as follows: "The director may restrict areas temporarily from raptor capture to accommodate short term research or other biological needs."

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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 1996

Mitchell S. Johnson  
Chairman

AMENDATORY SECTION [(Amending Order 470, filed 11/5/90)]

**WAC 232-12-114 Permit required for capture of raptors.** (1) It is unlawful for any persons to capture from the wild, any state or federal endangered or threatened species for the purpose of falconry.

(2) It is unlawful for any persons to take a raptor for the purpose of falconry, without first having in their possession and on their person, a valid Washington state "falconry permit."

(3) ~~It is unlawful for any persons to take from the wild for the purpose of falconry, those raptor species listed on the Washington state falconry permit, without first having in possession and on their person, a valid "raptor capture permit."~~

(4) ~~"Raptor capture permits" may be issued by the director to holders of valid falconry permits. Additional requirements of each permit shall be stated on the permit. Additional limitation on the use of each permit shall be stated on each permit.)~~ "Raptor capture report forms" may be issued by the director to holders of valid falconry licenses. Forms will be designed by the agency to require information pertaining to location, timing, and other biological elements of the capture.

(4) It is unlawful to capture raptors at times other than the following times: for Apprentice falconers - January 1 through January 31, and September 1 through December 31; for General and Master falconers - January 1 through January 31, weekends and holidays from May 15 through June 30, weekends and holidays from July 1 through July 31, September 1 through December 31, and great horned owls can also be taken on weekends and holidays from February 15 through March 31.

(5) It is unlawful to capture a gyrfalcon without having attained the class of Master falconer. Up to five (5) gyrfalcons will be allowed to be taken by Master falconers who must apply for and receive a gyrfalcon capture permit from the department before capturing a gyrfalcon. The actual number of the gyrfalcon quota each year will be determined by the director after evaluating gyrfalcon production for the year in their arctic breeding grounds.

(6) It is unlawful to capture eyass prairie falcons in western Washington. The director may restrict areas temporarily from raptor capture to accommodate short term research or other biological needs.

(7) It is unlawful to capture gyrfalcons in western Washington and in Grant County.

(8) It is unlawful to transfer a wild caught raptor to out of state recipients for one (1) year from date of capture.

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

**WSR 96-18-065**  
**PERMANENT RULES**  
**FISH AND WILDLIFE**  
**COMMISSION**  
(Wildlife)

[Order 96-141—Filed August 30, 1996, 3:06 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-12-121 Reporting requirements for capture, importation, exportation, transfer, or other disposal of raptors.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-121.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-135 on July 3, 1996.

Changes Other than Editing from Proposed to Adopted Version: [No information supplied by agency.]

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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 1996

Mitchell S. Johnson  
Chairman

AMENDATORY SECTION [(Amending Order 469, filed 11/5/90)]

**WAC 232-12-121 Reporting requirements for capture, importation, exportation, transfer, or other disposal of raptors.** (1) It is unlawful to possess a raptor under the authority of a falconry permit unless the permittee has submitted a United States Fish and Wildlife Service form 3-186A (Migratory bird acquisition/disposition report), completed in accordance with instructions on the form, to the department within five calendar days of initial possession.

(2) It is unlawful for a falconry permittee to capture, transfer, import, export, or otherwise dispose of raptors unless such permittee submits a United States Fish and

PERMANENT

Wildlife Service form 3-186A (Migratory bird acquisition/disposition report), completed in accordance with the instructions on the form, to the department within five calendar days of any such transaction.

(3) A raptor possessed under the authority of a falconry permit may be temporarily held by another permittee (~~(holding a general or masters permit,))~~ for maintenance and care for a period not to exceed thirty days. The raptor must be accompanied at all times by a properly completed United States Fish and Wildlife Service form 3-186A (Migratory bird acquisition/disposition report) designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

~~((4) A person shall report to the department, the loss, death, or release of their raptor within five days of each loss, death or release. The carcass of any dead raptors shall be delivered to the nearest department office, unless authorized by the department to be retained by falconry permittee.))~~

(4) ~~((5))~~ It is unlawful for a falconry permittee to capture or take from the wild, any raptor species listed on Washington state falconry permit unless such permittee submits a department of fish and wildlife "Raptor capture report form," completed in accordance with the instructions on the form, to the department within five calendar days of any such capture or take.

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

**WSR 96-18-066**  
**PERMANENT RULES**  
**FISH AND WILDLIFE**  
**COMMISSION**

(Wildlife)

[Order 96-142—Filed August 30, 1996, 3:08 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To amend WAC 232-28-260 Special hunting season permit drawings.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-260.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-132 on July 3, 1996.

Changes Other than Editing from Proposed to Adopted Version: The amended version of WAC 232-28-260 differs from the proposed version filed with the code reviser in the following specifics:

Subsection (1), moved to subsection (2).

Subsection (2), moved to subsection (1).

Subsection (3)(a), changed Disabled Permit Hunts to Persons of Disability Permit Hunts. Shortened sentence and deleted phrase, "for any permit hunts for disabled, blind or visually impaired" and replaced with "for any persons of disability permit hunts."

Subsection (3)(b), add word "hunts" at the end of sentence.

Subsection (3)(d), deleted last sentence entirely.

Subsection (4), amended the title to include the phrase "special hunting seasons" and singular for the word "hunt."

Subsection (5)(a), added last sentence.

Subsection (6)(g)(i), amend to add the word "be" between will and restored in the last sentence.

Subsection (7), added subsection (7)(c).

Subsection (7)(b), second sentence amended by adding new second and third sentence.

Subsection (8)(a), the second sentence amended by adding "wildlife conservation organization" and (registered 5013c). The last sentence amended to read "The organization may retain the vendor fee for each raffle ticket sold to cover expenses incurred."

Subsection (8)(b), amended second sentence to read "Raffle tickets cost no more than \$25.00 each with a .50 cent vendor fee included in the price."

Subsection (8)(c), all new language.

Subsection (8)(d)-(j), all new language.

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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 1996

Mitchell S. Johnson

Chairman

AMENDATORY SECTION [(Amending WSR 96-04-027, filed 2/1/96)]

WAC 232-28-260 Special hunting seasons ((~~permit drawings~~)). (1) The Commission may establish special hunting seasons limited to species and/or weapon type.

(2) The Commission establishes the following types of special hunting seasons, called permit hunts, for purposes of taking specified wildlife:

(a) General Permit Hunts;

(b) Persons of Disability Permit Hunts;

(c) Youth Permit Hunts;

(d) Senior Citizen Permit Hunts;

(e) Advanced Hunter Education Permit Hunts.

(3) In addition to the requirements for general permit hunts, the following are hunt requirements for:

(a) Persons of Disability Permit Hunts: Only applicants with a Washington disabled hunter permit are eligible to apply for any persons of disability permit hunts. ((~~for disabled, blind or visually impaired~~))

(b) Youth Permit Hunts: Only applicants sixteen years old or younger on opening day of the permit hunt will be eligible to apply for the youth permit hunts.



(c) Senior Citizen Permit Hunts: Only applicants sixty-five years of age or older on opening day of the permit hunt will be eligible to apply for senior citizen permit hunts.

(d) Advanced Hunter Education Permit Hunts: Only applicants who have successfully completed the Washington department of fish and wildlife advanced hunter education (AHE) course will be eligible to apply for AHE permit hunts. ((A certification card will be issued to all AHE graduates which must be in the hunter's possession while hunting during these permit hunts.))

(4) ((4)) Deer and elk special hunting seasons permit hunt application:

(a) To apply for ~~((a special hunting season))~~ permit hunts for deer, applicants must have a valid Washington hunting license and a valid deer transport tag. Each applicant must have the proper transport tag as identified in the current ~~((special))~~ deer hunting permit tables.

(b) To apply for ~~((a special hunting season))~~ permit hunts for elk, applicants must have a valid Washington hunting license and a valid elk transport tag. Each applicant must have the proper transport tag as identified in the current ~~((special))~~ elk hunting permit tables.

~~(e) Only applicants with a Washington Disabled Hunter Permit will be eligible to apply for special hunts for Persons of Disability.~~

~~(d) Only applicants 16 years old or younger on opening day of the special hunting season will be eligible to apply for special hunting season permits for youth.~~

~~(e) Only applicants 65 years of age or older on opening day of the special hunting season will be eligible to apply for special hunting season permits for seniors.~~

~~(f) Only applicants who have successfully completed the Washington Department of Fish and Wildlife Advanced Hunter Education (AHE) course will be eligible to apply for special hunting season permits for AHE course graduates. A certification card will be issued to all AHE graduates which must be in the hunter's possession while hunting during these seasons.~~

(c) ((g)) No refunds or exchanges for deer or elk transport tags will be made for persons applying for ~~((special hunting season))~~ permit ~~((s))~~ hunts.

(d) ((h)) Holders of deer or elk ~~((special hunting season))~~ permit ~~((s))~~ hunts may hunt only with a weapon in compliance with their transport tag during the ~~((special hunting season))~~ permit hunts.

(5) ((2)) Mountain goat, moose, mountain sheep, and cougar ~~((special hunting season))~~ permit hunts applications:

(a) To apply for ~~((a special hunting season))~~ permit hunts for mountain goat, moose, mountain sheep, or cougar applicants must have a valid Washington hunting license. Those who have previously drawn a Washington mountain sheep or moose permit are ineligible to apply for that species. This restriction on eligibility does not apply to permits awarded pursuant to a raffle hunt.

(b) No refunds or exchanges for mountain goat, moose, mountain sheep, or cougar transport tags will be made for persons drawing for ~~((special hunting season))~~ permit ~~((s))~~ hunts.

(c) Permit ~~((H))~~ hunting ~~((R))~~ report: A hunter report will be sent to each mountain goat, moose, mountain sheep, and cougar ~~((special hunting season))~~ permit hunts holder and must be returned to the ~~((D))~~ department of ~~((F))~~ fish and

~~((W))~~ wildlife within ten days after the close of the ~~((special hunting season))~~ permit hunts.

(6) ((3)) General ~~((special hunting season))~~ permit hunts application:

(a) Partnership applications will be accepted for any species. A partnership consists of two hunters. If a partnership application is drawn, both hunters will receive a permit and both hunters can take an animal.

(b) Application deadline: To qualify for the drawing all applications must be postmarked no later than the first Friday of May or received at a ~~((D))~~ department of ~~((F))~~ fish and ~~((W))~~ wildlife office no later than 5:00 p.m. on the first Friday of May of the year of the drawing.

(c) An applicant's name may appear on only one single special permit hunt application or one partnership application for each species. If an applicant's name appears on more than one application for a species, the application will be made ineligible for the drawing and no points will be accrued for that year for that species.

(d) For partnership applications that are ineligible because one of the partners has his/her name on more than one application for that species, both applicants will be made ineligible for the drawing and no points will be accrued for that year for that species.

(e) Permits will be drawn by computer selection using a weighted point selection system.

(f) Incomplete Applications:

(i) To be eligible for the ~~((special))~~ deer or elk ~~((special hunting season))~~ permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, a valid Washington hunting license number, and a valid deer or elk transport tag number for each applicant.

(ii) To be eligible for the special mountain goat, moose, mountain sheep, or cougar ~~((special hunting season))~~ permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, and a valid Washington hunting license number for each applicant.

(iii) To be eligible to accrue points, each application must include either a valid social security number, driver's license number, or a state-issued identification number for each applicant. Applicants choosing not to submit one of the above-listed numbers will be eligible for the drawing, but will not accrue points. The same identification number must be used each year to accrue points. If a different number is used (i.e., driver's license number instead of social security number), point accrual will begin anew for the applicant while maintaining the point accrual under the former identification number.

(g) Inaccurate Applications:

(i) If an applicant makes a mistake, applies for the wrong hunt, and is drawn, the permit can be returned to the ~~((D))~~ department of ~~((F))~~ fish and ~~((W))~~ wildlife Olympia headquarters before the opening day of the hunt. The applicant's points will be restored to the condition they were in prior to the drawing.

(ii) If an applicant inaccurately submits his/her identification number on an application, no points will be accrued for that year for that species under the correct identification number.



**(7) The Commission establishes auction and raffle Private Lands Wildlife Management Areas (PLWMA) hunts:**

**(a) The Commission may authorize, by agreement with PLWMA, the sale, auction, or raffle of hunts on PLWMAs.**

**(b) PLWMA auction/raffle hunts are awarded to hunt big game or wild turkey. The PLWMA manager will conduct the raffle drawing. Raffle tickets will be sold for not more than \$25.00 each.**

**(c) The PLWMA manager conducting an authorized big game auction or raffle will provide an annual report to the department of fish and wildlife prior to December 31. The report will include information on how the event was administered, where and when it occurred, who the winners are, the cost of tickets and numbers sold.**

**(8) The commission establishes raffle hunts:**

**(a) The commission may establish big game and wild turkey raffle permit hunts. The director may conduct the raffle or may contract to a non-profit wildlife conservation organization (registered 5013c) for marketing. The organization may retain the vendor fee for each raffle ticket sold to cover expenses incurred.**

**(b) There is no limit on the number of tickets a person may purchase. Raffle tickets cost no more than \$25.00 each with a 50 cent vendor fee included in the price. All raffle permits are void on January 1 following the date of issuance.**

**(c) The organization interested in conducting a raffle for an authorized permit hunt shall submit a proposal outlining its experience and plans to conduct a raffle. The department of fish and wildlife shall solicit bids consistent with established state competitive bid rules. The proposal shall include:**

**(i) Name of the organization, articles of incorporation, and contact person.**

**(ii) The date, time and place of the proposed raffle drawing.**

**(iii) The approximate number of people expected to attend the function.**

**(iv) Past experience in conducting raffles and special functions.**

**(v) Other marketing strategies to be used.**

**(vi) Portion of funds to be retained by the organization.**

**(d) The director will select an organization to conduct a raffle.**

**(i) Revenue potential to the department will be a key criterion in applicant selection.**

**(ii) The department shall enter into a contract with the raffling organization identifying specific terms of the contract.**

**(iii) The director may authorize a nonprofit wildlife conservation organization to sell raffle tickets for the department and retain a vending fee of 50 cents for each ticket sold.**

**(e) The department or organization conducting a raffle shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.**

**(i) The department or organization shall inform the public of date, time and place of the raffle and hold the drawing as specified.**

**(ii) Raffle tickets sales conducted through agency license vendors or the director authorized nonprofit wildlife conservation organization vendor must be received at the department's Olympia office headquarters on or before the last business day prior to the public drawing. Contracting organizations conducting hunting raffles must account for raffle tickets and funds received. A representative of the department will monitor the drawing.**

**(iii) Additional tickets may be purchased at the raffle site prior to the drawing.**

**(iv) One winner and two alternates shall be drawn at the drawing.**

**(v) The raffling organization shall notify the department of the name, address and phone number of the raffle permit winner and two alternates immediately (but no later than ten business days) after the drawing. The department will notify the winner and two alternates by mail. The winner must claim the raffle permit during the regular business hours within 30 days of the drawing or he/she shall be disqualified and the department will offer the raffle permit to the first alternate. The first alternate must claim the raffle permit within 10 business days of notification or he/she shall be disqualified and the department will notify the second alternate. The second alternate must claim the permit within 10 business days of notification or he/she shall be disqualified and the department will not offer the raffle permit.**

**(vi) The department's share of the raffle revenue shall be returned to the department within 30 days of the drawing.**

**(f) Residents and nonresidents shall be eligible to purchase raffle tickets.**

**(g) There shall be no refunds for any raffle ticket purchases.**

**(h) The raffle winners must purchase a valid hunting license and species transport tag prior to issuance of the raffle permit. An additional big game transport tag may be purchased for a raffle permit hunt.**

**(i) The department will issue the permit to the person whose name appears on the winning ticket. Raffle tickets may not be resold or reassigned.**

**(j) All revenue to the department from a species permit raffle shall be used for the management and benefit of that species.**

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

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

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

**WSR 96-18-067**  
**PERMANENT RULES**  
**FISH AND WILDLIFE**  
**COMMISSION**  
 (Wildlife)

[Order 96-143—Filed August 30, 1996, 3:10 p.m.]

Date of Adoption: August 10, 1996.

Purpose: To adopt WAC 232-28-263 1997 Raffle permits.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-263.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010.

Adopted under notice filed as WSR 96-14-133 on July 3, 1996.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-263 differs from the proposed version filed with the code reviser in the following specifics:

Subsection (1), amended to separate deer/elk combination to deer raffle permit hunt.

Subsection (1)(a), amended to describe deer bag limit.

Subsection (1)(b), amended to describe open area.

Subsection (1)(d), amended to describe weapon.

Subsection (1)(f), added cost of raffle ticket including vendor fee.

Subsection (2), separated out elk from combination to elk raffle permit hunt.

Subsection (2)(a), bag limit description for elk.

Subsection (2)(b), open area description for elk.

Subsection (2)(c), elk hunt area description.

Subsection (2)(d), weapon.

Subsection (2)(e), number of permits: 1.

Subsection (2)(f), cost of raffle ticket including vendor fee.

Subsection (3), bighorn sheep raffle permit hunt.

Subsection (3)(f), cost of raffle ticket including vendor fee.

Subsection (4), moose raffle permit hunt.

Subsection (4)(f), cost of raffle ticket including vendor fee.

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: Thirty-one days after filing.

August 26, 1996  
 Mitchell S. Johnson  
 Chairman

NEW SECTION

**WAC 232-28-263 1997 Raffle permits**

RAFFLE PERMIT HUNTS

The following raffle permits will be issued to individuals selected through a drawing:

~~((1)) Deer/Elk Combination Hunt~~

~~(a) Bag limit: One additional any bull elk and one additional any buck deer.~~

~~(b) Open area: Statewide in any open area except GMUs 157, 485, and Private Lands Wildlife Management Areas.~~

~~(c) Open season: Hunter may hunt in any 1997 general permit archery, muzzleloader, or modern firearm season.~~

~~(d) Weapon: Hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.~~

~~(e) Number of permits: 1~~

~~(f) Raffle tickets cost \$5.00 including a 50 cent vendor fee.)~~

3 ((2)) Bighorn Sheep Hunt

(a) Bag limit: One bighorn ram

(b) Open area: Anywhere sheep unit south of interstate 90 in eastern Washington.

(c) Open season: September 1-October 31, 1997.

(d) Weapon: Hunter may use any legal weapon.

(e) Number of permits: 1

(f) Raffle tickets cost \$10.00 including a 50 cent vendor fee.

(g) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.

(h) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.

(i) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(j) If requested by the department, the permittee is required to accompany Department officials to the site of the kill.

(k) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

4 ((3)) Moose Hunt

(a) Bag limit: One moose of either sex

(b) Open area: Hunter may hunt in any open moose unit.

(c) Open season: October 1-November 30, 1997.

(d) Weapon: Hunter may use any legal weapon.

(e) Number of permits: 1

(f) Raffle tickets cost \$5.00 including a 50 cent vendor fee.

(g) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area.

(h) If requested by the department, the permittee is required to accompany Department officials to the site of the kill.

(1) Deer Raffle Permit Hunt

(a) Bag limit: One additional any buck deer.

(b) Open area: Statewide in any open area, except all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157 and 485 are closed.

(c) Open season: The deer raffle permit holder may hunt in any 1997 general or permit archery, muzzleloader, or modern firearm season.

(d) Weapon: The raffle hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.

(e) Number of permits: 1

(f) Raffle tickets cost \$5.00 including a 50 cent vendor fee.

(2) Elk Raffle Permit Hunt

(a) Bag limit: One additional any bull elk.

(b) Open area: Statewide in any open area, except all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157 and 485 are closed.

(c) Open season: The elk raffle permit holder may hunt in any 1997 general or permit archery, muzzleloader, or modern firearm season.

(d) Weapon: The raffle permit hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.

(e) Number of permits: 1

(f) Raffle tickets cost \$5.00 including a 50 cent vendor fee.

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

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 96-18-090**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)

[Filed September 4, 1996, 9:06 a.m.]

Date of Adoption: August 30, 1996.

Purpose: To implement the requirement of RCW 43.20B.335 which allows a judgment owed to the victim of a crime committed by a criminally insane resident of a state hospital to be considered in determining the ability of the resident to pay for the cost of their hospitalization.

Citation of Existing Rules Affected by this Order: WAC 275-16-085.

Statutory Authority for Adoption: RCW 43.20B.335.

Adopted under notice filed as WSR 96-15-057 on July 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 1, 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.

August 29, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 1627, filed 3/25/81)

WAC 275-16-085 Other pertinent factors. ((~~is considering~~)) The determination officer may consider the following other pertinent factors in determining the ability of the estate of the patient and responsible relatives to pay((:)):

(1) The determination officer may consider those factors related to the well-being, education and training, child support obligations set by court order or by administrative finding under chapter 74.20A RCW, and/or rehabilitation of the patient and ((his or her)) the patient's immediate family, to whom the patient owes a duty of support. The patient and/or responsible relatives ((~~must~~)) shall show the existence and the necessity for the pertinent factors as defined. Upon such a showing, the determination officer may consider such resources necessary to reasonably provide for such pertinent factors as assets not available to the estate of the patient and responsible relatives((~~: -Provided, That~~)).

(2) Consistent with RCW 43.20B.335, the determination officer shall consider a judgment owed by the patient to any victim of an act that would have resulted in criminal conviction of the patient but for a finding of the patient's criminal insanity. A victim shall include an estate's personal representative who has obtained judgment for wrongful death against the criminally insane patient.

(3) The department shall ensure that any allowance for other pertinent factors ((~~must~~)) does not conflict with Medicaid eligibility requirements for those patients who are eligible or potentially eligible for such benefits.

**WSR 96-18-091**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed September 4, 1996, 9:08 a.m.]

Date of Adoption: August 30, 1996.

Purpose: WAC 388-521-2106, allow three-month retro-certification for the children's health program.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.09.415.

Adopted under notice filed as WSR 96-15-067 on July 17, 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: Thirty-one days after filing.  
August 30, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**NEW SECTION**

**WAC 388-521-2106 Eligibility for children's health program.** The department shall ensure the effective date of eligibility for the children's health program for undocumented alien children:

- (1) Shall be the first day of the month when the child is eligible at any time during that month;
- (2) May be the first day of the third calendar month before the month of application provided the:
  - (a) Medical services the child received during the prior three months were covered; and
  - (b) Child would have been eligible during the prior three months if the child had applied.

**WSR 96-18-092**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Filed September 4, 1996, 9:12 a.m.]

Date of Adoption: August 30, 1996.

Purpose: To clarify that the department does not charge a fee for the inspection of public records, or for locating the documents and making them available for inspection or copying. This amendment also reduces the cost for copies of public records from \$.25 to \$.15 per page.

Citation of Existing Rules Affected by this Order: WAC 388-320-140.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 42.17.300.

Adopted under notice filed as WSR 96-15-028 on July 10, 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 1, 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.

Effective Date of Rule: Thirty-one days after filing.  
August 30, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

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

**WAC 388-320-140 Fees—Inspection and copying.** (1) ~~((No fee))~~ The department shall ((be charged)) not charge a fee for:

- (a) The inspection of public records; or
- (b) Locating public records and making them available for copying.

(2) The department shall collect the following fees to reimburse itself for costs incident to providing copies of public records:

- (a) The actual cost of printing manuals and manual revisions;
- (b) The actual cost of copying blueprints and like materials involving an extraordinary expense;
- (c) ~~((Twenty-five))~~ Fifteen cents per page for black and white photocopies; and
- (d) The cost of postage if any.

(3) When the department is a party in an administrative hearing, the department shall authorize free copying of records from a department file when the records are demonstrated to be relevant and the client is indigent.

(4) Nothing contained in this section shall preclude the department from agreeing to exchange or provide copies of manuals or other public records with other government agencies when doing so is in the best interest of the department.

(5) The secretary of the department, the secretary's designee, and disclosure coordinators are authorized to waive any of the foregoing costs. Factors considered in deciding whether to waive costs include: Providing the copy will facilitate administering the program and/or the expense of processing the payment exceeds the copying and postage cost.

**WSR 96-18-096**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed September 4, 1996, 9:19 a.m.]

Date of Adoption: August 21, 1996.

Purpose: The United States Food and Drug Administration (FDA) requires states engaged in interstate trade to be in compliance with standards specified in the national shellfish sanitation program (NSSP) manual of operations Part I and II. In order for Washington's shellfish program

PERMANENT

to be in compliance with the FDA, the state must update the reference from the 1993 to the 1995 version of the NSSP manual.

Citation of Existing Rules Affected by this Order:  
Amending WAC 246-282-005.

Statutory Authority for Adoption: RCW 69.30.030.

Adopted under notice filed as WSR 96-14-110 on July 3, 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 1, 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.

August 28, 1996

Sylvia I. Beck

Executive Director

State Board of Health

Citation of Existing Rules Affected by this Order:  
Repealing WAC 16-09-001, 16-09-010, 16-09-020, 16-09-030, and 16-09-040.

Statutory Authority for Adoption: Chapter 42.18 RCW.  
Adopted under preproposal statement of inquiry filed as WSR 96-14-072 on June 28, 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 5.

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.

September 3, 1996

William E. Brookreson

Assistant Director

**AMENDATORY SECTION** (Amending WSR 94-23-026, filed 11/8/94, effective 12/9/94)

**WAC 246-282-005 Minimum performance standards.** (1) Every person engaged in a shellfish operation shall comply with and shall be subject to:

(a) The "satisfactory compliance" standards of the ((+1993)) 1995 revision of the National Shellfish Sanitation Program (NSSP) Manual of Operations Part I and II, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration. Copies can be obtained through the U.S. Food and Drug Administration, Shellfish Sanitation Branch, and the Washington state department of health, office of shellfish programs.

(b) All other provisions of this chapter.

(2) Where a "satisfactory compliance" provision is inconsistent with a provision otherwise established under this chapter or other state law or rule, the more stringent provision, as determined by the department, shall apply.

#### WSR 96-18-104

##### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed September 4, 1996, 11:30 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal WAC 16-09-001, 16-09-010, 16-09-020, 16-09-030, and 16-09-040. These rules are superseded by the passage of the ethics law in 1994 making these rules no longer necessary due to changed circumstances.

#### WSR 96-18-105 PERMANENT RULE DEPARTMENT OF AGRICULTURE

[Filed September 4, 1996, 11:31 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal chapter 16-49 WAC regulations relating to fat standards for ground beef, hamburger, lean ground beef, extra lean ground beef and labeling, advertising and sale of named ground beef. The reasons for repealing this chapter is that ground beef is regulated by the United States Department of Agriculture and these rules are not compatible with the federal requirements.

Citation of Existing Rules Affected by this Order:  
Repealing chapter 16-49 WAC.

Statutory Authority for Adoption: Chapters 69.04 and 16.49A RCW.

Adopted under preproposal statement of inquiry filed as WSR 96-14-011 on June 20, 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 5.

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.  
September 3, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-18-106**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed September 4, 1996, 11:32 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal WAC 16-144-001 Promulgation, 16-144-020 Processing ice cream, 16-144-030 Processing of other desserts—Frozen and French custards—Labeling—Optional ingredients, 16-144-040 Ice milk—Labeling—Optional ingredients, 16-144-050 Nonfat frozen dairy desserts—Labeling—Optional ingredients; 16-144-060 Dietetic or dietary frozen dairy desserts—Labeling—Optional ingredients, 16-144-070 Fruit sherbets—Labeling—Optional ingredients, and 16-144-080 Water ices—Labeling—Optional ingredients. These rules are governed by federal standards (21 CFR) which are adopted under chapter 16-167 WAC, making these rules redundant.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-144-001, 16-144-020, 16-144-030, 16-144-040, 16-144-050, 16-144-060, 16-144-070, and 16-144-080.

Statutory Authority for Adoption: Chapters 15.32 and 15.36 RCW.

Adopted under preproposal statement of inquiry filed as WSR 96-14-010 on June 20, 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 8.

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.  
September 3, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-18-107**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed September 4, 1996, 11:33 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal chapter 16-136 WAC, Butter substitutes. Food service requirements are under the local health department and the Washington State Department of Health making this rule no longer necessary because of changed circumstances and because it is governed by another agency.

Citation of Existing Rules Affected by this Order: Repealing chapter 16-136 WAC.

Statutory Authority for Adoption: RCW 15.40.040.

Adopted under preproposal statement of inquiry filed as WSR 96-14-013 on June 20, 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 3.

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.  
September 3, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-18-108**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed September 4, 1996, 11:35 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal WAC 16-101-410 through 16-101-680. These rules which pertain to standards for milk are regulated under federal standards (21 CFR) and are adopted under chapter 16-167 WAC, making these WAC sections redundant.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-101-410 through 16-101-680.

Statutory Authority for Adoption: Chapter 15.36 RCW.

Adopted under preproposal statement of inquiry filed as WSR 96-14-009 on June 20, 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 31.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

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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.  
September 3, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-18-109**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 4, 1996, 11:36 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal chapter 16-148 WAC, Abnormal milk. This rule is also covered by the pasteurized milk ordinance adopted under WAC 16-101-700, making chapter 16-148 WAC redundant.

Citation of Existing Rules Affected by this Order: Repealing chapter 16-148 WAC.

Statutory Authority for Adoption: Chapter 15.36 RCW.

Adopted under preproposal statement of inquiry filed as WSR 96-14-015 on June 20, 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 4.

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 1.

Effective Date of Rule: Thirty-one days after filing.  
September 3, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-18-110**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 4, 1996, 11:37 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal chapter 16-114 WAC, Egg products. This rule is no longer needed because of changed circumstances and is governed by other rules making it redundant. The United States Department of Agriculture has authority over the processing of egg products. Their regulations, known as 7 CFR, Part 59, were developed and are issued pursuant to the authorities contained in the Egg Products Inspection Act (21 USC 1031-1056). The act and these regulations require and provide for the continuous inspection

of the processing of egg products and the control and disposition of restricted eggs. Chapter 16-114 WAC basically provided for the same control of the processing of egg products prior to the United States Egg Products Inspection Act.

Citation of Existing Rules Affected by this Order: Repealing chapter 16-114 WAC.

Statutory Authority for Adoption: Chapters 69.04 and 69.25 RCW.

Adopted under preproposal statement of inquiry filed as WSR 96-14-017 on June 20, 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 27.

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.  
September 3, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-18-111**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 4, 1996, 11:38 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal chapter 16-116 WAC, Poultry and rabbit killing establishment. The reason for repealing this chapter is that the rule is no longer necessary due to changed circumstances. Poultry is now regulated by the United States Department of Agriculture. Rabbits are covered by the United States Department of Agriculture voluntary inspection program standards.

Citation of Existing Rules Affected by this Order: Repealing chapter 16-116 WAC.

Statutory Authority for Adoption: Chapters 16.74 and 16.49A RCW.

Adopted under preproposal statement of inquiry filed as WSR 96-14-012 on June 20, 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 5.

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.  
September 3, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-18-112**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 4, 1996, 11:39 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal chapter 16-120 WAC, Cream buying stations, chapter 16-126 WAC, Milk and cream buying in bulk, and chapter 16-132 WAC, Cheese—Branding, trademarks. The reason for these repeals is that the statute on which the rule was based (chapter 15.32 RCW) has been repealed and has not been replaced by another statute providing statutory authority for the rule and the rule is no longer necessary because of changed circumstances.

Citation of Existing Rules Affected by this Order: Repealing chapters 16-120, 16-126, and 16-132 WAC.

Statutory Authority for Adoption: Chapters 43.23 and 15.32 RCW.

Adopted under preproposal statement of inquiry filed as WSR 96-14-014 on June 20, 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 23.

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.  
September 3, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-18-113**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed September 4, 1996, 11:40 a.m.]

Date of Adoption: September 3, 1996.

Purpose: To repeal chapter 16-128 WAC, Dry milk products and chapter 16-140 WAC, Processing low acid foods. These rules are covered by the federal standards under 21 CFR adopted in chapter 16-167 WAC making these chapters redundant.

Citation of Existing Rules Affected by this Order: Repealing chapters 16-128 and 16-140 WAC.

Statutory Authority for Adoption: Chapters 15.32, 15.36, and 69.04 RCW.

Adopted under preproposal statement of inquiry filed as WSR 96-14-016 on June 20, 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 25.

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.  
September 3, 1996  
Candace A. Jacobs  
Assistant Director

PERMANENT



**WSR 96-18-002  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(Fisheries)

[Order 96-118—Filed August 22, 1996, 2:05 p.m.]

Date of Adoption: August 22, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-24-02000B; and amending WAC 220-24-020.

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: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans.

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.

August 22, 1996  
Larry Peck  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-24-02000C Commercial salmon troll.**

Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1)(a) In waters north of Leadbetter Point it is lawful to fish for and possess all salmon species other than chinook salmon on the following days: August 23 through August 24

(b) Lawful terminal gear during the fishing period provided for in this subsection is all legal troll gear.

(c) No vessel may land or possess more than 200 coho salmon during the 2 day open period provided for in this subsection.

(2) In the fisheries authorized in this section:

(a) No coho salmon smaller than 16 inches in total length may be taken or retained. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(b) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(c) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000B Commercial salmon troll. (96-106)

**WSR 96-18-022  
EMERGENCY RULES  
OFFICE OF MARINE SAFETY**

[Filed August 26, 1996, 3:10 p.m.]

Date of Adoption: August 26, 1996.

Purpose: To correct technical errors.

Citation of Existing Rules Affected by this Order: Amending WAC 317-31-200, 317-31-220, and 317-31-230.

Statutory Authority for Adoption: RCW 43.211.030 and 88.46.050.

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 emergency rule corrects citations to federal and state authorities and is necessary for effective enforcement of chapter 317-31 WAC to protect the public health and safety and the environment.

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: Immediately.

EMERGENCY

August 26, 1996  
Barbara Herman  
Director

above varies from its predecessor in certain respects not indicated by the use of these markings.

[AMENDATORY SECTION (Amending WSR 96-12-077, filed 6/5/96)]

[AMENDATORY SECTION (Amending WSR 96-12-077, filed 6/5/96)]

**WAC 317-31-200 Accepted industry standards.**

Accepted industry standards are those standards established under WAC 317-31-220 for cargo and passenger vessels, or WAC 317-31-230 for fishing vessels, and applicable requirements of the following international conventions and federal regulations:

(1) The International Convention for the Safety of Life at Sea, 1974 (SOLAS);

(2) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW);

(3) The International Convention for Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);

(4) The International Labor Organization, Convention Concerning Minimum Standards in Merchant Ships, convention number 147 (ILO 147);

(5) Provisions of chapter 33 of the Code of Federal Regulations including:

(a) Part 26 (Vessel bridge-to-bridge radiotelephone regulations);

(b) Part 70 (Interference with or damage to aids to navigation);

(c) Subchapter D (International Navigation Rules);

(d) Subchapter E (Inland Navigation Rules);

(e) Part 95 (Operating a vessel while intoxicated);

(f) Subchapter M (Marine Pollution Financial Responsibility and Compensation);

(g) Subchapter ((Q)) Q (Pollution);

(h) Subchapter P (Ports and Waterways Safety); and

(6) Provisions of chapter 46 of the Code of Federal Regulations including:

(a) Part 4 (Marine Casualties and Investigations);

(b) Subchapter B (Merchant Marine Officers and Seamen);

(c) Subchapter C (Uninspected Vessels);

(d) Subchapter D (Tank Vessels);

(e) Subchapter E (Load Lines);

(f) Subchapter F (Marine Engineering);

(g) Subchapter G (Documentation and Measurement of Vessels);

(h) Subchapter H (Passenger Vessels);

(i) Subchapter I (Cargo and Miscellaneous Vessels);

(j) Subchapter J (Electrical Engineering);

(k) Subchapter N (Dangerous Cargoes);

(l) Subchapter O (Certain Bulk Dangerous Cargoes);

(m) Subchapter Q (Equipment, Construction and Materials: Specification and Approval);

(n) Subchapter S (Subdivision and Stability); and

(o) Part 197, subpart C (Benzene).

**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

**WAC 317-31-220 Modification of accepted industry standards.** (1) This section establishes a process for modifying accepted industry standards as established by the advisory group on cargo and passenger vessel substantial risk criteria and noticed in the *Washington State Register*, No ((---)) 96-03-082. The purpose of this section is to establish a process that results in enforceable standards while affording vessel owners and operators substantial input and notice.

(2) The vessel inspection advisory council is hereby established. The council's mission is to make recommendations to the office every two years, if necessary, concerning accepted industry standards for cargo and passenger vessels. The office shall review the council's recommendations and publish in the state register proposed standards. After the date of publication, the office shall allow thirty days for public comment. After consideration of council recommendations and public comment, the office shall adopt the proposed industry standards by publication of a notice of adoption and availability of the standards in the state register.

(3) Council members and their replacements shall be appointed by the office and serve a term of two years. The council chair shall be appointed by the office. Each council member may designate one alternate who may exercise that member's vote. The office shall invite the U.S. Coast Guard to participate as a nonvoting advisor to the council. The council shall comprise at least fifteen members who represent the following interests:

(a) Classification societies;

(b) Commercial fishing vessels;

(c) Environmental organizations;

(d) Maritime labor organizations;

(e) Maritime trade associations;

(f) Oregon State Department of Environmental Quality;

(g) Native American tribes;

(h) Cargo vessel owners;

(i) Cargo vessel operators;

(j) Cruise ship owners;

(k) Cruise ship operators;

(l) Washington State Ferry System;

(m) Washington State Department of Ecology;

(n) Washington state Office of Marine Safety;

(o) Washington state pilots;

(p) Oregon state pilots;

(q) Washington state public ports;

(r) Public agencies responsible for regulating natural resources;

(s) Marine education and training; and

(t) The public at large.

(4) A meeting of the council may be held fourteen days after the notice of the meeting is published in the state register. The meeting notice shall state the date, time, and place of the meeting, and the names of the organizations represented. Meetings of the council may be convened either by the office or the council's chair. At the first

meeting of the council, the office shall present a compilation of boarding results under the boarding checklist for the council's review.

(5) The office shall provide staff and administrative support for the council. The office shall also maintain minutes, public comments, boarding results, and other council records in a file available to the public.

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

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

**[AMENDATORY SECTION (Amending WSR 96-12-077, filed 6/5/96)]**

**WAC 317-31-230 Modification of accepted industry standards for fishing vessels.** (1) This provision establishes a process for establishing and modifying accepted industry standards for fishing vessels. The purpose of this section is to establish a process that results in enforceable standards while affording vessels owners and operators substantial input and notice.

(2) The fishing vessel inspection advisory council is hereby established. The council shall make recommendations based on international and federal laws and regulations applicable to fishing vessels, and on the actual practices of the Washington-based fishing industry as revealed in the boarding results presented by the office. The council may recommend higher standards than the actual practices of the Washington-based fishing industry and those in applicable international and federal laws and regulations only where reasonably necessary to protect public health and safety, and the environment. The office shall review the council's recommendations and publish in the state register proposed standards. After the date of publication, the office shall allow thirty days for public comment. After consideration of council recommendations and public comment, the office shall adopt the proposed industry standards by publication of a notice of adoption and availability of the standards in the state register.

(3) Council members and their replacements shall be appointed by the office and serve a term of two years. The council chair shall be appointed by the office. Each council member may designate one alternate who may exercise that member's vote. The office shall invite the U.S. Coast Guard to participate as a nonvoting advisor to the council. The council shall comprise at least six members who represent the following interests:

- (a) Commercial fishing vessels;
- (b) Commercial fish processing vessels;
- (c) Environmental organizations;
- (d) Native American tribes;
- (e) Washington State Department of Ecology;
- (f) Washington State Office of Marine Safety; and
- (g) The public at large.

(4) A meeting of the council may be held fourteen days after the notice of the meeting is published in the state register. The meeting notice shall state the date, time, and place of the meeting, and the names of the organizations

represented. Meetings of the council may be convened either by the office or the council's chair. At the first meeting of the council, the office shall present a compilation of boarding results under the boarding checklist for the council's review.

(5) The office shall provide staff and administrative support for the council. The office shall also maintain council minutes, public comment, boarding results, and other council records in a file available to the public.

(6) Until the council has established accepted industry standards under this section, the office shall use an interim standard to determine substantial risk for fishing vessels under WAC 317-31-210. The office will board fishing vessels as provided in WAC 317-31-210(2) using a boarding checklist developed through agreement with a representative of the fishing industry as published in the *Washington State Register*, No ((---)) 95-06-063.

**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 96-18-027  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-120—Filed August 27, 1996, 4:29 p.m., effective September 2, 1996, 6:00 a.m.]

Date of Adoption: August 26, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-32-05100T; and amending WAC 220-32-051.

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 numbers of salmon are available. This season is consistent with the 1996 Fall Management Agreement and requirements of the Endangered Species Act.

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: September 2, 1996, 6:00 a.m.  
August 26, 1996  
Bern Shanks  
Director

### NEW SECTION

**WAC 220-32-05100T Columbia River salmon seasons above Bonneville.** (1) Notwithstanding the provisions of WAC 220-32-051, WAC 220-32-052, WAC 220-32-053, WAC 220-32-056, WAC 220-32-057, and WAC 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: 6:00 am Monday, September 2 to 6:00 p.m. Thursday, September 5, 1996.

(b) Sturgeon - It shall be lawful to retain sturgeon for subsistence purposes only. It shall be unlawful to retain sturgeon less than 36" or greater than 72" in length. All sales of sturgeon are prohibited.

(c) Open Area: SMCRA 1F, 1G and 1H

(d) Mesh: No mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed areas at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles

downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia river between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(I) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

### REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 5, 1996:

WAC 220-32-05100T Columbia River salmon seasons above Bonneville. (96-119)

**WSR 96-18-038**

**EMERGENCY RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 5099—Filed August 29, 1996, 10:29 a.m.]

Date of Adoption: August 29, 1996.

Purpose: The department has placed into rule the criteria used for determining degrade periods as provided in RCW 15.36.111.

Statutory Authority for Adoption: RCW 15.36.021.

Other Authority: RCW 15.36.111.

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: HB 2134 as passed in the 1996 session amended RCW 15.36.111 and eliminated the requirement that a dairy degrade be effective immediately. The bill contained an emergency clause. Emergency rules were filed on May 2nd in order to provide a criteria for setting degrade periods as an interim measure in order to allow the department an opportunity to work with affected parties on developing permanent rules. A proposal to adopt permanent rules has been filed, however, this action is necessary to continue interim rules until the final rules can be adopted and become effective.

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 4, 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 4, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 29, 1996  
James M. Jesernig  
Director

**CHAPTER 16-1019  
DEGRADES, LICENSE SUSPENSIONS AND  
REVOCATIONS FOR DAIRY PRODUCERS AND  
PROCESSORS**

NEW SECTION

**WAC 16-1019-010 Under what circumstances will the director degrade a dairy farm operation or a milk processing plant operation?** (1) The director shall call for a degrade of a dairy farm operation of a producer or a Grade A milk processing plant operation for one or more repeat violations of Chapter 15.36 RCW, or rules adopted thereunder, which are noted on consecutive inspections as provided in RCW 15.36.111.

(2) For purposes of this chapter, "degrade" means the lowering in grade from grade A to grade C.

NEW SECTION

**WAC 16-1019-020 How is the length of a degrade of a producer or a milk processing plant determined?** The length of a degrade of a dairy farm operation or a grade A milk processing plant operation shall be based on the total number of debit points awarded to repeat violations as provided in WAC 16-1019-030 or until the director determines the violations that caused the degrade are corrected, which ever is longer. The schedule for determining a degrade period is as follows.

<u>TOTAL DEBIT POINTS</u>	<u>DEGRADE PERIOD</u>
1-10	2 Days
11-15	4 Days
16-20	6 Days
21-30	8 Days
31-40	10 Days
41-50	12 Days
51 or more	14 Days

NEW SECTION

**WAC 16-1019-030 How is the debit point value of each violation determined?** (1) The debit point for each violation, as shown in the table below, is the same as the debit points awarded to dairy farms or milk processing plants during state surveys and federal check ratings as determined in the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" published by the US Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(2) A copy of the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" may be obtained by request from the Washington State Department of Agriculture Food Safety Program, P.O. Box 42560, Olympia, Washington 98504-2560 (360-902-1875).

(3) DAIRY FARM SANITATION VIOLATION DEBIT POINT VALUES

EMERGENCY

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
1a	Cows secreting abnormal milk milked last or in SEPARATE equipment	5
1b	Abnormal milk properly handled and disposed of	5
1c	Proper care of abnormal milk handling equipment	5
<b>MILKING PARLOR</b>		
2a	Floors, gutters and feed troughs of concrete or of equally impervious materials; in good repair	1
2b	Walls and ceilings smooth, painted or finished adequately; in good repair; ceiling dust tight	1
2c	Separate stalls or pens for horses, calves and bulls	1
2d	Adequate natural and/or artificial light; well distributed	1
2e	Properly ventilated; no overcrowding	1
3a	Clean and free of litter	3
3b	No swine or fowl	3
4a	Cowyard graded to drain; no pooled water or wastes	3
4b	Cowyard clean; cattle housing areas and manure packs properly maintained	3
4c	No swine	3
4d	Manure stored inaccessible to cows	3
<b>MILKHOUSE</b>		
<b>Floors</b>		
5a	Smooth; concrete or other impervious material; in good repair	1
5b	Graded to drain	1
5c	Drains trapped if connected to sanitary system	1

	<b>Walls and Ceilings</b>	
5a	Approved material and finish	1
5b	Good repair (windows, doors and hoseport included)	1
	<b>Lighting and Ventilation</b>	
5a	Adequate natural and/or artificial light; properly distributed	2
5b	Adequate ventilation	2
5c	Doors and windows closed during dusty weather	2
5d	Vents and lighting fixtures properly installed	2
	<b>Miscellaneous Requirements</b>	
5a	Used for milkhouse operations only; sufficient size	2
5b	No direct opening into living quarters or barn; except as permitted by Ordinance	2
5c	Liquid wastes properly disposed of	2
5d	Proper hoseport where required	2
5e	Acceptable surface under hoseport	2
5f	Suitable shelter for transport truck as required by this Ordinance	2
	<b>Cleaning Facilities</b>	
5a	Two-compartment wash and rinse vat of adequate size	2
5b	Suitable water heating facilities	2
5c	Water under pressure piped to milkhouse	2
	<b>Cleanliness</b>	
6a	Floors, walls, windows, tables and similar non-product surfaces clean	4
6b	No trash, unnecessary articles, animals or fowl	4
	<b>Toilet</b>	
7a	Provided; conveniently located	4
7b	Constructed and operated according to Ordinance	4
7c	No evidence of human wastes about premises	4
7d	Toilet room in compliance with Ordinance	4
	<b>Water Supply</b>	
8a	Constructed and operated according to Ordinance	2
8b	Complies with bacteriological standards	5
8c	No connection between safe and unsafe supplies; no improper submerged inlets	5
	<b>UTENSILS AND EQUIPMENT</b>	
9a	Smooth, impervious, nonabsorbent, safe materials; easily cleanable;	4
9b	In good repair; accessible for inspection;	4
9c	Approved single service articles; not re-used	4
9d	Of proper design	4
9e	Approved CIP milk line system	4
10a	Utensils and equipment clean	5
11a	All multi-use containers and equipment subjected to approved	5

	sanitization process	
12a	All multi-use containers and equipment properly stored	2
12b	Stored to assure complete drainage where applicable	2
12c	Single-service articles properly stored	2
	<b>MILKING</b>	
13a	Milking done in barn, stable or parlor	5
13b	Brushing completed before milking begun	5
13c	Flanks, bellies, udders, and tails of cows clean at time of milking; clipped when required	5
13d	Teats treated with sanitizing solution and dried just prior to milking	5
13e	No wet hand milking	5
	<b>TRANSFER AND PROTECTION OF MILK</b>	
	<b>Protection from Contamination:</b>	
14a	No overcrowding	3
14b	Product and CIP circuits separated	3
14c	Improperly handled milk discarded	3
14d	Immediate removal of milk	3
14e	Milk and equipment properly protected	3
14f	Air under pressure of proper quality	3
	<b>Drug and Chemical Control</b>	
15a	Cleaners and sanitizers properly identified	2
15b	Drug administration equipment properly handled and stored	2
15c	Drugs properly labeled (name and address) and stored	2
15d	Drugs properly labeled (directions for use, cautionary statements, active ingredients)	7
15e	Drugs properly used and stored to preclude contamination of milk	7
	<b>PERSONNEL</b>	
	<b>Hand-washing Facilities:</b>	
16a	Proper hand-washing facilities convenient to milking operations	2
16b	Wash and rinse vats not used as hand-washing facilities	2
	<b>Personnel Cleanliness:</b>	
17a	Hands washed clean and dried before milking, or performing milkhous e functions; rewashed when contaminated	1
17b	Clean outer garments worn	1
	<b>COOLING</b>	
18a	Milk cooled to 45 F or less within 2 hours after milking	5
18b	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18c	Temperature recorder with 7 day chart	5*
	<b>INSECTS AND RODENTS</b>	
19a	Fly breeding minimized by approved manure disposal methods	3
19b	Manure packs properly maintained	3

EMERGENCY



19c	All milkhouse openings effectively screened or otherwise protected; doors tight and self-closing; screen doors open outward	2
19d	Milkhouse free of insects and rodents	2
19e	Approved pesticides; used properly	2
19f	Equipment and utensils not exposed to pesticide contamination	2
19g	Surrounding neat and clean; free of harborage and breeding areas	2
19h	Feed storage not attraction for birds, rodents or insects	2

\*This is a requirement of WAC 16-125 rated in accordance with cooling criteria in similar sections of with the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" for dairy plants.

(4) MILK PROCESSING PLANT SANITATION VIOLATION DEBIT POINT VALUES

ITEM NO	DESCRIPTION	DEBIT POINT VALUE
1	<b>FLOORS</b>	
1a	Smooth; impervious; no pools; good repair; trapped drains	1
2	<b>WALLS AND CEILINGS</b>	
2a	Smooth; washable; light-colored; good repair	1
3	<b>DOORS AND WINDOWS</b>	
3a	All outer openings effectively protected against entry of flies and rodents	2
4	<b>LIGHTING AND VENTILATION</b>	
4a	Adequate in all rooms	1
4b	Well ventilated to preclude odors and condensation; filtered air with pressured systems	1
5	<b>SEPARATE ROOMS</b>	
5a	Separate rooms as required; adequate size	3
5b	No direct opening to barn or living quarters	3
5c	Storage tanks properly vented	3
6	<b>TOILET FACILITIES</b>	
6a	Complies with local ordinances	3
6b	No direct opening to processing rooms; self-closing doors	3
6c	Sewage and other liquid wastes disposed of in a sanitary manner	3
7	<b>WATER SUPPLY</b>	
7a	Constructed and operated in accordance with Ordinance	4
7b	No direct or indirect connection between safe and unsafe water	4
7c	Condensing water and vacuum water in compliance with Ordinance requirements	4
7d	Complies with bacteriological standards	4

EMERGENCY

8	<b>HAND-WASHING FACILITIES</b>	
8a	Located and equipped as required; clean and in good repair; improper facilities not used	2
9	<b>MILK PLANT CLEANLINESS</b>	
9a	Neat; clean; no evidence of insects or rodents; trash properly handled	3
9b	No unnecessary equipment	3
10	<b>SANITARY PIPING</b>	
10a	Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection	3
10b	Clean-in-place lines meet Ordinance specifications	3
10c	Pasteurized products conducted in sanitary piping, except as permitted by Ordinance	3
11	<b>CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT</b>	
11a	Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection	3
11b	Self-draining; strainers of approved design	3
11c	Approved single-service articles; not re-used	3
12	<b>CLEANING AND SANITIZING OF CONTAINERS/EQUIPMENT</b>	
12a	Containers, utensils and equipment effectively cleaned	5
12b	Mechanical cleaning requirements of Ordinance in compliance; records complete	5
12c	Approved sanitization process applied prior to the use of product-contact surfaces	5
12d	Required efficiency tests in compliance	5
12e	Multiple use plastic containers in compliance	5
12f	Aseptic system sterilized	5
13	<b>STORAGE OF CLEANED AND EQUIPMENT</b>	
13a	Stored to assure drainage and protected from contamination	3
14	<b>STORAGE OF SINGLE SERVICE ARTICLES</b>	
14a	Received, stored and handled in a sanitary manner; paperboard containers not re-used except as permitted by the Ordinance	2
15A	<b>PROTECTION FROM CONTAMINATION</b>	
15a	Operations conducted and located so as to preclude contamination of milk, milk products, ingredients, containers, equipment and utensils	3
15b	Overflow, spilled and leaked products or ingredients discarded	3
15c	Air and steam used to process products in compliance with Ordinance	3
15d	Approved pesticides, safely used	3
15B	<b>CROSS CONNECTIONS</b>	
15a	No direct connections between pasteurized and raw milk or milk	5

	products.	
15b	No direct connections between milk or milk products and cleaning and/or cleaning solutions	5
16A	<b>PASTEURIZATION-BATCH</b>	
(1)	<b>INDICATING AND RECORDING THERMOMETERS</b>	
16a	Comply with Ordinance specifications	4
(2)	<b>TIME AND TEMPERATURE CONTROLS</b>	
16a	Adequate agitation throughout holding; agitator sufficiently submerged	15
16b	Each pasteurizer equipped with indicating and recording thermometer; bulb submerged	15
16c	Recording thermometer reads no higher than indicating thermometer	15
16d	Product held minimum pasteurization temperature continuously for 30 minutes, plus filling time if product preheated before entering vat, plus emptying time, if cooling is begun after opening outlet	15
16e	No product added after holding begun	15
16f	Airspace above product held at not less than 5.0 F higher than minimum required pasteurization temperature during holding	15
16g	Approved airspace thermometer; bulb not less than 1 inch above product level	15
16h	Inlet and outlet valves and connections in compliance with Ordinance	15
16B	<b>PASTEURIZATION-HIGH TEMPERATURE</b>	
(1)	<b>INDICATING AND RECORDING THERMOMETERS</b>	
16a	Comply with Ordinance specifications	4
(2)	<b>TIME AND TEMPERATURE CONTROLS</b>	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15
16d	Flow promoting devices comply with Ordinance requirements	15
(3)	<b>ADULTERATION CONTROLS</b>	
16a	Satisfactory means to prevent adulteration with added water	3
16C	<b>ASEPTIC PROCESSING</b>	
	<b>Protection from Contamination:</b>	
(1)	<b>INDICATING AND RECORDING THERMOMETERS</b>	
16a	Comply with Ordinance specifications	4
(2)	<b>TIME AND TEMPERATURE CONTROLS</b>	
16a	Flow diversion device complies with Ordinance requirements	15
16b	Recorder-controller complies with Ordinance requirements	15
16c	Holding tube complies with Ordinance requirements	15
16d	Flow promoting devices comply with Ordinance requirements	15

(3)	<b>ADULTERATION CONTROLS</b>	
16a	Satisfactory means to prevent adulteration with added water	3
16D	<b>REGENERATIVE HEATING</b>	
16a	Pasteurized or aseptic product in regenerator automatically under greater pressure than raw product in regenerator at all times	10
16b	Accurate pressure gauges installed as required; booster pump properly identified and installed	10
16c	Regenerator pressures meet Ordinance requirements	10
16E	<b>TEMPERATURE RECORDING CHARTS</b>	
16a	Batch pasteurizer charts comply with applicable Ordinance requirements	4
16b	HTST pasteurizer charts comply with applicable Ordinance requirements	4
16c	Aseptic charts comply with applicable Ordinance requirements	4
17	<b>COOLING OF MILK</b>	
17a	Raw milk maintained at 45 F or less until processed	5
17b	Pasteurized milk and milk products, except those to be cultured, cooled immediately to 45 F or less in approved equipment; all milk and milk products stored thereat until delivered	5
17c	Approved thermometers properly located in all refrigeration rooms and storage tanks	5
17d	Recirculated cooling water from safe source and properly protected; complies with bacteriological standards	5
18	<b>BOTTLING AND PACKAGING</b>	
18a	Performed in plant where contents finally pasteurized	5
18b	Performed in sanitary manner by approved mechanical equipment	5
18c	Aseptic filling in compliance	5
19	<b>CAPPING</b>	
19a	Capping and/or closing performed in sanitary manner by approved mechanical equipment	5
19b	Imperfectly capped/closed products properly handled	5
19c	Caps and closures comply with Ordinance	5
20	<b>PERSONNEL CLEANLINESS</b>	
20a	Hands washed clean before performing plant functions; rewashed when contaminated	1
20b	Clean outer garments and hair covering worn	1
20c	No use of tobacco in processing areas	1
21	<b>VEHICLES</b>	
21a	Vehicles clean; constructed to protect milk	1
21b	No contaminating substances transported	1
22	<b>SURROUNDINGS</b>	
22a	Neat and clean; free of pooled water, harborages and breeding	2

	areas	
22b	Tank unloading areas properly constructed	2
22c	Approved pesticides; used properly	2

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

**NEW SECTION**

**WAC 16-1019-040 How can a degraded dairy farm or milk processing plant operation be regraded?** A producer or processor subject to degrade action for repeat violations must apply on an application provided by the department to have his or her dairy farm or milk processing plant regraded. The application must be signed by the producer or processor and must state that all violations cited on the inspection that caused the degrade have been corrected. Within seven days after receiving a completed application for regrade, the department will reinspect the dairy farm or milk processing plant. If the department determines that all violations cited on the inspection that caused the degrade have been corrected and the degrade period as determined by the director has ended, the department will regrade the dairy farm or milk processing plant operation.

**WSR 96-18-047  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-130—Filed August 29, 1996, 4:05 p.m., effective September 1, 1996, 12:01 a.m.]

Date of Adoption: August 29, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000Z; and amending WAC 220-44-050.

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: These regulations are necessary for conservation and to maintain consistency between state and federal regulations.

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 Nongov-

ernmental 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: September 1, 1996, 12:01 a.m.  
August 29, 1996

Larry Peck  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-44-05000A Coastal bottomfish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. September 1, 1996 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. Two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish

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are not landed until after the beginning of the next two-month cumulative period.

c. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:

a. **Pacific ocean perch** - Two-month cumulative limit of 10,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 50,000 pounds. Effective 12:01 a.m. November 1, 1996, one-month cumulative limit of 25,000 pounds. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.)

(1) North of Cape Lookout and south of Cape Lookout if no declaration has been made - Two-month cumulative limit of 70,000 pounds, of which no more than 20,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish. Effective 12:01 a.m. November 1, 1996, one-month cumulative limit of 35,000 pounds, of which no more than 10,000 pounds may be yellowtail rockfish and no more than 9,000 pounds may be canary rockfish. No minimum size on any species in this category.

(2) South of Cape Lookout - Two-month cumulative limit of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish. Effective 12:01 a.m. November 1, 1996, one-month cumulative limit of 50,000 pounds, of which no more than 35,000 pounds may be yellowtail rockfish and no more than 9,000 pounds may be canary rockfish. No minimum size on any species in this category. In order to deliver higher limits taken below Cape Lookout the licensee must make a declaration as follows:

(a) The declaration must be made at least 12 hours prior to departing from port by telephoning the Department Montesano Office at (360) 249-4628, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(b) The declaration must include: vessel name; federal limited entry permit number; operator's name, phone number and address; anticipated date and port of departure; anticipated date and port of return.

(c) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano Office at 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(d) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano Office during business hours.

1) There is a maximum two-month cumulative limit for landings from both north and south of Cape Lookout of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish. Effective 12:01 a.m. November 1, there is a maximum one-month limit for landings from both north and south of Cape Lookout of 50,000 pounds of which no more than 35,000 pounds may be yellowtail rockfish and not more than 9,000 pounds may be canary rockfish.

2) Wholesale fish dealers purchasing more than 42,000 pounds of *Sebastes* complex, 19,200 pounds of yellowtail rockfish or 10,800 pounds of canary rockfish (60% of two-month cumulative allowances) must enter the declaration number on the fish receiving ticket. Effective 12:01 a.m. November 1, 1996 wholesale dealers purchasing more than 35,000 pounds of *Sebastes* complex, 10,000 pounds of yellowtail rockfish or 9,000 pounds of canary rockfish (one-month cumulative allowances north of Cape Lookout) must enter the number on the fish receiving ticket.

f. **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Two-month cumulative limit of 70,000 pounds, of which not more than 12,000 pounds may be sablefish and not more than 20,000 pounds may be thornyhead rockfish. Of the thornyhead rockfish, not more than 4,000 pounds may be shortspine thornyhead.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight). No minimum size.

(a) Effective noon, September 1, 1996 through noon September 6, 1996 there shall be no vessel trip limit on sablefish, except in any trip no more than 1,500 pounds or

3% of all sablefish on board (whichever is greater) may be less than 22 inches in total length.

(b) Effective noon September 6, 1995 the daily trip limit is 300 pounds (round weight). No minimum size.

(c) Effective noon August 29, 1996 all groundfish fixed gear, both limited entry and open access, must be removed from coastal waters.

(d) Effective noon August 31, 1996 it shall be lawful to set groundfish pot gear.

(e) Effective noon, September 1, 1996 it shall be lawful to set all other groundfish fixed gear.

(f) All non-trawl sablefish landings are prohibited from noon August 29, 1996 through noon September 1, 1996.

(e) A vessel may split a delivery of sablefish taken during the unrestricted fishery into a Puget Sound port after the close of the fishery on September 6 and in excess of the 300 pound trip limit provided that:

(1) The landing is begun and a fish ticket initiated by the close of the fishery at noon, September 6, 1996.

(2) The WDFW Montesano office is contacted by phone at (360) 249-4628 by 5:00 PM September 6, 1996 with the second port of landing, dealer and approximate hail weight of catch to be delivered.

(3) No fishing is conducted between initiating the landing at the first port and delivering to the second port.

(4) the landing at the second (i.e. Puget Sound) port is begun by 6:00 PM on September 7, 1996 (30 hours after the close of the unrestricted fishery).

h. **Pacific Whiting** - No maximum poundage, no minimum size.

i. **Lingcod** - Two-month cumulative limit of 40,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 22 inches taken in the trawl fishery only.

3. Groundfish open access fishery limits. The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(1) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 2100 pounds in any calendar month. No minimum size.

(a) Effective noon August 29, 1996 all groundfish fixed gear, both limited entry and open access, must be removed from coastal waters.

(b) Effective noon August 31, 1996 it shall be lawful to set groundfish pot gear.

(c) Effective noon, September 1, 1996 it shall be lawful to set all other groundfish fixed gear.

(c) All non-trawl sablefish landings are prohibited from noon August 29, 1996 through noon September 1, 1996.

(d) Effective September 1, 1996 daily trip limit of 300 pounds (round weight) not to exceed 2100 pounds in any calendar month. No minimum size.

(2) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 35,000 pounds.

(3) **Lingcod** - cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(4) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

(5) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

(6) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

**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.

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

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

### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September

WAC 220-44-05000Z Coastal bottomfish catch limits (96-112)

**WSR 96-18-048**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)  
(Wildlife)

[Order 96-131—Filed August 29, 1996, 4:06 p.m., effective August 30, 1996, 12:01 a.m.]

Date of Adoption: August 29, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-16000G and 232-28-61900V; and amending WAC 220-57-160 and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080, 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: Recent reductions in Columbia River fall chinook hatchery escapement goals as well as reduced Canadian fisheries, have provided additional harvest opportunity for hatchery chinook.

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 2.

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: August 30, 1996, 12:01 a.m.

August 29, 1996

Larry Peck

for Bern Shanks

Director

#### NEW SECTION

**WAC 220-57-16000G Columbia River.** Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. August 30, 1996 through September 30, 1996 in those waters of the Columbia River downstream from the Megler-Astoria Bridge to the Buoy 10 line the daily bag limit is F - two salmon and it is lawful to use barbed hooks. Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches in length.

#### NEW SECTION

**WAC 232-28-61900V Regional exception to permanent game fish rules.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. August 30, 1996, through September 30, 1996 in those waters of the Columbia River downstream from the Megler-Astoria Bridge to the Buoy 10 line it is lawful to use barbed hooks while fishing for steelhead.

#### REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. September 30, 1996:

WAC 220-57-16000G	Columbia River.
WAC 232-28-61900V	Regional exception to permanent game fish rules.

**WSR 96-18-049  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-132—Filed August 29, 1996, 4:08 p.m.]

Date of Adoption: August 29, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000F; and amending WAC 220-56-190.

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: A harvestable surplus of salmon is available for a recreational fishery in Areas 1, 3 and 4 east of the Bonilla-Tatoosh line. The quotas are projected to be met by the closing dates in Areas 2 and 4.

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.

August 29, 1996

Larry Peck

for Bern Shanks

Director

#### NEW SECTION

**WAC 220-56-19000G Coastal salmon—Saltwater seasons and bag limits.** Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken for personal use from Catch Record Card Areas 1 through 4 except as provided below:

(1) Catch Record Card Area 1 - July 22 through September 26 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore and in the Columbia Control Zone 1. Cumulative limit with area 2 of no more than four salmon in any seven consecutive days.

(2) Catch Record Card Area 2 - July 22 through September 5 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three



miles of shore. Cumulative limit with area 1 of no more than four salmon in any seven consecutive days.

(3) Catch Record Card Area 3 - August 5 through September 26 - Daily limit F except release chinook salmon. Open seven days per week. Closed within three miles of shore.

(4)(a) Catch Record Card Area 4 - August 5 through August 31 Daily limit of one salmon, except release chinook salmon. Closed within three miles of shore south of Skagway Rock.

(4)(b) Catch Record Card Area 4 east of the Bonilla-Tatoosh line - September 1 through September 26 - Daily limit F, except release chinook salmon.

(5)(a) Catch Record Card Area 2-2 (Grays Harbor) waters of the Westport boat basin - August 16 until further notice - Daily limit of six salmon of which no more than 4 may be adults.

(5)(b) Catch Record Card Area 2-2 (Grays Harbor) waters east of the Channel Marker 13 Line - September 16 until further notice - Daily Limit A..

(6) Catch Record Card Area 2-1 (Willapa Bay) - August 16 until further notice - Daily limit of six salmon of which no more than 4 may be adults.

**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.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000F Coastal salmon—Saltwater seasons and bag limits. (96-107)

### WSR 96-18-054 EMERGENCY RULES FOREST PRACTICES BOARD

[Filed August 30, 1996, 11:00 a.m.]

Date of Adoption: August 14, 1996.

Purpose: To modify forest practices rules, in order to protect public resources while maintaining a viable timber industry.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010 and 222-16-080.

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

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 emergency rule provides protection to the marbled murrelet while the Forest Practices Board conducts the permanent rule adoption process. The marbled murrelet was listed as threatened by the United States Fish and Wildlife Service in October 1992 and by the Washington Wildlife Commission in October 1993.

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: Immediately.

August 23, 1996

Jennifer M. Belcher

Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

**WAC 222-16-010 General definitions.\*** Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Commercial tree species"** means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

**"Completion of harvest"** means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

**"Constructed wetlands"** means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

**"Contamination"** means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

**"Conversion option harvest plan"** means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

**"Conversion to a use other than commercial timber operation"** shall mean a bona fide conversion to an active use which is incompatible with timber growing.

**"Cooperative spotted owl habitat enhancement agreement (CHEA)"** see WAC 222-16-100(2).

**"Critical habitat (federal)"** means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

**"Critical nesting season"** means for marbled murrelets - April 1 to August 15.

**"Critical wildlife habitat (state)"** means those habitats designated by the board in accordance with WAC 222-16-080.

**"Cultural resources"** means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

**"Cumulative effects"** means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

**"Daily peak activity"** means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

**"Debris"** means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

**"Demographic support"** means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

**"Department"** means the department of natural resources.

**"Dispersal habitat"** see WAC 222-16-085(2).

**"Dispersal support"** means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

**"Eastern Washington"** means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Erodible soils"** means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hard-stem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

**"Flood level - 50 year."** For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

**"Forest land owner"** shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;

Harvesting, final and intermediate;

Precommercial thinning;

Reforestation;

Fertilization;

Prevention and suppression of diseases and insects;

Salvage of trees; and

Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

**"Forest trees"** excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were

planted and before the land was prepared for planting the trees.

**"Green recruitment trees"** means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

**"Herbicide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

**"Historic site"** includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

**"Identified watershed processes"** means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

**"Insecticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

**"Interdisciplinary team" (ID Team)** means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

**"Islands"** means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

**"Limits of construction"** means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

**"Load bearing portion"** means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

**"Local government entity"** means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

**"Low impact harvest"** means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

**"Median home range circle"** means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

**"Merchantable stand of timber"** means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

**"Northern spotted owl site center"** means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.

Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.

Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

**"Notice to comply"** means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

**"Occupied marbled murrelet site"** means a contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:

- A nest is located; or
- Downy chicks or eggs or egg shells are found; or
- Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- Birds calling from a stationary location within the area; or
- Birds circling above the canopy; or
- A contiguous forested area which is not suitable marbled murrelet habitat in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

The outer perimeter of the occupied site shall be presumed to be the beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat." For sites defined above, it shall be the beginning of any gap

greater than 300 feet wide where one or more of the distinguishing vegetative characteristics important to murrelets is lacking.

The department shall rely upon the department of fish and wildlife for the determination of location of these occupied marbled murrelet sites.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and  
Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"SOSEA goals" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Spotted owl dispersal habitat" see WAC 222-16-085(2).

"Spotted owl special emphasis areas (SOSEA)" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Sub-mature habitat" see WAC 222-16-085 (1)(b).

**"Suitable marbled murrelet habitat"** means a contiguous forested area with all of the following characteristics:

- Within 40 miles of marine waters;
- Containing at least eight trees per acre equal to or greater than 32 inches dbh;
- At least 40% of the trees equal to or greater than 32 inches are Douglas-fir, western hemlock, western red cedar or sitka spruce; and
- Containing at least two nesting platforms per acre. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than seven inches in diameter and 50 feet or more in height above the ground.

**"Suitable spotted owl habitat"** see WAC 222-16-085(1).

**"Threatened or endangered species"** means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

**"Timber"** shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

**"Water bar"** means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

**"Watershed administrative unit (WAU)"** means an area shown on the map specified in WAC 222-22-020(1).

**"Watershed analysis"** means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

**"Weed"** is any plant which tends to overgrow or choke out more desirable vegetation.

**"Western Washington"** means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

**"Wetland"** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

**"Wetland functions"** include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

**"Wetland management zone"** means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

**"Wildlife"** means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of

development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

**"Wildlife reserve trees"** means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

**"Windthrow"** means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

**"Young forest marginal habitat"** see WAC 222-16-085 (1)(b).

**AMENDATORY SECTION** (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

**WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species.** (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of

wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Operation of heavy equipment, during the critical nesting season, within an occupied marbled murrelet site.

(iii) Use of aircraft below 1,300 feet above ground level, during the critical nesting season, over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site.

(iv) Harvesting within a 300 foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of 75 trees per acre greater than 6 inches dbh; provided that 25 of which shall be greater than 12 inches dbh including five trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as an average of 300 feet is maintained.

(v) Blasting and slash burning, during the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vi) Harvesting, road construction, operation of heavy equipment, timber hauling, or use of aircraft below 1,300 feet above ground level, during the daily peak activity periods within the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vii) Marbled murrelet critical wildlife habitat (state) shall not include habitat where a current marbled murrelet survey has been conducted and no use of the suitable marbled murrelet habitat by a bird has been detected. Surveys shall be conducted utilizing a survey protocol which is acceptable to the department of fish and wildlife.

(viii) Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.

(ix) This rule is intended to be interim and shall be changed as necessary, such as upon completion of a state or federal recovery plan for the marbled murrelet or significant new information.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15



days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050 (1)(b)(ii)) for a species if the forest practices are consistent with one of the following proposed for protection of the species:

(a) A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536 (b) or 1539 (a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a

"no-take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;

(b) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); or

(f) A cooperative spotted owl habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-100(2).

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

**WSR 96-18-058**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 96-129—Filed August 30, 1996, 2:55 p.m., effective September 1, 1996, 12:01 a.m.]

Date of Adoption: August 29, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-19100U and 220-56-19500A; and amending WAC 220-56-191 and 220-56-195.

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: As a result of United States/Canada agreement, Canada will reduce its west coast of Vancouver Island troll fishery catch to no more than 1 million coho, in exchange for Washington State Department of Fish and Wildlife's willingness to reduce its harvest of Fraser River sockeye. At least 50% of the west coast Vancouver Island coho savings will be dedicated to increased spawning escapement and the remainder will be utilized to increase coho fishing opportunities. Because additional harvestable coho are projected to reach Catch Record Card Areas 11 and 13 the daily catch limit has been raised to take advantage of this fishing opportunity. Closure of these areas is in accordance with the Pacific Fisheries Management Council, North of Falcon agreement addressing conservation concerns for Strait of Juan de Fuca coho stocks.

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 2.

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: September 1, 1996, 12:01 a.m.  
August 29, 1996

Bern Shanks  
Director

**NEW SECTION**

**WAC 220-56-19100U Puget Sound salmon—Saltwater seasons and daily limits.** Notwithstanding the provisions of WAC 220-56-191, effective September 1, 1996 through October 15, 1996, the daily salmon catch limit for Catch Record Card Areas 11 and 13 is four (4) salmon, no more than two (2) of which may be chinook.

**NEW SECTION**

**WAC 220-56-19500A Closed areas—Saltwater salmon angling.** Notwithstanding the provisions of WAC 220-56-195, effective September 1, 1996 and until further notice, it is unlawful to fish for or possess salmon taken by angling for personal use from the following areas in Catch Record Card areas 4, 5, and 6:

The waters within a 0.25 mile (1320 foot) arc seaward of the mouth of the rivers and creeks listed below:

- Sail River
- Clallam River
- Hoko River
- Lyre River
- Pysht River

- Seiku River
- Twin River(S) East/West
- Deep Creek
- Morse Creek
- Salt Creek

The waters of Sequim Bay south of a line projected from Klapot Point to Washington Harbor.

The waters of Discovery Bay south of a line projected from Beckett Point to a point 0.25 miles north of Eagle Creek.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 15, 1996:

WAC 220-56-19100U Puget Sound salmon—  
Saltwater seasons and  
daily limits.

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 1996:

WAC 220-56-19500A Closed areas—Saltwater  
salmon angling.

**WSR 96-18-072  
EMERGENCY RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS  
[Filed September 3, 1996, 10:55 a.m.]**

Date of Adoption: September 3, 1996.

Purpose: To bring the standards for calculating hours worked by part-time community college faculty for purposes of the teachers' retirement system (TRS) into conformity with similar standards promulgated by the legislature and the Employment Security Department.

Citation of Existing Rules Affected by this Order: Amending WAC 415-112-330.

Statutory Authority for Adoption: RCW 41.50.050.

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: The rules are the product of negotiations between the instructor's union and the community and technical colleges board. The final form of the rules has been approved therefore, by representatives of both labor and management. It is necessary to adopt the rules immediately so that they will be effective when the 1996-97 school year starts. The rules will then be adopted in permanent form under the guidelines of chapter 34.05 RCW. This will ensure that the rules will be in effect and will be applied uniformly beginning with the start of the 1996-97 school year.

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

EMERGENCY

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 1, 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 1, 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 1, amended 1, repealed 0.

Effective Date of Rule: Immediately.

September 3, 1996

Sheryl Wilson

Director

**AMENDATORY SECTION** (Amending WSR 91-21-084, filed 10/18/91, effective 11/18/91)

**WAC 415-112-330 ((Amount of)) Calculating service credit for plan I K-12 employees.** ~~((1) This section shall apply only to persons who became members prior to October 1, 1977.~~

~~((2)) For plan I members who are employed ((as classroom teachers)) by a school district, a school year shall consist of one hundred eighty days. One year of service credit shall be granted to a plan I member who is employed as a classroom teacher for one hundred forty-four or more days during a school year. A fractional year of credit shall be granted to a plan I member who is employed for at least twenty days but less than one hundred forty-four days during a school year. The fraction shall be that produced by using the days employed as the numerator and one hundred eighty as the denominator. ((In the absence of an indication in the contract or elsewhere concerning what constitutes one day of employment))~~

(1) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, a plan I classroom teacher shall be granted one day of credit for every seven hours ((the teacher works and for which the teacher is compensated)) of compensated employment.

~~((3) For members who are employed as community college academic employees as defined by chapter 28B.52 RCW, a school year shall consist of at least three academic quarters or two semesters during a fiscal year. Academic employees shall be granted one full year of service credit for eighty percent of the full-time annual load as defined in their institution's negotiated agreement. In the absence of a definition of full-time annual load in the agreement, the official board adopted college policy will apply. Percents of load of at least eleven percent (reported as not less than twenty days per fiscal year) and less than eighty percent (reported as eighty percent of the individual college academic calendar or one hundred thirty four days per fiscal year, whichever is greater) will be applied pro rata. Percent of load will be converted to days for institution reporting and for retirement benefit calculation purposes. Nonacademic employees will have their service credit reported and benefits calculated based on actual days worked. Where there is no~~

~~definition of full-time load in either the collective bargaining agreement or the official board adopted college policy, service credit will be calculated pursuant to subsections (4) and (5) of this section.~~

~~(4) For members who are employed as community college classroom instructors, a school year shall consist of at least three academic quarters or two semesters during a fiscal year. Such a classroom instructor shall be granted one year of service credit for teaching thirty-six quarter hours or twenty-four semester hours. A fractional year of credit shall be granted to such instructors who teach at least five but less than thirty-six quarter hours, or at least three but less than twenty-four semester hours. The fraction shall be that produced by using the quarter hours taught as the numerator and forty-five as the denominator, or the semester hours taught as the numerator and thirty as the denominator.~~

~~(5) Members who are not employed as classroom instructors and who are employed for one hundred forty-four or more days during a fiscal year shall be granted one year of service credit. A fractional year of credit shall be granted to a member who is employed for at least twenty days but less than one hundred forty-four days. The credit granted shall be the fraction produced by using the days employed as the numerator and one hundred eighty as the denominator. Where there is no indication in the contract or elsewhere concerning what constitutes one day of employment,))~~

(2) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, plan I K-12 employees other than school district classroom teachers will earn one day of credit ((shall be granted)) for every eight hours ((the member works and for which the member is)) of compensated ((: Provided, That counselors and librarians who are employed by a community college district in an instructional position as defined in RCW 41.32.010 (11)(a)(ii) and paid on an hourly rate shall be granted one day of credit for every seven hours the member works and for which the member is compensated.

~~(6) The fact that a member is granted a fractional year of service credit under this section shall not be determinative as to whether that member was employed less than full-time in a year used to determine benefits under RCW 41.32.497, 41.32.498, and 41.32.520, for purposes of determining whether the member held a bona fide part-time position and what earnable compensation the member would have received under RCW 41.32.014)) employment.~~

#### NEW SECTION

**WAC 415-112-335 Calculating service credit for part-time community and technical college employees.** Most community and technical colleges employ academic employees under contracts expressed in terms of a certain number of contact hours, which are usually limited to actual time spent in the classroom. Most academic positions require more time to be spent providing services to the college than are reflected in the contact hours. However, actual hours worked are not submitted by the academic employees nor recorded by the college. This subsection adopts a method for estimating hours of work in order to determine membership eligibility and service credit in plan I and plan II. This estimate is to be used solely for that purpose. The estimate is not a representation by the depart-

ment of actual hours worked and is not to be used as a basis for calculating other benefits or salary for technical college and community college academic employees.

(1) **Plan I.** In order to estimate the number of days worked by a TRS I technical college or community college faculty academic employee for a particular month, the college will:

(a) Determine the number of working days in the month as defined by the college's adopted academic calendar;

(b) Determine the part-time workload for the employee. The part-time workload is the percentage of the part-time employees' weekly in-class teaching hours to the weekly in-class teaching hours required of a full-time instructor in that employee's discipline at the college; and

(c) Multiply the number of working days in the month by the academic employee's part-time workload.

The resulting number is an estimate of days worked by the academic employee during the month. The college will report this estimate to the department for the sole purpose of determining plan I service credit and/or membership eligibility.

(2) **Plan II.** Determining service credit for plan II requires the college to estimate hours worked rather than days worked. To estimate hours worked, the college uses the steps described in subsection (1) of this section and takes two additional steps:

(a) Determine the number of hours in a full-time work day. In the absence of a definition of the number of hours in a full-time work day in the collective bargaining agreement or elsewhere, the college will use seven hours;

(b) Multiply the estimated days worked as determined in subsection (1) of this section by the number of hours in a full-time work day.

The resulting number is an estimate of hours worked by the academic employee during the month. The college will report this estimate to the department for the sole purpose of determining plan II service credit and/or membership eligibility.

(3) **Definitions.** "In-class teaching hours" means contact classroom and lab hours in which full-time or part-time academic employees are performing contractually assigned teaching duties. The in-class teaching hours shall not include any duties performed in support of, or in addition to, those contractually assigned in-class teaching hours.

**WSR 96-18-083**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 96-144—Filed September 3, 1996, 3:35 p.m.]

Date of Adoption: August 30, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-57A-097.

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: A harvestable number of chinook salmon are available. There is insufficient time to promulgate a permanent rule.

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.

August 30, 1996  
Larry W. Peck  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-57A-09700B Long Lake (Spokane County)**  
Effective immediately until further notice landlocked lake rules apply in Long Lake in Spokane County.

**WSR 96-18-103**  
**EMERGENCY RULES**  
**SECRETARY OF STATE**  
[Filed September 4, 1996, 10:18 a.m.]

Date of Adoption: September 4, 1996.

Purpose: To provide alternative procedures for handling unsigned absentee ballots, and to repeal requirements rendered obsolete by new legislation.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 434-40-310.

Statutory Authority for Adoption: RCW 29.36.150.

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: These rules provide uniform administrative procedures for processing certain absentee ballots and eliminate conflicting provisions in other regulations. The amended regulations need to be in effect in advance of the state primary on September 17.

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 1, amended 0, repealed 1.

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.

September 4, 1996

Donald F. Whiting

Assistant Secretary of State

NEW SECTION

**WAC 434-40-235 Unsigned affidavit.** (1) If the voter neglects to sign the affidavit on the return envelope, the auditor shall notify the voter, either by telephone or by first class mail, of that fact. The auditor may:

(a) Require the voter to appear in person and sign the return envelope not later than the day before certification of the primary or election; or

(b) Provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before certification of the primary or election.

(2) The auditor shall advise the voter about the correct procedures for completing the unsigned affidavit and that, in order for the ballot to be counted, the voter must either:

(a) Sign the copy of the return envelope affidavit, if one is provided by the auditor, and mail it back to the auditor so that it arrives not later than the day before certification of the primary or election; or

(b) Appear in person at the auditor's office not later than the day before certification of the primary or election and complete the affidavit on the return envelope.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-40-310 Absentee ballot—Credit for having voted.

EMERGENCY

WSR 96-17-025
COMMISSION ON
JUDICIAL CONDUCT
[Filed August 13, 1996, 3:12 p.m.]

Following is a copy of the commission's procedural rules which are designated as Commission on Judicial Conduct Rules of Procedure (CJCRP). The rules have been formatted in a manner similar to court rules and were adopted by the commission at its business meeting on August 9, 1996.

The rules provide for an effective date of September 18, 1996.

David Akana
Executive Director

THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

IN THE MATTER OF THE ADOPTION ) NO. 96-001
OF THE RULES OF PROCEDURE ) ORDER

Pursuant to Article IV, Section 31 of the Washington State Constitution, the Commission on Judicial Conduct determined that the proposed Rules of Procedure (CJCRP) will aid in the prompt and orderly administration of justice, and further, that the rules adopted on April 6, 1990 designated as Washington Administrative Code, Chapters 292-08 and 292-12 WAC should be repealed. Therefore, it is

ORDERED:

- (a) That the amendments to the rules of procedure and for confidentiality as attached hereto are adopted.
(b) That the rules adopted on April 6, 1990 designated as Washington Administrative Code, Chapters 292-08 and 292-12 WAC are repealed effective September 18, 1996.
(c) That the amendments will be published and become effective upon the effective date of the repeal of Washington Administrative Code, Chapters 292-08 and 292-12 WAC.
DATED this 9th day of August, 1996.

COMMISSION ON JUDICIAL CONDUCT
Margo Keller

Table with 2 columns: Name and Signature. Rows include G. Douglas Ferguson, Pam T. Praeger, K. Collins Sprague, Steven E. Brown, and William E. Howard.

PREFACE

Pursuant to Article IV, Section 31 of the Washington State Constitution the Commission on Judicial Conduct adopted rules on April 6, 1990 designated as Washington Administrative Code, Chapters 292-08 and 292-12 WAC, and on August 9, 1996 has repealed such rules effective on September 18, 1996, and adopted the following rules of procedure and for confidentiality, effective on September 18, 1996.

COMMISSION ON JUDICIAL CONDUCT
RULES OF PROCEDURE (CJCRP)

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## PREAMBLE

The regulation of judicial conduct is critical to preserving the integrity of the judiciary and enhancing public confidence in the judicial system. Such regulation should provide a fair and reasonable process for the handling of complaints and inquiries about members of the judiciary concerning their conduct and ability to perform judicial duties.

These rules are adopted pursuant to Washington State Constitution, Article IV, Section 31. The rules balance a number of competing interests: The public interest that complaints against judges are given serious consideration and that judges are held to high standards of behavior; the rights of judges to fair treatment in the disposition of complaints against them; the interest of judges and complainants in the confidentiality of complaints; the public interest in encouraging participation in the disciplinary process by protecting complainants and witnesses from retribution or harassment; and the interest of the judges and the public in having judicial disciplinary complaints resolved promptly and accurately.

All proceedings before the commission on judicial conduct involving judges as defined in these rules shall proceed exclusively under the rules set forth in this chapter.

## TERMINOLOGY

**Definitions.** In these rules: "Admonishment" means a written action of the commission of an advisory nature that cautions a respondent not to engage in certain proscribed behavior. An admonishment may include a requirement that the respondent follow a specified corrective course of action. Admonishment is the least severe disciplinary action the commission can issue.

"Censure" means a written action of the commission that requires a respondent to appear personally before the commission and that finds that conduct of the respondent violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in

the administration of justice, and may or may not require a recommendation to the supreme court that the respondent be suspended (with or without pay) or removed. A censure shall include a requirement that the respondent follow a specified corrective course of action. Censure is the most severe disciplinary action the commission can issue.

"Chair" means one of the members elected by the commission to perform the duties of the chair and includes the acting chair.

"Commission" means the commission on judicial conduct.

"Commission counsel" means the legal advisor for the commission.

"Complaint" means information in any form from any source received by the commission that alleges or from which a reasonable inference can be drawn that a judge committed misconduct or is incapacitated. If there is no written complaint from another person, the investigator's written statement of the allegations constitutes the complaint.

"Disability" means "incapacity."

"Discipline" includes admonishment, reprimand, censure, censure with recommendation for suspension, censure with recommendation for removal, and any other sanction the commission is authorized to impose.

"Disciplinary counsel" means a lawyer retained by the commission to investigate and/or to represent the commission in designated proceedings.

"Documentary evidence" means any business record, public record, handwriting, typewriting, printing, Photostatting, 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, drawings, charts, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

"Fact-Finder" means the commission, or at the discretion of the commission, a subcommittee of the commission or a master appointed by the commission. The fact-finder shall compile the evidentiary record upon which the commission shall base its decision.

"Hearing" means a public proceeding at which the issues of law and fact are tried before the commission.

"Incapacity" means any physical, mental, or emotional condition from which a respondent suffers which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties. As used in these rules, "incapacity" shall have the same meaning as "disability" in Washington State Constitution, Article IV, Section 31.

"Investigation" means an inquiry, including a search for and examination of evidence concerning allegations, divided into two stages: Preliminary investigation conducted after receipt of the complaint and initial proceedings conducted after authorization from the commission.

"Investigative officer" means a person or persons employed or retained by the commission who investigates and reports the findings to the commission.

"Judge" means those officers of a judicial system who perform judicial functions and who are subject to the Code of Judicial Conduct, such as justices of the supreme court, judges of the court of appeals, judges of the superior court,

judges of any court organized under Titles 3, 35, or 35A RCW, judges pro tempore, court commissioners, and magistrates. The term includes full-time and part-time judges and judges who have been or have not been admitted to the practice of law in Washington.

"Medical privilege" shall refer to any confidential, privileged communication between respondent and any health care provider recognized by law.

"Meeting" includes a regular meeting or a special meeting. Business meetings are subject to the Open Public Meetings Act, chapter 42.30 RCW. Investigations, initial proceedings, public hearings, and executive sessions involving the discipline or retirement of a judge are governed by Article IV, Section 31, of the state Constitution and are exempt from chapter 42.30 RCW.

"Member" means a member of the commission and includes alternates acting as members during a member's disqualification or inability to serve.

"Misconduct" means any conduct by a respondent constituting grounds for discipline.

"Party" means the respondent or the commission as the context suggests.

"Public member" means a member of the commission who is neither a lawyer nor a judge.

"Record" means the formal statement of charges and all documents filed thereafter in a proceeding including the verbatim report of the hearing on the statement of charges if a verbatim report has been prepared.

"Reprimand" means a written action of the commission that requires a respondent to appear personally before the commission and that finds that the conduct of the respondent is a violation of the Code of Judicial Conduct and does not require censure or a recommendation to the supreme court that the respondent be suspended or removed. A reprimand shall include a requirement that the respondent follow a specified corrective course of action. Reprimand is an intermediate level of disciplinary action the commission can issue.

"Respondent" means the judge or former judge who is the subject of a complaint or statement of charges.

"Statement of charges" means the formal charges of judicial misconduct or incapacity, including any amendment thereto, filed by the commission upon a determination of probable cause.

## SECTION I. ORGANIZATION AND STRUCTURE

### RULE 1 DISCIPLINARY AUTHORITY

The disciplinary authority of the commission extends to every judge subject to the Washington State Constitution, Article IV, Section 31, and the Code of Judicial Conduct.

### RULE 2 THE COMMISSION ON JUDICIAL CONDUCT.

(a) **Purpose.** The commission on judicial conduct administers the judicial discipline and incapacity provisions of the Washington State Constitution, Article IV, Section 31.

#### (b) Jurisdiction.

(1) **Judges.** The commission has jurisdiction over judges regarding allegations of misconduct occurring prior to or during service as a judge and regarding allegations of incapacity during service as a judge.

(2) **Former judges.** The commission has continuing jurisdiction over former judges regarding allegations of misconduct occurring prior to or during service as a judge.

## RULE 3 ORGANIZATION AND AUTHORITY OF THE COMMISSION.

(a) **Meetings.** Meetings shall be scheduled as necessary. The commission shall meet periodically as determined by the commission to consider administrative and other matters. The chair may call meetings of the commission other than regularly scheduled meetings upon the chair's own motion; the chair shall call a meeting upon the written request of three members of the commission. Business meetings may be conducted by telephone conference calls or other telecommunications means within the provisions of the Open Public Meetings Act, whereby each participant in the meeting can simultaneously hear the others and further, whereby at least one site, identified by proper notice, shall provide the capability for members of the public to hear the conference. Other meetings and executive sessions may be conducted by telephone conference calls.

(b) **Officers.** The commission shall elect one of its members to serve as chair, another to serve as vice-chair, and another to serve as secretary for such terms as the commission shall determine. The vice-chair shall perform the duties of the chair whenever the chair is absent or unable to act.

(c) **Quorum.** Six members of the commission shall constitute a quorum for the transaction of business.

A vote of six members of the commission shall be required to adopt rules.

A finding of probable cause shall require the concurrence of six members of the commission.

The concurrence of six members of the commission shall be required to make a decision in a proceeding.

The chair will arrange for an alternate member selected by the appropriate appointing authority to serve in the place of a member whenever a member is disqualified or unable to serve. The alternate member so called upon shall have all the authority of a member of the commission during the time the member is unable to serve.

(d) **Powers and duties.** The duty and authority of the commission shall include but not be limited to:

(1) Adopting rules of procedure for discipline and incapacity proceedings;

(2) Appointing commission counsel;

(3) Employing an executive director and other staff;

(4) Appointing investigative officers;

(5) Retaining disciplinary counsel;

(6) Reviewing the recommendation of the investigative officer and/or disciplinary counsel after screening and a preliminary investigation, and either authorizing a full investigation of a complaint against a respondent in initial proceedings or dismissing the complaint;

(7) Reviewing the findings of the investigative officer and/or disciplinary counsel after a full investigation of a complaint against a respondent in initial proceedings and dismissing the matter, making a finding of probable cause, or, after making a finding of probable cause, instructing disciplinary counsel to file a statement of charges;

(8) Ruling on prehearing motions, conducting hearings on a statement of charges, and making findings, conclusions, and a decision;

(9) Where appropriate, making recommendations to the supreme court for discipline pursuant to Rule 24; or

(10) Dismissing the case.

**(e) Recusal.**

(1) A member of the commission should disqualify himself or herself if his or her impartiality might reasonably be questioned because of a conflict of interest or personal bias or prejudice.

(2) Respondent may file an affidavit challenging for cause any member who respondent believes cannot impartially consider the statement of charges. The affidavit must be filed within seven days after service of the notice of hearing identifying those members assigned to conduct the hearing. The commission chair, or vice-chair, will decide any challenge for cause if the member does not disqualify himself or herself.

**RULE 4 Investigative officer.**

**(a) Appointment.** The commission may appoint one or more full-time or part-time investigative officers.

**(b) Powers and duties.** The duty and authority of the investigative officer shall include but not be limited to:

(1) Receiving and screening complaints, referring complainants to other agencies when appropriate, conducting preliminary investigations, recommending to the commission, and upon authorization, conducting full investigations, notifying complainants about the status and disposition of their complaints, and making recommendations to the commission on the disposition of complaints after full investigation;

(2) Maintaining permanent records of the investigative and subsequent proceedings set forth in (1) of this subsection; and

(3) Performing other duties at the direction of the commission.

**RULE 5 COMMISSION COUNSEL.**

**(a) Appointment.** The commission may appoint a commission counsel to assist the commission.

**(b) Powers and duties.** The commission may delegate functions to the commission counsel, including but not limited to the duty and authority to:

(1) Advising the commission during its deliberations and drafting decisions, orders, reports and other documents;

(2) Employing and supervising other staff necessary to the performance of the commission's duties;

(3) Performing other duties at the direction of the commission.

**SECTION II. GENERAL PROVISIONS**

**RULE 6 DISCIPLINE.**

**(a) Grounds.** Any conduct which violates the Code of Judicial Conduct is grounds for discipline which shall be issued or administered in open session.

**(b) Discipline.** The commission shall have the authority to:

(1) Admonish;

(2) Reprimand;

(3) Censure;

(4) Censure and recommend to the supreme court the suspension of the respondent with or without pay;

(5) Censure and recommend to the supreme court the removal of the respondent; and

(6) Impose any other sanction the commission is authorized to administer.

The vote of any member of the commission to impose a particular disciplinary action shall be deemed an assent to impose all lesser disciplinary actions.

**(c) Mitigating/aggravating factors.** Whenever the commission finds grounds for discipline, it shall consider the following nonexclusive factors in determining the appropriate discipline to be ordered:

(1) Whether the misconduct is an isolated instance or evidence of a pattern of conduct;

(2) The nature, extent, and frequency of occurrence of the acts of misconduct;

(3) Whether the misconduct occurred in or out of the courtroom;

(4) Whether the misconduct occurred in the judge's official capacity or in the judge's private life;

(5) Whether the judge has acknowledged or recognized that the acts occurred;

(6) Whether the judge has evidenced an effort to change or modify the conduct;

(7) The judge's length of service on the bench;

(8) Whether there has been prior public disciplinary action concerning the judge;

(9) The effect the misconduct has upon the integrity of and respect for the judiciary;

(10) The extent to which the judge exploited the judicial position to satisfy personal desires; and

(11) Whether the judge cooperated with the commission investigation and proceeding.

**RULE 7 PROOF.**

Findings of violations of the Code of Judicial Conduct or incapacity shall be based upon clear, cogent, and convincing evidence.

**RULE 8 CIVIL RULES APPLICABLE.**

Except as otherwise provided in these rules, the rules of evidence applicable to civil proceedings and the rules of civil procedure shall apply in all public proceedings under these rules.

**RULE 9 RIGHT TO COUNSEL.**

Respondent may retain counsel and have assistance of counsel at his or her own expense. Appearance of counsel constitutes an appearance by respondent.

**RULE 10 EX PARTE CONTACTS.**

Following filing of a statement of charges, members of the commission shall not engage in ex parte communications regarding a case with respondent, respondent's counsel, disciplinary counsel, or any witness, except that staff may communicate with disciplinary counsel and others as required to perform their duties in accordance with these rules.

**RULE 11 CONFIDENTIALITY.**

**(a) Proceedings.**

MISCELLANEOUS



(1) Prior to the filing of a statement of charges, all proceedings shall be confidential except as provided in Rule 17(c).

(2) After the filing of a statement of charges, all subsequent proceedings shall be public except as may be provided by protective order. The statement of charges alleging judicial misconduct or incapacity shall be available for public inspection. The records of the initial proceedings that formed the basis of a finding of probable cause shall become public on the first day of the hearing. The hearing before the commission shall be open to the public; however, all deliberations of the commission in reaching a decision on the statement of charges shall be confidential.

**(b) Information.**

(1) Prior to the filing of a statement of charges, all information relating to a complaint shall be held confidential by the commission, disciplinary counsel, and staff, except that the commission may disclose information:

(A) When the commission has determined that there is a need to notify another person or agency in order to protect the public or the administration of justice; or

(B) Upon waiver in writing by respondent:

(i) If public statements that charges are pending before the commission are substantially unfair to respondent; or

(ii) If respondent is publicly associated with violating a rule of judicial conduct or with having an incapacity, and the commission, after a preliminary investigation, has determined there is no basis for further proceedings or for a recommendation of discipline or retirement.

(2) Except as provided in these rules, the fact that a complaint has been made, or a statement has been given to the commission, and all papers and matters submitted to the commission together with the investigation and initial proceedings conducted pursuant to these rules, shall be confidential. Any person providing information to the commission shall not disclose the existence of such investigation to a third party before the commission files a statement of charges, or the complaint is dismissed. However, the person filing a complaint or giving a statement to the commission is not prohibited by these rules from informing any third party, or the public generally, of the factual basis upon which a complaint is based, or a statement is given.

(3) The commission may inform a complainant or potential witness when respondent is first given notice of misconduct or incapacity allegations.

The name of the respondent, in the discretion of the commission, shall not be used in written communication to the complainant.

(4) Disciplinary counsel's work product and records of the commission's deliberations shall not be disclosed.

(5) Investigative files and records prior to the date of the filing of the statement of charges shall not be disclosed unless they formed the basis for probable cause. Those records of the initial proceeding that were the basis of a finding of probable cause shall become public as of the date of the fact-finding hearing.

(6) Informal action taken by the commission prior to May 5, 1989, when amended rules were adopted eliminating private informal dispositions, may, in the commission's discretion, be disclosed to the Washington State Bar Association, American Bar Association, a judicial authority, any judicial appointive, selection or confirmation authority, or to

law enforcement agencies, when required in the interests of justice, or to maintain confidence in the selection of judges or administration of the judiciary. The person to whom the information relates shall be informed of any information released.

(7) Unless otherwise permitted by these rules, or from public documents, or from a public hearing, no person shall disclose information obtained by that person during commission proceedings or from papers filed with the commission. Any person violating confidentiality rules may be subject to a proceeding for contempt in superior court.

**RULE 12 [RESERVED]**

**RULE 13 SERVICE.**

(a) Service of papers on the commission in any matter concerning a respondent shall be given by delivering or mailing the papers to the commission's office.

(b) If service is by mail, service shall be deemed complete three days after posting with the U.S. Mail, postage prepaid.

(c) All documents may be filed with the commission via facsimile machine. However, filing will not be deemed accomplished unless the following procedures are strictly observed:

(1) A facsimile document will be stamped "filed" by the commission only between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be "filed" on the following business day. The facsimile copy shall constitute the original document for all purposes.

(2) All transmissions are sent at the risk of the sender.

(d) Service of the statement of charges in any disciplinary or incapacity proceeding shall be made by personal service upon a respondent.

**RULE 14 SUBPOENA POWER.**

(a) **Oaths.** Oaths and affirmations may be administered by any member of the commission or any other person authorized by law.

(b) **Subpoenas for investigation, deposition, or hearing.** The commission may summon and examine witnesses or delegate the power to disciplinary counsel or an investigative officer to examine such witnesses and compel the production and examination of papers, books, accounts, documents, records, certificates, and other evidence for the determination of any issue before, or the discharge of any duty, of the commission. All subpoenas shall be signed by a member of the commission. Following service of the statement of charges, a respondent has a right to issuance of subpoenas for the attendance of witnesses to testify or produce evidentiary matters for hearing or permitted discovery.

(c) **Enforcement of subpoenas.** The commission may bring action to enforce a subpoena in the superior court of any county in which the hearing or proceeding is conducted or in which the person resides or is found.

(d) **Quashing subpoena.** Any motion to quash a subpoena so issued shall be heard and determined by the commission or its presiding officer.

(e) **Service, witnesses, fees.** Subpoenas shall be served and witnesses reimbursed in the manner provided in civil

cases in superior court. Expenses of witnesses shall be borne by the party calling them.

**RULE 15 [RESERVED]**

**RULE 16 NOTIFICATION TO COMPLAINANT OF FINAL DISPOSITION.**

The commission shall notify the complainant in writing of the final disposition of a proceeding under these rules.

**SECTION III. DISCIPLINARY PROCEEDINGS**

**RULE 17 SCREENING AND INVESTIGATION.**

(a) **General.** An investigative officer employed by the commission will conduct the investigation aided by disciplinary counsel if deemed appropriate by the commission.

(b) **Screening.**

(1) Any named or anonymous organization, association, or person, including a member of the commission or staff, may make a complaint of judicial misconduct or incapacity to the commission. A complaint may be made orally or in writing.

(2) The investigative officer shall evaluate all complaints to determine whether:

(A) The person against whom the allegations are made is a judge subject to the disciplinary authority of the commission; and either

(B) The facts alleged, if true, would constitute misconduct or incapacity; or

(C) The investigative officer has grounds to believe that upon further inquiry such facts might be discovered. If not, the investigative officer shall recommend to the commission to dismiss the matter or, if appropriate, refer the complainant to another agency.

(c) **Notice of complaint to respondent.** With the approval of the commission, the investigative officer may notify respondent that a complaint has been received and may disclose the name of the individual making the complaint.

(d) **Preliminary investigation.**

(1) Upon receipt of a complaint, the investigative officer shall make a prompt, discreet, preliminary investigation and evaluation. Failure of a person making the complaint to supply requested additional information may result in dismissal of that complaint. The investigative officer may interview witnesses and examine evidence to determine whether grounds exist to believe the allegations of complaints. No subpoena shall be issued to obtain testimony or evidence until authorized by a member of the commission. The investigative officer will assemble documentary evidence, declarations, sworn statements, and affidavits of witnesses for consideration by the commission. The investigative officer shall recommend to the commission that it authorize a full investigation when there is evidence supporting the allegations against a respondent. The investigative officer may recommend a full investigation when there are grounds to believe that evidence supporting the allegations could be obtained by subpoena or further investigation. Where there are no such grounds, the matter shall be dismissed. Where there is a basis to proceed, the commission will forward those supporting records into the initial proceedings.

(2) If the complaint alleges that a respondent is suffering a possible physical and/or mental incapacity which may

seriously impair the performance of judicial duties, or is exhibiting conduct which may be the result of such incapacity, the commission may order a respondent to submit to physical and/or mental examinations conducted at commission expense by a practitioner or health care provider selected by the commission. The failure or refusal of a respondent to submit to physical and/or mental examinations ordered by the commission may, in the discretion of the commission, preclude respondent from presenting the results of other physical and/or mental examinations on his or her behalf.

(3) Upon determination of the commission to commence initial proceedings, it shall direct the investigative officer to file a statement of allegations setting forth the nature of the complaint with sufficient specificity to permit a response.

(e) **Initial proceedings.**

(1) The respondent who is the subject of initial proceedings will be provided with a copy of the statement of allegations and shall be given a reasonable opportunity to respond.

(2) Within twenty-one days after the service of the notice to respondent, respondent may file a written response with the investigative officer. The proceedings will not be delayed if there is no response or an insufficient response.

(3) If the commission determines that probable cause exists that respondent has violated a rule of judicial conduct or may be suffering from an incapacity, it shall order the filing of a statement of charges.

(4) **Disposition after initial proceedings.** The commission shall:

(A) Dismiss the case;

(B) Stay the proceedings; or

(C) Find that probable cause exists that respondent has violated a rule of judicial conduct or may be suffering from an incapacity that seriously interferes with the performance of judicial duties and is permanent or likely to become permanent. Upon such a finding of probable cause, the commission shall identify the records of the initial proceedings that are the basis for the finding and order the service and filing of a statement of charges.

(5) If the commission determines that there are insufficient grounds for further commission proceedings, the respondent and the person making the complaint will be so notified.

**RULE 18 [RESERVED]**

**RULE 19 STATEMENT OF CHARGES.**

(a) **General.** The statement of charges shall give fair and adequate notice of the nature of the alleged misconduct or incapacity. The statement of charges shall be filed at the commission's offices and a copy of the statement of charges shall be served upon respondent with proof of service filed at the commission.

(b) **Amendments to statement of charges or answer.** The commission, at any time prior to its decision, may allow or require amendments to the statement of charges or the answer. The statement of charges may be amended to conform to the proof or set forth additional facts, whether occurring before or after the commencement of the hearing. Except for amendments to conform to the proof by evidence admitted without objection at a hearing, if an amendment substantially affects the nature of the charges, respondent

will be given reasonable time to answer the amendment and prepare and present a defense against the new matter raised.

#### RULE 20 ANSWER.

(a) **Time.** Respondent shall file a written answer with the commission and serve a copy on disciplinary counsel within twenty-one days after service of the statement of charges, unless the time is extended by the commission.

(b) **Waiver of privilege.** The raising of a mental or physical condition by respondent as a defense constitutes a waiver of respondent's medical confidentiality privilege.

#### RULE 21 FAILURE TO ANSWER/FAILURE TO APPEAR.

(a) **Failure to answer.** Failure to answer the formal charges shall constitute an admission of the factual allegations. In the event respondent fails to answer within the prescribed time, the statement of charges shall be deemed admitted. The commission shall proceed to determine the appropriate discipline.

(b) **Failure to appear.** If respondent fails to appear when ordered to do so by the commission, respondent shall be deemed to have admitted the factual allegations which were to be the subject of such appearance and to have conceded the merits of any motion or recommendations to be considered at such appearance. Absent good cause, the commission shall not continue or delay proceedings because of respondent's failure to appear.

#### RULE 22 DISCLOSURE AND DISCOVERY.

##### (a) Disclosure.

(1) **Required disclosure.** Within fourteen days after the filing of the answer, disciplinary counsel shall disclose to respondent or respondent's lawyer the records identified by the commission pursuant to Rule 17 (e)(4)(C).

(2) Upon written demand after the time for filing an answer has expired, the commission and respondent will each disclose within fourteen days thereof, or such additional time as the commission may allow, with a continuing obligation of disclosure thereafter, the following:

(A) Names and addresses of all witnesses whose testimony that party expects to offer at the hearing;

(B) A brief summary of the expected testimony of each witness;

(C) Copies of signed or electronically or stenographically recorded statements of anticipated witnesses; and

(D) Copies of documentary evidence which may be offered.

(3) Witnesses or documentary evidence not disclosed may be excluded from evidence.

##### (b) Discovery following statement of charges.

(1) The taking of depositions, the requests for admissions, and all other discovery procedures authorized by Rules 26 through 37 of the Superior Court Civil Rules are available only upon stipulation or prior permission of the presiding officer upon a showing of good cause.

(2) Absent good cause, all discovery shall be completed within sixty days of the filing of the answer.

(3) Disputes concerning discovery shall be determined by the commission or presiding officer before whom the matter is pending. These decisions of the commission may not be appealed before the entry of the final order.

#### RULE 23 STIPULATIONS.

(a) **Approval.** At any time prior to the final disposition of a proceeding, respondent may stipulate to any or all of the allegations or charges in exchange for a stated discipline. The stipulation shall set forth all material facts relating to the proceeding and the conduct of respondent. The stipulation may impose any terms and conditions deemed appropriate by the commission, and shall be signed by respondent and disciplinary counsel. The agreement shall be submitted to the commission, which shall either approve or reject the agreement. If the stipulation is rejected by the commission, the stipulation shall be deemed withdrawn and cannot be used by or against respondent in any proceedings.

(b) **Order of discipline.** If the commission accepts the agreement, it shall enter the order disciplining respondent in an open session.

#### RULE 24 HEARING.

(a) **Scheduling.** Upon receipt of respondent's answer or upon expiration of the time to answer, the commission shall schedule a public hearing and notify disciplinary counsel and respondent of the date, time, and place of the hearing. Respondent will be provided at least fourteen days notice of hearing, which will also include the name or names of the commission members and the presiding officer, if any.

##### (b) Conduct of hearing.

(1) All testimony shall be under oath.

(2) Disciplinary counsel shall present the case in support of the statement of charges.

(3) Disciplinary counsel may call respondent as a witness.

(4) Both parties shall be permitted to present evidence and produce and cross-examine witnesses.

(5) The hearing shall be recorded verbatim. Whenever a transcript is requested by respondent, disciplinary counsel, or a member of the commission, a transcript of the hearing shall be produced at the requesting party's expense.

(6) Respondent's compliance with an opinion by the ethics advisory committee shall be considered by the commission as evidence of good faith.

(7) Counsel may recommend and argue for a discipline appropriate to the misconduct supported by the evidence, including argument on aggravating and mitigating factors.

(8) Disciplinary counsel and respondent may submit their respective proposed findings, conclusions, and recommendations for discipline or order of dismissal to the commission.

(9) Where a member of the commission has not heard the evidence, that member shall not participate in any deliberations or decisions until he or she personally considers the whole record, or portion of the hearing from which that member was absent.

(10) At least six members, or their alternates, must continually be present during presentation of testimony at the hearing.

(c) **Dismissal or recommendation for discipline.** The commission shall dismiss the case, discipline respondent, or in the case of incapacity, recommend to the supreme court the retirement of respondent.

(d) **Submission of the report.** After the hearing, the commission shall file the record of the proceeding and a decision setting forth written findings of fact, conclusions of

law, any minority opinions, and the order, within ninety days following the evidentiary hearing or after the filing of the transcript if one is requested, unless the presiding officer extends the time. A copy of the decision shall be served upon respondent.

(e) **Motion for reconsideration.** The commission decision is final fourteen days after service unless a motion for reconsideration is filed. A motion for reconsideration, if filed, shall be specific and detailed, with appropriate citations to the record and legal authority. The motion will be decided without oral argument unless requested by the commission. If the motion for reconsideration is denied, the decision is final when the order denying the motion is filed. If the motion for reconsideration is granted, the reconsidered decision is final when filed in the commission's office.

#### RULE 25 REVIEW BY SUPREME COURT.

(a) Within thirty days after the commission admonishes, reprimands, or censures a respondent, the respondent shall have a right of appeal de novo to the supreme court.

(b) Within fourteen days after the decision is final, a commission decision recommending the suspension, removal, or retirement of a respondent will be filed in the supreme court and served on the respondent. The notice of the decision served on respondent shall state the date the decision was filed in the supreme court and shall specify the period during which respondent may challenge the commission recommendation as provided in the *Discipline Rules for Judges*.

(c) If the commission recommendation is that respondent be removed, respondent shall be suspended, with salary (as provided by the Constitution), from that judicial position effective upon filing the recommendation with the supreme court; such suspension with pay will remain in effect until a final determination is made by the supreme court.

(d) The commission shall transmit to respondent those portions of the record required by the *Discipline Rules for Judges* or these rules, and shall certify the record of the commission proceedings to the supreme court.

(e) If the supreme court remands a case, the commission will proceed in accordance with the order on remand.

#### RULE 26 [RESERVED]

#### SECTION IV. SPECIAL PROCEEDINGS

#### RULE 27 CASES INVOLVING ALLEGATIONS OF MENTAL OR PHYSICAL INCAPACITY.

(a) **Initiation of incapacity proceeding.** An incapacity proceeding can be initiated by complaint, by a claim of inability to defend in a disciplinary proceeding, or by an order of involuntary commitment or adjudication of incompetency.

(b) **Proceedings to determine incapacity generally.** All incapacity proceedings shall be conducted in accordance with the procedures for disciplinary proceedings, except:

(1) The purpose of the incapacity proceedings shall be to determine whether respondent suffers from an incapacity which is permanent or likely to become permanent and which seriously interferes with respondent's ability to perform judicial duties;

(2) If the commission concludes that respondent suffers from an incapacity, it shall recommend retirement of respondent;

(3) If it appears to the commission at any time during the proceedings that respondent is not competent to act, or if it has been previously judicially determined that respondent is not competent to act, the commission will appoint a guardian ad litem for respondent unless respondent already has a guardian who will represent respondent's interests. In the appointment of a guardian ad litem, consideration may be given to the wishes of the members of respondent's immediate family. The guardian or guardian ad litem may claim and exercise any right and privilege, including without limit retaining counsel, and make any defense for respondent which respondent could have claimed, exercised, or made if competent. Any notice to be served on respondent will also be served on the guardian or guardian ad litem.

(c) **Waiver.** The raising of mental or physical condition as a defense to or in mitigation of a statement of charges constitutes a waiver of medical privilege.

#### (d) Stipulated disposition.

(1) The commission shall designate one or more qualified medical, psychiatric, psychological or other experts to examine respondent prior to the hearing on the matter. The expert or experts shall report to the commission and the parties.

(2) After receipt of the examination report, disciplinary counsel and respondent may agree upon proposed findings of fact, conclusions, and order. The stipulated disposition shall be submitted to the commission for a recommendation to the supreme court. The final decision on the recommendation shall be made by the court.

(3) If the stipulated disposition is rejected by the court, it shall be deemed withdrawn and cannot be used by or against respondent in any proceedings.

#### (e) Reinstatement from incapacity status.

(1) No respondent retired based upon an incapacity proceeding may resume active status except by order of the supreme court.

(2) Any respondent retired based upon an incapacity proceeding shall be entitled to petition for reinstatement of eligibility.

(3) Upon the filing of a petition for reinstatement of eligibility, the commission may take or direct whatever action it deems necessary or proper to determine whether the incapacity has been removed, including a direction for an examination of respondent by or through qualified medical, psychological, or other experts, or qualified program or referral, designated by the commission.

(4) With the filing of a petition for reinstatement of eligibility, respondent shall be required to disclose the name of each qualified medical, psychological, or other expert, or qualified program or referral whom or in which respondent has been examined or treated since the transfer to retirement status. Respondent shall furnish to the commission written consent to the release of information and records relating to the incapacity if requested by the commission or commission-appointed medical or psychological experts.

#### RULE 28 REINSTATEMENT OF ELIGIBILITY.

A respondent whose eligibility for judicial office had been removed by the supreme court, or by resignation and order of closure in a proceeding before the commission, may file with the commission a petition for reinstatement of eligibility. The petition shall set forth the age, residence and

address of the petitioner, the date of removal by the supreme court, or resignation and order of closure in the proceeding before the commission, and a concise statement of facts claimed to justify reinstatement.

The commission may refer the petition to the investigative officer for investigation of the character and fitness of the respondent to be eligible for holding judicial office. The investigative officer may seek and consider any information that may relate to the issues of character and fitness or the reinstatement.

Respondent shall make an affirmative showing by clear, cogent, and convincing evidence, that reinstatement will not be detrimental to the integrity and standing of the judiciary and the administration of justice, or be contrary to the public interest.

The commission will recommend to the supreme court in writing that the respondent should or should not be reinstated to eligibility to hold judicial office as provided by these rules and the *Discipline Rules for Judges*. The commission will provide a copy of the recommendation to respondent or respondent's lawyer.

The respondent shall be responsible, and shall make adequate provision, for payment of all costs and reasonable attorneys fees in these proceedings as determined by the commission.

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

**WSR 96-18-011**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 (Board of Natural Resources)  
 [Memorandum—August 20, 1996]

The Board of Natural Resources has scheduled a second meeting in the month of October. This meeting is scheduled for October 8, 1996. The location will be the Natural Resources Building, Olympia, Washington, Room 172.

**WSR 96-18-012**  
**OFFICE OF THE GOVERNOR**  
 [Filed August 22, 1996, 4:01 p.m.]

**Notification of Petition to Repeal or Amend a Rule**  
 (Notification to the Code Reviser)

Under RCW 34.05.330(3), a petitioner, within thirty days of denial by an agency, may appeal the denial to the governor. The governor is then required to immediately file notice of the appeal with the code reviser for publication in the Washington Register.

Name of Petitioner: Teresa Tangney-Kennedy.

Date Petition Received: August 16, 1996.

Agency: Department of Transportation.

WAC Rule/Subject Matter: WAC 468-300-210 Transporting hazardous materials on Washington state ferries.

Basis of Appeal: (1) The rule is not authorized; (2) the rule is not needed; (3) the rule conflicts with or duplicates

other federal, state or local law; (4) alternatives to the rule exist that serve the same purpose at less cost; (5) rule applies differently to the public and private entities; (6) rule does not serve the purpose for which it was adopted; (7) costs imposed by the rule are unreasonable; and (8) rule is not clearly or simply stated.

Required Response Date: September 30, 1996.

**WSR 96-18-013**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Board of Registration for Architects)  
 [Memorandum—August 21, 1996]

REVISED 1996 SCHEDULE OF REGULAR BOARD MEETINGS  
 BOARD OF REGISTRATION FOR ARCHITECTS

Meeting Date	Location	Time
November 15	Wyndham Garden Hotel 18118 Pacific Highway South International Drive Highway 99 SeaTac, WA	9:00 a.m.

CHANGED TO:

November 14	Hyatt Regency Bellevue At Bellevue Place 900 Bellevue Way Northeast Bellevue, WA	9:00 a.m.
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The Department of Licensing has a policy of providing equal access to its services. If you need special accommodation, please call (360) 586-8935 or TDD (360) 586-2788.

**WSR 96-18-015**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1996 No. 14**  
 [August 16, 1996]

**ELECTIONS - SECRETARY OF STATE - COUNTY AUDITORS - VOTER REGISTRATION - AUTHORITY OF STATE TO ACCEPT FEDERAL POSTCARD FORM FOR VOTER REGISTRATION AND ABSENTEE VOTER STATUS.**

1. Election officials may accept, as an application for permanent voter registration in the state of Washington, the Federal Post Card Application (FPCA) form developed by the federal government under the Uniformed and Overseas Citizens Absentee Voting Act; acceptance of the form is not mandatory, and the Secretary of State may adopt reasonable regulations governing voter registration requirements.
2. The Federal Post Card Application (FPCA) form may be treated by election officials as an application for ongoing absentee voter status as set forth in RCW 29.36.013.
3. The Secretary of State can prescribe reasonable regulations and policies on the forms used and the information included for voter registration purposes in Washington.

MISCELLANEOUS

Requested by:

The Honorable Ralph Munro  
 Secretary of State  
 P.O. Box 40232  
 Olympia, Washington 98504-0232

**WSR 96-18-016**  
**NOTICE OF PUBLIC MEETINGS**  
**CLEMENCY AND PARDONS BOARD**

[Memorandum—August 22, 1996]

The Washington State Clemency and Pardons Board hereby files with the Code Reviser the following change to its meeting schedule: The September 6, 1996, Clemency and Pardons Board meeting has been canceled.

**WSR 96-18-020**  
**NOTICE OF PUBLIC MEETINGS**  
**PIERCE COLLEGE**

[Memorandum—August 23, 1996]

The board of trustees of Pierce College, Community College District No. 11, will hold a special board meeting on Tuesday, August 27, 1996, at 6:00 p.m. at Mitzel's American Kitchen, 7805 South Hosmer, Tacoma, WA.

The board will move into executive session to study the relationship between Pierce College board of trustees and the foundation board.

No board action will be taken during this SPECIAL BOARD MEETING.

**WSR 96-18-026**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC WORKS BOARD**

[Memorandum—August 22, 1996]

**NOTICE OF MEETING LOCATION CHANGE**

The Public Works Board regular meeting scheduled for 8:30 a.m., September 10, 1996, in the city of SeaTac has been moved.

The meeting will be handled by conference call. Persons wishing to participate and/or monitor the meeting may do so by appearing at the office of Pete Butkus in the northeast corner of the third floor, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., Olympia, WA.

**WSR 96-18-033**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**

[Memorandum—August 27, 1996]

The Washington State Library Commission will hold the following meetings as listed below:

**WASHINGTON STATE LIBRARY (WSL) COMMISSION BRIEFING MEETING**

DATE: Thursday, September 12, 1996  
 TIME: 7:00 p.m.  
 LOCATION: FNW Steak House  
 (509) 493-1801  
 White Salmon, Washington

**WASHINGTON STATE LIBRARY COMMISSION QUARTERLY MEETING**

DATE: Friday, September 13, 1996  
 TIME: 10:00 a.m.  
 LOCATION: Stevenson Public Library  
 120 N.W. Vancouver Avenue  
 Stevenson, WA  
 (509) 427-5471

For additional information, please do not hesitate to contact Cathy M. Stussy at (360) 753-2914, FAX (360) 586-7575 or e-mail [cstussy@wln.com](mailto:cstussy@wln.com).

**WSR 96-18-034**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**

[Memorandum—August 19, 1996]

Following are the dates and locations for the 1997 board of regents' meetings:

January 24, 1997	Pullman
March 14, 1997	Pullman
May 9, 1997	Pullman
June 27, 1997	Location to be determined
September 5, 1997	Pullman
November 21, 1997	Seattle

**WSR 96-18-036**  
**POLICY AND INTERPRETIVE STATEMENT**  
**EMPLOYMENT SECURITY**  
**DEPARTMENT**

[Filed August 28, 1996, 4:56 p.m.]

Subject: Reemployment Services for UI Claimants: Provides policies and procedures information to Employment Security Department service delivery staff statewide. Specifically, the provision of reemployment services to new unemployment insurance (UI) claimants identified by the profiling system as being most likely to exhaust their regular UI benefits.

To receive a copy of the policies and procedures document contact Carl G. Mackey, Jr., Employment and Training Division, Employment Security Department, P.O. Box 9046, Mailstop 6000, Olympia, WA 98507-9046, phone (360) 438-4016, TTY (360) 438-3167, FAX (360) 438-4014.

Gary Moore  
 Commissioner

MISCELLANEOUS

**WSR 96-18-050**  
**ATTORNEY GENERAL'S OFFICE**

[Filed August 29, 1996, 4:10 p.m.]

**NOTICE OF REQUEST FOR**  
**ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by September 25, 1996. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by September 25, 1996, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

**96-08-05 Request by:**  
**Bruce Miyahara, Secretary,**  
**Department of Health**  
**Mary Riveland, Director,**  
**Department of Ecology**

Questions regarding the implementation by the Department of Health and the Department of Ecology of the provisions of RCW 90.03.383 for interties between public water systems.

**WSR 96-18-052**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed August 30, 1996, 10:31 a.m.]

Document Title: Manual F, Chapter 38.  
 Subject: Retroactive V medical certification.  
 Effective Date: September 1, 1996.

Document Description: V medical can be certified retroactively up to three months before the month of application, using the same certification procedures as for CN medical.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical

Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

August 26, 1996  
 Steven Wish, Section Head  
 Division of Client Services

**WSR 96-18-057**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**

[Memorandum—August 26, 1996]

The Seattle Community College District board of trustees will have a work session in the North Star Dining Room at 4:30 p.m., a reception to honor Emeriti recipients in the Coordinated Studies Room at 5:30 p.m., and the regular board meeting in the President's Board Room at 6:00 p.m.

The meetings will be held at North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

**WSR 96-18-068**  
**CONVENTION AND TRADE**  
**CENTER**

[Filed September 3, 1996, 10:10 a.m.]

**NOTICE OF AVAILABILITY**  
**WSCTC FINAL ENVIRONMENTAL IMPACT STATEMENT**

The final environmental impact statement (FEIS) for the proposed expansion of the Washington State Convention and Trade Center (WSCTC) will be available as of September 3, 1996.

The proposed action is the expansion of the existing WSCTC in downtown Seattle by the addition of between 250,000 and 310,000 gross square feet of floor area. This expanded area would include between 100,000 and 125,000 square feet of heavy-load exhibition space. The remainder of the gross square footage would include meeting rooms, prefunction areas, support areas, mechanical equipment rooms, and lobby areas.

The EIS discusses two build alternatives, the north alternative and the east alternative, in addition to the no-action alternative. There are two development components that would occur under either of the build alternatives:

- Development of the vacant parcel (corner parcel) on the corner of 7th Avenue and Pike Street which is presently owned by WSCTC; and
- The transfer of the management of the 565 space city-owned freeway park garage to the WSCTC, enabling the coordination of its use with WSCTC events.

The two build alternatives and the no-action alternative, were evaluated in the DEIS. Two public workshops/hearings were conducted and written comments were submitted. After review of the DEIS and the comments received during and after the public meetings, the WSCTC board of directors

identified the north alternative as the preferred alternative for the expansion of the WSCTC.

After September 10, 1996, the board of directors may select either of the build alternatives, or the no-action alternative. If one of the build alternatives is selected, land acquisition, detailed design and permitting will proceed on the selected alternative. The expansion would be open in fall, 2000.

A limited number of the complete FEIS are available for check-out at the WSCTC offices at the address below. Additional copies of the complete document may be purchased at Kinko's in the WSCTC Galleria, Level 1. Copies are also available for review at the downtown Seattle Public Library, 1000 4th Avenue, and at the Henry Public Library, 425 Harvard Avenue East on Capitol Hill.

Washington State Convention & Trade Center  
Administrative Offices - Level 5  
800 Convention Place  
Seattle, WA 98101

Contact Linda Willanger, (206) 447-5107

### WSR 96-18-069

#### OFFICE OF THE GOVERNOR

[Filed September 3, 1996, 10:12 a.m.]

Executive Response to  
Petition to Repeal or Amend a Rule  
(Notification to the Code Reviser)

Enclosed herewith is a copy of the governor's response to the Petition to Repeal or Amend a Rule pursuant to RCW 34.05.330(3).

Name of Petitioner: Mary Floyd.  
Date Petition Received: July 19, 1996.  
Agency: Department of Health.  
Comments:

August 30, 1996

Dear Ms. Floyd

Subject: Appeal of the Department of Health's Denial of Petition, RCW 34.05.330(2)

This letter responds to your appeal of the Department of Health's decision, which denied your petition relating to an agency rule on certification requirements for affiliate sex offender treatment providers.

Under Chapter 18.155 of the Revised Code of Washington (RCW), certain sex offender treatment providers must be certified by the department. As you know, this certification requirement only applies to therapists who evaluate and treat convicted sex offenders sentenced to a special sentencing alternative and allowed to remain in the community for treatment purposes. The legislature recognized the significant role that these offenders' therapists play in ensuring that the offenders do not jeopardize public safety. Consequently, the legislature's concern about the unregulated practices of the treatment providers resulted in the creation of a certification program for these therapists.

The department denied your request to amend Washington Administrative Code (WAC) 246-930-050(1). This provision provides that, in order to be eligible to take the state examination, applicants for affiliate certification must possess a master's or a doctoral degree in social work, psychology, counseling, or educational psychology. Prior to July 1, 1995, the requirement was less stringent; applicants with a bachelor's degree in any of these fields plus 2,000 hours of professional experience were eligible to take the exam. As the department's decision letter indicated, this rule change does promote the legislative intent to regulate sex offender treatment providers by setting minimal qualifications and competency standards.

Additionally, the department complied with the Administrative Procedure Act (APA) when it proposed and adopted the higher academic standard. The public notification requirements were satisfied when the department published the proposed change in the state register and sent copies to its roster of interested parties. Unfortunately the department was not able to identify all potential applicants, such as yourself, who may have been interested in the proposed change in academic requirements. However, this does not invalidate the notification process and the subsequent adoption of the higher standard.

Finally, while I appreciate your concerns, I cannot agree that the current certification requirements are a "restraint of trade" and discriminatory against public employees. Any standard which establishes minimal licensing or certification requirements will have some restraining effects. That is what regulation does. With respect to your discrimination concern, this relates to the department's notification procedures regarding the rule change. Because the affected parties would have been private therapists, as opposed to public employees, the notification efforts were focused on the private sector. This is not an improper method of getting information to those most likely to be impacted. Again, it should be noted that the department did comply with the public comment requirements of the APA.

I know you are disappointed that your application for affiliate certification has been delayed because of the change in academic requirements. Nonetheless, I must deny your appeal. The department's decision with regards to your petition was correct and appropriate.

I wish you success in your academic and professional pursuits.

Sincerely,

Mike Lowry  
Governor

Distribution: Secretary of the Senate; Chief Clerk, House of Representatives; Agency; Citizen's Response Unit; and Executive Policy Office.



**WSR 96-18-070**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Barley Commission)  
 [Memorandum—August 30, 1996]

The Washington Barley Commission's September 26, 1996, regular meeting has been rescheduled. The meeting will now be held on September 25, 1996. The meeting will begin at the previously scheduled time which is 9 a.m. and will be held at the Washington Wheat Commission's Conference Room, 907 West Riverside Avenue, Spokane, WA.

**WSR 96-18-071**  
**NOTICE OF PUBLIC MEETINGS**  
**PIERCE COLLEGE**  
 [Memorandum—August 30, 1996]

The board of trustees of Community College District Number Eleven (Pierce College) would like to cancel the upcoming regular board meeting:

Meeting Date/Location	Time	Change to:
September 11, 1996 Fort Steilacoom	12:30 p.m.	CANCEL

**WSR 96-18-076**  
**OFFICE OF**  
**MANUFACTURED HOUSING**  
 [Filed September 3, 1996, 11:43 a.m.]

**Notice of Public Hearing**  
**On-Site Plumbing in Manufactured Homes**

As required by the Joint Administrative Rules Review Committee (JARRC) and the Administrative Procedure Act, Washington Community, Trade and Economic Development (CTED) will conduct a hearing to offer the general public an opportunity to testify in person or in writing concerning whether the section on plumbing installation in the manufactured home installer training and certification manual for Washington state is within legislative intent.

**Background:** CTED's manufactured home installer training manual states that only a certified plumber or the home owner may complete drainage piping where drain pipe, fittings, supports and cement are shipped loose with instructions for assembly, and detailed assembly is required on site. This language was included in the manual at the request of the Department of Labor and Industries, and reflects that department's policy.

After hearing testimony on July 16, 1996, the Joint Administrative Rules Review Committee found that the legislature, when it passed the manufactured housing installer certification statute (codified as chapter 43.63B RCW) intended manufactured home installation to cover all plumbing connections necessary for the installation of a manufactured home.

The committee relied in its decision on portions of two statutes:

RCW 43.63B.010(6), the state installer certification statute enacted in 1994 and administered by CTED, defines "Mobile or manufactured home installation" as "all on-site work necessary for the installation of a manufactured home, including: ...(e) Connections to the on-site water and sewer systems that are necessary for the normal operation of the home...."

Chapter 18.106 RCW, the state plumbing statute enacted in 1973 and administered by the Department of Labor and Industries, defines plumbing as "that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building..." and provides that no individual may engage in plumbing without a plumbing certificate or permit.

The JARRC found that the installer certification statute was more specific, and therefore superseded the plumbing statute. The JARRC also found that the installer certification statute provided authority for the installers to perform all on-site work necessary, with no limiting or exclusionary language.

**Hearing Information:** The hearing will be held on Thursday, October 17, 1996, beginning at 6:00 p.m., in Olympia at the General Administration Building Auditorium, 11th and Columbia Street, Main Floor, across the street from the Capitol campus.

At the hearing, CTED will accept oral and written testimony concerning whether the language of the manual is within legislative intent. Written testimony will continue to be accepted until 5:00 p.m., October 24, 1996.

Testimony may be Mailed to: Washington State Department of Community, Trade and Economic Development, P.O. Box 48300, Olympia, WA 98504-8300, Attn: Nancy Hanna.

The street address in Olympia for delivering written testimony is 9th and Columbia Street, Housing Services, 4th Floor. If testimony is ten pages or less, it may be faxed to Nancy Hanna at (360) 586-5880. If you have questions about the hearing, would like more information, or require special accommodations, contact Nancy Hanna at (360) 586-2169.

**WSR 96-18-088**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Filed September 4, 1996, 9:00 a.m.]

Document Title: #96-78 - Numbered Memorandum.

Subject: Further clarification of third-party liability instructions, drug utilization review instructions, and the refill too soon edit.

Effective Date: October 1, 1996.

Document Description: This is a numbered memorandum clarifying and superseding memorandas 96-11, 96-14, and Medical News Bulletin 7/96 #1. It includes clarification of

MISCELLANEOUS

third-party liability instructions, drug utilization review instructions, and the refill too soon edit.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98513, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

August 28, 1996  
 Steven Wish, Section Head  
 Division of Client Services

October 10-11, 1997	Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055
November 14-15, 1997	Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055
December 12-13, 1997	Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055

**WSR 96-18-097**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Examining Board of Psychology)  
 [Memorandum—August 16, 1996]

The following is a list of 1997 meeting dates for the Examining Board of Psychology.

January 10-11, 1997	Oral Examinations Sea-Tac Holiday Inn 17338 International Boulevard SeaTac, WA 98188
February 14-15, 1997	Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055
March 14-15, 1997	Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055
April 11-12, 1997	Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055
May 9-10, 1997	Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055
June 13-14, 1997	Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055
July 11-12, 1997	Oral Examinations Sea-Tac Holiday Inn 17338 International Boulevard SeaTac, WA 98188
August	No meeting
September 12-13, 1997	Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055

**WSR 96-18-098**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed September 4, 1996, 9:21 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

**Title of Policy:** Interim Policy on Elimination of State Law Examination And Applicant Certification.

**Issuing Entity:** Board of Nursing Home Administrators.

**Subject Matter:** The Board of Nursing Home Administrators eliminated its Washington state law examination. The National Association of Boards of Examiners for Nursing Home Administrators examination is the sole testing vehicle. Applicants must submit a certification attesting that they know and understand state statutes and rules.

**Effective Date:** August 9, 1996.

**Contact Person:** Barbara Hayes, Program Manager  
 Department of Health  
 Board of Nursing Home Administrators  
 P.O. Box 47869  
 Olympia, WA 98504-7869  
 (360) 664-3245

**WSR 96-18-099**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed September 4, 1996, 9:22 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

**Title of Policy:** License Numbers - Not Available by Telephone 6.1.

**Issuing Entity:** Department of Health, Board of Physical Therapy.

**Subject Matter:** License numbers will not be provided by phone but should be requested from the board in writing. This helps to ensure that therapists wait until they have a current license in hand before practicing.

**Effective Date:** July 13, 1996.

MISCELLANEOUS

Contact Person: Carol Neva, Program Manager  
Department of Health  
Board of Physical Therapy  
1300 S.E. Quince Street  
P.O. Box 47868  
Olympia, WA 98504-7868  
(360) 753-3132

**WSR 96-18-100**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
[Filed September 4, 1996, 9:23 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Renewal Questionnaire - Affirmative Responses 6.2.

Issuing Entity: Department of Health, Board of Physical Therapy.

Subject Matter: Allows the board chair to direct appropriate action when staff receive a renewal application containing an affirmative response to a personal data question.

Effective Date: July 13, 1996.

Contact Person: Carol Neva, Program Manager  
Department of Health  
Board of Physical Therapy  
1300 S.E. Quince Street  
P.O. Box 47868  
Olympia, WA 98504-7868  
(360) 753-3132

MISCELLANEOUS



**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

**Suffixes:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited repeal

Note: These filings will appear in a special section of Issue 96-14

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 #
4-25-530	PREP	96-05-081	12-10-230	PREP-X	96-13-023	12-10-440	REP	96-17-078
4-25-530	AMD-P	96-09-065	12-10-230	REP	96-17-078	12-10-442	PREP-X	96-13-023
4-25-530	AMD	96-12-060	12-10-240	PREP-X	96-13-023	12-10-442	REP	96-17-078
4-25-722	PREP	96-05-082	12-10-240	REP	96-17-078	12-10-444	PREP-X	96-13-023
4-25-722	AMD-P	96-09-064	12-10-245	PREP-X	96-13-023	12-10-444	REP	96-17-078
4-25-722	AMD	96-12-062	12-10-245	REP	96-17-078	12-10-450	PREP-X	96-13-023
4-25-750	PREP	96-05-083	12-10-260	PREP-X	96-13-023	12-10-450	REP	96-17-078
4-25-750	AMD-P	96-09-066	12-10-260	REP	96-17-078	12-10-455	PREP-X	96-13-023
4-25-750	AMD	96-12-061	12-10-270	PREP-X	96-13-023	12-10-455	REP	96-17-078
4-25-810	PREP	96-05-084	12-10-270	REP	96-17-078	12-10-460	PREP-X	96-13-023
4-25-810	PREP-W	96-10-027	12-10-300	PREP-X	96-13-023	12-10-460	REP	96-17-078
12-10-010	PREP-X	96-13-023	12-10-300	REP	96-17-078	12-10-465	PREP-X	96-13-023
12-10-010	REP	96-17-078	12-10-305	PREP-X	96-13-023	12-10-465	REP	96-17-078
12-10-020	PREP-X	96-13-023	12-10-305	REP	96-17-078	12-10-470	PREP-X	96-13-023
12-10-020	REP	96-17-078	12-10-310	PREP-X	96-13-023	12-10-470	REP	96-17-078
12-10-025	PREP-X	96-13-023	12-10-310	REP	96-17-078	12-10-480	PREP-X	96-13-023
12-10-025	REP	96-17-078	12-10-320	PREP-X	96-13-023	12-10-480	REP	96-17-078
12-10-030	PREP-X	96-13-023	12-10-320	REP	96-17-078	12-10-485	PREP-X	96-13-023
12-10-030	REP	96-17-078	12-10-330	PREP-X	96-13-023	12-10-485	REP	96-17-078
12-10-035	PREP-X	96-13-023	12-10-330	REP	96-17-078	12-10-490	PREP-X	96-13-023
12-10-035	REP	96-17-078	12-10-340	PREP-X	96-13-023	12-10-490	REP	96-17-078
12-10-040	PREP-X	96-13-023	12-10-340	REP	96-17-078	12-10-495	PREP-X	96-13-023
12-10-040	REP	96-17-078	12-10-345	PREP-X	96-13-023	12-10-495	REP	96-17-078
12-10-050	PREP-X	96-13-023	12-10-345	REP	96-17-078	12-10-500	PREP-X	96-13-023
12-10-050	REP	96-17-078	12-10-350	PREP-X	96-13-023	12-10-500	REP	96-17-078
12-10-055	PREP-X	96-13-023	12-10-350	REP	96-17-078	12-10-510	PREP-X	96-13-023
12-10-055	REP	96-17-078	12-10-355	PREP-X	96-13-023	12-10-510	REP	96-17-078
12-10-060	PREP-X	96-13-023	12-10-355	REP	96-17-078	12-10-520	PREP-X	96-13-023
12-10-060	REP	96-17-078	12-10-360	PREP-X	96-13-023	12-10-520	REP	96-17-078
12-10-100	PREP-X	96-13-023	12-10-360	REP	96-17-078	12-10-530	PREP-X	96-13-023
12-10-100	REP	96-17-078	12-10-365	PREP-X	96-13-023	12-10-530	REP	96-17-078
12-10-160	PREP-X	96-13-023	12-10-365	REP	96-17-078	12-10-535	PREP-X	96-13-023
12-10-160	REP	96-17-078	12-10-370	PREP-X	96-13-023	12-10-535	REP	96-17-078
12-10-170	PREP-X	96-13-023	12-10-370	REP	96-17-078	12-10-540	PREP-X	96-13-023
12-10-170	REP	96-17-078	12-10-375	PREP-X	96-13-023	12-10-540	REP	96-17-078
12-10-180	PREP-X	96-13-023	12-10-375	REP	96-17-078	12-10-545	PREP-X	96-13-023
12-10-180	REP	96-17-078	12-10-390	PREP-X	96-13-023	12-10-545	REP	96-17-078
12-10-190	PREP-X	96-13-023	12-10-390	REP	96-17-078	12-10-550	PREP-X	96-13-023
12-10-190	REP	96-17-078	12-10-400	PREP-X	96-13-023	12-10-550	REP	96-17-078
12-10-200	PREP-X	96-13-023	12-10-400	REP	96-17-078	12-10-570	PREP-X	96-13-023
12-10-200	REP	96-17-078	12-10-405	PREP-X	96-13-023	12-10-570	REP	96-17-078
12-10-203	PREP-X	96-13-023	12-10-405	REP	96-17-078	12-10-580	PREP-X	96-13-023
12-10-203	REP	96-17-078	12-10-410	PREP-X	96-13-023	12-10-580	REP	96-17-078
12-10-205	PREP-X	96-13-023	12-10-410	REP	96-17-078	12-10-600	PREP-X	96-13-023
12-10-205	REP	96-17-078	12-10-420	PREP-X	96-13-023	12-10-600	REP	96-17-078
12-10-210	PREP-X	96-13-023	12-10-420	REP	96-17-078	12-10-650	PREP-X	96-13-023
12-10-210	REP	96-17-078	12-10-425	PREP-X	96-13-023	12-10-650	REP	96-17-078
12-10-215	PREP-X	96-13-023	12-10-425	REP	96-17-078	12-10-652	PREP-X	96-13-023
12-10-215	REP	96-17-078	12-10-440	PREP-X	96-13-023	12-10-652	REP	96-17-078

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
12-10-660	PREP-X	96-13-023	12-24-145	DECOD-P	96-14-024	16-05-001	NEW	96-13-082
12-10-660	REP	96-17-078	12-24-145	DECOD	96-17-018	16-05-005	NEW-P	96-10-080
12-10-690	PREP-X	96-13-023	12-24-150	DECOD-P	96-14-024	16-05-005	NEW	96-13-082
12-10-690	REP	96-17-078	12-24-150	DECOD	96-17-018	16-05-010	NEW-P	96-10-080
12-10-695	PREP-X	96-13-023	12-24-155	DECOD-P	96-14-024	16-05-010	NEW	96-13-082
12-10-695	REP	96-17-078	12-24-155	DECOD	96-17-018	16-05-015	NEW-P	96-10-080
12-10-700	PREP-X	96-13-023	12-24-160	DECOD-P	96-14-024	16-05-015	NEW	96-13-082
12-10-700	REP	96-17-078	12-24-160	DECOD	96-17-018	16-05-020	NEW-P	96-10-080
12-10-710	PREP-X	96-13-023	12-24-165	DECOD-P	96-14-024	16-05-020	NEW	96-13-082
12-10-710	REP	96-17-078	12-24-165	DECOD	96-17-018	16-05-025	NEW-P	96-10-080
12-10-800	PREP-X	96-13-023	12-24-170	DECOD-P	96-14-024	16-05-025	NEW	96-13-082
12-10-800	REP	96-17-078	12-24-170	DECOD	96-17-018	16-05-030	NEW-P	96-10-080
12-10-810	PREP-X	96-13-023	12-24-175	DECOD-P	96-14-024	16-05-030	NEW	96-13-082
12-10-810	REP	96-17-078	12-24-175	DECOD	96-17-018	16-05-035	NEW-P	96-10-080
12-10-820	PREP-X	96-13-023	12-24-180	DECOD-P	96-14-024	16-05-035	NEW	96-13-082
12-10-820	REP	96-17-078	12-24-180	DECOD	96-17-018	16-05-035	NEW	96-13-082
12-10-830	PREP-X	96-13-023	12-24-185	DECOD-P	96-14-024	16-05-040	NEW-P	96-10-080
12-10-830	REP	96-17-078	12-24-185	DECOD	96-17-018	16-05-040	NEW	96-13-082
12-10-840	PREP-X	96-13-023	12-24-190	DECOD-P	96-14-024	16-05-045	NEW-P	96-10-080
12-10-840	REP	96-17-078	12-24-190	DECOD	96-17-018	16-05-045	NEW	96-13-082
12-10-900	PREP-X	96-13-023	12-24-195	DECOD-P	96-14-024	16-06-010	REP-P	96-06-082
12-10-900	REP	96-17-078	12-24-195	DECOD	96-17-018	16-06-010	REP-C	96-11-119
12-18-001	DECOD-P	96-14-024	12-24-200	DECOD-P	96-14-024	16-06-010	REP	96-14-086
12-18-001	DECOD	96-17-018	12-24-200	DECOD	96-17-018	16-06-020	REP-P	96-06-082
12-18-010	DECOD-P	96-14-024	12-24-205	DECOD-P	96-14-024	16-06-020	REP-C	96-11-119
12-18-010	DECOD	96-17-018	12-24-205	DECOD	96-17-018	16-06-020	REP	96-14-086
12-18-020	PREP	96-10-041	12-24-210	DECOD-P	96-14-024	16-06-020	REP-P	96-06-082
12-18-020	AMD-P	96-14-024	12-24-210	DECOD	96-17-018	16-06-030	REP-C	96-11-119
12-18-020	DECOD-P	96-14-024	12-24-215	DECOD-P	96-14-024	16-06-030	REP	96-14-086
12-18-020	AMD	96-17-018	12-24-215	DECOD	96-17-018	16-06-030	REP-P	96-06-082
12-18-020	DECOD	96-17-018	12-24-215	DECOD	96-17-018	16-06-040	REP-C	96-11-119
12-18-030	DECOD-P	96-14-024	12-24-350	DECOD-P	96-14-024	16-06-040	REP	96-14-086
12-18-030	DECOD	96-17-018	12-24-350	DECOD	96-17-018	16-06-040	REP-P	96-06-082
12-18-040	DECOD-P	96-14-024	12-24-360	DECOD-P	96-14-024	16-06-050	REP-C	96-11-119
12-18-040	DECOD	96-17-018	12-24-360	DECOD	96-17-018	16-06-050	REP	96-14-086
12-18-050	DECOD-P	96-14-024	12-24-370	DECOD-P	96-14-024	16-06-060	REP-P	96-06-082
12-18-050	DECOD	96-17-018	12-24-370	DECOD	96-17-018	16-06-060	REP-C	96-11-119
12-19-010	DECOD-P	96-14-024	12-24-380	DECOD-P	96-14-024	16-06-060	REP	96-14-086
12-19-010	DECOD	96-17-018	12-24-380	DECOD	96-17-018	16-06-060	REP-P	96-06-082
12-20-050	DECOD-P	96-14-024	12-40-010	DECOD-P	96-14-024	16-06-070	REP-C	96-11-119
12-20-050	DECOD	96-17-018	12-40-010	DECOD	96-17-018	16-06-070	REP	96-14-086
12-24-002	DECOD-P	96-14-024	12-40-020	DECOD-P	96-14-024	16-06-070	REP-P	96-06-082
12-24-002	DECOD	96-17-018	12-40-020	DECOD	96-17-018	16-06-080	REP-C	96-11-119
12-24-005	DECOD-P	96-14-024	12-40-030	DECOD-P	96-14-024	16-06-080	REP	96-14-086
12-24-005	DECOD	96-17-018	12-40-030	DECOD	96-17-018	16-06-080	REP-P	96-06-082
12-24-025	DECOD-P	96-14-024	12-40-040	DECOD-P	96-14-024	16-06-090	REP-C	96-11-119
12-24-025	DECOD	96-17-018	12-40-040	DECOD	96-17-018	16-06-090	REP	96-14-086
12-24-030	DECOD-P	96-14-024	12-40-050	DECOD-P	96-14-024	16-06-090	REP-P	96-06-082
12-24-030	DECOD	96-17-018	12-40-050	DECOD	96-17-018	16-06-100	REP-C	96-11-119
12-24-035	DECOD-P	96-14-024	12-40-060	DECOD-P	96-14-024	16-06-100	REP	96-14-086
12-24-035	DECOD	96-17-018	12-40-060	DECOD	96-17-018	16-06-100	REP-P	96-06-082
12-24-040	DECOD-P	96-14-024	12-40-070	DECOD-P	96-14-024	16-06-110	REP-C	96-11-119
12-24-040	DECOD	96-17-018	12-40-070	DECOD	96-17-018	16-06-110	REP	96-14-086
12-24-045	DECOD-P	96-14-024	12-40-080	DECOD-P	96-14-024	16-06-110	REP-P	96-06-082
12-24-045	DECOD	96-17-018	12-40-080	DECOD	96-17-018	16-06-120	REP-C	96-11-119
12-24-050	DECOD-P	96-14-024	12-40-090	DECOD-P	96-14-024	16-06-120	REP	96-14-086
12-24-050	DECOD	96-17-018	12-40-090	DECOD	96-17-018	16-06-120	REP-P	96-06-082
12-24-105	DECOD-P	96-14-024	12-40-100	DECOD-P	96-14-024	16-06-130	REP-C	96-11-119
12-24-105	DECOD	96-17-018	12-40-100	DECOD	96-17-018	16-06-130	REP	96-14-086
12-24-110	DECOD-P	96-14-024	12-40-110	DECOD-P	96-14-024	16-06-130	REP-P	96-06-082
12-24-110	DECOD	96-17-018	12-40-110	DECOD	96-17-018	16-06-140	REP-C	96-11-119
12-24-115	DECOD-P	96-14-024	12-40-120	DECOD-P	96-14-024	16-06-140	REP	96-14-086
12-24-115	DECOD	96-17-018	12-40-120	DECOD	96-17-018	16-06-140	REP-P	96-06-082
12-24-120	DECOD-P	96-14-024	12-40-130	DECOD-P	96-14-024	16-06-150	NEW-P	96-06-082
12-24-120	DECOD	96-17-018	12-40-130	DECOD	96-17-018	16-06-150	NEW-C	96-11-119
12-24-125	DECOD-P	96-14-024	12-40-140	DECOD-P	96-14-024	16-06-150	NEW	96-14-086
12-24-125	DECOD	96-17-018	12-40-140	DECOD	96-17-018	16-06-155	NEW-P	96-06-082
12-24-130	DECOD-P	96-14-024	12-40-150	DECOD-P	96-14-024	16-06-155	NEW-C	96-11-119
12-24-130	DECOD	96-17-018	12-40-150	DECOD	96-17-018	16-06-155	NEW	96-14-086
12-24-135	DECOD-P	96-14-024	12-40-160	DECOD-P	96-14-024	16-06-160	NEW-P	96-06-082
12-24-135	DECOD	96-17-018	12-40-160	DECOD	96-17-018	16-06-160	NEW-C	96-11-119
12-24-140	DECOD-P	96-14-024	12-40-170	DECOD-P	96-14-024	16-06-160	NEW	96-14-086
12-24-140	DECOD	96-17-018	12-40-170	DECOD	96-17-018	16-06-165	NEW-P	96-06-082
			16-05-001	NEW-P	96-10-080	16-06-165	NEW-C	96-11-119
							NEW	96-14-086

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-06-170	NEW-P	96-06-082	16-101-430	REP	96-18-108	16-1019-020	NEW-P	96-18-037
16-06-170	NEW-C	96-11-119	16-101-440	PREP-X	96-14-009	16-1019-020	NEW-E	96-18-038
16-06-170	NEW	96-14-086	16-101-440	REP	96-18-108	16-1019-030	NEW-P	96-18-037
16-06-175	NEW-P	96-06-082	16-101-450	PREP-X	96-14-009	16-1019-030	NEW-E	96-18-038
16-06-175	NEW-C	96-11-119	16-101-450	REP	96-18-108	16-1019-040	NEW-P	96-18-037
16-06-175	NEW	96-14-086	16-101-455	PREP-X	96-14-009	16-1019-040	NEW-E	96-18-038
16-06-180	NEW-P	96-06-082	16-101-455	REP	96-18-108	16-1019-050	NEW-P	96-18-037
16-06-180	NEW-C	96-11-119	16-101-460	PREP-X	96-14-009	16-114-001	PREP-X	96-14-017
16-06-180	NEW	96-14-086	16-101-460	REP	96-18-108	16-114-001	REP	96-18-110
16-06-185	NEW-P	96-06-082	16-101-465	PREP-X	96-14-009	16-114-010	PREP-X	96-14-017
16-06-185	NEW-C	96-11-119	16-101-465	REP	96-18-108	16-114-010	REP	96-18-110
16-06-185	NEW	96-14-086	16-101-470	PREP-X	96-14-009	16-114-015	PREP-X	96-14-017
16-06-190	NEW-P	96-06-082	16-101-470	REP	96-18-108	16-114-015	REP	96-18-110
16-06-190	NEW-C	96-11-119	16-101-475	PREP-X	96-14-009	16-114-020	PREP-X	96-14-017
16-06-190	NEW	96-14-086	16-101-475	REP	96-18-108	16-114-020	REP	96-18-110
16-06-195	NEW-P	96-06-082	16-101-480	PREP-X	96-14-009	16-114-025	PREP-X	96-14-017
16-06-195	NEW-C	96-11-119	16-101-480	REP	96-18-108	16-114-025	REP	96-18-110
16-06-195	NEW	96-14-086	16-101-490	PREP-X	96-14-009	16-114-030	PREP-X	96-14-017
16-06-200	NEW-P	96-06-082	16-101-490	REP	96-18-108	16-114-030	REP	96-18-110
16-06-200	NEW-C	96-11-119	16-101-500	PREP-X	96-14-009	16-114-040	PREP-X	96-14-017
16-06-200	NEW	96-14-086	16-101-500	REP	96-18-108	16-114-040	REP	96-18-110
16-06-205	NEW-P	96-06-082	16-101-510	PREP-X	96-14-009	16-114-045	PREP-X	96-14-017
16-06-205	NEW-C	96-11-119	16-101-510	REP	96-18-108	16-114-045	REP	96-18-110
16-06-205	NEW	96-14-086	16-101-520	PREP-X	96-14-009	16-114-050	PREP-X	96-14-017
16-06-210	NEW-P	96-06-082	16-101-520	REP	96-18-108	16-114-050	REP	96-18-110
16-06-210	NEW-C	96-11-119	16-101-530	PREP-X	96-14-009	16-114-055	PREP-X	96-14-017
16-06-210	NEW	96-14-086	16-101-530	REP	96-18-108	16-114-055	REP	96-18-110
16-06-215	NEW-P	96-06-082	16-101-540	PREP-X	96-14-009	16-114-060	PREP-X	96-14-017
16-06-215	NEW-C	96-11-119	16-101-540	REP	96-18-108	16-114-060	REP	96-18-110
16-06-215	NEW	96-14-086	16-101-550	PREP-X	96-14-009	16-114-065	PREP-X	96-14-017
16-06-220	NEW-P	96-06-082	16-101-550	REP	96-18-108	16-114-065	REP	96-18-110
16-06-220	NEW-C	96-11-119	16-101-560	PREP-X	96-14-009	16-114-070	PREP-X	96-14-017
16-06-220	NEW	96-14-086	16-101-560	REP	96-18-108	16-114-070	REP	96-18-110
16-06-225	NEW-P	96-06-082	16-101-570	PREP-X	96-14-009	16-114-075	PREP-X	96-14-017
16-06-225	NEW-C	96-11-119	16-101-570	REP	96-18-108	16-114-075	REP	96-18-110
16-06-225	NEW	96-14-086	16-101-580	PREP-X	96-14-009	16-114-080	PREP-X	96-14-017
16-06-230	NEW-P	96-06-082	16-101-580	REP	96-18-108	16-114-080	REP	96-18-110
16-06-230	NEW-C	96-11-119	16-101-590	PREP-X	96-14-009	16-114-085	PREP-X	96-14-017
16-06-230	NEW	96-14-086	16-101-590	REP	96-18-108	16-114-085	REP	96-18-110
16-06-235	NEW-P	96-06-082	16-101-600	PREP-X	96-14-009	16-114-090	PREP-X	96-14-017
16-06-235	NEW-C	96-11-119	16-101-600	REP	96-18-108	16-114-090	REP	96-18-110
16-06-235	NEW	96-14-086	16-101-610	PREP-X	96-14-009	16-114-095	PREP-X	96-14-017
16-09-001	PREP-X	96-14-072	16-101-610	REP	96-18-108	16-114-095	REP	96-18-110
16-09-001	REP	96-18-104	16-101-620	PREP-X	96-14-009	16-114-100	PREP-X	96-14-017
16-09-010	PREP-X	96-14-072	16-101-620	REP	96-18-108	16-114-100	REP	96-18-110
16-09-010	REP	96-18-104	16-101-630	PREP-X	96-14-009	16-114-105	PREP-X	96-14-017
16-09-020	PREP-X	96-14-072	16-101-630	REP	96-18-108	16-114-105	REP	96-18-110
16-09-020	REP	96-18-104	16-101-640	PREP-X	96-14-009	16-114-110	PREP-X	96-14-017
16-09-030	PREP-X	96-14-072	16-101-640	REP	96-18-108	16-114-110	REP	96-18-110
16-09-030	REP	96-18-104	16-101-650	PREP-X	96-14-009	16-114-115	PREP-X	96-14-017
16-09-040	PREP-X	96-14-072	16-101-650	REP	96-18-108	16-114-115	REP	96-18-110
16-09-040	REP	96-18-104	16-101-660	PREP-X	96-14-009	16-114-120	PREP-X	96-14-017
16-49-001	PREP-X	96-14-011	16-101-660	REP	96-18-108	16-114-120	REP	96-18-110
16-49-001	REP	96-18-105	16-101-670	PREP-X	96-14-009	16-114-125	PREP-X	96-14-017
16-49-010	PREP-X	96-14-011	16-101-670	REP	96-18-108	16-114-125	REP	96-18-110
16-49-010	REP	96-18-105	16-101-680	PREP-X	96-14-009	16-114-130	PREP-X	96-14-017
16-49-020	PREP-X	96-14-011	16-101-680	REP	96-18-108	16-114-130	REP	96-18-110
16-49-020	REP	96-18-105	16-101-700	PREP	96-13-093	16-114-135	PREP-X	96-14-017
16-49-030	PREP-X	96-14-011	16-101-700	AMD-P	96-18-084	16-114-135	REP	96-18-110
16-49-030	REP	96-18-105	16-101-705	NEW-P	96-18-085	16-114-140	PREP-X	96-14-017
16-49-040	PREP-X	96-14-011	16-101-711	NEW-P	96-18-085	16-114-140	REP	96-18-110
16-49-040	REP	96-18-105	16-101-715	REP-P	96-18-085	16-116-001	PREP-X	96-14-012
16-54-082	PREP	96-13-095	16-101-716	NEW-P	96-18-085	16-116-001	REP	96-18-111
16-54-082	AMD-P	96-16-080	16-101-720	REP-P	96-18-085	16-116-010	PREP-X	96-14-012
16-54-125	PREP	96-13-096	16-101-721	NEW-P	96-18-085	16-116-010	REP	96-18-111
16-54-125	AMD-P	96-16-079	16-101-725	REP-P	96-18-085	16-116-020	PREP-X	96-14-012
16-86-015	PREP	96-13-095	16-101-726	NEW-P	96-18-085	16-116-020	REP	96-18-111
16-86-015	AMD-P	96-16-080	16-101-730	REP-P	96-18-085	16-116-030	PREP-X	96-14-012
16-101-410	PREP-X	96-14-009	16-101-735	REP-P	96-18-085	16-116-030	REP	96-18-111
16-101-410	REP	96-18-108	16-101-740	REP-P	96-18-085	16-116-040	PREP-X	96-14-012
16-101-420	PREP-X	96-14-009	16-101-990	NEW-P	96-18-085	16-116-040	REP	96-18-111
16-101-420	REP	96-18-108	16-1019-010	NEW-P	96-18-037	16-120-001	PREP-X	96-14-014
16-101-430	PREP-X	96-14-009	16-1019-010	NEW-E	96-18-038	16-120-001	REP	96-18-112

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-120-005	PREP-X	96-14-014	16-132-050	PREP-X	96-14-014	16-168-060	NEW	96-09-037
16-120-005	REP	96-18-112	16-132-050	REP	96-18-112	16-168-070	NEW-P	96-05-027
16-120-010	PREP-X	96-14-014	16-132-060	PREP-X	96-14-014	16-168-070	NEW	96-09-037
16-120-010	REP	96-18-112	16-132-060	REP	96-18-112	16-168-080	NEW-P	96-05-027
16-120-020	PREP-X	96-14-014	16-136-001	PREP-X	96-14-013	16-168-080	NEW	96-09-037
16-120-020	REP	96-18-112	16-136-001	REP	96-18-107	16-168-090	NEW-P	96-05-027
16-120-030	PREP-X	96-14-014	16-136-010	PREP-X	96-14-013	16-168-090	NEW	96-09-037
16-120-030	REP	96-18-112	16-136-010	REP	96-18-107	16-168-100	NEW-P	96-05-027
16-120-040	PREP-X	96-14-014	16-136-020	PREP-X	96-14-013	16-168-100	NEW	96-09-037
16-120-040	REP	96-18-112	16-136-020	REP	96-18-107	16-200-640	REP-P	96-10-071
16-120-050	PREP-X	96-14-014	16-138-010	NEW-E	96-11-001	16-200-640	REP	96-15-018A
16-120-050	REP	96-18-112	16-138-020	NEW-E	96-11-001	16-200-650	REP-P	96-10-071
16-120-060	PREP-X	96-14-014	16-138-030	NEW-E	96-11-001	16-200-650	REP	96-15-018A
16-120-060	REP	96-18-112	16-138-035	NEW-E	96-11-001	16-200-750	AMD-P	96-10-071
16-120-070	PREP-X	96-14-014	16-138-040	NEW-E	96-11-001	16-200-750	AMD	96-15-018A
16-120-070	REP	96-18-112	16-140-001	PREP-X	96-14-016	16-200-755	NEW-P	96-10-071
16-120-080	PREP-X	96-14-014	16-140-001	REP	96-18-113	16-200-755	NEW	96-15-018A
16-120-080	REP	96-18-112	16-140-010	PREP-X	96-14-016	16-200-760	AMD-P	96-10-071
16-120-090	PREP-X	96-14-014	16-140-010	REP	96-18-113	16-200-760	AMD	96-15-018A
16-120-090	REP	96-18-112	16-140-020	PREP-X	96-14-016	16-200-770	AMD-P	96-10-071
16-120-100	PREP-X	96-14-014	16-140-020	REP	96-18-113	16-200-770	AMD	96-15-018A
16-120-100	REP	96-18-112	16-140-030	PREP-X	96-14-016	16-200-780	REP-P	96-10-071
16-120-110	PREP-X	96-14-014	16-140-030	REP	96-18-113	16-200-780	REP	96-15-018A
16-120-110	REP	96-18-112	16-140-040	PREP-X	96-14-016	16-200-780	AMD-P	96-10-071
16-120-120	PREP-X	96-14-014	16-140-040	REP	96-18-113	16-200-790	AMD	96-15-018A
16-120-120	REP	96-18-112	16-140-040	REP	96-18-113	16-200-790	AMD	96-15-018A
16-120-130	PREP-X	96-14-014	16-140-050	PREP-X	96-14-016	16-200-795	NEW-P	96-10-071
16-120-130	REP	96-18-112	16-140-050	REP	96-18-113	16-200-795	NEW	96-15-018A
16-122	PREP	96-13-092	16-140-060	PREP-X	96-14-016	16-200-800	REP-P	96-10-071
16-122	AMD-P	96-18-086	16-140-060	REP	96-18-113	16-200-800	REP	96-15-018A
16-122-001	AMD-P	96-18-086	16-140-070	PREP-X	96-14-016	16-200-805	AMD-P	96-10-071
16-124-011	PREP	96-13-091	16-140-070	REP	96-18-113	16-200-805	AMD	96-15-018A
16-124-011	AMD-P	96-18-087	16-140-080	PREP-X	96-14-016	16-200-810	REP-P	96-10-071
16-126-001	PREP-X	96-14-014	16-140-080	REP	96-18-113	16-200-810	REP	96-15-018A
16-126-001	REP	96-18-112	16-140-090	PREP-X	96-14-016	16-200-815	AMD-P	96-10-071
16-128-001	PREP-X	96-14-016	16-140-090	REP	96-18-113	16-200-815	AMD	96-15-018A
16-128-001	REP	96-18-113	16-140-100	PREP-X	96-14-016	16-200-830	AMD-P	96-10-071
16-128-010	PREP-X	96-14-016	16-140-100	REP	96-18-113	16-200-830	AMD	96-15-018A
16-128-010	REP	96-18-113	16-144-001	PREP-X	96-14-010	16-200-850	REP-P	96-10-071
16-128-020	PREP-X	96-14-016	16-144-001	REP	96-18-106	16-200-850	REP	96-15-018A
16-128-020	REP	96-18-113	16-144-020	PREP-X	96-14-010	16-200-860	AMD-P	96-10-071
16-128-030	PREP-X	96-14-016	16-144-020	REP	96-18-106	16-200-860	AMD	96-15-018A
16-128-030	REP	96-18-113	16-144-030	PREP-X	96-14-010	16-200-865	NEW-P	96-10-071
16-128-040	PREP-X	96-14-016	16-144-030	REP	96-18-106	16-200-865	NEW	96-15-018A
16-128-040	REP	96-18-113	16-144-040	PREP-X	96-14-010	16-200-870	REP-P	96-10-071
16-128-050	PREP-X	96-14-016	16-144-040	REP	96-18-106	16-200-870	REP	96-15-018A
16-128-050	REP	96-18-113	16-144-050	PREP-X	96-14-010	16-200-885	NEW-P	96-10-071
16-128-060	PREP-X	96-14-016	16-144-050	REP	96-18-106	16-200-885	NEW	96-15-018A
16-128-060	REP	96-18-113	16-144-060	PREP-X	96-14-010	16-200-887	NEW-P	96-10-071
16-128-070	PREP-X	96-14-016	16-144-060	REP	96-18-106	16-200-887	NEW	96-15-018A
16-128-070	REP	96-18-113	16-144-070	PREP-X	96-14-010	16-233-001	NEW-P	96-14-108
16-128-080	PREP-X	96-14-016	16-144-070	REP	96-18-106	16-233-005	NEW-P	96-14-108
16-128-080	REP	96-18-113	16-144-080	PREP-X	96-14-010	16-233-010	NEW-P	96-14-108
16-128-090	PREP-X	96-14-016	16-144-080	REP	96-18-106	16-233-020	NEW-P	96-14-108
16-128-090	REP	96-18-113	16-148-001	PREP-X	96-14-015	16-233-025	NEW-P	96-14-108
16-128-100	PREP-X	96-14-016	16-148-001	REP	96-18-109	16-233-100	NEW-P	96-14-108
16-128-100	REP	96-18-113	16-148-010	PREP-X	96-14-015	16-233-105	NEW-P	96-14-108
16-128-110	PREP-X	96-14-016	16-148-010	REP	96-18-109	16-233-110	NEW-P	96-14-108
16-128-110	REP	96-18-113	16-148-020	PREP-X	96-14-015	16-233-115	NEW-P	96-14-108
16-128-120	PREP-X	96-14-016	16-148-020	REP	96-18-109	16-233-120	NEW-P	96-14-108
16-128-120	REP	96-18-113	16-148-030	PREP-X	96-14-015	16-233-125	NEW-P	96-14-108
16-128-130	PREP-X	96-14-016	16-148-030	REP	96-18-109	16-233-125	NEW-S	96-17-081
16-128-130	REP	96-18-113	16-156	PREP	96-08-074	16-233-130	NEW-P	96-14-108
16-132-001	PREP-X	96-14-014	16-168-010	NEW-P	96-05-027	16-233-135	NEW-P	96-14-108
16-132-001	REP	96-18-112	16-168-010	NEW	96-09-037	16-233-140	NEW-P	96-14-108
16-132-010	PREP-X	96-14-014	16-168-020	NEW-P	96-05-027	16-233-145	NEW-P	96-14-108
16-132-010	REP	96-18-112	16-168-020	NEW	96-09-037	16-233-150	NEW-P	96-14-108
16-132-020	PREP-X	96-14-014	16-168-030	NEW-P	96-05-027	16-233-150	NEW-S	96-17-081
16-132-020	REP	96-18-112	16-168-030	NEW	96-09-037	16-233-155	NEW-P	96-14-108
16-132-030	PREP-X	96-14-014	16-168-040	NEW-P	96-05-027	16-233-200	NEW-P	96-14-108
16-132-030	REP	96-18-112	16-168-040	NEW	96-09-037	16-233-205	NEW-P	96-14-108
16-132-040	PREP-X	96-14-014	16-168-050	NEW-P	96-05-027	16-233-210	NEW-P	96-14-108
16-132-040	REP	96-18-112	16-168-050	NEW	96-09-037	16-233-215	NEW-P	96-14-108
			16-168-060	NEW-P	96-05-027	16-233-220	NEW-P	96-14-108

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-233-225	NEW-P	96-14-108	16-532-0414	NEW-P	96-05-086	36-08-240	REP	96-17-040
16-233-230	NEW-P	96-14-108	16-532-0414	NEW	96-15-139	36-08-250	PREP-X	96-13-021
16-233-235	NEW-P	96-14-108	16-540-040	AMD	96-03-150	36-08-250	REP	96-17-040
16-233-240	NEW-P	96-14-108	16-560-06001	AMD	96-07-054	36-08-260	PREP-X	96-13-021
16-233-245	NEW-P	96-14-108	16-695-005	NEW-E	96-17-051	36-08-260	REP	96-17-040
16-233-250	NEW-P	96-14-108	16-695-010	NEW-E	96-17-051	36-08-270	PREP-X	96-13-021
16-233-250	NEW-S	96-17-081	16-695-015	NEW-E	96-17-051	36-08-270	REP	96-17-040
16-233-255	NEW-P	96-14-108	16-695-020	NEW-E	96-17-051	36-08-280	PREP-X	96-13-021
16-300-010	AMD	96-04-058	16-695-025	NEW-E	96-17-051	36-08-280	REP	96-17-040
16-304-110	AMD-P	96-09-091	16-695-030	NEW-E	96-17-051	36-08-290	PREP-X	96-13-021
16-304-110	AMD	96-12-066	16-695-035	NEW-E	96-17-051	36-08-290	REP	96-17-040
16-304-130	AMD-P	96-09-091	16-695-040	NEW-E	96-17-051	36-08-300	PREP-X	96-13-021
16-304-130	AMD	96-12-066	16-695-045	NEW-E	96-17-051	36-08-300	REP	96-17-040
16-316	PREP	96-07-085	16-695-050	NEW-E	96-17-051	36-08-310	PREP-X	96-13-021
16-316	PREP	96-07-086	16-695-055	NEW-E	96-17-051	36-08-310	REP	96-17-040
16-316-280	AMD-P	96-07-087	16-695-060	NEW-E	96-17-051	36-08-320	PREP-X	96-13-021
16-316-280	AMD-C	96-11-121	16-695-065	NEW-E	96-17-051	36-08-320	REP	96-17-040
16-316-280	AMD	96-14-088	16-695-070	NEW-E	96-17-051	36-08-320	PREP-X	96-13-021
16-316-315	AMD-P	96-11-120	16-695-075	NEW-E	96-17-051	36-08-330	REP	96-17-040
16-316-315	AMD	96-14-087	16-695-080	NEW-E	96-17-051	36-08-340	PREP-X	96-13-021
16-316-327	AMD-P	96-07-087	16-700-021	PREP	96-16-084	36-08-340	REP	96-17-040
16-316-327	AMD-C	96-11-121	16-750	AMD-C	96-03-093	36-08-350	PREP-X	96-13-021
16-316-327	AMD	96-14-088	16-750	PREP	96-17-091	36-08-350	REP	96-17-040
16-316-455	AMD-P	96-11-122	16-750-005	AMD	96-06-030	36-08-360	PREP-X	96-13-021
16-316-455	AMD	96-14-089	16-750-011	AMD	96-06-030	36-08-360	REP	96-17-040
16-316-474	AMD-P	96-11-124	16-750-015	AMD	96-06-030	36-08-370	PREP-X	96-13-021
16-316-474	AMD	96-14-091	36-08-010	PREP-X	96-13-021	36-08-370	REP	96-17-040
16-316-724	AMD-P	96-11-124	36-08-010	REP	96-17-040	36-08-380	PREP-X	96-13-021
16-316-724	AMD	96-14-091	36-08-020	PREP-X	96-13-021	36-08-380	REP	96-17-040
16-316-921	AMD-P	96-11-123	36-08-020	REP	96-17-040	36-08-390	PREP-X	96-13-021
16-316-921	AMD	96-14-090	36-08-030	PREP-X	96-13-021	36-08-390	REP	96-17-040
16-319-041	AMD-P	96-03-065	36-08-030	REP	96-17-040	36-08-400	PREP-X	96-13-021
16-319-041	AMD	96-11-044	36-08-040	PREP-X	96-13-021	36-08-400	REP	96-17-040
16-400-040	AMD-P	96-05-071	36-08-040	REP	96-17-040	36-08-410	PREP-X	96-13-021
16-400-040	AMD	96-10-060	36-08-050	PREP-X	96-13-021	36-08-410	REP	96-17-040
16-400-100	AMD-P	96-05-071	36-08-050	REP	96-17-040	36-08-420	PREP-X	96-13-021
16-400-100	AMD	96-10-060	36-08-060	PREP-X	96-13-021	36-08-420	REP	96-17-040
16-400-210	AMD-P	96-05-071	36-08-060	REP	96-17-040	36-08-430	PREP-X	96-13-021
16-400-210	AMD	96-10-060	36-08-070	PREP-X	96-13-021	36-08-430	REP	96-17-040
16-409-020	PREP	96-09-090	36-08-070	REP	96-17-040	36-08-440	PREP-X	96-13-021
16-409-030	PREP	96-09-090	36-08-080	PREP-X	96-13-021	36-08-440	REP	96-17-040
16-409-060	PREP	96-09-090	36-08-080	REP	96-17-040	36-08-450	PREP-X	96-13-021
16-409-065	PREP	96-09-090	36-08-090	PREP-X	96-13-021	36-08-450	REP	96-17-040
16-473-005	NEW-E	96-10-036	36-08-090	REP	96-17-040	36-08-460	PREP-X	96-13-021
16-473-005	NEW-E	96-17-027	36-08-100	PREP-X	96-13-021	36-08-460	REP	96-17-040
16-473-010	NEW-E	96-10-036	36-08-100	REP	96-17-040	36-08-470	PREP-X	96-13-021
16-473-010	NEW-E	96-17-027	36-08-110	PREP-X	96-13-021	36-08-470	REP	96-17-040
16-473-015	NEW-E	96-10-036	36-08-110	REP	96-17-040	36-08-480	PREP-X	96-13-021
16-473-015	NEW-E	96-17-027	36-08-120	PREP-X	96-13-021	36-08-480	REP	96-17-040
16-473-020	NEW-E	96-10-036	36-08-120	REP	96-17-040	36-08-490	PREP-X	96-13-021
16-473-020	NEW-E	96-17-027	36-08-130	PREP-X	96-13-021	36-08-490	REP	96-17-040
16-473-025	NEW-E	96-10-036	36-08-130	REP	96-17-040	36-08-500	PREP-X	96-13-021
16-473-025	NEW-E	96-17-027	36-08-140	PREP-X	96-13-021	36-08-500	REP	96-17-040
16-473-030	NEW-E	96-10-036	36-08-140	REP	96-17-040	36-08-510	PREP-X	96-13-021
16-473-030	NEW-E	96-17-027	36-08-150	PREP-X	96-13-021	36-08-510	REP	96-17-040
16-473-035	NEW-E	96-10-036	36-08-150	REP	96-17-040	36-08-520	PREP-X	96-13-021
16-473-035	NEW-E	96-17-027	36-08-160	PREP-X	96-13-021	36-08-520	REP	96-17-040
16-529-150	AMD	96-03-151	36-08-160	REP	96-17-040	36-08-530	PREP-X	96-13-021
16-532-010	AMD-P	96-05-086	36-08-170	PREP-X	96-13-021	36-08-530	REP	96-17-040
16-532-010	AMD	96-15-139	36-08-170	REP	96-17-040	36-08-540	PREP-X	96-13-021
16-532-040	PREP	96-02-082	36-08-180	PREP-X	96-13-021	36-08-540	REP	96-17-040
16-532-0402	NEW-P	96-05-086	36-08-180	REP	96-17-040	36-08-550	PREP-X	96-13-021
16-532-0402	NEW	96-15-139	36-08-190	PREP-X	96-13-021	36-08-550	REP	96-17-040
16-532-0404	NEW-P	96-05-086	36-08-190	REP	96-17-040	36-08-560	PREP-X	96-13-021
16-532-0404	NEW	96-15-139	36-08-200	PREP-X	96-13-021	36-08-560	REP	96-17-040
16-532-0406	NEW-P	96-05-086	36-08-200	REP	96-17-040	36-08-570	PREP-X	96-13-021
16-532-0406	NEW	96-15-139	36-08-210	PREP-X	96-13-021	36-08-570	REP	96-17-040
16-532-0408	NEW-P	96-05-086	36-08-210	REP	96-17-040	36-08-580	PREP-X	96-13-021
16-532-0408	NEW	96-15-139	36-08-220	PREP-X	96-13-021	36-08-580	REP	96-17-040
16-532-0410	NEW-P	96-05-086	36-08-220	REP	96-17-040	36-08-590	PREP-X	96-13-021
16-532-0410	NEW	96-15-139	36-08-230	PREP-X	96-13-021	36-08-590	REP	96-17-040
16-532-0412	NEW-P	96-05-086	36-08-230	REP	96-17-040	36-12	PREP	96-11-114
16-532-0412	NEW	96-15-139	36-08-240	PREP-X	96-13-021	44-10-010	AMD	96-03-155

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
44-10-020	NEW	96-03-155	50-08-220	PREP-X	96-14-037	50-08-580	REP	96-17-072
44-10-030	AMD	96-03-155	50-08-220	REP	96-17-072	50-08-590	PREP-X	96-14-037
44-10-031	NEW	96-03-155	50-08-230	PREP-X	96-14-037	50-08-590	REP	96-17-072
44-10-040	AMD	96-03-155	50-08-230	REP	96-17-072	50-20-100	AMD	96-04-013
44-10-050	AMD	96-03-155	50-08-240	PREP-X	96-14-037	50-20-100	DECOD	96-04-013
44-10-060	AMD	96-03-155	50-08-240	REP	96-17-072	50-20-110	AMD	96-04-013
44-10-070	AMD	96-03-155	50-08-250	PREP-X	96-14-037	50-20-110	DECOD	96-04-013
44-10-080	AMD	96-03-155	50-08-250	REP	96-17-072	50-20-120	AMD	96-04-013
44-10-090	AMD	96-03-155	50-08-260	PREP-X	96-14-037	50-20-120	DECOD	96-04-013
44-10-100	AMD	96-03-155	50-08-260	REP	96-17-072	50-20-130	AMD	96-04-013
44-10-110	AMD	96-03-155	50-08-270	PREP-X	96-14-037	50-20-130	DECOD	96-04-013
44-10-120	AMD	96-03-155	50-08-270	REP	96-17-072	50-20-140	AMD	96-04-013
44-10-130	AMD	96-03-155	50-08-280	PREP-X	96-14-037	50-20-140	DECOD	96-04-013
44-10-140	AMD	96-03-155	50-08-280	REP	96-17-072	50-20-150	AMD	96-04-013
44-10-150	AMD	96-03-155	50-08-290	PREP-X	96-14-037	50-20-150	DECOD	96-04-013
44-10-160	AMD	96-03-155	50-08-290	REP	96-17-072	50-20-160	AMD	96-04-013
44-10-165	REP	96-03-155	50-08-300	PREP-X	96-14-037	50-20-160	DECOD	96-04-013
44-10-170	AMD	96-03-155	50-08-300	REP	96-17-072	50-20-170	REP	96-04-013
44-10-180	AMD	96-03-155	50-08-310	PREP-X	96-14-037	50-20-180	DECOD	96-04-013
44-10-200	AMD	96-03-155	50-08-310	REP	96-17-072	50-20-190	AMD	96-04-013
44-10-210	AMD	96-03-155	50-08-320	PREP-X	96-14-037	50-20-190	DECOD	96-04-013
44-10-220	REP	96-03-155	50-08-320	REP	96-17-072	50-20-200	REP	96-04-013
44-10-221	NEW	96-03-155	50-08-330	PREP-X	96-14-037	50-24-010	PREP-X	96-14-040
44-10-222	NEW	96-03-155	50-08-330	REP	96-17-072	50-24-010	REP	96-17-072
44-10-223	NEW	96-03-155	50-08-340	PREP-X	96-14-037	50-24-020	PREP-X	96-14-040
44-10-230	REP	96-03-155	50-08-340	REP	96-17-072	50-24-020	REP	96-17-072
44-10-300	AMD	96-03-155	50-08-350	PREP-X	96-14-037	50-24-030	PREP-X	96-14-040
44-10-310	AMD	96-03-155	50-08-350	REP	96-17-072	50-24-030	REP	96-17-072
44-10-320	REP	96-03-155	50-08-360	PREP-X	96-14-037	50-24-040	PREP-X	96-14-040
50-08-009	PREP-X	96-14-037	50-08-360	REP	96-17-072	50-24-040	REP	96-17-072
50-08-009	REP	96-17-072	50-08-370	PREP-X	96-14-037	50-24-050	PREP-X	96-14-040
50-08-010	PREP-X	96-14-037	50-08-370	REP	96-17-072	50-24-050	REP	96-17-072
50-08-010	REP	96-17-072	50-08-380	PREP-X	96-14-037	50-24-060	PREP-X	96-14-040
50-08-020	PREP-X	96-14-037	50-08-380	REP	96-17-072	50-24-060	REP	96-17-072
50-08-020	REP	96-17-072	50-08-390	PREP-X	96-14-037	50-24-070	PREP-X	96-14-040
50-08-040	PREP-X	96-14-037	50-08-390	REP	96-17-072	50-24-070	REP	96-17-072
50-08-040	REP	96-17-072	50-08-400	PREP-X	96-14-037	50-24-080	PREP-X	96-14-040
50-08-050	PREP-X	96-14-037	50-08-400	REP	96-17-072	50-24-080	REP	96-17-072
50-08-050	REP	96-17-072	50-08-410	PREP-X	96-14-037	50-24-090	PREP-X	96-14-040
50-08-060	PREP-X	96-14-037	50-08-410	REP	96-17-072	50-24-090	REP	96-17-072
50-08-060	REP	96-17-072	50-08-420	PREP-X	96-14-037	50-24-100	PREP-X	96-14-040
50-08-070	PREP-X	96-14-037	50-08-420	REP	96-17-072	50-24-100	REP	96-17-072
50-08-070	REP	96-17-072	50-08-430	PREP-X	96-14-037	50-24-110	PREP-X	96-14-040
50-08-080	PREP-X	96-14-037	50-08-430	REP	96-17-072	50-24-110	REP	96-17-072
50-08-080	REP	96-17-072	50-08-440	PREP-X	96-14-037	50-24-120	PREP-X	96-14-040
50-08-085	PREP-X	96-14-037	50-08-440	REP	96-17-072	50-24-120	REP	96-17-072
50-08-085	REP	96-17-072	50-08-450	PREP-X	96-14-037	50-24-130	PREP-X	96-14-040
50-08-090	PREP-X	96-14-037	50-08-450	REP	96-17-072	50-24-130	REP	96-17-072
50-08-090	REP	96-17-072	50-08-460	PREP-X	96-14-037	50-24-140	PREP-X	96-14-040
50-08-100	PREP-X	96-14-037	50-08-460	REP	96-17-072	50-24-140	REP	96-17-072
50-08-100	REP	96-17-072	50-08-470	PREP-X	96-14-037	50-24-150	PREP-X	96-14-040
50-08-110	PREP-X	96-14-037	50-08-470	REP	96-17-072	50-24-150	REP	96-17-072
50-08-110	REP	96-17-072	50-08-480	PREP-X	96-14-037	50-24-990	PREP-X	96-14-040
50-08-120	PREP-X	96-14-037	50-08-480	REP	96-17-072	50-24-990	REP	96-17-072
50-08-120	REP	96-17-072	50-08-490	PREP-X	96-14-037	50-30-005	NEW	96-03-059
50-08-130	PREP-X	96-14-037	50-08-490	REP	96-17-072	50-30-005	DECOD	96-03-059
50-08-130	REP	96-17-072	50-08-500	PREP-X	96-14-037	50-30-010	AMD	96-03-059
50-08-140	PREP-X	96-14-037	50-08-500	REP	96-17-072	50-30-010	DECOD	96-03-059
50-08-140	REP	96-17-072	50-08-510	PREP-X	96-14-037	50-30-015	NEW	96-03-059
50-08-150	PREP-X	96-14-037	50-08-510	REP	96-17-072	50-30-015	DECOD	96-03-059
50-08-150	REP	96-17-072	50-08-520	PREP-X	96-14-037	50-30-020	AMD	96-03-059
50-08-160	PREP-X	96-14-037	50-08-520	REP	96-17-072	50-30-020	DECOD	96-03-059
50-08-160	REP	96-17-072	50-08-530	PREP-X	96-14-037	50-30-025	NEW	96-03-059
50-08-170	PREP-X	96-14-037	50-08-530	REP	96-17-072	50-30-025	DECOD	96-03-059
50-08-170	REP	96-17-072	50-08-540	PREP-X	96-14-037	50-30-030	AMD	96-03-059
50-08-180	PREP-X	96-14-037	50-08-540	REP	96-17-072	50-30-030	DECOD	96-03-059
50-08-180	REP	96-17-072	50-08-550	PREP-X	96-14-037	50-30-035	NEW	96-03-059
50-08-190	PREP-X	96-14-037	50-08-550	REP	96-17-072	50-30-035	DECOD	96-03-059
50-08-190	REP	96-17-072	50-08-560	PREP-X	96-14-037	50-30-040	AMD	96-03-059
50-08-200	PREP-X	96-14-037	50-08-560	REP	96-17-072	50-30-040	DECOD	96-03-059
50-08-200	REP	96-17-072	50-08-570	PREP-X	96-14-037	50-30-050	AMD	96-03-059
50-08-210	PREP-X	96-14-037	50-08-570	REP	96-17-072	50-30-050	DECOD	96-03-059
50-08-210	REP	96-17-072	50-08-580	PREP-X	96-14-037	50-30-060	AMD	96-03-059

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
50-30-060	DECOD	96-03-059	50-60-200	DECOD	96-04-028	132K-20-110	REP-P	96-16-077
50-30-065	NEW	96-03-059	50-60-210	DECOD	96-04-028	132N-276	PREP	96-03-101
50-30-065	DECOD	96-03-059	51-32	PREP	96-15-083	132N-276-005	AMD-P	96-07-029
50-30-068	NEW	96-03-059	51-32-1118	NEW-E	96-13-047	132N-276-005	AMD	96-12-041
50-30-068	DECOD	96-03-059	51-32-1119	NEW-E	96-13-047	132N-276-010	AMD-P	96-07-029
50-30-070	AMD	96-03-059	51-34	PREP	96-15-083	132N-276-010	AMD	96-12-041
50-30-070	DECOD	96-03-059	51-34-6308	NEW-E	96-13-047	132N-276-020	AMD-P	96-07-029
50-30-075	NEW	96-03-059	51-34-6309	NEW-E	96-13-047	132N-276-020	AMD	96-12-041
50-30-075	DECOD	96-03-059	55-01-001	REP-P	96-09-102	132N-276-030	AMD-P	96-07-029
50-30-080	AMD	96-03-059	55-01-001	REP-W	96-15-008	132N-276-030	AMD	96-12-041
50-30-080	DECOD	96-03-059	55-01-001	REP	96-15-024	132N-276-040	AMD-P	96-07-029
50-30-085	NEW	96-03-059	55-01-010	AMD-E	96-03-104	132N-276-040	AMD	96-12-041
50-30-085	DECOD	96-03-059	55-01-010	REP-P	96-09-102	132N-276-050	AMD-P	96-07-029
50-30-090	AMD	96-03-059	55-01-010	AMD-E	96-11-097	132N-276-050	AMD	96-12-041
50-30-090	DECOD	96-03-059	55-01-010	REP-W	96-15-008	132N-276-060	AMD-P	96-07-029
50-30-095	NEW	96-03-059	55-01-010	REP	96-15-024	132N-276-060	AMD	96-12-041
50-30-095	DECOD	96-03-059	55-01-020	AMD-E	96-03-104	132N-276-070	AMD-P	96-07-029
50-30-100	AMD	96-03-059	55-01-020	REP-P	96-09-102	132N-276-070	AMD	96-12-041
50-30-100	DECOD	96-03-059	55-01-020	AMD-E	96-11-097	132N-276-080	AMD-P	96-07-029
50-30-110	REP	96-03-059	55-01-020	REP-W	96-15-008	132N-276-080	AMD	96-12-041
50-40-010	PREP-X	96-14-041	55-01-020	REP	96-15-024	132N-276-090	AMD-P	96-07-029
50-40-010	REP	96-17-072	55-01-030	AMD-E	96-03-104	132N-276-090	AMD	96-12-041
50-40-020	PREP-X	96-14-041	55-01-030	REP-P	96-09-102	132N-276-100	AMD-P	96-07-029
50-40-020	REP	96-17-072	55-01-030	AMD-E	96-11-097	132N-276-100	AMD	96-12-041
50-40-040	PREP-X	96-14-041	55-01-030	REP-W	96-15-008	132N-276-110	AMD-P	96-07-029
50-40-040	REP	96-17-072	55-01-030	REP	96-15-024	132N-276-110	AMD	96-12-041
50-40-050	PREP-X	96-14-041	55-01-040	AMD-E	96-03-104	132N-276-120	AMD-P	96-07-029
50-40-050	REP	96-17-072	55-01-040	REP-P	96-09-102	132N-276-120	AMD	96-12-041
50-40-060	PREP-X	96-14-041	55-01-040	AMD-E	96-11-097	132N-276-130	AMD-P	96-07-029
50-40-060	REP	96-17-072	55-01-040	REP-W	96-15-008	132N-276-130	AMD	96-12-041
50-40-070	PREP-X	96-14-041	55-01-040	REP	96-15-024	132N-276-140	AMD-P	96-07-029
50-40-070	REP	96-17-072	55-01-050	AMD-E	96-03-104	132N-276-140	AMD	96-12-041
50-40-990	PREP-X	96-14-041	55-01-050	REP-P	96-09-102	132N-276-150	AMD-P	96-07-029
50-40-990	REP	96-17-072	55-01-050	AMD-E	96-11-097	132N-276-150	AMD	96-12-041
50-44-020	AMD	96-04-022	55-01-050	REP-W	96-15-008	132V-11	PREP	96-09-050A
50-44-025	NEW	96-04-022	55-01-050	REP	96-15-024	132V-15	PREP	96-09-050A
50-60-010	DECOD	96-04-028	55-01-060	AMD-E	96-03-104	132V-15-010	AMD-P	96-12-005
50-60-020	DECOD	96-04-028	55-01-060	REP-P	96-09-102	132V-15-010	AMD	96-16-034
50-60-030	DECOD	96-04-028	55-01-060	AMD-E	96-11-097	132V-15-020	AMD-P	96-12-005
50-60-035	DECOD	96-04-028	55-01-060	REP-W	96-15-008	132V-15-020	AMD	96-16-034
50-60-040	DECOD	96-04-028	55-01-060	REP	96-15-024	132V-15-030	AMD-P	96-12-005
50-60-042	DECOD	96-04-028	55-01-070	AMD-E	96-03-104	132V-15-030	AMD	96-16-034
50-60-045	DECOD	96-04-028	55-01-070	REP-P	96-09-102	132V-15-040	AMD-P	96-12-005
50-60-050	DECOD	96-04-028	55-01-070	AMD-E	96-11-097	132V-15-040	AMD	96-16-034
50-60-060	DECOD	96-04-028	55-01-070	REP-W	96-15-008	132V-15-050	AMD-P	96-12-005
50-60-070	DECOD	96-04-028	55-01-070	REP	96-15-024	132V-15-050	AMD	96-16-034
50-60-080	DECOD	96-04-028	55-01-080	REP-W	96-15-008	132V-15-060	AMD-P	96-12-005
50-60-08005	DECOD	96-04-028	55-01-080	REP	96-15-024	132V-15-060	AMD	96-16-034
50-60-08010	DECOD	96-04-028	67-35-020	AMD-P	96-17-068	132V-15-070	AMD-P	96-12-005
50-60-08015	DECOD	96-04-028	67-35-910	AMD-P	96-08-026	132V-15-070	AMD	96-16-034
50-60-08020	DECOD	96-04-028	67-35-910	AMD	96-11-096	132V-15-090	AMD-P	96-12-005
50-60-08025	DECOD	96-04-028	82-05-010	NEW	96-03-048	132V-15-090	AMD	96-16-034
50-60-08030	DECOD	96-04-028	82-05-020	NEW	96-03-048	132V-15-100	AMD-P	96-12-005
50-60-08035	DECOD	96-04-028	82-05-030	NEW	96-03-048	132V-15-100	AMD	96-16-034
50-60-08040	DECOD	96-04-028	82-05-040	NEW	96-03-048	132V-15-110	AMD-P	96-12-005
50-60-085	DECOD	96-04-028	82-05-050	NEW	96-03-048	132V-15-110	AMD	96-16-034
50-60-090	DECOD	96-04-028	82-50-021	AMD-P	96-12-037	132V-15-120	AMD-P	96-12-005
50-60-09005	DECOD	96-04-028	82-50-021	AMD	96-15-039	132V-15-120	AMD	96-16-034
50-60-09010	DECOD	96-04-028	82-54-010	AMD-E	96-15-076	132V-24	PREP	96-09-050B
50-60-09015	DECOD	96-04-028	82-54-010	PREP	96-15-125	132V-24-030	AMD-P	96-12-006
50-60-09020	DECOD	96-04-028	131-28-026	AMD	96-03-049	132V-24-030	AMD	96-16-035
50-60-100	DECOD	96-04-028	132D-120-055	PREP	96-10-016	132V-24-040	AMD-P	96-12-006
50-60-110	DECOD	96-04-028	132D-120-055	NEW-P	96-15-061	132V-24-040	AMD	96-16-035
50-60-120	DECOD	96-04-028	132K-20-010	REP-P	96-16-077	132V-24-090	AMD-P	96-12-006
50-60-125	DECOD	96-04-028	132K-20-020	REP-P	96-16-077	132V-24-090	AMD	96-16-035
50-60-130	DECOD	96-04-028	132K-20-030	REP-P	96-16-077	132V-24-120	AMD-P	96-12-006
50-60-140	DECOD	96-04-028	132K-20-040	REP-P	96-16-077	132V-24-120	AMD	96-16-035
50-60-145	DECOD	96-04-028	132K-20-050	REP-P	96-16-077	132V-130	PREP	96-09-050C
50-60-150	DECOD	96-04-028	132K-20-060	REP-P	96-16-077	132V-130-010	NEW-P	96-12-007
50-60-160	DECOD	96-04-028	132K-20-070	REP-P	96-16-077	132V-130-010	NEW	96-16-036
50-60-165	DECOD	96-04-028	132K-20-080	REP-P	96-16-077	132V-130-020	NEW-P	96-12-007
50-60-170	DECOD	96-04-028	132K-20-090	REP-P	96-16-077	132V-130-020	NEW	96-16-036
50-60-190	DECOD	96-04-028	132K-20-100	REP-P	96-16-077	132V-130-030	NEW-P	96-12-007

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132V-130-030	NEW	96-16-036	132Z-310-030	NEW-P	96-09-074	136-15-010	AMD-P	96-11-052
132Z-104-010	NEW-P	96-09-074	132Z-310-030	NEW	96-14-098	136-15-010	AMD	96-17-013
132Z-104-010	NEW	96-14-098	132Z-310-040	NEW-P	96-09-074	136-15-020	AMD-P	96-11-052
132Z-104-020	NEW-P	96-09-074	132Z-310-040	NEW	96-14-098	136-15-020	AMD	96-17-013
132Z-104-020	NEW	96-14-098	132Z-325-010	NEW-P	96-09-074	136-16	AMD-P	96-11-052
132Z-104-030	NEW-P	96-09-074	132Z-325-010	NEW	96-14-098	136-16	AMD	96-17-013
132Z-104-030	NEW	96-14-098	136-01	AMD-P	96-11-052	136-16-010	AMD-P	96-11-052
132Z-108-010	NEW-P	96-09-074	136-01	AMD	96-17-013	136-16-010	AMD	96-17-013
132Z-108-010	NEW	96-14-098	136-01-010	AMD-P	96-11-052	136-16-020	AMD-P	96-11-052
132Z-108-020	NEW-P	96-09-074	136-01-010	AMD	96-17-013	136-16-020	AMD	96-17-013
132Z-108-020	NEW	96-14-098	136-02	AMD-P	96-11-052	136-16-022	AMD-P	96-11-052
132Z-108-030	NEW-P	96-09-074	136-02-010	AMD-P	96-11-052	136-16-022	AMD	96-17-013
132Z-108-030	NEW	96-14-098	136-02-010	AMD	96-17-013	136-16-030	AMD-P	96-11-052
132Z-108-040	NEW-P	96-09-074	136-02-020	AMD-P	96-11-052	136-16-030	AMD	96-17-013
132Z-108-040	NEW	96-14-098	136-02-020	AMD	96-17-013	136-16-042	AMD-P	96-11-052
132Z-108-050	NEW-P	96-09-074	136-02-030	REP-P	96-11-052	136-16-042	AMD	96-17-013
132Z-108-050	NEW	96-14-098	136-02-030	REP	96-17-013	136-16-050	AMD-P	96-11-052
132Z-108-060	NEW-P	96-09-074	136-04	AMD-P	96-11-052	136-16-050	AMD	96-17-013
132Z-108-060	NEW	96-14-098	136-04	AMD	96-17-013	136-18	AMD-P	96-11-052
132Z-108-070	NEW-P	96-09-074	136-04-010	AMD-P	96-11-052	136-18	AMD	96-17-013
132Z-108-070	NEW	96-14-098	136-04-010	AMD	96-17-013	136-18-010	AMD-P	96-11-052
132Z-108-080	NEW-P	96-09-074	136-04-010	AMD	96-17-013	136-18-010	AMD	96-17-013
132Z-108-080	NEW	96-14-098	136-04-020	AMD-P	96-11-052	136-18-020	AMD-P	96-11-052
132Z-122-010	NEW-P	96-09-074	136-04-020	AMD	96-17-013	136-18-020	AMD	96-17-013
132Z-122-010	NEW	96-14-098	136-04-030	AMD-P	96-11-052	136-18-020	AMD	96-17-013
132Z-122-010	NEW	96-14-098	136-04-030	AMD	96-17-013	136-18-030	AMD-P	96-11-052
132Z-122-020	NEW-P	96-09-074	136-04-030	AMD	96-17-013	136-18-030	AMD	96-17-013
132Z-122-020	NEW	96-14-098	136-04-040	AMD-P	96-11-052	136-18-030	AMD	96-17-013
132Z-122-020	NEW	96-14-098	136-04-040	AMD	96-17-013	136-18-060	AMD-P	96-11-052
132Z-122-030	NEW-P	96-09-074	136-04-040	AMD	96-17-013	136-18-060	AMD	96-17-013
132Z-122-030	NEW	96-14-098	136-04-050	AMD-P	96-11-052	136-18-070	AMD-P	96-11-052
132Z-122-030	NEW	96-14-098	136-04-050	AMD	96-17-013	136-18-070	AMD	96-17-013
132Z-133-010	NEW-P	96-09-074	136-04-055	AMD-P	96-11-052	136-18-070	AMD	96-17-013
132Z-133-010	NEW	96-14-098	136-04-055	AMD	96-17-013	136-18-080	AMD-P	96-11-052
132Z-134-010	NEW-P	96-09-074	136-04-060	AMD-P	96-11-052	136-18-080	AMD	96-17-013
132Z-134-010	NEW	96-14-098	136-04-060	AMD	96-17-013	136-18-090	AMD-P	96-11-052
132Z-276-010	NEW-P	96-09-074	136-04-060	AMD	96-17-013	136-18-090	AMD	96-17-013
132Z-276-010	NEW	96-14-098	136-04-070	AMD-P	96-11-052	136-20	AMD-P	96-11-052
132Z-276-010	NEW	96-14-098	136-04-070	AMD	96-17-013	136-20	AMD	96-17-013
132Z-276-020	NEW-P	96-09-074	136-04-080	AMD-P	96-11-052	136-20-020	AMD-P	96-11-052
132Z-276-020	NEW	96-14-098	136-04-080	AMD	96-17-013	136-20-020	AMD	96-17-013
132Z-276-020	NEW	96-14-098	136-04-080	AMD	96-17-013	136-20-020	AMD	96-17-013
132Z-276-030	NEW-P	96-09-074	136-04-090	AMD-P	96-11-052	136-20-030	AMD-P	96-11-052
132Z-276-030	NEW	96-14-098	136-04-090	AMD	96-17-013	136-20-030	AMD	96-17-013
132Z-276-040	NEW-P	96-09-074	136-04-100	AMD-P	96-11-052	136-20-030	AMD	96-17-013
132Z-276-040	NEW	96-14-098	136-04-100	AMD	96-17-013	136-20-040	AMD-P	96-11-052
132Z-276-040	NEW	96-14-098	136-04-100	AMD	96-17-013	136-20-040	AMD	96-17-013
132Z-276-050	NEW-P	96-09-074	136-04-110	NEW-P	96-11-052	136-20-040	AMD	96-17-013
132Z-276-050	NEW	96-14-098	136-04-110	NEW	96-17-013	136-20-050	AMD-P	96-11-052
132Z-276-060	NEW-P	96-09-074	136-10	AMD-P	96-11-052	136-20-050	AMD	96-17-013
132Z-276-060	NEW	96-14-098	136-10	AMD	96-17-013	136-20-060	AMD-P	96-11-052
132Z-276-060	NEW	96-14-098	136-10	AMD	96-17-013	136-20-060	AMD	96-17-013
132Z-276-070	NEW-P	96-09-074	136-10-020	AMD-P	96-11-052	136-20-060	AMD	96-17-013
132Z-276-070	NEW	96-14-098	136-10-020	AMD	96-17-013	136-24-010	REP-P	96-11-052
132Z-276-080	NEW-P	96-09-074	136-10-030	AMD-P	96-11-052	136-24-010	REP	96-17-013
132Z-276-080	NEW	96-14-098	136-10-030	AMD	96-17-013	136-28-010	AMD-P	96-11-052
132Z-276-080	NEW	96-14-098	136-10-030	AMD	96-17-013	136-28-010	AMD	96-17-013
132Z-276-090	NEW-P	96-09-074	136-11-010	AMD-P	96-11-052	136-28-010	AMD	96-17-013
132Z-276-090	NEW	96-14-098	136-11-010	AMD	96-17-013	136-28-020	AMD-P	96-11-052
132Z-276-100	NEW-P	96-09-074	136-11-020	AMD-P	96-11-052	136-28-020	AMD	96-17-013
132Z-276-100	NEW	96-14-098	136-11-020	AMD	96-17-013	136-28-020	AMD	96-17-013
132Z-276-100	NEW	96-14-098	136-11-020	AMD	96-17-013	136-28-030	AMD-P	96-11-052
132Z-276-110	NEW-P	96-09-074	136-11-030	AMD-P	96-11-052	136-28-030	AMD	96-17-013
132Z-276-110	NEW	96-14-098	136-11-030	AMD	96-17-013	136-28-030	AMD	96-17-013
132Z-276-120	NEW-P	96-09-074	136-12	AMD-P	96-11-052	136-40-030	AMD-P	96-11-052
132Z-276-120	NEW	96-14-098	136-12	AMD	96-17-013	136-40-030	AMD	96-17-013
132Z-276-120	NEW	96-14-098	136-12	AMD	96-17-013	136-40-040	AMD-P	96-11-052
132Z-276-130	NEW-P	96-09-074	136-12-010	AMD-P	96-11-052	136-40-040	AMD	96-17-013
132Z-276-130	NEW	96-14-098	136-12-010	AMD	96-17-013	136-40-040	AMD	96-17-013
132Z-276-140	NEW-P	96-09-074	136-12-070	AMD-P	96-11-052	136-40-050	REP-P	96-11-052
132Z-276-140	NEW	96-14-098	136-12-070	AMD	96-17-013	136-40-050	REP	96-17-013
132Z-276-140	NEW	96-14-098	136-12-070	AMD	96-17-013	136-40-060	REP-P	96-11-052
132Z-300-010	NEW-P	96-09-074	136-12-080	AMD-P	96-11-052	136-40-060	REP	96-17-013
132Z-300-010	NEW	96-14-098	136-12-080	AMD	96-17-013	136-40-060	REP	96-17-013
132Z-300-020	NEW-P	96-09-074	136-14-030	AMD-P	96-11-052	136-60	AMD-P	96-11-052
132Z-300-020	NEW	96-14-098	136-14-030	AMD	96-17-013	136-60	AMD	96-17-013
132Z-300-020	NEW	96-14-098	136-14-030	AMD	96-17-013	136-60-010	AMD-P	96-11-052
132Z-300-030	NEW-P	96-09-074	136-14-040	AMD-P	96-11-052	136-60-010	AMD	96-17-013
132Z-300-030	NEW	96-14-098	136-14-040	AMD	96-17-013	136-60-010	AMD	96-17-013
132Z-300-040	NEW-P	96-09-074	136-14-050	AMD-P	96-11-052	136-60-030	AMD-P	96-11-052
132Z-300-040	NEW	96-14-098	136-14-050	AMD	96-17-013	136-60-030	AMD	96-17-013
132Z-300-040	NEW	96-14-098	136-14-050	AMD	96-17-013	136-60-060	AMD-P	96-11-052
132Z-310-010	NEW-P	96-09-074	136-14-060	AMD-P	96-11-052	136-60-060	AMD	96-17-013
132Z-310-010	NEW	96-14-098	136-14-060	AMD	96-17-013	136-100-010	AMD-P	96-11-052
132Z-310-020	NEW-P	96-09-074	136-15	AMD-P	96-11-052	136-100-010	AMD	96-17-013
132Z-310-020	NEW	96-14-098	136-15	AMD	96-17-013	136-100-020	AMD-P	96-11-052

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136-100-030	AMD-P	96-11-052	136-210-020	AMD-P	96-11-052	154-04-075	REP	96-16-020
136-100-030	AMD	96-17-013	136-210-020	AMD	96-17-013	154-04-080	REP-P	96-13-100
136-100-040	AMD-P	96-11-052	136-210-030	AMD-P	96-11-052	154-04-080	REP	96-16-020
136-100-040	AMD	96-17-013	136-210-030	AMD	96-17-013	154-04-100	REP-P	96-13-100
136-110-010	AMD-P	96-11-052	136-210-040	AMD-P	96-11-052	154-04-100	REP	96-16-020
136-110-010	AMD	96-17-013	136-210-040	AMD	96-17-013	154-08-010	REP-P	96-13-100
136-110-030	AMD-P	96-11-052	136-210-050	AMD-P	96-11-052	154-08-010	REP	96-16-020
136-110-030	AMD	96-17-013	136-210-050	AMD	96-17-013	154-08-020	REP-P	96-13-100
136-110-040	AMD-P	96-11-052	136-220-010	AMD-P	96-11-052	154-08-020	REP	96-16-020
136-110-040	AMD	96-17-013	136-220-010	AMD	96-17-013	154-08-030	REP-P	96-13-100
136-110-050	AMD-P	96-11-052	136-220-030	AMD-P	96-11-052	154-08-030	REP	96-16-020
136-110-050	AMD	96-17-013	136-220-030	AMD	96-17-013	154-08-040	REP-P	96-13-100
136-120	AMD-P	96-11-052	136-250-010	REP-P	96-11-052	154-08-040	REP	96-16-020
136-120	AMD	96-17-013	136-250-010	REP	96-17-013	154-08-050	REP-P	96-13-100
136-120-010	AMD-P	96-11-052	136-250-020	REP-P	96-11-052	154-08-050	REP	96-16-020
136-120-010	AMD	96-17-013	136-250-020	REP	96-17-013	154-12-010	REP-P	96-13-100
136-120-020	AMD-P	96-11-052	136-250-030	REP-P	96-11-052	154-12-010	REP	96-16-020
136-120-020	AMD	96-17-013	136-250-030	REP	96-17-013	154-12-015	REP-P	96-13-100
136-120-030	AMD-P	96-11-052	136-250-040	REP-P	96-11-052	154-12-015	REP	96-16-020
136-120-030	AMD	96-17-013	136-250-040	REP	96-17-013	154-12-020	REP-P	96-13-100
136-130	AMD-P	96-11-052	136-250-050	REP-P	96-11-052	154-12-020	REP	96-16-020
136-130	AMD	96-17-013	136-250-050	REP	96-17-013	154-12-030	REP-P	96-13-100
136-130-010	AMD-P	96-11-052	136-300	AMD-P	96-11-052	154-12-030	REP	96-16-020
136-130-010	AMD	96-17-013	136-300	AMD	96-17-013	154-12-030	REP-P	96-13-100
136-130-040	AMD-P	96-11-052	136-300-010	AMD-P	96-11-052	154-12-040	REP	96-16-020
136-130-040	AMD	96-17-013	136-300-010	AMD	96-17-013	154-12-040	REP-P	96-13-100
136-130-060	AMD-P	96-17-008	136-300-020	AMD-P	96-11-052	154-12-050	REP	96-16-020
136-150-010	AMD-P	96-11-052	136-300-020	AMD	96-17-013	154-12-050	REP-P	96-13-100
136-150-010	AMD	96-17-013	136-310-010	AMD-P	96-11-052	154-12-070	REP-P	96-16-020
136-150-020	AMD-P	96-11-052	136-310-010	AMD	96-17-013	154-12-070	REP	96-13-100
136-150-020	AMD	96-17-013	136-310-020	AMD-P	96-11-052	154-12-075	REP-P	96-16-020
136-150-022	AMD-P	96-11-052	136-310-020	AMD	96-17-013	154-12-075	REP	96-13-100
136-150-022	AMD	96-17-013	136-310-050	AMD-P	96-11-052	154-12-080	REP-P	96-16-020
136-150-023	AMD-P	96-11-052	136-310-050	AMD	96-17-013	154-12-080	REP	96-13-100
136-150-023	AMD	96-17-013	136-340	AMD-P	96-11-052	154-12-085	REP-P	96-16-020
136-161-060	AMD-P	96-11-052	136-340	AMD	96-17-013	154-12-085	REP	96-13-100
136-161-060	AMD	96-17-013	136-340-020	AMD-P	96-11-052	154-12-086	REP-P	96-16-020
136-161-070	AMD-P	96-11-052	136-340-020	AMD	96-17-013	154-12-086	REP	96-13-100
136-161-070	AMD	96-17-013	136-340-030	AMD-P	96-11-052	154-12-087	REP-P	96-16-020
136-161-100	REP-P	96-11-052	136-340-030	AMD	96-17-013	154-12-087	REP	96-13-100
136-161-100	REP	96-17-013	136-340-040	AMD-P	96-11-052	154-12-090	REP-P	96-16-020
136-163-010	NEW-P	96-11-051	136-340-040	AMD	96-17-013	154-12-090	REP	96-13-100
136-163-010	NEW	96-17-014	136-400-010	AMD-P	96-11-052	154-12-110	REP-P	96-16-020
136-163-020	NEW-P	96-11-051	136-400-010	AMD	96-17-013	154-24-010	REP-P	96-13-100
136-163-020	NEW	96-17-014	136-400-060	AMD-P	96-11-052	154-24-010	REP	96-16-020
136-163-030	NEW-P	96-11-051	136-400-060	AMD	96-17-013	154-28-010	REP-P	96-13-100
136-163-030	NEW	96-17-014	136-400-060	AMD	96-17-013	154-28-010	REP	96-16-020
136-163-040	NEW-P	96-11-051	136-400-100	AMD-P	96-11-052	154-32-010	REP-P	96-13-100
136-163-040	NEW	96-17-014	136-400-100	AMD	96-17-013	154-32-010	REP	96-16-020
136-163-050	NEW-P	96-11-051	136-400-110	AMD-P	96-11-052	154-32-020	REP-P	96-13-100
136-163-050	NEW	96-17-014	136-400-110	AMD	96-17-013	154-32-020	REP	96-16-020
136-163-060	NEW-P	96-11-051	136-400-120	AMD-P	96-11-052	154-36-010	REP-P	96-13-100
136-163-060	NEW	96-17-014	136-400-120	AMD	96-17-013	154-36-010	REP	96-16-020
136-170-010	AMD-P	96-11-052	137-08	PREP	96-07-099	154-40-010	REP-P	96-13-100
136-170-010	AMD	96-17-013	139-01-810	AMD-P	96-03-025	154-40-010	REP	96-16-020
136-170-030	AMD-P	96-11-052	139-01-810	AMD	96-08-008	154-44-010	REP-P	96-13-100
136-170-030	AMD	96-17-013	154	PREP	96-06-079	154-44-010	REP	96-16-020
136-180-010	AMD-P	96-11-052	154-01-010	REP-P	96-13-100	154-48-010	REP-P	96-13-100
136-180-010	AMD	96-17-013	154-01-010	REP	96-16-020	154-48-010	REP	96-16-020
136-180-030	AMD-P	96-11-052	154-04-010	REP-P	96-13-100	154-52-010	REP-P	96-13-100
136-180-030	AMD	96-17-013	154-04-020	REP	96-16-020	154-52-010	REP	96-16-020
136-180-040	AMD-P	96-11-052	154-04-020	REP	96-16-020	154-56-010	REP-P	96-13-100
136-180-040	AMD	96-17-013	154-04-030	REP-P	96-13-100	154-56-010	REP	96-16-020
136-190-010	AMD-P	96-11-052	154-04-030	REP	96-16-020	154-60-010	REP-P	96-13-100
136-190-010	AMD	96-17-013	154-04-041	REP-P	96-13-100	154-60-010	REP	96-16-020
136-200	AMD-P	96-11-052	154-04-041	REP	96-16-020	154-64-010	REP-P	96-13-100
136-200	AMD	96-17-013	154-04-050	REP-P	96-13-100	154-64-010	REP	96-16-020
136-200-010	AMD-P	96-11-052	154-04-050	REP	96-16-020	154-64-020	REP-P	96-13-100
136-200-010	AMD	96-17-013	154-04-065	REP-P	96-13-100	154-64-020	REP	96-16-020
136-200-020	AMD-P	96-11-052	154-04-065	REP	96-16-020	154-64-030	REP-P	96-13-100
136-200-020	AMD	96-17-013	154-04-070	REP-P	96-13-100	154-64-030	REP	96-16-020
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154-64-060	REP	96-16-020	154-180-060	REP-P	96-13-100	162-08-298	AMD	96-13-045
154-64-060	REP-P	96-13-100	154-180-060	REP	96-16-020	162-08-305	AMD-P	96-06-087
154-68-010	REP	96-16-020	154-180-070	REP-P	96-13-100	162-08-305	AMD	96-13-045
154-68-010	REP-P	96-13-100	154-180-070	REP	96-16-020	162-12-100	AMD-P	96-08-055
154-68-010	REP	96-16-020	154-190-010	REP-P	96-13-100	162-12-110	REP-P	96-08-055
154-68-020	REP-P	96-13-100	154-190-010	REP	96-16-020	162-12-120	AMD-P	96-08-055
154-68-020	REP	96-16-020	154-200-010	REP-P	96-13-100	162-12-130	AMD-P	96-08-055
154-110-010	REP-P	96-13-100	154-200-010	REP	96-16-020	162-12-135	AMD-P	96-08-055
154-110-010	REP	96-16-020	154-200-020	REP-P	96-13-100	162-12-140	AMD-P	96-08-055
154-110-015	REP-P	96-13-100	154-200-020	REP	96-16-020	162-12-150	AMD-P	96-08-055
154-110-015	REP	96-16-020	154-200-030	REP-P	96-13-100	162-12-160	AMD-P	96-08-055
154-110-020	REP-P	96-13-100	154-200-030	REP	96-16-020	162-12-170	AMD-P	96-08-055
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154-110-030	REP-P	96-13-100	154-200-040	REP	96-16-020	162-22	AMD-P	96-08-055
154-110-030	REP	96-16-020	154-300-005	REP-P	96-13-100	162-22-010	AMD-P	96-08-055
154-120-010	REP-P	96-13-100	154-300-005	REP	96-16-020	162-22-020	AMD-P	96-08-055
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154-120-020	REP-P	96-13-100	154-300-020	REP	96-16-020	162-22-060	AMD-P	96-08-055
154-120-020	REP	96-16-020	154-300-030	REP-P	96-13-100	162-22-070	AMD-P	96-08-055
154-120-025	REP-P	96-13-100	154-300-030	REP	96-16-020	162-22-080	AMD-P	96-08-055
154-120-025	REP	96-16-020	154-300-030	REP	96-13-100	162-22-090	AMD-P	96-08-055
154-120-030	REP-P	96-13-100	154-300-040	REP-P	96-16-020	162-22-100	NEW-P	96-08-055
154-120-030	REP	96-16-020	154-300-040	REP	96-13-100	162-30	AMD-P	96-08-055
154-120-035	REP-P	96-13-100	154-300-050	REP	96-16-020	162-30-010	AMD-P	96-08-055
154-120-035	REP	96-16-020	154-300-050	REP	96-13-100	162-30-020	AMD-P	96-08-055
154-120-040	REP-P	96-13-100	154-300-060	REP-P	96-16-020	162-30-030	NEW-P	96-08-055
154-120-040	REP	96-16-020	154-300-060	REP	96-13-100	162-30-035	NEW-P	96-08-055
154-120-045	REP-P	96-13-100	154-300-070	REP-P	96-16-020	162-30-040	NEW-P	96-08-055
154-120-045	REP	96-16-020	154-300-070	REP	96-13-100	162-30-050	NEW-P	96-08-055
154-120-050	REP-P	96-13-100	154-300-080	REP-P	96-16-020	162-30-060	NEW-P	96-08-055
154-120-050	REP	96-16-020	154-300-080	REP	96-13-100	162-30-070	NEW-P	96-08-055
154-120-055	REP-P	96-13-100	154-300-090	REP-P	96-16-020	162-30-080	NEW-P	96-08-055
154-120-055	REP	96-16-020	154-300-090	REP	96-13-100	162-30-090	NEW-P	96-08-055
154-130-010	REP-P	96-13-100	154-300-100	REP-P	96-16-020	162-30-100	NEW-P	96-08-055
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154-130-020	REP-P	96-13-100	154-300-110	REP-P	96-16-020	162-36-001	NEW-P	96-06-087
154-130-020	REP	96-16-020	154-300-110	REP	96-13-100	162-36-001	NEW	96-13-045
154-130-030	REP-P	96-13-100	154-300-120	REP-P	96-16-020	162-36-005	NEW-P	96-06-087
154-130-030	REP	96-16-020	162-04	PREP	96-02-081	162-36-005	NEW	96-13-045
154-140-010	REP-P	96-13-100	162-08	PREP	96-02-081	162-36-006	NEW-P	96-06-087
154-140-010	REP	96-16-020	162-08-061	AMD-P	96-06-087	162-36-006	NEW	96-13-045
154-140-020	REP-P	96-13-100	162-08-061	AMD	96-13-045	162-36-010	AMD-P	96-06-087
154-140-020	REP	96-16-020	162-08-062	AMD-P	96-06-087	162-36-010	AMD	96-13-045
154-140-030	REP-P	96-13-100	162-08-062	AMD	96-13-045	162-36-020	AMD-P	96-06-087
154-140-030	REP	96-16-020	162-08-071	AMD-P	96-06-087	162-36-020	AMD	96-13-045
154-150-010	REP-P	96-13-100	162-08-071	AMD	96-13-045	162-38	PREP	96-02-081
154-150-010	REP	96-16-020	162-08-072	AMD-P	96-06-087	162-38-010	AMD-P	96-06-087
154-150-020	REP-P	96-13-100	162-08-072	AMD	96-13-045	162-38-010	AMD	96-13-045
154-150-020	REP	96-16-020	162-08-093	AMD-P	96-06-087	162-38-020	REP-P	96-06-087
154-150-030	REP-P	96-13-100	162-08-093	AMD	96-13-045	162-38-020	REP	96-13-045
154-150-030	REP	96-16-020	162-08-094	AMD-P	96-06-087	162-38-030	REP-P	96-06-087
154-150-040	REP-P	96-13-100	162-08-094	AMD	96-13-045	162-38-030	REP	96-13-045
154-150-040	REP	96-16-020	162-08-09401	NEW-P	96-06-087	162-38-035	AMD-P	96-06-087
154-150-050	REP-P	96-13-100	162-08-09401	NEW	96-13-045	162-38-035	AMD	96-13-045
154-150-050	REP	96-16-020	162-08-099	AMD-P	96-06-087	162-38-040	AMD-P	96-06-087
154-160-010	REP-P	96-13-100	162-08-099	AMD	96-13-045	162-38-040	AMD	96-13-045
154-160-010	REP	96-16-020	162-08-102	AMD-P	96-06-087	162-38-050	AMD-P	96-06-087
154-160-020	REP-P	96-13-100	162-08-102	AMD	96-13-045	162-38-050	AMD	96-13-045
154-160-020	REP	96-16-020	162-08-104	AMD-P	96-06-087	162-38-060	AMD-P	96-06-087
154-170-010	REP-P	96-13-100	162-08-104	AMD	96-13-045	162-38-060	AMD	96-13-045
154-170-010	REP	96-16-020	162-08-106	AMD-P	96-06-087	162-38-070	AMD-P	96-06-087
154-180-010	REP-P	96-13-100	162-08-106	AMD	96-13-045	162-38-070	AMD	96-13-045
154-180-010	REP	96-16-020	162-08-107	NEW-P	96-06-087	162-38-080	AMD-P	96-06-087
154-180-020	REP-P	96-13-100	162-08-107	NEW	96-13-045	162-38-080	AMD	96-13-045
154-180-020	REP	96-16-020	162-08-261	AMD-P	96-06-087	162-38-090	AMD-P	96-06-087
154-180-030	REP-P	96-13-100	162-08-261	AMD	96-13-045	162-38-090	AMD	96-13-045
154-180-030	REP	96-16-020	162-08-268	AMD-P	96-06-087	162-38-100	AMD-P	96-06-087
154-180-040	REP-P	96-13-100	162-08-268	AMD	96-13-045	162-38-100	AMD-W	96-13-044
154-180-040	REP	96-16-020	162-08-288	AMD-P	96-06-087	162-38-110	AMD-P	96-06-087

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Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-19-3903	REP-P	96-13-103	173-26-140	NEW-P	96-13-103	173-354-300	NEW-W	96-05-020
173-19-3904	REP-P	96-13-103	173-26-150	NEW-P	96-13-103	173-354-320	NEW-W	96-05-020
173-19-3905	REP-P	96-13-103	173-26-160	NEW-P	96-13-103	173-354-340	NEW-W	96-05-020
173-19-3906	REP-P	96-13-103	173-27-010	NEW-P	96-13-103	173-354-360	NEW-W	96-05-020
173-19-3907	REP-P	96-13-103	173-27-020	NEW-P	96-13-103	173-354-380	NEW-W	96-05-020
173-19-3908	REP-P	96-13-103	173-27-030	NEW-P	96-13-103	173-354-400	NEW-W	96-05-020
173-19-3909	REP-P	96-13-103	173-27-040	NEW-P	96-13-103	173-354-440	NEW-W	96-05-020
173-19-3910	REP-P	96-13-103	173-27-050	NEW-P	96-13-103	173-354-460	NEW-W	96-05-020
173-19-3911	REP-P	96-13-103	173-27-060	NEW-P	96-13-103	173-354-500	NEW-W	96-05-020
173-19-3912	REP-P	96-13-103	173-27-070	NEW-P	96-13-103	173-354-515	NEW-W	96-05-020
173-19-3913	REP-P	96-13-103	173-27-080	NEW-P	96-13-103	173-354-525	NEW-W	96-05-020
173-19-3914	REP-P	96-13-103	173-27-090	NEW-P	96-13-103	173-354-535	NEW-W	96-05-020
173-19-3915	REP-P	96-13-103	173-27-100	NEW-P	96-13-103	173-354-545	NEW-W	96-05-020
173-19-3916	REP-P	96-13-103	173-27-110	NEW-P	96-13-103	173-354-555	NEW-W	96-05-020
173-19-400	REP-P	96-13-103	173-27-120	NEW-P	96-13-103	173-354-600	NEW-W	96-05-020
173-19-4001	REP-P	96-13-103	173-27-130	NEW-P	96-13-103	173-354-620	NEW-W	96-05-020
173-19-4002	REP-P	96-13-103	173-27-140	NEW-P	96-13-103	173-354-640	NEW-W	96-05-020
173-19-4003	REP-P	96-13-103	173-27-150	NEW-P	96-13-103	173-354-660	NEW-W	96-05-020
173-19-4004	REP-P	96-13-103	173-27-160	NEW-P	96-13-103	173-354-670	NEW-W	96-05-020
173-19-4005	REP-P	96-13-103	173-27-170	NEW-P	96-13-103	173-354-680	NEW-W	96-05-020
173-19-4006	REP-P	96-13-103	173-27-180	NEW-P	96-13-103	173-354-700	NEW-W	96-05-020
173-19-410	REP-P	96-13-103	173-27-190	NEW-P	96-13-103	173-354-720	NEW-W	96-05-020
173-19-4101	REP-P	96-13-103	173-27-200	NEW-P	96-13-103	173-354-800	NEW-W	96-05-020
173-19-4102	REP-P	96-13-103	173-27-210	NEW-P	96-13-103	173-354-900	NEW-W	96-05-020
173-19-420	REP-P	96-13-103	173-27-220	NEW-P	96-13-103	173-354-990	NEW-W	96-05-020
173-19-4201	REP-P	96-13-103	173-27-240	NEW-P	96-13-103	173-400	PREP	96-12-080
173-19-4202	REP-P	96-13-103	173-27-250	NEW-P	96-13-103	173-400	AMD-C	96-13-081
173-19-4203	REP-P	96-13-103	173-27-260	NEW-P	96-13-103	173-400-030	AMD-P	96-06-036
173-19-4204	REP-P	96-13-103	173-27-270	NEW-P	96-13-103	173-400-045	AMD-P	96-06-036
173-19-4205	REP-P	96-13-103	173-27-280	NEW-P	96-13-103	173-400-070	AMD-P	96-06-036
173-19-4206	REP-P	96-13-103	173-27-290	NEW-P	96-13-103	173-400-075	AMD-P	96-06-036
173-19-430	REP-P	96-13-103	173-27-300	NEW-P	96-13-103	173-400-105	AMD-P	96-06-036
173-19-4301	REP-P	96-13-103	173-27-310	NEW-P	96-13-103	173-400-115	AMD-P	96-06-036
173-19-440	REP-P	96-13-103	173-27-990	NEW-P	96-13-103	173-400-116	AMD-P	96-06-036
173-19-4401	REP-P	96-13-103	173-28-010	PREP-X	96-14-031	173-400-141	AMD-P	96-06-036
173-19-4402	REP-P	96-13-103	173-28-020	PREP-X	96-14-031	173-401	PREP	96-11-134
173-19-450	REP-P	96-13-103	173-28-030	PREP-X	96-14-031	173-401	PREP-W	96-14-052
173-19-4501	REP-P	96-13-103	173-28-040	PREP-X	96-14-031	173-422	PREP	96-15-134
173-19-4502	REP-P	96-13-103	173-28-050	PREP-X	96-14-031	173-422-030	AMD-P	96-12-023
173-19-4503	REP-P	96-13-103	173-28-060	PREP-X	96-14-031	173-422-050	AMD-P	96-12-023
173-19-4504	REP-P	96-13-103	173-28-070	PREP-X	96-14-031	173-422-060	AMD-P	96-12-023
173-19-4505	REP-P	96-13-103	173-28-080	PREP-X	96-14-031	173-422-070	AMD-P	96-12-023
173-19-4506	REP-P	96-13-103	173-145-100	AMD-E	96-09-007	173-422-170	AMD-P	96-12-023
173-19-4507	REP-P	96-13-103	173-224-040	AMD	96-03-041	173-422-190	AMD-P	96-12-023
173-19-460	REP-P	96-13-103	173-224-050	AMD	96-03-041	173-430	PREP	96-12-081
173-19-4601	REP-P	96-13-103	173-224-070	REP	96-03-041	173-430-040	AMD-E	96-08-041
173-19-4602	REP-P	96-13-103	173-224-090	AMD	96-03-041	173-430-040	AMD-E	96-16-013
173-19-4603	REP-P	96-13-103	173-303-515	REP-W	96-05-020	173-430-040	AMD-P	96-16-014
173-19-4604	REP-P	96-13-103	173-330-010	REP-W	96-05-020	173-430-040	AMD-E	96-16-024
173-19-4605	REP-P	96-13-103	173-330-020	REP-W	96-05-020	173-492	PREP	96-11-135
173-19-4606	REP-P	96-13-103	173-330-030	REP-W	96-05-020	173-492-010	AMD-P	96-14-084
173-19-4607	REP-P	96-13-103	173-330-040	REP-W	96-05-020	173-492-050	AMD-P	96-14-084
173-19-470	REP-P	96-13-103	173-330-050	REP-W	96-05-020	173-492-070	AMD-P	96-14-084
173-19-4701	REP-P	96-13-103	173-330-060	REP-W	96-05-020	173-806	PREP	96-06-018
173-19-4702	REP-P	96-13-103	173-330-070	REP-W	96-05-020	174-120	PREP	96-03-138
173-19-4703	REP-P	96-13-103	173-330-900	REP-W	96-05-020	174-120-010	REP-P	96-08-066
173-19-4704	REP-P	96-13-103	173-340-200	AMD	96-04-010	174-120-010	REP	96-13-086
173-19-4705	REP-P	96-13-103	173-340-440	AMD	96-04-010	174-120-015	NEW-P	96-08-066
173-19-4706	REP-P	96-13-103	173-340-530	AMD	96-04-010	174-120-015	NEW	96-13-086
173-19-4707	REP-P	96-13-103	173-340-700	AMD	96-04-010	174-120-025	NEW-P	96-08-066
173-26-010	NEW-P	96-13-103	173-340-706	AMD	96-04-010	174-120-025	NEW	96-13-086
173-26-020	NEW-P	96-13-103	173-340-740	AMD	96-04-010	174-120-030	REP-P	96-08-066
173-26-030	NEW-P	96-13-103	173-340-745	AMD	96-04-010	174-120-030	REP	96-13-086
173-26-040	NEW-P	96-13-103	173-354-008	NEW-W	96-05-020	174-120-035	NEW-P	96-08-066
173-26-050	NEW-P	96-13-103	173-354-010	NEW-W	96-05-020	174-120-035	NEW	96-13-086
173-26-060	NEW-P	96-13-103	173-354-020	NEW-W	96-05-020	174-120-040	REP-P	96-08-066
173-26-070	NEW-P	96-13-103	173-354-050	NEW-W	96-05-020	174-120-040	REP	96-13-086
173-26-080	NEW-P	96-13-103	173-354-070	NEW-W	96-05-020	174-120-045	NEW-P	96-08-066
173-26-090	NEW-P	96-13-103	173-354-090	NEW-W	96-05-020	174-120-045	NEW	96-13-086
173-26-100	NEW-P	96-13-103	173-354-100	NEW-W	96-05-020	174-120-050	REP-P	96-08-066
173-26-110	NEW-P	96-13-103	173-354-150	NEW-W	96-05-020	174-120-050	REP	96-13-086
173-26-120	NEW-P	96-13-103	173-354-200	NEW-W	96-05-020	174-120-055	NEW-P	96-08-066
173-26-130	NEW-P	96-13-103	173-354-230	NEW-W	96-05-020	174-120-055	NEW	96-13-086

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
174-120-060	REP-P	96-08-066	180-51-050	AMD-P	96-04-071	182-08-165	AMD-P	96-02-079
174-120-060	REP	96-13-086	180-51-050	AMD-C	96-09-010	182-08-165	AMD	96-08-042
174-120-065	NEW-P	96-08-066	180-51-050	AMD	96-09-027	182-08-170	REP-P	96-02-079
174-120-065	NEW	96-13-086	180-75	PREP	96-16-040	182-08-170	REP	96-08-042
174-120-070	REP-P	96-08-066	180-75-047	AMD	96-08-022	182-08-180	AMD-P	96-02-079
174-120-070	REP	96-13-086	180-77	PREP	96-16-042	182-08-180	AMD	96-08-042
174-120-075	NEW-P	96-08-066	180-77A	PREP	96-16-047	182-08-190	AMD-P	96-02-079
174-120-075	NEW	96-13-086	180-78	PREP	96-16-044	182-08-190	AMD	96-08-042
174-120-080	REP-P	96-08-066	180-78-145	PREP	96-13-051	182-08-195	REP-P	96-02-079
174-120-080	REP	96-13-086	180-78-145	AMD-P	96-16-048	182-08-195	REP	96-08-042
174-120-085	NEW-P	96-08-066	180-78-160	PREP	96-07-102	182-08-200	AMD-P	96-02-079
174-120-085	NEW	96-13-086	180-78-160	AMD-P	96-12-086	182-08-200	AMD	96-08-042
174-120-090	REP-P	96-08-066	180-78-160	AMD	96-16-049	182-08-210	AMD-P	96-02-079
174-120-090	REP	96-13-086	180-78A	PREP	96-16-045	182-08-210	AMD	96-08-042
174-122-010	PREP-X	96-14-007	180-79	PREP	96-16-040	182-08-220	AMD-P	96-02-079
174-122-020	PREP-X	96-14-007	180-79-086	AMD-P	96-04-047	182-08-220	AMD	96-08-042
174-122-030	PREP-X	96-14-007	180-79-086	AMD	96-08-023	182-08-300	REP-P	96-02-079
174-122-040	PREP-X	96-14-007	180-79-086	AMD	96-08-022	182-08-300	REP	96-08-042
180-16	PREP	96-16-043	180-79-311	AMD-P	96-04-048	182-12-110	AMD-P	96-02-080
180-16-238	PREP	96-04-070	180-79-311	AMD	96-08-024	182-12-110	AMD	96-08-043
180-16-238	NEW-P	96-07-046	180-79-334	AMD-P	96-04-049	182-12-111	AMD-P	96-02-080
180-16-238	NEW	96-11-111	180-79-334	AMD	96-08-025	182-12-111	AMD	96-08-043
180-20	PREP	96-08-060	180-79-340	AMD-W	96-15-007	182-12-115	AMD-P	96-02-080
180-20-005	AMD-P	96-12-089	180-79A	PREP	96-16-040	182-12-115	AMD	96-08-043
180-20-035	AMD-P	96-16-096	180-83-010	NEW	96-04-073	182-12-117	NEW-P	96-02-080
180-20-040	AMD-P	96-16-096	180-83-020	NEW	96-04-073	182-12-117	NEW	96-08-043
180-20-045	AMD-P	96-12-089	180-83-030	NEW	96-04-073	182-12-119	NEW-P	96-02-080
180-20-045	REP-P	96-16-096	180-83-040	NEW	96-04-073	182-12-119	NEW	96-08-043
180-20-055	AMD-P	96-16-096	180-83-050	NEW	96-04-073	182-12-122	REP-P	96-02-080
180-20-060	AMD-P	96-16-096	180-83-060	NEW	96-04-073	182-12-122	REP	96-08-043
180-20-065	REP-P	96-16-096	180-83-070	NEW	96-04-073	182-12-130	REP-P	96-02-080
180-20-070	AMD-P	96-16-096	180-85	PREP	96-16-046	182-12-130	REP	96-08-043
180-20-075	AMD-P	96-16-096	180-85-025	AMD-P	96-04-074	182-12-132	AMD-P	96-02-080
180-20-090	AMD-P	96-16-096	180-85-025	AMD	96-08-013	182-12-132	AMD	96-08-043
180-20-095	AMD-P	96-16-096	180-85-025	AMD-W	96-15-006	182-12-145	AMD-P	96-02-080
180-20-101	AMD-P	96-16-096	180-85-030	PREP	96-13-050	182-12-145	AMD	96-08-043
180-20-111	AMD-P	96-16-096	180-85-030	AMD-W	96-15-006	182-12-151	REP-P	96-02-080
180-20-115	AMD-P	96-16-096	180-85-032	NEW-P	96-04-074	182-12-151	REP	96-08-043
180-20-120	AMD-P	96-16-096	180-85-032	NEW	96-08-013	182-12-160	REP-P	96-02-080
180-20-130	AMD-P	96-16-096	180-86	PREP	96-06-038	182-12-160	REP	96-08-043
180-20-145	AMD-P	96-16-096	180-86	PREP	96-16-041	182-12-165	REP-P	96-02-080
180-20-150	AMD-P	96-16-096	180-86-080	NEW-P	96-16-087	182-12-165	REP	96-08-043
180-20-155	REP-P	96-16-096	180-86-086	NEW-P	96-16-087	182-12-200	AMD-P	96-02-080
180-20-160	REP-P	96-16-096	180-86-116	NEW-P	96-16-087	182-12-200	AMD	96-08-043
180-27-056	PREP	96-13-011	180-87-093	NEW-P	96-04-072	182-12-215	AMD-P	96-02-080
180-40	PREP	96-10-003	180-87-093	NEW	96-08-012	182-12-215	AMD	96-08-043
180-40	PREP	96-16-064	180-90	PREP	96-09-026	182-12-220	AMD-P	96-02-080
180-40-205	AMD-P	96-12-088	180-90-115	AMD-P	96-12-087	182-12-220	AMD	96-08-043
180-40-205	AMD	96-15-098	180-90-115	AMD	96-15-099	182-25-001	NEW-P	96-09-102
180-40-240	AMD-P	96-08-061	180-90-125	AMD-P	96-12-087	182-25-001	NEW-W	96-15-008
180-40-240	AMD-W	96-09-025	180-90-125	AMD	96-15-099	182-25-001	NEW	96-15-024
180-40-240	AMD-P	96-12-088	180-90-160	AMD-P	96-12-087	182-25-010	NEW-P	96-09-102
180-40-240	AMD	96-15-098	180-90-160	AMD	96-15-099	182-25-010	NEW-W	96-15-008
180-40-255	AMD-P	96-08-061	182-08-010	AMD-P	96-02-079	182-25-010	NEW	96-15-024
180-40-255	AMD-W	96-09-025	182-08-010	AMD	96-08-042	182-25-020	NEW-P	96-09-102
180-40-255	AMD-P	96-12-088	182-08-015	NEW-P	96-02-079	182-25-020	NEW-W	96-15-008
180-40-255	AMD	96-15-098	182-08-015	NEW	96-08-042	182-25-020	NEW	96-15-024
180-40-310	AMD-P	96-08-061	182-08-020	AMD-P	96-02-079	182-25-030	NEW-P	96-09-102
180-40-310	AMD-W	96-09-025	182-08-020	AMD	96-08-042	182-25-030	NEW-W	96-15-008
180-40-310	AMD-P	96-12-088	182-08-020	REP-P	96-02-079	182-25-030	NEW	96-15-024
180-40-310	AMD	96-15-098	182-08-030	REP	96-08-042	182-25-040	NEW-P	96-09-102
180-40-315	AMD-P	96-08-061	182-08-040	REP-P	96-02-079	182-25-040	NEW-W	96-15-008
180-40-315	AMD-W	96-09-025	182-08-040	REP	96-08-042	182-25-040	NEW	96-15-024
180-40-315	AMD-P	96-12-088	182-08-040	REP-P	96-02-079	182-25-050	NEW-P	96-09-102
180-40-315	AMD	96-15-098	182-08-060	REP	96-08-042	182-25-050	NEW-W	96-15-008
180-40-317	NEW-P	96-08-061	182-08-060	REP	96-08-042	182-25-050	NEW	96-15-024
180-40-317	NEW-W	96-09-025	182-08-090	NEW-P	96-02-079	182-25-060	NEW-P	96-09-102
180-40-317	NEW-P	96-12-088	182-08-095	NEW	96-08-042	182-25-060	NEW-W	96-15-008
180-40-317	NEW	96-15-098	182-08-110	REP	96-02-079	182-25-060	NEW	96-15-024
180-40-320	AMD-P	96-08-061	182-08-110	REP	96-08-042	182-25-070	NEW-P	96-09-102
180-40-320	AMD-W	96-09-025	182-08-120	AMD-P	96-02-079	182-25-070	NEW-W	96-15-008
180-40-320	AMD-P	96-12-088	182-08-120	AMD	96-08-042	182-25-070	NEW	96-15-024
180-40-320	AMD	96-15-098	182-08-160	AMD-P	96-02-079	182-25-070	NEW-P	96-09-102
			182-08-160	AMD	96-08-042			

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182-25-080	NEW	96-15-024	204-56-085	AMD	96-14-008	208-418-045	REP	96-17-072
182-25-090	NEW-P	96-09-102	204-91A-140	PREP	96-14-076	208-418-050	RECOD	96-06-011
182-25-090	NEW-W	96-15-008	204-91A-140	PREP-W	96-18-055	208-418-050	AMD-P	96-08-076
182-25-090	NEW	96-15-024	204-95-030	PREP	96-15-117	208-418-050	AMD	96-12-058
182-25-100	NEW-P	96-09-102	204-95-030	NEW-E	96-15-119	208-418-060	RECOD	96-06-011
182-25-100	NEW-W	96-15-008	204-95-080	PREP	96-15-117	208-418-060	AMD-P	96-08-076
182-25-100	NEW	96-15-024	204-95-080	NEW-E	96-15-119	208-418-060	AMD	96-12-058
182-25-105	NEW-P	96-09-102	208-08-010	NEW-P	96-06-085	208-418-070	RECOD	96-06-011
182-25-105	NEW-W	96-15-008	208-08-010	NEW	96-11-035	208-418-070	AMD-P	96-08-076
182-25-105	NEW	96-15-024	208-08-020	NEW-P	96-06-085	208-418-070	AMD	96-12-058
182-25-110	NEW-P	96-09-102	208-08-020	NEW	96-11-035	208-418-080	RECOD	96-06-011
182-25-110	NEW-W	96-15-008	208-08-030	NEW-P	96-06-085	208-418-080	REP-P	96-08-076
182-25-110	NEW	96-15-024	208-08-030	NEW	96-11-035	208-418-080	REP	96-12-058
184-10-140	NEW-C	96-03-033	208-08-040	NEW-P	96-06-085	208-436-010	RECOD	96-06-011
192-12-300	PREP	96-03-158	208-08-040	NEW	96-11-035	208-436-010	AMD-P	96-14-122
192-12-300	AMD-P	96-12-082	208-08-050	NEW-P	96-06-085	208-436-010	AMD	96-17-071
192-12-300	AMD	96-16-018	208-08-050	NEW	96-11-035	208-436-020	RECOD	96-06-011
192-12-305	PREP	96-03-158	208-08-060	NEW-P	96-06-085	208-436-020	AMD-P	96-14-122
192-12-305	REP-P	96-12-082	208-08-060	NEW	96-11-035	208-436-020	AMD	96-17-071
192-12-305	REP	96-16-018	208-08-070	NEW-P	96-06-085	208-436-030	RECOD	96-06-011
192-16-002	AMD-P	96-04-065	208-08-070	NEW	96-11-035	208-436-030	AMD-P	96-14-122
192-16-002	AMD	96-11-002	208-08-080	NEW-P	96-06-085	208-436-030	AMD	96-17-071
192-16-024	NEW-P	96-04-065	208-08-080	NEW	96-11-035	208-436-040	RECOD	96-06-011
192-16-024	NEW	96-11-002	208-08-080	NEW-P	96-06-085	208-436-040	AMD-P	96-14-122
192-16-051	AMD-P	96-04-065	208-08-090	NEW	96-11-035	208-436-040	AMD	96-17-071
192-16-051	AMD	96-11-002	208-08-090	NEW	96-06-085	208-436-040	AMD	96-17-071
192-16-052	NEW-P	96-04-065	208-08-100	NEW-P	96-06-085	208-436-050	RECOD	96-06-011
192-16-052	NEW	96-11-002	208-08-100	NEW	96-11-035	208-436-050	AMD-P	96-14-122
192-28-105	PREP	96-03-159	208-08-110	NEW-P	96-06-085	208-436-050	AMD	96-17-071
192-28-105	AMD-P	96-15-127	208-08-110	NEW	96-11-035	208-436-060	RECOD	96-06-011
192-28-120	PREP	96-03-159	208-08-120	NEW-P	96-06-085	208-436-060	AMD-P	96-14-122
192-28-120	AMD-P	96-15-127	208-08-120	NEW	96-11-035	208-436-060	AMD	96-17-071
192-33-001	NEW-E	96-09-004	208-08-130	NEW-P	96-06-085	208-436-070	RECOD	96-06-011
192-33-001	NEW-E	96-16-016	208-08-130	NEW	96-11-035	208-436-070	AMD-P	96-14-122
192-36-010	NEW-P	96-08-062	208-08-140	NEW-P	96-06-085	208-436-070	AMD	96-17-071
192-36-010	NEW	96-11-141	208-08-140	NEW	96-11-035	208-436-080	RECOD	96-06-011
192-36-015	NEW-P	96-08-062	208-12-010	NEW-P	96-11-145	208-436-080	AMD-P	96-14-122
192-36-015	NEW	96-11-141	208-12-010	NEW	96-14-082	208-436-080	AMD	96-17-071
192-36-020	NEW-P	96-08-062	208-12-020	NEW-P	96-11-145	208-436-080	AMD	96-17-071
192-36-020	NEW	96-11-141	208-12-020	NEW	96-14-082	208-436-090	RECOD	96-06-011
192-36-025	NEW-P	96-08-062	208-12-030	NEW-P	96-11-145	208-436-090	AMD-P	96-14-122
192-36-025	NEW	96-11-141	208-12-030	NEW	96-14-082	208-436-090	AMD	96-17-071
192-42-060	PREP-X	96-14-042	208-12-040	NEW-P	96-11-145	208-440-010	RECOD	96-06-011
192-42-060	REP	96-18-035	208-12-040	NEW	96-14-082	208-440-010	AMD	96-17-071
196-16-005	REP-P	96-07-052	208-12-050	NEW-P	96-11-145	208-440-020	RECOD	96-06-011
196-16-005	REP	96-11-086	208-12-050	NEW	96-14-082	208-440-030	RECOD	96-06-011
196-16-007	AMD-P	96-07-052	208-12-070	NEW-P	96-11-145	208-440-030	PREP-X	96-14-071
196-16-007	AMD	96-11-086	208-12-070	NEW	96-14-082	208-440-030	AMD-P	96-14-122
196-16-010	AMD-P	96-07-052	208-12-080	NEW-P	96-11-145	208-440-030	REP	96-17-072
196-16-010	AMD	96-11-086	208-12-080	NEW	96-14-082	208-440-040	RECOD	96-06-011
196-16-020	AMD-P	96-07-052	208-12-090	NEW-P	96-11-145	208-440-050	RECOD	96-06-011
196-16-020	AMD	96-11-086	208-12-090	NEW	96-14-082	208-440-050	RECOD	96-06-011
196-16-031	AMD-P	96-07-052	208-12-100	NEW-P	96-11-145	208-444-010	RECOD	96-06-011
196-16-031	AMD	96-11-086	208-12-100	NEW	96-14-082	208-444-010	AMD	96-17-071
196-20-010	AMD-P	96-07-052	208-12-110	NEW-P	96-11-145	208-444-010	AMD	96-17-071
196-20-010	AMD	96-11-086	208-12-110	NEW	96-14-082	208-464-010	RECOD	96-06-011
196-20-020	AMD-P	96-07-052	208-12-120	NEW-P	96-11-145	208-464-010	AMD-P	96-14-122
196-20-020	AMD	96-11-086	208-12-120	NEW	96-14-082	208-464-020	RECOD	96-06-011
196-20-030	AMD-P	96-07-052	208-12-130	NEW-P	96-11-145	208-464-020	RECOD	96-06-011
196-20-030	AMD	96-11-086	208-12-130	NEW	96-14-082	208-464-030	RECOD	96-06-011
196-21-010	NEW-P	96-07-052	208-418	AMD-P	96-08-076	208-464-030	AMD-P	96-14-122
196-21-010	NEW	96-11-086	208-418	AMD	96-12-058	208-464-030	AMD	96-17-071
196-21-020	NEW-P	96-07-052	208-418-020	RECOD	96-06-011	208-464-040	RECOD	96-06-011
196-21-020	NEW	96-11-086	208-418-020	AMD-P	96-08-076	208-464-050	RECOD	96-06-011
196-21-030	NEW-P	96-07-052	208-418-020	AMD	96-12-058	208-464-050	AMD	96-17-071
196-21-030	NEW	96-11-086	208-418-030	RECOD	96-06-011	208-464-060	RECOD	96-06-011
196-24-058	NEW-P	96-07-037	208-418-030	REP-P	96-08-076	208-464-060	RECOD	96-06-011
196-24-058	NEW	96-11-085	208-418-030	REP	96-12-058	208-464-060	AMD-P	96-14-122
204-10-045	PREP	96-14-077	208-418-040	REP	96-12-058	208-464-060	AMD	96-17-071
204-10-045	NEW-P	96-18-075	208-418-040	RECOD	96-06-011	208-464-070	RECOD	96-06-011
204-29-010	PREP	96-15-084	208-418-040	AMD-P	96-08-076	208-464-070	AMD-P	96-14-122
204-56	PREP	96-06-060	208-418-045	RECOD	96-06-011	208-464-070	AMD	96-17-071
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208-472-015	RECOD	96-06-011	208-630-068	RECOD	96-03-059	208-680D-010	RECOD	96-05-018
208-472-015	AMD-P	96-14-123	208-630-070	RECOD	96-03-059	208-680D-020	RECOD	96-05-018
208-472-015	AMD	96-17-070	208-630-075	RECOD	96-03-059	208-680D-030	RECOD	96-05-018
208-472-020	RECOD	96-06-011	208-630-080	RECOD	96-03-059	208-680D-030	AMD-P	96-15-129
208-472-020	AMD-P	96-14-122	208-630-085	RECOD	96-03-059	208-680D-040	RECOD	96-05-018
208-472-020	AMD	96-17-071	208-630-090	RECOD	96-03-059	208-680D-050	RECOD	96-05-018
208-472-025	RECOD	96-06-011	208-630-095	RECOD	96-03-059	208-680D-050	AMD-P	96-15-129
208-472-025	AMD-P	96-14-122	208-630-100	RECOD	96-03-059	208-680D-060	RECOD	96-05-018
208-472-025	AMD	96-17-071	208-660-010	RECOD	96-04-028	208-680D-060	AMD-P	96-15-129
208-472-041	RECOD	96-06-011	208-660-020	RECOD	96-04-028	208-680D-070	RECOD	96-05-018
208-472-041	AMD-P	96-14-122	208-660-025	NEW-P	96-15-128	208-680D-080	RECOD	96-05-018
208-472-041	AMD	96-17-071	208-660-030	RECOD	96-04-028	208-680E	PREP	96-06-084
208-472-045	RECOD	96-06-011	208-660-035	RECOD	96-04-028	208-680E-011	RECOD	96-05-018
208-472-045	AMD-P	96-14-122	208-660-040	RECOD	96-04-028	208-680E-011	AMD-P	96-15-129
208-472-045	AMD	96-17-071	208-660-042	RECOD	96-04-028	208-680F	PREP	96-06-084
208-472-050	RECOD	96-06-011	208-660-045	RECOD	96-04-028	208-680F-010	RECOD	96-05-018
208-472-060	RECOD	96-06-011	208-660-050	RECOD	96-04-028	208-680F-020	RECOD	96-05-018
208-472-060	AMD-P	96-14-122	208-660-060	RECOD	96-04-028	208-680F-040	RECOD	96-05-018
208-472-060	AMD	96-17-071	208-660-070	RECOD	96-04-028	208-680F-040	AMD-P	96-15-129
208-472-065	RECOD	96-06-011	208-660-080	RECOD	96-04-028	208-680F-050	RECOD	96-05-018
208-472-065	AMD-P	96-14-122	208-660-08005	RECOD	96-04-028	208-680F-050	AMD-P	96-15-129
208-472-065	AMD	96-17-071	208-660-08010	RECOD	96-04-028	208-680F-060	RECOD	96-05-018
208-472-070	RECOD	96-06-011	208-660-08015	RECOD	96-04-028	208-680F-070	RECOD	96-05-018
208-472-070	AMD-P	96-14-122	208-660-08020	RECOD	96-04-028	210-01-020	AMD-P	96-15-122
208-472-070	AMD	96-17-071	208-660-08025	RECOD	96-04-028	210-01-020	AMD	96-18-029
208-472-075	RECOD	96-06-011	208-660-08030	RECOD	96-04-028	210-01-030	AMD-P	96-15-122
208-472-075	AMD-P	96-14-122	208-660-08035	RECOD	96-04-028	210-01-030	AMD	96-18-029
208-472-075	AMD	96-17-071	208-660-08040	RECOD	96-04-028	210-01-120	AMD-P	96-15-122
208-472-080	RECOD	96-06-011	208-660-085	RECOD	96-04-028	210-01-120	AMD	96-18-029
208-480-010	RECOD	96-06-011	208-660-090	RECOD	96-04-028	212-17-185	REP-E	96-11-068
208-480-020	RECOD	96-06-011	208-660-09005	RECOD	96-04-028	212-17-185	PREP	96-12-063
208-480-030	RECOD	96-06-011	208-660-09010	RECOD	96-04-028	212-17-185	REP-P	96-15-118
208-480-030	AMD-P	96-14-122	208-660-09015	RECOD	96-04-028	212-17-185	REP-W	96-18-101
208-480-030	AMD	96-17-071	208-660-09020	RECOD	96-04-028	212-17-190	REP-E	96-11-068
208-480-040	RECOD	96-06-011	208-660-100	RECOD	96-04-028	212-17-190	PREP	96-12-063
208-480-050	RECOD	96-06-011	208-660-110	RECOD	96-04-028	212-17-190	REP-P	96-15-118
208-480-050	AMD-P	96-14-122	208-660-120	RECOD	96-04-028	212-17-185	REP-W	96-18-101
208-480-050	AMD	96-17-071	208-660-125	RECOD	96-04-028	212-17-195	REP-E	96-11-068
208-480-060	RECOD	96-06-011	208-660-130	RECOD	96-04-028	212-17-195	PREP	96-12-063
208-480-070	RECOD	96-06-011	208-660-140	RECOD	96-04-028	212-17-195	REP-P	96-15-118
208-620-010	NEW	96-04-013	208-660-145	RECOD	96-04-028	212-17-185	REP-W	96-18-101
208-620-020	NEW	96-04-013	208-660-150	RECOD	96-04-028	212-17-200	REP-E	96-11-068
208-620-030	NEW	96-04-013	208-660-160	RECOD	96-04-028	212-17-200	PREP	96-12-063
208-620-040	NEW	96-04-013	208-660-165	RECOD	96-04-028	212-17-200	REP-P	96-15-118
208-620-050	NEW	96-04-013	208-660-170	RECOD	96-04-028	212-17-200	REP-W	96-18-101
208-620-060	NEW	96-04-013	208-660-190	RECOD	96-04-028	212-17-203	REP-E	96-11-068
208-620-070	NEW	96-04-013	208-660-200	RECOD	96-04-028	212-17-203	PREP	96-12-063
208-620-080	NEW	96-04-013	208-660-210	RECOD	96-04-028	212-17-203	REP-P	96-15-118
208-620-090	NEW	96-04-013	208-680A	PREP	96-06-084	212-17-203	REP-W	96-18-101
208-620-100	RECOD	96-04-013	208-680A-010	RECOD	96-05-018	212-17-205	REP-E	96-11-068
208-620-110	RECOD	96-04-013	208-680A-010	REP-P	96-15-129	212-17-205	PREP	96-12-063
208-620-120	RECOD	96-04-013	208-680A-020	RECOD	96-05-018	212-17-205	REP-P	96-15-118
208-620-130	RECOD	96-04-013	208-680A-020	AMD-P	96-15-129	212-17-205	REP-W	96-18-101
208-620-140	RECOD	96-04-013	208-680A-030	RECOD	96-05-018	212-17-210	REP-E	96-11-068
208-620-150	NEW	96-04-013	208-680A-030	AMD-P	96-15-129	212-17-210	PREP	96-12-063
208-620-160	RECOD	96-04-013	208-680A-040	RECOD	96-05-018	212-17-210	REP-P	96-15-118
208-620-170	RECOD	96-04-013	208-680A-040	AMD-P	96-15-129	212-17-210	REP-W	96-18-101
208-620-180	NEW	96-04-013	208-680B	PREP	96-06-084	212-17-215	AMD-E	96-11-068
208-620-190	RECOD	96-04-013	208-680B-010	RECOD	96-05-018	212-17-215	PREP	96-12-063
208-620-200	NEW	96-04-013	208-680B-020	RECOD	96-05-018	212-17-215	AMD-P	96-15-118
208-620-210	RECOD	96-04-013	208-680B-030	RECOD	96-05-018	212-17-215	AMD-W	96-18-101
208-620-220	NEW	96-04-013	208-680B-050	RECOD	96-05-018	212-17-21501	NEW-E	96-11-068
208-630-005	RECOD	96-03-059	208-680B-070	RECOD	96-05-018	212-17-21501	PREP	96-12-063
208-630-010	RECOD	96-03-059	208-680B-080	RECOD	96-05-018	212-17-21501	NEW-P	96-15-118
208-630-015	RECOD	96-03-059	208-680B-080	AMD-P	96-15-129	212-17-21501	NEW-W	96-18-101
208-630-020	RECOD	96-03-059	208-680B-090	RECOD	96-05-018	212-17-21503	NEW-E	96-11-068
208-630-025	RECOD	96-03-059	208-680C	PREP	96-06-084	212-17-21503	PREP	96-12-063
208-630-030	RECOD	96-03-059	208-680C-020	RECOD	96-05-018	212-17-21503	NEW-P	96-15-118
208-630-035	RECOD	96-03-059	208-680C-030	RECOD	96-05-018	212-17-21503	NEW-W	96-18-101
208-630-040	RECOD	96-03-059	208-680C-040	RECOD	96-05-018	212-17-21506	NEW-E	96-11-068
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212-17-21509	NEW-E	96-11-068	220-44-030	AMD-P	96-03-154	220-56-190	AMD	96-11-078
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212-17-21509	NEW-W	96-18-101	220-44-050	AMD	96-11-055	220-56-19000F	NEW-E	96-16-052
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212-17-21515	NEW-E	96-11-068	220-44-05000Z	NEW-E	96-14-066	220-56-19100Q	NEW-E	96-09-063
212-17-21515	PREP	96-12-063	220-44-05000Y	REP-E	96-17-048	220-56-19100R	NEW-E	96-16-029
212-17-21515	NEW-P	96-15-118	220-44-05000Z	NEW-E	96-17-048	220-56-19100R	REP-E	96-16-029
212-17-21515	NEW-W	96-18-101	220-44-05000Z	REP-E	96-18-047	220-56-19100S	NEW-E	96-16-053
212-17-21518	NEW-E	96-11-068	220-47-304	AMD-P	96-09-105	220-56-19100S	REP-E	96-16-053
212-17-21518	PREP	96-12-063	220-47-304	AMD	96-15-101	220-56-19100T	NEW-E	96-17-050
212-17-21518	NEW-P	96-15-118	220-47-307	AMD-P	96-09-105	220-56-19100T	REP-E	96-17-050
212-17-21518	NEW-W	96-18-101	220-47-307	AMD	96-15-101	220-56-19100U	NEW-E	96-18-058
212-17-21521	NEW-E	96-11-068	220-47-311	AMD-P	96-09-105	220-56-19100U	REP-E	96-18-058
212-17-21521	PREP	96-12-063	220-47-311	AMD	96-15-101	220-56-192	AMD-W	96-11-084
212-17-21521	NEW-P	96-15-118	220-47-401	AMD-P	96-09-105	220-56-195	AMD-C	96-05-005
212-17-21521	NEW-W	96-18-101	220-47-401	AMD	96-15-101	220-56-195	AMD	96-11-078
212-17-21525	NEW-E	96-11-068	220-47-411	AMD-P	96-09-105	220-56-19500A	NEW-E	96-18-058
212-17-21525	PREP	96-12-063	220-47-411	AMD	96-15-101	220-56-19500A	REP-E	96-18-058
212-17-21525	NEW-P	96-15-118	220-47-427	NEW-P	96-09-105	220-56-205	AMD-C	96-05-005
212-17-21525	NEW-W	96-18-101	220-47-427	NEW-S	96-15-137	220-56-205	AMD	96-11-078
218-04-010	NEW-P	96-13-063	220-47-428	NEW-P	96-09-105	220-56-20500A	NEW-E	96-11-039
218-04-010	NEW	96-16-062	220-47-428	NEW	96-15-101	220-56-225	AMD-W	96-11-084
218-04-020	NEW-P	96-13-063	220-48-01500A	NEW-E	96-16-076	220-56-235	AMD	96-05-004
218-04-020	NEW	96-16-062	220-49-02000I	NEW-E	96-10-002	220-56-240	AMD	96-05-004
218-04-030	NEW-P	96-13-063	220-49-02000I	REP-E	96-10-002	220-56-24000B	NEW-E	96-08-063
218-04-030	NEW	96-16-062	220-52-03000J	NEW-E	96-11-117	220-56-250	AMD-W	96-11-084
218-04-040	NEW-P	96-13-063	220-52-03000J	REP-E	96-11-117	220-56-2500C	REP-E	96-12-012
218-04-040	NEW	96-16-062	220-52-04600L	REP-E	96-02-065	220-56-25500C	REP-E	96-15-092
218-04-050	NEW-P	96-13-063	220-52-04600M	NEW-E	96-03-055	220-56-25500D	NEW-E	96-15-092
218-04-050	NEW	96-16-062	220-52-04600N	NEW-E	96-06-006	220-56-28500G	NEW-E	96-06-052
220-16-320	AMD-W	96-11-084	220-52-06000A	NEW-E	96-10-046	220-56-28500G	REP-E	96-06-052
220-24-02000A	NEW-E	96-15-100	220-52-06000A	REP-E	96-15-015	220-56-28500H	NEW-E	96-08-063
220-24-02000A	REP-E	96-16-051	220-52-06000B	NEW-E	96-15-015	220-56-310	AMD-C	96-05-005
220-24-02000B	NEW-E	96-16-051	220-52-06000B	REP-E	96-15-049	220-56-310	AMD-W	96-11-084
220-24-02000B	REP-E	96-18-002	220-52-07100Y	NEW-E	96-11-007	220-56-31000L	NEW-E	96-14-059
220-24-02000C	NEW-E	96-18-002	220-52-07100Y	REP-E	96-12-043	220-56-31000L	REP-E	96-15-014
220-32-05100S	NEW-E	96-04-039	220-52-07100Z	NEW-E	96-12-043	220-56-31000M	NEW-E	96-15-014
220-32-05100S	REP-E	96-04-039	220-52-07100Z	REP-E	96-14-073	220-56-325	AMD	96-05-004
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220-32-05100T	REP-E	96-18-027	220-52-07300D	NEW-E	96-03-014	220-56-32500F	NEW-E	96-11-034
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220-32-05500V	REP-E	96-12-029	220-52-07300E	NEW-E	96-04-038	220-56-32500G	NEW-E	96-11-099
220-32-05500W	NEW-E	96-12-029	220-52-07300E	REP-E	96-04-038	220-56-32500G	REP-E	96-14-061
220-32-05500W	REP-E	96-12-069	220-52-07300F	NEW-E	96-05-019	220-56-32500H	NEW-E	96-12-068
220-32-05500X	NEW-E	96-12-069	220-52-07300F	REP-E	96-05-019	220-56-32500H	REP-E	96-12-068
220-32-05500X	REP-E	96-14-060	220-52-07300F	REP-E	96-05-033	220-56-32500I	NEW-E	96-13-041
220-32-05500Y	NEW-E	96-14-060	220-52-07300G	NEW-E	96-05-033	220-56-32500I	REP-E	96-13-041
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220-33-01000D	REP-E	96-05-055	220-55-010	AMD	96-05-004	220-56-330	AMD	96-11-078
220-33-01000E	NEW-E	96-17-047	220-55-050	AMD	96-05-004	220-56-350	AMD-C	96-05-005
220-33-01000E	REP-E	96-17-047	220-55-055	AMD	96-05-004	220-56-350	AMD	96-11-078
220-33-01000F	NEW-E	96-17-049	220-55-075	AMD	96-05-004	220-56-35000J	REP-E	96-08-046
220-33-01000F	REP-E	96-17-049	220-55-110	AMD	96-05-004	220-56-35000K	NEW-E	96-08-046
220-33-03000J	NEW-E	96-11-032	220-56-100	AMD-C	96-05-005	220-56-35000K	REP-E	96-11-008
220-33-03000J	REP-E	96-11-032	220-56-100	AMD	96-11-078	220-56-35000L	NEW-E	96-11-008
220-33-04000B	NEW-E	96-04-026	220-56-10300A	NEW-E	96-13-052	220-56-35000L	REP-E	96-15-055
220-33-04000B	REP-E	96-04-026	220-56-105	AMD-C	96-05-005	220-56-35000M	NEW-E	96-15-055
220-36-021	AMD-P	96-09-104	220-56-105	AMD	96-11-078	220-56-36000Q	NEW-E	96-07-051
220-36-021	AMD	96-13-035	220-56-10500A	NEW-E	96-11-039	220-56-36000Q	REP-E	96-07-051
220-36-023	AMD-P	96-09-104	220-56-115	AMD-W	96-11-084	220-56-36000Q	REP-E	96-11-038
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220-40-021	AMD-P	96-09-104	220-56-124	AMD-C	96-05-005	220-56-36000R	REP-E	96-11-038
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220-56-38000D	REP-E	96-08-046	220-57-319	AMD-C	96-05-005	220-88A-08000C	REP-E	96-12-022
220-56-38000E	NEW-E	96-08-046	220-57-319	AMD	96-11-078	220-88A-08000D	NEW-E	96-12-022
220-56-38000E	REP-E	96-11-008	220-57-31900K	NEW-E	96-08-045	220-88A-08000D	REP-E	96-14-032
220-56-38000F	NEW-E	96-11-008	220-57-31900K	REP-E	96-13-020	220-88A-08000E	NEW-E	96-14-032
220-56-38000F	REP-E	96-15-055	220-57-31900L	NEW-E	96-13-020	220-88A-08000E	REP-E	96-15-036
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220-56-420	AMD-W	96-11-084	220-57-340	AMD-C	96-05-005	220-95	AMD-C	96-08-015
220-57-130	AMD-C	96-05-005	220-57-340	AMD-W	96-11-084	220-95	AMD-C	96-13-034
220-57-130	AMD	96-11-078	220-57-345	AMD-C	96-05-005	220-95-013	AMD-P	96-04-069
220-57-135	AMD-C	96-05-005	220-57-345	AMD-W	96-11-084	220-95-013	AMD-S	96-14-146
220-57-135	AMD	96-11-078	220-57-350	AMD-C	96-05-005	220-95-018	AMD-P	96-04-069
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220-57-140	AMD-W	96-11-084	220-57-385	AMD-C	96-05-005	220-95-032	AMD-P	96-04-069
220-57-155	AMD-C	96-05-005	220-57-385	AMD	96-11-078	220-95-032	AMD-S	96-14-146
220-57-155	AMD	96-11-078	220-57-410	AMD-C	96-05-005	222-10-030	NEW-W	96-03-067
220-57-160	AMD-C	96-05-005	220-57-410	AMD-W	96-11-084	222-10-040	NEW-C	96-04-076
220-57-160	AMD-W	96-11-084	220-57-415	AMD-C	96-05-005	222-10-040	NEW-C	96-05-090
220-57-16000D	NEW-E	96-06-052	220-57-415	AMD-W	96-11-084	222-10-040	NEW-S	96-09-099
220-57-16000E	NEW-E	96-11-033	220-57-425	AMD-C	96-05-005	222-10-040	NEW	96-12-038
220-57-16000E	REP-E	96-11-033	220-57-425	AMD	96-11-078	222-10-040	NEW	96-14-081
220-57-16000F	NEW-E	96-12-013	220-57-430	AMD-C	96-05-005	222-10-041	NEW-C	96-04-076
220-57-16000G	NEW-E	96-18-048	220-57-430	AMD-W	96-11-084	222-10-041	NEW-C	96-05-090
220-57-16000G	REP-E	96-18-048	220-57-435	AMD-C	96-05-005	222-10-041	NEW-S	96-09-099
220-57-170	AMD-C	96-05-005	220-57-435	AMD	96-11-078	222-10-041	NEW	96-12-038
220-57-170	AMD-W	96-11-084	220-57-450	AMD-C	96-05-005	222-16-010	AMD-E	96-03-009
220-57-175	AMD-C	96-05-005	220-57-450	AMD	96-11-078	222-16-010	AMD-C	96-04-076
220-57-175	AMD	96-11-078	220-57-455	AMD-C	96-05-005	222-16-010	AMD-C	96-05-090
220-57-17500D	NEW-E	96-08-045	220-57-455	AMD	96-11-078	222-16-010	AMD-S	96-09-099
220-57-187	NEW-C	96-05-005	220-57-460	AMD-C	96-05-005	222-16-010	AMD	96-12-038
220-57-187	NEW-W	96-11-084	220-57-460	AMD	96-11-078	222-16-010	AMD-C	96-13-004
220-57-190	AMD-C	96-05-005	220-57-465	AMD-C	96-05-005	222-16-010	AMD-E	96-13-026
220-57-190	AMD-W	96-11-084	220-57-465	AMD	96-11-078	222-16-010	AMD-E	96-18-054
220-57-200	AMD-C	96-05-005	220-57-473	AMD-C	96-05-005	222-16-075	NEW-W	96-03-067
220-57-200	AMD	96-11-078	220-57-473	AMD	96-11-078	222-16-080	AMD-E	96-03-009
220-57-205	AMD-C	96-05-005	220-57-480	AMD-C	96-05-005	222-16-080	AMD-C	96-04-076
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220-57-210	AMD-C	96-05-005	220-57-495	AMD-C	96-05-005	222-16-080	AMD-S	96-09-099
220-57-210	AMD-W	96-11-084	220-57-495	AMD	96-11-078	222-16-080	AMD	96-12-038
220-57-215	AMD-C	96-05-005	220-57-50500Y	NEW-E	96-08-045	222-16-080	AMD-C	96-13-004
220-57-215	AMD	96-11-078	220-57-51500L	NEW-E	96-08-045	222-16-080	AMD-E	96-13-026
220-57-220	AMD-C	96-05-005	220-57-520	AMD-C	96-05-005	222-16-080	AMD-E	96-18-054
220-57-220	AMD-W	96-11-084	220-57-520	AMD-W	96-11-084	222-16-085	NEW-C	96-04-076
220-57-230	AMD-C	96-05-005	220-57-525	AMD-C	96-05-005	222-16-085	NEW-C	96-05-090
220-57-230	AMD-W	96-11-084	220-57-525	AMD-W	96-11-084	222-16-085	NEW-S	96-09-099
220-57-235	AMD-C	96-05-005	220-57A-001	AMD	96-05-004	222-16-085	NEW	96-12-038
220-57-235	AMD	96-11-078	220-57A-035	AMD	96-05-004	222-16-086	NEW-C	96-04-076
220-57-240	AMD-C	96-05-005	220-57A-09700B	NEW-E	96-18-083	222-16-086	NEW-C	96-05-090
220-57-240	AMD	96-11-078	220-57A-175	AMD-C	96-05-005	222-16-086	NEW-S	96-09-099
220-57-250	AMD-C	96-05-005	220-57A-175	AMD-W	96-11-084	222-16-086	NEW	96-12-038
220-57-250	AMD-W	96-11-084	220-57A-17500A	NEW-E	96-15-037	222-16-100	NEW-C	96-04-076
220-57-260	AMD-C	96-05-005	220-57A-17500A	REP-E	96-15-037	222-16-100	NEW-C	96-05-090
220-57-260	AMD-W	96-11-084	220-57A-17500B	NEW-E	96-15-068	222-16-100	NEW-S	96-09-099
220-57-265	AMD-C	96-05-005	220-57A-17500B	REP-E	96-15-068	222-16-100	NEW	96-12-038
220-57-265	AMD-W	96-11-084	220-57A-17500C	NEW-E	96-16-005	222-21-010	NEW-W	96-03-067
220-57-270	AMD-C	96-05-005	220-57A-17500C	REP-E	96-17-002	222-21-020	NEW-W	96-03-067
220-57-270	AMD-W	96-11-084	220-57A-180	AMD-C	96-05-005	222-21-030	NEW-W	96-03-067
220-57-27000B	NEW-E	96-11-118	220-57A-180	AMD-W	96-11-084	222-21-040	NEW-W	96-03-067
220-57-27000B	REP-E	96-11-118	220-69-24000C	NEW-E	96-09-048	222-24-030	AMD-E	96-03-009
220-57-280	AMD-C	96-05-005	220-69-24000D	NEW-E	96-11-007	222-24-030	AMD-C	96-04-076
220-57-280	AMD-W	96-11-084	220-88A-07000C	NEW-E	96-09-048	222-24-030	AMD-C	96-05-090
220-57-285	AMD-C	96-05-005	220-88A-07000C	REP-E	96-11-054	222-24-030	AMD-S	96-09-099
220-57-285	AMD-W	96-11-084	220-88A-07000D	NEW-E	96-11-037	222-24-030	AMD	96-12-038
220-57-29000S	NEW-E	96-08-045	220-88A-07000D	REP-E	96-11-054	222-24-030	AMD-E	96-13-026
220-57-29000S	REP-E	96-12-067	220-88A-07000E	NEW-E	96-11-054	222-30-050	AMD-E	96-03-009
220-57-29000T	NEW-E	96-12-067	220-88A-07000E	REP-E	96-11-095	222-30-050	AMD-C	96-04-076
220-57-300	AMD-C	96-05-005	220-88A-07000F	NEW-E	96-11-095	222-30-050	AMD-C	96-05-090
220-57-300	AMD-W	96-11-084	220-88A-07000F	REP-E	96-12-003	222-30-050	AMD-S	96-09-099
220-57-310	AMD-C	96-05-005	220-88A-07000G	NEW-E	96-12-003	222-30-050	AMD	96-12-038
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232-16-730	NEW-W	96-18-028	232-28-60415	REP	96-04-027	236-60-070	PREP-X	96-13-036
232-16-740	NEW-P	96-14-140	232-28-605	REP	96-04-027	236-60-080	PREP-X	96-13-036
232-16-740	NEW	96-18-005	232-28-60508	REP	96-04-027	236-60-090	PREP-X	96-13-036
232-16-74000A	NEW-E	96-17-074	232-28-61610	REP	96-04-027	236-60-100	PREP-X	96-13-036
232-16-750	NEW-P	96-14-125	232-28-619	AMD-C	96-05-044	245-02-040	PREP	96-04-059
232-16-750	NEW	96-18-006	232-28-619	AMD	96-11-079	245-02-040	AMD-P	96-08-090
232-16-760	NEW-P	96-14-139	232-28-61900K	NEW-E	96-03-053	245-02-040	AMD	96-11-133
232-16-760	NEW	96-18-007	232-28-61900K	REP-E	96-03-053	246-08-104	PREP-X	96-14-046
232-16-770	NEW-P	96-14-138	232-28-61900L	NEW-E	96-03-054	246-08-105	PREP-X	96-14-046
232-16-770	NEW	96-18-008	232-28-61900L	REP-E	96-03-054	246-10	PREP	96-06-048
232-24-120	REP	96-04-027	232-28-61900M	NEW-E	96-04-043	246-10-107	AMD-P	96-14-069
232-28-02203	AMD	96-04-027	232-28-61900M	REP-E	96-04-043	246-10-124	AMD-P	96-14-069
232-28-02204	AMD	96-04-027	232-28-61900P	NEW-E	96-06-007	246-10-204	AMD-P	96-14-069
232-28-02205	AMD	96-04-027	232-28-61900P	REP-E	96-06-007	246-10-403	AMD-P	96-14-069
232-28-02210	AMD	96-04-027	232-28-61900P	REP-E	96-13-019	246-10-501	AMD-P	96-14-069
232-28-02220	AMD	96-04-027	232-28-61900Q	NEW-E	96-10-070	246-10-502	AMD-P	96-14-069
232-28-02240	AMD	96-04-027	232-28-61900Q	REP-E	96-10-070	246-10-503	AMD-P	96-14-069
232-28-02250	AMD	96-04-027	232-28-61900R	NEW-E	96-13-019	246-11	PREP	96-06-048
232-28-02270	AMD	96-04-027	232-28-61900R	NEW-P	96-14-145	246-11-380	AMD-P	96-14-069
232-28-02280	AMD	96-04-027	232-28-61900R	REP-P	96-14-145	246-11-430	AMD-P	96-14-069
232-28-02290	AMD	96-04-027	232-28-61900R	NEW-W	96-18-028	246-11-550	AMD-P	96-14-069
232-28-206	REP	96-04-027	232-28-61900R	REP-W	96-18-028	246-50-001	AMD-P	96-04-082
232-28-209	REP	96-04-027	232-28-61900S	NEW-E	96-15-120	246-50-001	AMD	96-09-042
232-28-21201	REP	96-04-027	232-28-61900S	REP-E	96-15-120	246-50-010	AMD-P	96-04-082
232-28-215	REP	96-04-027	232-28-61900T	NEW-E	96-15-121	246-50-010	AMD	96-09-042
232-28-216	REP	96-04-027	232-28-61900U	NEW-E	96-16-019	246-100-042	AMD-P	96-04-078
232-28-225	REP	96-04-027	232-28-61900U	REP-E	96-16-019	246-100-042	AMD	96-11-077
232-28-240	AMD	96-04-027	232-28-61900U	NEW-E	96-18-048	246-100-076	AMD-P	96-16-072
232-28-240	AMD-P	96-12-093	232-28-61900V	REP-E	96-18-048	246-100-166	AMD	96-04-079
232-28-240	AMD	96-15-102	232-28-812	REP	96-04-027	246-100-218	NEW-P	96-04-077
232-28-240	AMD-P	96-15-116	236-12-015	AMD-E	96-09-006	246-100-218	NEW	96-08-028
232-28-240	AMD	96-18-051	236-12-015	AMD-P	96-10-019	246-100-221	PREP-X	96-14-067
232-28-241	AMD	96-04-027	236-12-015	AMD	96-13-001	246-100-226	PREP-X	96-14-067
232-28-241	AMD-P	96-06-068	236-12-351	AMD-E	96-09-006	246-201-001	PREP-X	96-14-067
232-28-241	AMD	96-12-044	236-12-351	AMD-P	96-10-019	246-201-020	PREP-X	96-14-067
232-28-242	AMD	96-04-027	236-12-351	AMD	96-13-001	246-201-030	PREP-X	96-14-067
232-28-246	AMD	96-04-027	236-12-360	AMD-E	96-09-006	246-201-040	PREP-X	96-14-067
232-28-248	AMD	96-04-027	236-12-360	AMD-P	96-10-019	246-201-050	PREP-X	96-14-067
232-28-249	AMD	96-04-027	236-12-360	AMD	96-13-001	246-201-060	PREP-X	96-14-067
232-28-250	AMD-P	96-06-069	236-12-361	AMD-E	96-09-006	246-201-070	PREP-X	96-14-067
232-28-250	AMD	96-12-047	236-12-361	AMD-P	96-10-019	246-201-080	PREP-X	96-14-067
232-28-251	AMD-P	96-06-070	236-12-361	AMD	96-13-001	246-201-090	PREP-X	96-14-067
232-28-251	AMD	96-12-048	236-12-362	REP-E	96-09-006	246-201-100	PREP-X	96-14-067
232-28-252	AMD-P	96-06-071	236-12-362	REP-P	96-10-019	246-201-110	PREP-X	96-14-067
232-28-252	AMD	96-12-049	236-12-362	REP	96-13-001	246-201-120	PREP-X	96-14-067
232-28-253	AMD-P	96-06-072	236-12-370	AMD-E	96-09-006	246-201-130	PREP-X	96-14-067
232-28-253	AMD	96-12-050	236-12-370	AMD-P	96-10-019	246-201-140	PREP-X	96-14-067
232-28-254	AMD-P	96-06-073	236-12-370	AMD	96-13-001	246-201-150	PREP-X	96-14-067
232-28-254	AMD	96-12-051	236-12-371	AMD-E	96-09-006	246-201-160	PREP-X	96-14-067
232-28-256	AMD-P	96-06-074	236-12-371	AMD-P	96-10-019	246-201-170	PREP-X	96-14-067
232-28-256	AMD	96-12-052	236-12-371	AMD	96-13-001	246-201-180	PREP-X	96-14-067
232-28-257	AMD	96-04-027	236-24-010	PREP-X	96-13-040	246-201-190	PREP-X	96-14-067
232-28-260	NEW	96-04-027	236-24-010	REP	96-17-090	246-201-200	PREP-X	96-14-067
232-28-260	AMD-P	96-14-132	236-24-020	PREP-X	96-13-040	246-201-210	PREP-X	96-14-067
232-28-260	AMD	96-18-066	236-24-020	REP	96-17-090	246-249-080	PREP	96-11-129
232-28-261	NEW-P	96-06-075	236-24-030	PREP-X	96-13-040	246-254-053	AMD-P	96-07-103
232-28-261	NEW	96-12-053	236-24-030	REP	96-17-090	246-254-053	AMD	96-11-043
232-28-262	NEW-P	96-06-076	236-48-095	PREP-X	96-13-038	246-254-070	AMD-P	96-07-103
232-28-262	NEW	96-12-054	236-48-095	REP	96-17-088	246-254-070	AMD	96-11-043
232-28-263	NEW-P	96-14-133	236-48-131	PREP-X	96-13-038	246-254-080	AMD-P	96-07-103
232-28-263	NEW	96-18-067	236-48-131	REP	96-17-088	246-254-080	AMD	96-11-043
232-28-404	REP	96-04-027	236-50-010	PREP-X	96-13-039	246-254-090	AMD-P	96-07-103
232-28-407	REP	96-04-027	236-50-010	REP	96-17-089	246-254-090	AMD	96-11-043
232-28-419	REP-P	96-06-077	236-56-100	PREP-X	96-13-037	246-254-100	AMD-P	96-07-103
232-28-419	REP	96-12-055	236-56-100	REP	96-17-087	246-254-100	AMD	96-11-043
232-28-420	NEW-P	96-14-124	236-60-001	PREP-X	96-13-036	246-255	PREP-X	96-14-046
232-28-420	NEW	96-18-003	236-60-005	PREP-X	96-13-036	246-264-010	PREP-X	96-14-067
232-28-42000A	NEW-E	96-17-075	236-60-010	PREP-X	96-13-036	246-264-020	PREP-X	96-14-067
232-28-514	AMD-P	96-14-137	236-60-020	PREP-X	96-13-036	246-264-030	PREP-X	96-14-067
232-28-514	AMD	96-18-004	236-60-030	PREP-X	96-13-036	246-264-040	PREP-X	96-14-067
232-28-60101	REP	96-04-027	236-60-040	PREP-X	96-13-036	246-264-050	PREP-X	96-14-067
232-28-60102	REP	96-04-027	236-60-050	PREP-X	96-13-036	246-264-060	PREP-X	96-14-067



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246-264-070	PREP-X	96-14-067	246-318	PREP	96-07-011	246-806-170	REP	96-16-074
246-264-080	PREP-X	96-14-067	246-321	PREP	96-17-060	246-806-180	REP-P	96-10-006
246-264-090	PREP-X	96-14-067	246-327-990	AMD-P	96-09-082	246-806-180	REP	96-16-074
246-264-100	PREP-X	96-14-067	246-327-990	AMD	96-12-026	246-806-190	REP-P	96-10-006
246-264-110	PREP-X	96-14-067	246-328-100	NEW-P	96-11-131	246-806-190	REP	96-16-074
246-264-120	PREP-X	96-14-067	246-328-100	NEW	96-14-070	246-806-990	REP-P	96-10-006
246-264-130	PREP-X	96-14-067	246-328-150	NEW-P	96-11-131	246-806-990	REP	96-16-074
246-264-140	PREP-X	96-14-067	246-328-150	NEW	96-14-070	246-807-020	REP-P	96-10-006
246-264-150	PREP-X	96-14-067	246-328-200	NEW-P	96-11-131	246-807-020	REP	96-16-074
246-264-160	PREP-X	96-14-067	246-328-200	NEW	96-14-070	246-807-030	REP-P	96-10-006
246-264-170	PREP-X	96-14-067	246-328-990	NEW-P	96-11-131	246-807-030	REP	96-16-074
246-264-180	PREP-X	96-14-067	246-328-990	NEW	96-14-070	246-807-040	REP-P	96-10-006
246-264-190	PREP-X	96-14-067	246-331-990	AMD-P	96-09-081	246-807-040	REP	96-16-074
246-264-200	PREP-X	96-14-067	246-331-990	AMD	96-12-025	246-807-050	REP-P	96-10-006
246-282-005	AMD-P	96-14-110	246-336-990	AMD-P	96-09-083	246-807-050	REP	96-16-074
246-282-005	AMD	96-18-096	246-336-990	AMD	96-12-028	246-807-060	REP-P	96-10-006
246-282-990	AMD-P	96-12-074	246-338-990	AMD-P	96-09-043	246-807-060	REP	96-16-074
246-282-990	AMD	96-16-073	246-338-990	AMD	96-12-011	246-807-070	REP-P	96-10-006
246-292-030	PREP-X	96-14-046	246-378-010	PREP-X	96-14-067	246-807-070	REP	96-16-074
246-310	PREP	96-05-059	246-378-020	PREP-X	96-14-067	246-807-080	REP-P	96-10-006
246-310-010	AMD-P	96-17-065	246-378-030	PREP-X	96-14-067	246-807-080	REP	96-16-074
246-310-020	AMD-P	96-17-065	246-378-040	PREP-X	96-14-067	246-807-090	REP-P	96-10-006
246-310-035	AMD-P	96-17-065	246-378-050	PREP-X	96-14-067	246-807-090	REP	96-16-074
246-310-041	NEW-P	96-17-065	246-430-030	AMD-P	96-04-081	246-807-100	REP-P	96-10-006
246-310-042	NEW-P	96-17-065	246-430-030	AMD	96-13-027	246-807-100	REP	96-16-074
246-310-043	NEW-P	96-17-065	246-610-010	PREP-X	96-14-067	246-807-110	REP-P	96-10-006
246-310-044	NEW-P	96-17-065	246-610-020	PREP-X	96-14-067	246-807-110	REP	96-16-074
246-310-050	AMD-P	96-17-065	246-610-030	PREP-X	96-14-067	246-807-115	REP-P	96-10-006
246-310-070	REP-P	96-17-065	246-610-040	PREP-X	96-14-067	246-807-115	REP	96-16-074
246-310-080	AMD-P	96-17-065	246-790-010	PREP	96-14-037	246-807-120	REP-P	96-10-006
246-310-090	AMD-P	96-17-065	246-790-050	PREP	96-14-043	246-807-120	REP	96-16-074
246-310-100	AMD-P	96-17-065	246-790-060	PREP	96-14-043	246-807-125	REP-P	96-10-006
246-310-110	AMD-P	96-17-065	246-790-070	PREP	96-14-043	246-807-125	REP	96-16-074
246-310-120	AMD-P	96-17-065	246-790-080	PREP	96-14-043	246-807-130	REP-P	96-10-006
246-310-130	AMD-P	96-17-065	246-790-090	PREP	96-14-043	246-807-130	REP	96-16-074
246-310-132	AMD-P	96-17-065	246-790-100	PREP	96-14-043	246-807-135	REP-P	96-10-006
246-310-135	AMD-P	96-17-065	246-790-110	PREP	96-14-043	246-807-135	REP	96-16-074
246-310-136	AMD-P	96-17-065	246-790-120	PREP	96-14-043	246-807-140	REP-P	96-10-006
246-310-140	AMD-P	96-17-065	246-790-130	PREP	96-14-043	246-807-140	REP	96-16-074
246-310-150	AMD-P	96-17-065	246-800	PREP-W	96-09-018	246-807-150	REP-P	96-10-006
246-310-160	AMD-P	96-17-065	246-806-010	REP-P	96-10-006	246-807-150	REP	96-16-074
246-310-170	AMD-P	96-17-065	246-806-010	REP	96-16-074	246-807-160	REP-P	96-10-006
246-310-180	AMD-P	96-17-065	246-806-020	REP-P	96-10-006	246-807-160	REP	96-16-074
246-310-190	AMD-P	96-17-065	246-806-020	REP	96-16-074	246-807-171	REP-P	96-10-006
246-310-200	AMD-P	96-17-065	246-806-030	REP-P	96-10-006	246-807-171	REP	96-16-074
246-310-210	AMD-P	96-17-065	246-806-030	REP	96-16-074	246-807-173	REP-P	96-10-006
246-310-230	AMD-P	96-17-065	246-806-040	REP-P	96-10-006	246-807-173	REP	96-16-074
246-310-262	AMD-P	96-17-065	246-806-040	REP	96-16-074	246-807-180	REP-P	96-10-006
246-310-280	AMD-P	96-17-065	246-806-060	REP-P	96-10-006	246-807-180	REP	96-16-074
246-310-350	REP-P	96-17-065	246-806-060	REP	96-16-074	246-807-190	REP-P	96-10-006
246-310-360	AMD-P	96-17-065	246-806-070	REP-P	96-10-006	246-807-190	REP	96-16-074
246-310-370	AMD-P	96-17-065	246-806-070	REP	96-16-074	246-807-200	REP-P	96-10-006
246-310-380	AMD-P	96-17-065	246-806-075	REP-P	96-10-006	246-807-200	REP	96-16-074
246-310-390	AMD-P	96-17-065	246-806-075	REP	96-16-074	246-807-210	REP-P	96-10-006
246-310-395	NEW-P	96-17-065	246-806-080	REP-P	96-10-006	246-807-210	REP	96-16-074
246-310-396	NEW-P	96-17-065	246-806-080	REP	96-16-074	246-807-220	REP-P	96-10-006
246-310-397	NEW-P	96-17-065	246-806-085	REP-P	96-10-006	246-807-220	REP	96-16-074
246-310-400	REP-P	96-17-065	246-806-085	REP	96-16-074	246-807-230	REP-P	96-10-006
246-310-410	AMD-P	96-17-065	246-806-090	REP-P	96-10-006	246-807-230	REP	96-16-074
246-310-470	AMD-P	96-17-065	246-806-090	REP	96-16-074	246-807-240	REP-P	96-10-006
246-310-480	AMD-P	96-17-065	246-806-100	REP-P	96-10-006	246-807-240	REP	96-16-074
246-310-490	AMD-P	96-17-065	246-806-100	REP	96-16-074	246-807-250	REP-P	96-10-006
246-310-500	AMD-P	96-17-065	246-806-110	REP-P	96-10-006	246-807-250	REP	96-16-074
246-310-560	AMD-P	96-17-065	246-806-110	REP	96-16-074	246-807-260	REP-P	96-10-006
246-310-570	AMD-P	96-17-065	246-806-120	REP-P	96-10-006	246-807-260	REP	96-16-074
246-310-580	AMD-P	96-17-065	246-806-120	REP	96-16-074	246-807-270	REP-P	96-10-006
246-310-590	AMD-P	96-17-065	246-806-130	REP-P	96-10-006	246-807-270	REP	96-16-074
246-310-600	AMD-P	96-17-065	246-806-130	REP	96-16-074	246-807-280	REP-P	96-10-006
246-310-610	AMD-P	96-17-065	246-806-140	REP-P	96-10-006	246-807-280	REP	96-16-074
246-310-900	AMD-P	96-17-065	246-806-140	REP	96-16-074	246-807-290	REP-P	96-10-006
246-310-990	AMD-P	96-17-065	246-806-160	REP-P	96-10-006	246-807-290	REP	96-16-074
246-316-990	AMD-P	96-09-084	246-806-160	REP	96-16-074	246-807-300	REP-P	96-10-006
246-316-990	AMD	96-12-027	246-806-170	REP-P	96-10-006	246-807-300	REP	96-16-074

TABLE



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246-807-310	REP-P	96-10-006	246-808-130	NEW	96-16-074	246-808-580	NEW-P	96-10-006
246-807-310	REP	96-16-074	246-808-135	NEW-P	96-10-006	246-808-580	NEW	96-16-074
246-807-311	REP-P	96-10-006	246-808-140	NEW	96-16-074	246-808-585	NEW-P	96-10-006
246-807-311	REP	96-16-074	246-808-140	NEW-P	96-10-006	246-808-585	NEW	96-16-074
246-807-320	REP-P	96-10-006	246-808-140	NEW	96-16-074	246-808-590	NEW-P	96-10-006
246-807-320	REP	96-16-074	246-808-150	NEW-P	96-10-006	246-808-590	NEW	96-16-074
246-807-330	REP-P	96-10-006	246-808-150	NEW	96-16-074	246-808-600	NEW-P	96-10-006
246-807-330	REP	96-16-074	246-808-155	NEW-P	96-10-006	246-808-600	NEW	96-16-074
246-807-340	REP-P	96-10-006	246-808-155	NEW	96-16-074	246-808-605	NEW-P	96-10-006
246-807-340	REP	96-16-074	246-808-160	NEW-P	96-10-006	246-808-605	NEW	96-16-074
246-807-350	REP-P	96-10-006	246-808-160	NEW	96-16-074	246-808-610	NEW-P	96-10-006
246-807-350	REP	96-16-074	246-808-165	NEW-P	96-10-006	246-808-610	NEW	96-16-074
246-807-360	REP-P	96-10-006	246-808-165	NEW	96-16-074	246-808-615	NEW-P	96-10-006
246-807-360	REP	96-16-074	246-808-170	NEW-P	96-10-006	246-808-615	NEW	96-16-074
246-807-370	REP-P	96-10-006	246-808-170	NEW	96-16-074	246-808-620	NEW-P	96-10-006
246-807-370	REP	96-16-074	246-808-180	NEW-P	96-10-006	246-808-620	NEW	96-16-074
246-807-380	REP-P	96-10-006	246-808-180	NEW	96-16-074	246-808-625	NEW-P	96-10-006
246-807-380	REP	96-16-074	246-808-185	NEW-P	96-10-006	246-808-625	NEW	96-16-074
246-807-390	REP-P	96-10-006	246-808-185	NEW	96-16-074	246-808-630	NEW-P	96-10-006
246-807-390	REP	96-16-074	246-808-190	NEW-P	96-10-006	246-808-630	NEW	96-16-074
246-807-395	REP-P	96-10-006	246-808-190	NEW	96-16-074	246-808-640	NEW-P	96-10-006
246-807-395	REP	96-16-074	246-808-201	NEW-P	96-10-006	246-808-640	NEW	96-16-074
246-807-396	REP-P	96-10-006	246-808-201	NEW	96-16-074	246-808-650	NEW-P	96-10-006
246-807-396	REP	96-16-074	246-808-215	NEW-P	96-10-006	246-808-650	NEW	96-16-074
246-807-400	REP-P	96-10-006	246-808-215	NEW	96-16-074	246-808-655	NEW-P	96-10-006
246-807-400	REP	96-16-074	246-808-301	NEW-P	96-10-006	246-808-655	NEW	96-16-074
246-807-410	REP-P	96-10-006	246-808-301	NEW	96-16-074	246-808-660	NEW-P	96-10-006
246-807-410	REP	96-16-074	246-808-320	NEW-P	96-10-006	246-808-660	NEW	96-16-074
246-807-420	REP-P	96-10-006	246-808-320	NEW	96-16-074	246-808-670	NEW-P	96-10-006
246-807-420	REP	96-16-074	246-808-330	NEW-P	96-10-006	246-808-670	NEW	96-16-074
246-807-430	REP-P	96-10-006	246-808-330	NEW	96-16-074	246-808-680	NEW-P	96-10-006
246-807-430	REP	96-16-074	246-808-340	NEW-P	96-10-006	246-808-680	NEW	96-16-074
246-807-440	REP-P	96-10-006	246-808-340	NEW	96-16-074	246-808-685	NEW-P	96-10-006
246-807-440	REP	96-16-074	246-808-350	NEW-P	96-10-006	246-808-685	NEW	96-16-074
246-807-450	REP-P	96-10-006	246-808-350	NEW	96-16-074	246-808-690	NEW-P	96-10-006
246-807-450	REP	96-16-074	246-808-360	NEW-P	96-10-006	246-808-690	NEW	96-16-074
246-807-460	REP-P	96-10-006	246-808-360	NEW	96-16-074	246-808-695	NEW-P	96-10-006
246-807-460	REP	96-16-074	246-808-370	NEW-P	96-10-006	246-808-695	NEW	96-16-074
246-807-470	REP-P	96-10-006	246-808-370	NEW	96-16-074	246-808-700	NEW-P	96-10-006
246-807-470	REP	96-16-074	246-808-380	NEW-P	96-10-006	246-808-700	NEW	96-16-074
246-807-480	REP-P	96-10-006	246-808-380	NEW	96-16-074	246-808-710	NEW-P	96-10-006
246-807-480	REP	96-16-074	246-808-390	NEW-P	96-10-006	246-808-710	NEW	96-16-074
246-807-500	REP-P	96-10-006	246-808-390	NEW	96-16-074	246-808-720	NEW-P	96-10-006
246-807-500	REP	96-16-074	246-808-400	NEW-P	96-10-006	246-808-720	NEW	96-16-074
246-807-510	REP-P	96-10-006	246-808-400	NEW	96-16-074	246-808-801	NEW-P	96-10-006
246-807-510	REP	96-16-074	246-808-410	NEW-P	96-10-006	246-808-801	NEW	96-16-074
246-807-520	REP-P	96-10-006	246-808-410	NEW	96-16-074	246-808-810	NEW-P	96-10-006
246-807-520	REP	96-16-074	246-808-505	NEW-P	96-10-006	246-808-810	NEW	96-16-074
246-807-530	REP-P	96-10-006	246-808-505	NEW	96-16-074	246-808-820	NEW-P	96-10-006
246-807-530	REP	96-16-074	246-808-510	NEW-P	96-10-006	246-808-820	NEW	96-16-074
246-808-001	NEW-P	96-10-006	246-808-510	NEW	96-16-074	246-808-830	NEW-P	96-10-006
246-808-001	NEW	96-16-074	246-808-520	NEW-P	96-10-006	246-808-830	NEW	96-16-074
246-808-010	NEW-P	96-10-006	246-808-520	NEW	96-16-074	246-808-990	NEW-P	96-10-006
246-808-010	NEW	96-16-074	246-808-525	NEW-P	96-10-006	246-808-990	NEW	96-16-074
246-808-015	NEW-P	96-10-006	246-808-525	NEW	96-16-074	246-810	PREP	96-16-071
246-808-015	NEW	96-16-074	246-808-530	NEW-P	96-10-006	246-810-990	AMD	96-08-069
246-808-020	NEW-P	96-10-006	246-808-530	NEW	96-16-074	246-826-070	PREP	96-15-072
246-808-020	NEW	96-16-074	246-808-535	NEW-P	96-10-006	246-826-080	PREP	96-15-072
246-808-030	NEW-P	96-10-006	246-808-535	NEW	96-16-074	246-830-005	AMD-P	96-18-095
246-808-030	NEW	96-16-074	246-808-540	NEW-P	96-10-006	246-838-010	PREP-W	96-06-028
246-808-040	NEW-P	96-10-006	246-808-540	NEW	96-16-074	246-838-130	PREP-W	96-06-028
246-808-040	NEW	96-16-074	246-808-545	NEW-P	96-10-006	246-839-120	PREP-W	96-06-028
246-808-101	NEW-P	96-10-006	246-808-545	NEW	96-16-074	246-840-910	NEW	96-05-060
246-808-101	NEW	96-16-074	246-808-550	NEW-P	96-10-006	246-840-920	NEW	96-05-060
246-808-105	NEW-P	96-10-006	246-808-550	NEW	96-16-074	246-840-930	NEW	96-05-060
246-808-105	NEW	96-16-074	246-808-560	NEW-P	96-10-006	246-840-940	NEW	96-05-060
246-808-106	NEW-P	96-10-006	246-808-560	NEW	96-16-074	246-840-950	NEW	96-05-060
246-808-106	NEW	96-16-074	246-808-565	NEW-P	96-10-006	246-840-960	NEW	96-05-060
246-808-115	NEW-P	96-10-006	246-808-565	NEW	96-16-074	246-840-970	NEW	96-05-060
246-808-115	NEW	96-16-074	246-808-570	NEW-P	96-10-006	246-840-980	NEW	96-05-060
246-808-120	NEW-P	96-10-006	246-808-570	NEW	96-16-074	246-841-405	NEW	96-06-029
246-808-120	NEW	96-16-074	246-808-575	NEW-P	96-10-006	246-841-990	AMD	96-03-051
246-808-130	NEW-P	96-10-006	246-808-575	NEW	96-16-074	246-851-080	PREP	96-11-049

## Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-851-080	REP-P	96-14-044	246-917-990	REP	96-03-073	246-919-710	NEW	96-03-073
246-851-480	PREP	96-11-049	246-918	AMD	96-03-073	246-919-720	NEW	96-03-073
246-851-480	REP-P	96-14-044	246-918-005	AMD	96-03-073	246-919-730	NEW	96-03-073
246-851-490	PREP	96-11-049	246-918-006	AMD	96-03-073	246-919-740	NEW	96-03-073
246-851-490	AMD-P	96-14-044	246-918-007	AMD	96-03-073	246-919-750	NEW	96-03-073
246-851-500	PREP	96-11-049	246-918-008	AMD	96-03-073	246-919-760	NEW	96-03-073
246-851-500	AMD-P	96-14-044	246-918-009	AMD	96-03-073	246-919-770	NEW	96-03-073
246-851-990	AMD-P	96-15-033	246-918-030	AMD	96-03-073	246-919-990	NEW	96-03-073
246-861-040	AMD-P	96-04-080	246-918-035	AMD	96-03-073	246-920-020	REP	96-03-073
246-861-040	AMD	96-11-042	246-918-050	AMD	96-03-073	246-920-030	REP	96-03-073
246-869-240	REP	96-03-016	246-918-070	AMD	96-03-073	246-920-040	REP	96-03-073
246-872	PREP	96-15-110	246-918-080	AMD	96-03-073	246-920-120	REP	96-03-073
246-879	PREP	96-15-109	246-918-085	AMD	96-03-073	246-920-130	REP	96-03-073
246-883-020	PREP	96-03-012	246-918-090	AMD	96-03-073	246-920-140	REP	96-03-073
246-883-020	AMD-P	96-11-041	246-918-095	AMD	96-03-073	246-920-150	REP	96-03-073
246-883-020	AMD-C	96-14-109	246-918-110	AMD	96-03-073	246-920-160	REP	96-03-073
246-885-030	NEW-P	96-03-134	246-918-120	AMD	96-03-073	246-920-170	REP	96-03-073
246-885-030	NEW	96-07-012	246-918-130	AMD	96-03-073	246-920-180	REP	96-03-073
246-887-170	PREP	96-10-038	246-918-140	AMD	96-03-073	246-920-190	REP	96-03-073
246-904	PREP	96-11-130	246-918-170	AMD	96-03-073	246-920-200	REP	96-03-073
246-904-010	NEW-E	96-11-103	246-918-180	AMD	96-03-073	246-920-210	REP	96-03-073
246-904-010	NEW-P	96-17-066	246-918-250	AMD	96-03-073	246-920-220	REP	96-03-073
246-904-020	NEW-E	96-11-103	246-918-260	AMD	96-03-073	246-920-230	REP	96-03-073
246-904-020	NEW-P	96-17-066	246-918-310	AMD	96-03-073	246-920-240	REP	96-03-073
246-904-030	NEW-E	96-11-103	246-918-990	AMD	96-03-073	246-920-250	REP	96-03-073
246-904-030	NEW-P	96-17-066	246-919-010	NEW	96-03-073	246-920-260	REP	96-03-073
246-904-040	NEW-E	96-11-103	246-919-020	NEW	96-03-073	246-920-270	REP	96-03-073
246-904-040	NEW-P	96-17-066	246-919-030	NEW	96-03-073	246-920-280	REP	96-03-073
246-904-050	NEW-E	96-11-103	246-919-100	NEW	96-03-073	246-920-290	REP	96-03-073
246-904-050	NEW-P	96-17-066	246-919-110	NEW	96-03-073	246-920-300	REP	96-03-073
246-904-060	NEW-E	96-11-103	246-919-120	NEW	96-03-073	246-920-310	REP	96-03-073
246-904-060	NEW-P	96-17-066	246-919-130	NEW	96-03-073	246-920-320	REP	96-03-073
246-904-070	NEW-E	96-11-103	246-919-140	NEW	96-03-073	246-920-330	REP	96-03-073
246-904-070	NEW-P	96-17-066	246-919-150	NEW	96-03-073	246-920-340	REP	96-03-073
246-904-080	NEW-E	96-11-103	246-919-200	NEW	96-03-073	246-920-350	REP	96-03-073
246-904-080	NEW-P	96-17-066	246-919-200	PREP-X	96-14-045	246-920-360	REP	96-03-073
246-904-090	NEW-E	96-11-103	246-919-210	NEW	96-03-073	246-920-370	REP	96-03-073
246-904-090	NEW-P	96-17-066	246-919-210	PREP-X	96-14-045	246-920-380	REP	96-03-073
246-904-100	NEW-E	96-11-103	246-919-220	NEW	96-03-073	246-920-390	REP	96-03-073
246-904-100	NEW-P	96-17-066	246-919-220	PREP-X	96-14-045	246-920-400	REP	96-03-073
246-907-020	AMD-P	96-17-076	246-919-230	NEW	96-03-073	246-920-410	REP	96-03-073
246-907-030	AMD-P	96-17-076	246-919-230	PREP-X	96-14-045	246-920-420	REP	96-03-073
246-915-030	AMD-E	96-03-050	246-919-240	NEW	96-03-073	246-920-430	REP	96-03-073
246-915-030	AMD-P	96-08-068	246-919-240	PREP-X	96-14-045	246-920-440	REP	96-03-073
246-915-030	AMD	96-13-008	246-919-300	NEW	96-03-073	246-920-450	REP	96-03-073
246-917-020	REP	96-03-073	246-919-305	NEW	96-03-073	246-920-460	REP	96-03-073
246-917-025	REP	96-03-073	246-919-310	NEW	96-03-073	246-920-470	REP	96-03-073
246-917-026	REP	96-03-073	246-919-320	NEW	96-03-073	246-920-480	REP	96-03-073
246-917-030	REP	96-03-073	246-919-330	NEW	96-03-073	246-920-490	REP	96-03-073
246-917-040	REP	96-03-073	246-919-340	NEW	96-03-073	246-920-500	REP	96-03-073
246-917-050	REP	96-03-073	246-919-350	NEW	96-03-073	246-920-510	REP	96-03-073
246-917-060	REP	96-03-073	246-919-355	NEW	96-03-073	246-920-520	REP	96-03-073
246-917-070	REP	96-03-073	246-919-360	NEW	96-03-073	246-920-530	REP	96-03-073
246-917-080	REP	96-03-073	246-919-365	NEW	96-03-073	246-920-540	REP	96-03-073
246-917-090	REP	96-03-073	246-919-370	NEW	96-03-073	246-920-550	REP	96-03-073
246-917-100	REP	96-03-073	246-919-380	NEW	96-03-073	246-920-560	REP	96-03-073
246-917-110	REP	96-03-073	246-919-390	NEW	96-03-073	246-920-570	REP	96-03-073
246-917-120	REP	96-03-073	246-919-395	NEW	96-03-073	246-920-580	REP	96-03-073
246-917-121	REP	96-03-073	246-919-400	NEW	96-03-073	246-920-590	REP	96-03-073
246-917-125	REP	96-03-073	246-919-410	NEW	96-03-073	246-920-600	REP	96-03-073
246-917-126	REP	96-03-073	246-919-420	NEW	96-03-073	246-920-610	REP	96-03-073
246-917-130	REP	96-03-073	246-919-430	NEW	96-03-073	246-920-620	REP	96-03-073
246-917-135	REP	96-03-073	246-919-440	NEW	96-03-073	246-920-630	REP	96-03-073
246-917-140	REP	96-03-073	246-919-450	NEW	96-03-073	246-920-640	REP	96-03-073
246-917-150	REP	96-03-073	246-919-460	NEW	96-03-073	246-920-650	REP	96-03-073
246-917-160	REP	96-03-073	246-919-470	NEW	96-03-073	246-920-660	REP	96-03-073
246-917-170	REP	96-03-073	246-919-480	NEW	96-03-073	246-920-670	REP	96-03-073
246-917-180	REP	96-03-073	246-919-500	NEW	96-03-073	246-920-680	REP	96-03-073
246-917-190	REP	96-03-073	246-919-510	NEW	96-03-073	246-920-690	REP	96-03-073
246-917-200	REP	96-03-073	246-919-600	NEW	96-03-073	246-920-710	REP	96-03-073
246-917-210	REP	96-03-073	246-919-610	NEW	96-03-073	246-920-720	REP	96-03-073
246-917-220	REP	96-03-073	246-919-620	NEW	96-03-073	246-920-730	REP	96-03-073
246-917-300	REP	96-03-073	246-919-700	NEW	96-03-073	246-920-740	REP	96-03-073

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-920-750	REP	96-03-073	251-12-101	REP	96-09-055	260-24-040	REP-P	96-09-097
246-920-760	REP	96-03-073	251-12-102	AMD-P	96-04-053	260-24-050	REP-P	96-09-097
246-920-770	REP	96-03-073	251-12-102	AMD-C	96-07-091	260-24-060	REP-P	96-09-097
246-920-780	REP	96-03-073	251-12-102	AMD	96-09-055	260-24-070	REP-P	96-09-097
246-920-890	REP	96-03-073	251-12-104	NEW-P	96-04-053	260-24-080	REP-P	96-09-097
246-924-040	PREP	96-16-007	251-12-104	NEW-C	96-07-091	260-24-090	REP-P	96-09-097
246-924-080	AMD-P	96-02-086	251-12-104	NEW	96-09-055	260-24-100	REP-P	96-09-097
246-924-080	AMD	96-08-007	251-12-105	NEW-P	96-04-053	260-24-110	REP-P	96-09-097
246-924-240	PREP	96-16-009	251-12-105	NEW-C	96-07-091	260-24-120	REP-P	96-09-097
246-924-250	AMD-P	96-02-086	251-12-105	NEW	96-09-055	260-24-130	REP-P	96-09-097
246-924-250	AMD	96-08-007	251-12-106	NEW-P	96-04-053	260-24-140	REP-P	96-09-097
246-924-370	PREP	96-16-006	251-12-106	NEW-C	96-07-091	260-24-150	REP-P	96-09-097
246-924-470	AMD-P	96-02-086	251-12-106	NEW	96-09-055	260-24-160	REP-P	96-09-097
246-924-470	AMD	96-08-007	251-12-180	AMD-P	96-04-053	260-24-170	REP-P	96-09-097
246-924-480	PREP	96-16-008	251-12-180	AMD-C	96-07-091	260-24-180	REP-P	96-09-097
246-924-500	NEW-P	96-02-086	251-12-180	AMD	96-09-055	260-24-190	REP-P	96-09-097
246-924-500	NEW	96-08-007	251-12-232	AMD-P	96-04-053	260-24-200	REP-P	96-09-097
246-924-500	PREP	96-16-009	251-12-232	AMD-C	96-07-091	260-24-210	REP-P	96-09-097
246-924-990	AMD-P	96-02-085	251-12-232	AMD	96-09-055	260-24-220	REP-P	96-09-097
246-924-990	AMD	96-08-006	251-14-110	AMD-P	96-04-053	260-24-230	REP-P	96-09-097
246-924-990	PREP	96-15-071	251-14-110	AMD-C	96-07-091	260-24-240	REP-P	96-09-097
246-976	PREP	96-17-063	251-14-110	AMD	96-09-055	260-24-250	REP-P	96-09-097
246-976-010	AMD	96-03-052	251-14-130	NEW-P	96-04-053	260-24-260	REP-P	96-09-097
246-976-045	NEW	96-03-052	251-14-130	NEW-C	96-07-091	260-24-270	REP-P	96-09-097
246-976-076	PREP	96-06-049	251-14-130	NEW	96-09-055	260-24-280	REP-P	96-09-097
246-976-076	NEW-P	96-14-111	251-17-010	AMD	96-02-072	260-24-290	REP-P	96-09-097
246-976-076	NEW	96-17-067	251-17-150	AMD-P	96-08-086	260-24-300	REP-P	96-09-097
246-976-077	PREP	96-06-049	251-17-150	AMD	96-11-061	260-24-310	REP-P	96-09-097
246-976-077	NEW-P	96-14-111	251-17-170	AMD	96-02-072	260-24-320	REP-P	96-09-097
246-976-077	NEW	96-17-067	251-19-105	REP-W	96-02-069	260-24-330	REP-P	96-09-097
246-976-140	PREP	96-06-049	251-19-105	AMD-P	96-02-071	260-24-340	REP-P	96-09-097
246-976-140	AMD-P	96-14-111	251-19-105	AMD	96-05-026	260-24-350	REP-P	96-09-097
246-976-140	AMD	96-17-067	251-22-045	AMD-E	96-15-047	260-24-360	REP-P	96-09-097
246-976-165	NEW	96-03-052	251-22-045	AMD-P	96-18-018	260-24-370	REP-P	96-09-097
246-976-181	PREP	96-06-049	251-22-116	AMD-P	96-08-081	260-24-380	REP-P	96-09-097
246-976-181	NEW-P	96-14-111	251-22-116	AMD-C	96-09-089	260-24-390	REP-P	96-09-097
246-976-181	NEW	96-17-067	251-22-116	AMD	96-13-077	260-24-400	REP-P	96-09-097
249A-04-010	PREP	96-18-056	251-22-124	AMD-E	96-15-047	260-24-410	REP-P	96-09-097
250-20-021	AMD	96-04-019	251-22-124	AMD-P	96-18-018	260-24-420	REP-P	96-09-097
250-20-021	PREP	96-07-096	251-22-167	AMD-P	96-08-081	260-24-430	REP-P	96-09-097
250-20-021	AMD-P	96-11-101	251-22-167	AMD-C	96-09-089	260-24-440	REP-P	96-09-097
250-20-021	AMD	96-18-024	251-22-167	AMD	96-13-077	260-24-450	REP-P	96-09-097
250-65	PREP	96-07-095	251-22-195	AMD-P	96-08-081	260-24-460	REP-P	96-09-097
250-65-020	AMD-P	96-11-090	251-22-195	AMD-C	96-09-089	260-24-465	REP-P	96-09-097
250-65-020	AMD	96-18-023	251-22-195	AMD	96-13-077	260-24-470	REP-P	96-09-097
250-65-060	AMD-P	96-11-090	251-22-197	REP-P	96-08-081	260-24-480	REP-P	96-09-097
250-65-060	AMD	96-18-023	251-22-197	REP-C	96-09-089	260-24-500	NEW-P	96-09-097
250-74-010	PREP-X	96-13-028	251-22-197	REP	96-13-077	260-24-510	NEW-P	96-09-097
250-74-010	REP	96-18-025	251-22-200	AMD-P	96-08-081	260-24-520	NEW-P	96-09-097
250-74-020	PREP-X	96-13-028	251-22-200	AMD-C	96-09-089	260-24-530	NEW-P	96-09-097
250-74-020	REP	96-18-025	251-22-200	AMD	96-13-077	260-24-540	NEW-P	96-09-097
250-74-030	PREP-X	96-13-028	251-22-250	AMD-P	96-08-084	260-24-550	NEW-P	96-09-097
250-74-030	REP	96-18-025	251-22-250	AMD	96-11-059	260-24-560	NEW-P	96-09-097
250-74-040	PREP-X	96-13-028	251-22-260	AMD-E	96-15-047	260-24-570	NEW-P	96-09-097
250-74-040	REP	96-18-025	251-22-260	AMD-P	96-18-018	260-24-580	NEW-P	96-09-097
250-74-050	PREP-X	96-13-028	251-22-270	AMD-W	96-02-069	260-24-590	NEW-P	96-09-097
250-74-050	REP	96-18-025	251-22-270	AMD-P	96-08-084	260-24-600	NEW-P	96-09-097
250-74-060	PREP-X	96-13-028	251-22-270	AMD	96-11-059	260-24-610	NEW-P	96-09-097
250-74-060	REP	96-18-025	251-22-280	AMD-P	96-08-084	260-24-620	NEW-P	96-09-097
251-04-050	AMD-P	96-08-088	251-22-280	AMD	96-11-059	260-24-630	NEW-P	96-09-097
251-04-050	AMD	96-11-063	251-22-280	AMD-E	96-15-047	260-24-640	NEW-P	96-09-097
251-06-020	AMD-P	96-08-088	251-22-280	AMD-P	96-18-018	260-24-650	NEW-P	96-09-097
251-06-020	AMD	96-11-063	251-22-290	AMD-P	96-08-084	260-24-660	NEW-P	96-09-097
251-10-030	AMD-P	96-10-065	251-22-290	AMD	96-11-059	260-24-670	NEW-P	96-09-097
251-10-030	AMD	96-13-078	251-22-290	AMD-E	96-15-047	260-24-680	NEW-P	96-09-097
251-12-099	AMD-P	96-04-053	251-22-290	AMD-P	96-18-018	260-24-690	NEW-P	96-09-097
251-12-099	AMD-C	96-07-091	260-12	PREP	96-03-142	260-34	PREP	96-03-144
251-12-099	AMD	96-09-055	260-12	PREP	96-12-084	260-48-010	REP-P	96-04-066
251-12-100	AMD-P	96-04-053	260-20	PREP	96-03-143	260-48-010	REP	96-10-014
251-12-100	AMD-C	96-07-091	260-24	PREP	96-06-086	260-48-020	REP-P	96-04-066
251-12-100	AMD	96-09-055	260-24-010	REP-P	96-09-097	260-48-020	REP	96-10-014
251-12-101	REP-P	96-04-053	260-24-020	REP-P	96-09-097	260-48-030	REP-P	96-04-066
251-12-101	REP-C	96-07-091	260-24-030	REP-P	96-09-097	260-48-030	REP	96-10-014



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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-60-460	NEW-P	96-09-098	260-70-290	REP	96-10-001	275-27-040	PREP	96-12-034
260-60-460	NEW	96-12-008	260-70-300	REP-P	96-04-067	275-27-050	PREP	96-12-034
260-60-470	NEW-P	96-09-098	260-70-300	REP	96-10-001	275-27-220	PREP	96-12-016
260-60-470	NEW	96-12-008	260-70-500	NEW-P	96-04-067	275-27-221	PREP	96-12-016
260-70-010	REP-P	96-04-067	260-70-500	NEW	96-10-001	275-27-223	PREP	96-12-016
260-70-010	REP	96-10-001	260-70-510	NEW-P	96-04-067	275-30-020	PREP	96-10-058
260-70-021	REP-P	96-04-067	260-70-510	NEW	96-10-001	275-30-020	AMD-P	96-16-091
260-70-021	REP	96-10-001	260-70-520	NEW-P	96-04-067	275-46-005	NEW-P	96-14-056
260-70-025	REP-P	96-04-067	260-70-520	NEW	96-10-001	275-46-005	NEW	96-18-041
260-70-025	REP	96-10-001	260-70-530	NEW-P	96-04-067	275-46-010	NEW-P	96-14-056
260-70-026	REP-P	96-04-067	260-70-530	NEW	96-10-001	275-46-010	NEW	96-18-041
260-70-026	REP	96-10-001	260-70-540	NEW-P	96-04-067	275-46-020	NEW-P	96-14-056
260-70-027	REP-P	96-04-067	260-70-540	NEW	96-10-001	275-46-020	NEW	96-18-041
260-70-027	REP	96-10-001	260-70-550	NEW-P	96-04-067	275-46-030	NEW-P	96-14-056
260-70-028	REP-P	96-04-067	260-70-550	NEW	96-10-001	275-46-030	NEW	96-18-041
260-70-028	REP	96-10-001	260-70-560	NEW-P	96-04-067	275-46-040	NEW-P	96-14-056
260-70-029	REP-P	96-04-067	260-70-560	NEW	96-10-001	275-46-040	NEW	96-18-041
260-70-029	REP	96-10-001	260-70-570	NEW-P	96-04-067	275-46-050	NEW-P	96-14-056
260-70-031	REP-P	96-04-067	260-70-570	NEW	96-10-001	275-46-050	NEW	96-18-041
260-70-031	REP	96-10-001	260-70-580	NEW-P	96-04-067	275-46-060	NEW-P	96-14-056
260-70-032	REP-P	96-04-067	260-70-580	NEW	96-10-001	275-46-060	NEW	96-18-041
260-70-032	REP	96-10-001	260-70-590	NEW-P	96-04-067	275-46-070	NEW-P	96-14-056
260-70-040	REP-P	96-04-067	260-70-590	NEW	96-10-001	275-46-070	NEW	96-18-041
260-70-040	REP	96-10-001	260-70-600	NEW-P	96-04-067	275-47	PREP	96-15-081
260-70-050	REP-P	96-04-067	260-70-600	NEW	96-10-001	275-56	PREP	96-12-015
260-70-050	REP	96-10-001	260-70-610	NEW-P	96-04-067	284-02	AMD-C	96-09-002
260-70-060	REP-P	96-04-067	260-70-610	NEW	96-10-001	284-02-010	AMD-P	96-04-087
260-70-060	REP	96-10-001	260-70-620	NEW-P	96-04-067	284-02-010	AMD	96-09-038
260-70-070	REP-P	96-04-067	260-70-620	NEW	96-10-001	284-02-020	AMD-P	96-04-087
260-70-070	REP	96-10-001	260-70-630	NEW-P	96-04-067	284-02-020	AMD	96-09-038
260-70-080	REP-P	96-04-067	260-70-630	NEW	96-10-001	284-02-030	AMD-P	96-04-087
260-70-080	REP	96-10-001	260-70-640	NEW-P	96-04-067	284-02-030	AMD	96-09-038
260-70-090	REP-P	96-04-067	260-70-640	NEW	96-10-001	284-02-040	AMD-P	96-04-087
260-70-090	REP	96-10-001	260-70-650	NEW-P	96-04-067	284-02-040	AMD	96-09-038
260-70-100	REP-P	96-04-067	260-70-650	NEW	96-10-001	284-02-050	AMD-P	96-04-087
260-70-100	REP	96-10-001	260-70-660	NEW-P	96-04-067	284-02-050	AMD	96-09-038
260-70-110	REP-P	96-04-067	260-70-660	NEW	96-10-001	284-02-060	AMD-P	96-04-087
260-70-110	REP	96-10-001	260-70-670	NEW-P	96-04-067	284-02-060	AMD	96-09-038
260-70-120	REP-P	96-04-067	260-70-670	NEW	96-10-001	284-02-070	AMD-P	96-04-087
260-70-120	REP	96-10-001	260-70-680	NEW-P	96-04-067	284-02-070	AMD	96-09-038
260-70-130	REP-P	96-04-067	260-70-680	NEW	96-10-001	284-02-080	AMD-P	96-04-087
260-70-130	REP	96-10-001	260-70-690	NEW-P	96-04-067	284-02-080	AMD	96-09-038
260-70-140	REP-P	96-04-067	260-70-690	NEW	96-10-001	284-02-100	AMD-P	96-04-087
260-70-140	REP	96-10-001	260-70-700	NEW-P	96-04-067	284-02-100	AMD	96-09-038
260-70-150	REP-P	96-04-067	260-70-700	NEW	96-10-001	284-07	AMD-C	96-08-017
260-70-150	REP	96-10-001	260-70-710	NEW-P	96-04-067	284-07	AMD-C	96-09-046
260-70-160	REP-P	96-04-067	260-70-710	NEW	96-10-001	284-07	AMD-C	96-11-046
260-70-160	REP	96-10-001	260-70-720	NEW-P	96-04-067	284-07-050	AMD-P	96-05-091
260-70-170	REP-P	96-04-067	260-70-720	NEW	96-10-001	284-07-050	AMD-C	96-11-046
260-70-170	REP	96-10-001	260-70-730	NEW-P	96-04-067	284-07-050	AMD-C	96-17-033
260-70-180	REP-P	96-04-067	260-70-730	NEW	96-10-001	284-07-050	AMD	96-17-079
260-70-180	REP	96-10-001	275-16-085	PREP	96-14-002	284-07-070	AMD-P	96-05-091
260-70-190	REP-P	96-04-067	275-16-085	AMD-P	96-15-057	284-07-070	AMD-C	96-11-046
260-70-190	REP	96-10-001	275-16-085	AMD	96-18-090	284-07-070	AMD-C	96-17-033
260-70-200	REP-P	96-04-067	275-26-010	AMD-P	96-07-090	284-07-070	AMD	96-17-079
260-70-200	REP	96-10-001	275-26-010	AMD	96-10-076	284-07-070	AMD	96-17-079
260-70-210	REP-P	96-04-067	275-26-074	NEW-P	96-07-090	284-10-140	NEW-C	96-03-033
260-70-210	REP	96-10-001	275-26-074	NEW	96-10-076	284-10-140	NEW-C	96-03-075
260-70-220	REP-P	96-04-067	275-26-076	NEW-P	96-07-090	284-10-140	NEW	96-04-060
260-70-220	REP	96-10-001	275-26-076	NEW	96-10-076	284-17	AMD-C	96-15-085
260-70-230	REP-P	96-04-067	275-26-077	NEW-P	96-07-090	284-17	AMD-C	96-17-006
260-70-230	REP	96-10-001	275-26-077	NEW	96-10-076	284-17-220	AMD-P	96-11-144
260-70-240	REP-P	96-04-067	275-27	PREP	96-12-015	284-17-220	AMD	96-17-029
260-70-240	REP	96-10-001	275-27-020	PREP	96-12-034	284-17-230	AMD-P	96-11-144
260-70-250	REP-P	96-04-067	275-27-026	PREP	96-12-034	284-43	AMD-P	96-12-072
260-70-250	REP	96-10-001	275-27-030	PREP	96-12-034	284-43	AMD	96-16-050
260-70-260	REP-P	96-04-067	275-27-031	PREP	96-12-034	284-43-100	NEW-P	96-12-072
260-70-260	REP	96-10-001	275-27-032	PREP	96-12-034	284-43-100	NEW	96-16-050
260-70-270	REP-P	96-04-067	275-27-033	PREP	96-12-034	284-44-140	AMD-P	96-07-081
260-70-270	REP	96-10-001	275-27-034	PREP	96-12-034	284-44-140	AMD	96-11-004
260-70-280	REP-P	96-04-067	275-27-035	PREP	96-12-034	284-44-345	REP-P	96-05-091
260-70-280	REP	96-10-001	275-27-036	PREP	96-12-034	284-44-345	REP-C	96-08-017
260-70-290	REP-P	96-04-067	275-27-037	PREP	96-12-034	284-44-345	REP-C	96-09-046
						284-44-345	REP-C	96-11-046

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
284-44-345	REP-C	96-17-033	286-04-030	AMD-P	96-04-054	286-30-030	AMD	96-08-044
284-44-345	REP	96-17-079	286-04-030	AMD	96-08-044	286-35	AMD-P	96-04-054
284-46-025	NEW-P	96-07-081	286-04-060	AMD-P	96-04-054	286-35	AMD	96-08-044
284-46-025	NEW	96-11-004	286-04-060	AMD	96-08-044	286-35-020	REP-P	96-04-054
284-46-060	REP-P	96-05-091	286-04-070	AMD-P	96-04-054	286-35-020	REP	96-08-044
284-46-060	REP-C	96-08-017	286-04-070	AMD	96-08-044	286-35-030	AMD-P	96-04-054
284-46-060	REP-C	96-09-046	286-04-080	AMD-P	96-04-054	286-35-030	AMD	96-08-044
284-46-060	REP-C	96-11-046	286-04-080	AMD	96-08-044	286-35-040	AMD-P	96-04-054
284-46-060	REP-C	96-17-033	286-04-090	AMD-P	96-04-054	286-35-040	AMD	96-08-044
284-46-060	REP	96-17-079	286-04-090	AMD	96-08-044	286-35-050	REP-P	96-04-054
284-54-170	NEW-W	96-04-018	286-13-010	AMD-P	96-04-054	286-35-050	REP	96-08-044
284-58-030	AMD-P	96-07-081	286-13-010	AMD	96-08-044	286-35-060	AMD-P	96-04-054
284-58-030	AMD	96-11-004	286-13-020	AMD-P	96-04-054	286-35-060	AMD	96-08-044
284-58-250	AMD-P	96-07-081	286-13-020	AMD	96-08-044	286-35-070	REP-P	96-04-054
284-58-250	AMD	96-11-004	286-13-030	AMD-P	96-04-054	286-35-070	REP	96-08-044
284-66	AMD-C	96-08-016	286-13-030	AMD	96-08-044	286-40-010	AMD-P	96-04-054
284-66-020	AMD-P	96-04-086	286-13-040	AMD-P	96-04-054	286-40-010	AMD	96-08-044
284-66-020	AMD	96-09-047	286-13-040	AMD	96-08-044	286-40-020	AMD-P	96-04-054
284-66-063	AMD-P	96-04-086	286-13-045	NEW-P	96-04-054	286-40-020	AMD	96-08-044
284-66-063	AMD	96-09-047	286-13-045	NEW	96-08-044	286-40-030	AMD-P	96-04-054
284-66-077	AMD-P	96-04-086	286-13-060	AMD-P	96-04-054	286-40-030	AMD	96-08-044
284-66-077	AMD	96-09-047	286-13-060	AMD	96-08-044	292-04-270	AMD-E	96-03-092
284-66-110	AMD-P	96-04-086	286-13-070	AMD-P	96-04-054	292-06-001	NEW-P	96-04-083
284-66-110	AMD	96-09-047	286-13-070	AMD	96-08-044	292-06-001	NEW-W	96-17-053
284-66-120	AMD-P	96-04-086	286-13-080	AMD-P	96-04-054	292-06-005	NEW-P	96-04-083
284-66-120	AMD	96-09-047	286-13-080	AMD	96-08-044	292-06-005	NEW-W	96-17-053
284-66-130	AMD-P	96-04-086	286-13-085	AMD-P	96-04-054	292-06-010	NEW-P	96-04-083
284-66-130	AMD	96-09-047	286-13-085	AMD	96-08-044	292-06-010	NEW-W	96-17-053
284-66-135	NEW-P	96-04-086	286-13-085	AMD-P	96-11-112	292-06-020	NEW-P	96-04-083
284-66-135	NEW	96-09-047	286-13-085	AMD-E	96-11-113	292-06-020	NEW-W	96-17-053
284-66-142	AMD-P	96-04-086	286-13-085	AMD-S	96-12-065	292-06-030	NEW-P	96-04-083
284-66-142	AMD	96-09-047	286-13-085	AMD	96-15-082	292-06-030	NEW-W	96-17-053
284-66-203	AMD-P	96-04-086	286-13-100	AMD-P	96-04-054	292-06-040	NEW-P	96-04-083
284-66-203	AMD	96-09-047	286-13-100	AMD	96-08-044	292-06-040	NEW-W	96-17-053
284-85	PREP	96-15-044	286-13-110	AMD-P	96-04-054	292-06-050	NEW-P	96-04-083
284-85	NEW-C	96-15-085	286-13-110	AMD	96-08-044	292-06-050	NEW-W	96-17-053
284-85	NEW-C	96-17-006	286-13-115	AMD-P	96-04-054	292-06-060	NEW-P	96-04-083
284-85-005	NEW-P	96-11-144	286-13-115	AMD	96-08-044	292-06-060	NEW-W	96-17-053
284-85-005	NEW	96-17-029	286-26-010	AMD-P	96-04-054	292-06-070	NEW-P	96-04-083
284-85-010	NEW-P	96-11-144	286-26-010	AMD	96-08-044	292-06-070	NEW-W	96-17-053
284-85-010	NEW	96-17-029	286-26-020	AMD-P	96-04-054	292-06-080	NEW-P	96-04-083
284-85-015	NEW-P	96-11-144	286-26-020	AMD	96-08-044	292-06-080	NEW-W	96-17-053
284-85-015	NEW	96-17-029	286-26-030	REP-P	96-04-054	292-06-090	NEW-P	96-04-083
284-85-030	NEW-P	96-11-144	286-26-030	REP	96-08-044	292-06-090	NEW-W	96-17-053
284-85-030	NEW	96-17-029	286-26-080	AMD-P	96-04-054	292-06-100	NEW-P	96-04-083
284-85-040	NEW-P	96-11-144	286-26-080	AMD	96-08-044	292-06-100	NEW-W	96-17-053
284-85-040	NEW	96-17-029	286-26-100	AMD-P	96-04-054	292-06-110	NEW-P	96-04-083
284-85-045	NEW-P	96-11-144	286-26-100	AMD	96-08-044	292-06-110	NEW-W	96-17-053
284-85-045	NEW	96-17-029	286-26-110	NEW-P	96-04-054	292-06-130	NEW-P	96-04-083
284-85-050	NEW-P	96-11-144	286-26-110	NEW	96-08-044	292-06-130	NEW-W	96-17-053
284-85-050	NEW	96-17-029	286-27-010	AMD-P	96-04-054	292-06-140	NEW-P	96-04-083
284-85-055	NEW-P	96-11-144	286-27-010	AMD	96-08-044	292-06-140	NEW-W	96-17-053
284-85-055	NEW	96-17-029	286-27-030	REP-P	96-04-054	292-06-160	NEW-P	96-04-083
284-85-060	NEW-P	96-11-144	286-27-030	REP	96-08-044	292-06-160	NEW-W	96-17-053
284-85-060	NEW	96-17-029	286-27-040	AMD-P	96-04-054	292-06-170	NEW-P	96-04-083
284-85-070	NEW-P	96-11-144	286-27-040	AMD	96-08-044	292-06-170	NEW-W	96-17-053
284-85-070	NEW	96-17-029	286-27-050	AMD-P	96-04-054	292-06-190	NEW-P	96-04-083
284-85-075	NEW-P	96-11-144	286-27-050	AMD	96-08-044	292-06-190	NEW-W	96-17-053
284-85-075	NEW	96-17-029	286-27-055	NEW-P	96-04-054	292-06-200	NEW-P	96-04-083
284-85-080	NEW-P	96-11-144	286-27-055	NEW	96-08-044	292-06-200	NEW-W	96-17-053
284-85-080	NEW	96-17-029	286-27-065	NEW-P	96-04-054	292-06-210	NEW-P	96-04-083
284-85-085	NEW-P	96-11-144	286-27-065	NEW	96-08-044	292-06-210	NEW-W	96-17-053
284-85-085	NEW	96-17-029	286-27-070	REP-P	96-04-054	292-06-220	NEW-P	96-04-083
284-85-090	NEW-P	96-11-144	286-27-070	REP	96-08-044	292-06-220	NEW-W	96-17-053
284-85-090	NEW	96-17-029	286-27-075	NEW-P	96-04-054	292-06-230	NEW-P	96-04-083
284-85-100	NEW-P	96-11-144	286-27-075	NEW	96-08-044	292-06-230	NEW-W	96-17-053
284-85-100	NEW	96-17-029	286-27-080	REP-P	96-04-054	292-06-240	NEW-P	96-04-083
284-85-110	NEW-P	96-11-144	286-27-080	REP	96-08-044	292-06-240	NEW-W	96-17-053
284-85-110	NEW	96-17-029	286-30-010	AMD-P	96-04-054	292-06-250	NEW-P	96-04-083
284-85-900	NEW-P	96-11-144	286-30-010	AMD	96-08-044	292-06-250	NEW-W	96-17-053
284-85-900	NEW	96-17-029	286-30-020	REP-P	96-04-054	292-06-270	NEW-P	96-04-083
286-04-010	AMD-P	96-04-054	286-30-020	REP	96-08-044	292-06-270	NEW-W	96-17-053
286-04-010	AMD	96-08-044	286-30-030	AMD-P	96-04-054	292-06-280	NEW-P	96-04-083

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
292-06-280	NEW-W	96-17-053	292-100-160	NEW-P	96-15-095	296-17-50917	NEW	96-12-039
292-08	REP-C	96-17-023	292-100-170	NEW-P	96-15-095	296-17-510	AMD-P	96-05-064
292-08-010	REP-P	96-05-006	292-100-180	NEW-P	96-15-095	296-17-510	AMD-P	96-05-065
292-08-010	REP	96-17-024	292-100-190	NEW-P	96-15-095	296-17-510	AMD	96-12-039
292-08-020	REP-P	96-05-006	292-100-200	NEW-P	96-15-095	296-17-511	AMD-P	96-05-064
292-08-020	REP	96-17-024	292-110-020	NEW-P	96-15-094	296-17-511	AMD-P	96-05-065
292-08-030	REP-P	96-05-006	292-110-030	NEW-P	96-15-093	296-17-511	AMD	96-12-039
292-08-030	REP	96-17-024	294-04-010	NEW-P	96-16-095	296-17-51101	NEW-P	96-05-064
292-08-040	REP-P	96-05-006	294-04-020	NEW-P	96-16-095	296-17-51101	NEW-P	96-05-065
292-08-040	REP	96-17-024	294-04-030	NEW-P	96-16-095	296-17-51101	NEW	96-12-039
292-08-050	REP-P	96-05-006	294-04-040	NEW-P	96-16-095	296-17-512	AMD-P	96-05-064
292-08-050	REP	96-17-024	294-04-050	NEW-P	96-16-095	296-17-512	AMD-P	96-05-065
292-12	REP-C	96-17-023	294-04-060	NEW-P	96-16-095	296-17-512	AMD	96-12-039
292-12-010	REP-P	96-05-006	294-04-070	NEW-P	96-16-095	296-17-513	AMD-P	96-05-064
292-12-010	REP	96-17-024	294-04-080	NEW-P	96-16-095	296-17-513	AMD-P	96-05-065
292-12-020	REP-P	96-05-006	296-04	PREP	96-10-035	296-17-513	AMD	96-12-039
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292-100-060	NEW-P	96-15-095	296-17-50904	REP-P	96-05-065	296-17-528	AMD	96-12-039
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296-17-694	AMD	96-05-064	296-17-76209	AMD-P	96-05-065	296-27	PREP	96-06-033
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296-17-703	AMD-P	96-05-065	296-17-885	AMD-P	96-05-065	296-54-505	AMD-P	96-09-101
296-17-703	AMD-P	96-05-065	296-17-885	AMD	96-12-039	296-54-507	AMD-P	96-09-101
296-17-703	AMD	96-12-039	296-17-885	AMD	96-03-115	296-54-511	AMD-P	96-09-101
296-17-704	AMD-P	96-05-064	296-17-895	AMD-P	96-05-064	296-54-511	AMD-P	96-09-101
296-17-704	AMD-P	96-05-065	296-17-895	AMD-P	96-05-065	296-54-513	AMD-P	96-09-101
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296-17-706	AMD-P	96-05-064	296-17-895	AMD	96-06-025	296-54-519	AMD-P	96-09-101
296-17-706	AMD-P	96-05-065	296-17-895	AMD	96-12-039	296-54-521	AMD-P	96-09-101
296-17-706	AMD	96-12-039	296-17-90100	NEW-P	96-13-105	296-54-523	AMD-P	96-09-101
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296-17-707	AMD	96-12-039	296-17-90110	NEW	96-18-040	296-54-535	AMD-P	96-09-101
296-17-708	AMD-P	96-05-064	296-17-90120	NEW-P	96-13-105	296-54-537	AMD-P	96-09-101
296-17-708	AMD-P	96-05-065	296-17-90120	NEW	96-18-040	296-54-539	AMD-P	96-09-101
296-17-708	AMD	96-12-039	296-17-90130	NEW-P	96-13-105	296-54-551	AMD-P	96-09-101
296-17-709	AMD-P	96-05-064	296-17-90130	NEW	96-18-040	296-54-553	AMD-P	96-09-101
296-17-709	AMD-P	96-05-065	296-17-90140	NEW-P	96-13-105	296-54-555	AMD-P	96-09-101
296-17-709	AMD	96-12-039	296-17-90140	NEW	96-18-040	296-54-557	AMD-P	96-09-101
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296-17-710	AMD-P	96-05-065	296-17-90150	NEW	96-18-040	296-54-561	AMD-P	96-09-101
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296-62-07521	AMD-P	96-03-024	296-78-70503	AMD-P	96-10-085	296-150A-021	REP-P	96-15-089
296-62-07521	AMD	96-09-030	296-78-70503	AMD	96-17-056	296-150A-024	REP-P	96-15-089
296-62-07533	AMD-P	96-03-024	296-78-71003	AMD-P	96-10-085	296-150A-030	REP-P	96-15-089
296-62-07533	AMD	96-09-030	296-78-71003	AMD	96-17-056	296-150A-035	REP-P	96-15-089
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296-62-07550	AMD	96-09-030	296-78-71015	AMD	96-17-056	296-150A-045	REP-P	96-15-089
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296-62-07705	AMD-E	96-16-026	296-78-750	AMD	96-17-056	296-150A-075	REP-P	96-15-089
296-62-07705	AMD-P	96-18-114	296-78-800	AMD-P	96-10-085	296-150A-080	REP-P	96-15-089
296-62-07706	AMD-P	96-18-114	296-78-800	AMD	96-17-056	296-150A-085	REP-P	96-15-089
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296-62-07715	AMD-P	96-18-114	296-78-84007	AMD	96-17-056	296-150A-115	REP-P	96-15-089
296-62-07717	AMD-P	96-18-114	296-99	PREP	96-14-117	296-150A-120	REP-P	96-15-089
296-62-07719	AMD-P	96-18-114	296-104-010	AMD-P	96-16-063	296-150A-125	REP-P	96-15-089
296-62-07721	AMD-P	96-18-114	296-104-025	PREP	96-09-086	296-150A-130	REP-P	96-15-089
296-62-07722	NEW-P	96-18-114	296-104-025	AMD-P	96-16-063	296-150A-135	REP-P	96-15-089
296-62-07723	AMD-P	96-18-114	296-104-065	PREP	96-09-086	296-150A-140	REP-P	96-15-089
296-62-07725	AMD-P	96-18-114	296-104-065	AMD-P	96-16-063	296-150A-145	REP-P	96-15-089
296-62-07727	AMD-P	96-18-114	296-104-102	PREP	96-09-086	296-150A-150	REP-P	96-15-089
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296-62-07731	REP-P	96-18-114	296-104-140	AMD-P	96-16-063	296-150A-160	REP-P	96-15-089
296-62-07733	AMD-P	96-18-114	296-104-151	NEW-P	96-16-063	296-150A-170	REP-P	96-15-089
296-62-07735	AMD-P	96-18-114	296-104-170	PREP	96-09-086	296-150A-300	REP-P	96-15-089
296-62-07737	AMD-P	96-18-114	296-104-170	AMD-P	96-16-063	296-150A-800	REP-P	96-15-089
296-62-07739	AMD-P	96-03-024	296-104-195	REP-P	96-16-063	296-150A-805	REP-P	96-15-089
296-62-07739	AMD	96-09-030	296-104-200	AMD-P	96-16-063	296-150A-815	REP-P	96-15-089
296-62-07741	AMD-P	96-18-114	296-104-205	PREP	96-09-086	296-150A-820	REP-P	96-15-089
296-62-07745	AMD-P	96-18-114	296-104-205	AMD-P	96-16-063	296-150A-825	REP-P	96-15-089
296-62-07747	AMD-P	96-18-114	296-104-210	PREP	96-09-086	296-150A-830	REP-P	96-15-089
296-62-07749	AMD-P	96-18-114	296-104-210	AMD-P	96-16-063	296-150A-835	REP-P	96-15-089
296-62-07751	AMD-P	96-18-114	296-104-215	PREP	96-09-086	296-150A-840	REP-P	96-15-089
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296-65-015	AMD-P	96-18-114	296-104-240	PREP	96-09-086	296-150A-990	REP-P	96-15-089
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296-150R-0720	NEW-P	96-15-089	296-305-01501	AMD-C	96-03-026	296-305-05001	NEW-C	96-03-026
296-150R-0800	NEW-P	96-15-089	296-305-01501	REP	96-11-067	296-305-05001	NEW	96-11-067
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296-150R-0820	NEW-P	96-15-089	296-305-01501	NEW	96-11-067	296-305-05003	NEW	96-11-067
296-150R-0830	NEW-P	96-15-089	296-305-01503	NEW-C	96-03-026	296-305-05005	NEW-C	96-03-026
296-150R-0840	NEW-P	96-15-089	296-305-01503	NEW	96-11-067	296-305-05005	NEW	96-11-067
296-150R-0850	NEW-P	96-15-089	296-305-01503	NEW	96-11-067	296-305-05007	NEW-C	96-03-026
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296-150R-2020	NEW-P	96-15-089	296-305-01515	NEW	96-11-067	296-305-060	AMD-C	96-03-026
296-150R-2030	NEW-P	96-15-089	296-305-01517	NEW-C	96-03-026	296-305-060	REP	96-11-067
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296-155-24505	AMD-P	96-11-116	296-305-02001	NEW	96-11-067	296-305-06007	AMD-C	96-03-026
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296-155-24515	AMD-P	96-11-116	296-305-02003	NEW	96-11-067	296-305-06009	REP	96-11-067
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296-155-500	AMD-P	96-11-116	296-305-02019	NEW-C	96-03-026	296-305-06507	AMD-C	96-03-026
296-155-505	AMD-P	96-11-116	296-305-02019	NEW	96-11-067	296-305-06507	AMD	96-11-067
296-155-50503	AMD-P	96-11-116	296-305-025	AMD-C	96-03-026	296-305-06509	AMD-C	96-03-026
296-155-515	AMD-P	96-11-116	296-305-025	REP	96-11-067	296-305-06509	AMD	96-11-067
296-155-655	AMD-P	96-11-116	296-305-02501	NEW-C	96-03-026	296-305-06511	AMD-C	96-03-026
296-155-715	AMD-P	96-11-116	296-305-02501	NEW	96-11-067	296-305-06511	AMD	96-11-067
296-155-740	AMD-P	96-11-116	296-305-030	AMD-C	96-03-026	296-305-06513	AMD-C	96-03-026
296-155-745	AMD-P	96-11-116	296-305-030	REP	96-11-067	296-305-06513	AMD	96-11-067
296-305-001	AMD-C	96-03-026	296-305-03001	NEW-C	96-03-026	296-305-06515	AMD-C	96-03-026
296-305-001	REP	96-11-067	296-305-03001	NEW	96-11-067	296-305-06515	AMD	96-11-067
296-305-003	AMD-C	96-03-026	296-305-03035	AMD-C	96-03-026	296-305-06517	AMD-C	96-03-026
296-305-003	REP	96-11-067	296-305-035	REP	96-11-067	296-305-06517	AMD	96-11-067
296-305-005	AMD-C	96-03-026	296-305-040	AMD-C	96-03-026	296-305-06519	NEW-C	96-03-026
296-305-005	REP	96-11-067	296-305-040	REP	96-11-067	296-305-070	NEW	96-11-067
296-305-007	AMD-C	96-03-026	296-305-04001	NEW-C	96-03-026	296-305-070	AMD-C	96-03-026
296-305-007	REP	96-11-067	296-305-04001	NEW	96-11-067	296-305-07001	REP	96-11-067
296-305-010	AMD-C	96-03-026	296-305-045	AMD-C	96-03-026	296-305-07001	AMD-C	96-03-026
296-305-010	REP	96-11-067	296-305-045	REP	96-11-067	296-305-07001	AMD	96-11-067
296-305-01001	NEW-C	96-03-026	296-305-04501	NEW-C	96-03-026	296-305-07003	AMD-C	96-03-026
296-305-01001	NEW	96-11-067	296-305-04501	NEW	96-11-067	296-305-07003	AMD	96-11-067
296-305-01002	NEW-C	96-03-026	296-305-04503	NEW-C	96-03-026	296-305-07005	AMD-C	96-03-026
296-305-01002	NEW	96-11-067	296-305-04503	NEW	96-11-067	296-305-07005	AMD	96-11-067
296-305-01003	NEW-C	96-03-026	296-305-04505	NEW-C	96-03-026	296-305-07007	AMD-C	96-03-026
296-305-01003	NEW	96-11-067	296-305-04505	NEW	96-11-067	296-305-07007	AMD	96-11-067
296-305-01005	NEW-C	96-03-026	296-305-04507	NEW-C	96-03-026	296-305-07009	AMD-C	96-03-026
296-305-01005	NEW	96-11-067	296-305-04507	NEW	96-11-067	296-305-07009	AMD	96-11-067
296-305-01007	NEW-C	96-03-026	296-305-04509	NEW-C	96-03-026	296-305-07011	NEW-C	96-03-026
			296-305-04509	NEW	96-11-067			

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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296-305-07013	NEW-C	96-03-026	296-306-120	REP-P	96-14-121	296-306A-07009	NEW-P	96-14-121
296-305-07013	NEW	96-11-067	296-306-125	REP-P	96-14-121	296-306A-07011	NEW-P	96-14-121
296-305-07015	NEW-C	96-03-026	296-306-130	REP-P	96-14-121	296-306A-07013	NEW-P	96-14-121
296-305-07015	NEW	96-11-067	296-306-135	REP-P	96-14-121	296-306A-073	NEW-P	96-14-121
296-305-07017	NEW-C	96-03-026	296-306-140	REP-P	96-14-121	296-306A-076	NEW-P	96-14-121
296-305-07017	NEW	96-11-067	296-306-145	REP-P	96-14-121	296-306A-080	NEW-P	96-14-121
296-305-07019	NEW-C	96-03-026	296-306-14501	REP-P	96-14-121	296-306A-08003	NEW-P	96-14-121
296-305-07019	NEW	96-11-067	296-306-14503	REP-P	96-14-121	296-306A-08006	NEW-P	96-14-121
296-305-075	AMD-C	96-03-026	296-306-14505	REP-P	96-14-121	296-306A-08009	NEW-P	96-14-121
296-305-075	REP	96-11-067	296-306-14507	REP-P	96-14-121	296-306A-08012	NEW-P	96-14-121
296-305-080	AMD-C	96-03-026	296-306-14509	REP-P	96-14-121	296-306A-08015	NEW-P	96-14-121
296-305-080	REP	96-11-067	296-306-14511	REP-P	96-14-121	296-306A-08018	NEW-P	96-14-121
296-305-08000	NEW-C	96-03-026	296-306-14513	REP-P	96-14-121	296-306A-08021	NEW-P	96-14-121
296-305-08000	NEW	96-11-067	296-306-14515	REP-P	96-14-121	296-306A-085	NEW-P	96-14-121
296-305-085	AMD-C	96-03-026	296-306-150	REP-P	96-14-121	296-306A-090	NEW-P	96-14-121
296-305-085	REP	96-11-067	296-306-155	REP-P	96-14-121	296-306A-095	NEW-P	96-14-121
296-305-090	AMD-C	96-03-026	296-306-160	REP-P	96-14-121	296-306A-09503	NEW-P	96-14-121
296-305-090	REP	96-11-067	296-306-165	REP-P	96-14-121	296-306A-09506	NEW-P	96-14-121
296-305-095	AMD-C	96-03-026	296-306-170	REP-P	96-14-121	296-306A-09509	NEW-P	96-14-121
296-305-095	REP	96-11-067	296-306-175	REP-P	96-14-121	296-306A-09512	NEW-P	96-14-121
296-305-100	AMD-C	96-03-026	296-306-180	REP-P	96-14-121	296-306A-09515	NEW-P	96-14-121
296-305-100	REP	96-11-067	296-306-200	REP-P	96-14-121	296-306A-09518	NEW-P	96-14-121
296-305-105	AMD-C	96-03-026	296-306-250	REP-P	96-14-121	296-306A-100	NEW-P	96-14-121
296-305-105	REP	96-11-067	296-306-25003	REP-P	96-14-121	296-306A-10005	NEW-P	96-14-121
296-305-110	AMD-C	96-03-026	296-306-25005	REP-P	96-14-121	296-306A-10010	NEW-P	96-14-121
296-305-110	REP	96-11-067	296-306-25007	REP-P	96-14-121	296-306A-10015	NEW-P	96-14-121
296-305-115	AMD-C	96-03-026	296-306-25009	REP-P	96-14-121	296-306A-10020	NEW-P	96-14-121
296-305-115	REP	96-11-067	296-306-25013	REP-P	96-14-121	296-306A-10025	NEW-P	96-14-121
296-306	PREP	96-06-034	296-306-25017	REP-P	96-14-121	296-306A-107	NEW-P	96-14-120
296-306	PREP	96-06-078	296-306-25019	REP-P	96-14-121	296-306A-107	NEW-S	96-17-093
296-306-003	REP-P	96-14-121	296-306-25021	REP-P	96-14-121	296-306A-110	NEW-P	96-14-120
296-306-006	REP-P	96-14-121	296-306-25023	REP-P	96-14-121	296-306A-110	NEW-S	96-17-093
296-306-009	REP-P	96-14-121	296-306-25023	REP-P	96-14-121	296-306A-11005	NEW-P	96-14-120
296-306-010	REP-P	96-14-121	296-306-25023	REP-P	96-14-121	296-306A-11005	NEW-S	96-17-093
296-306-01001	REP-P	96-14-121	296-306-260	REP-P	96-14-121	296-306A-11010	NEW-P	96-14-120
296-306-012	REP-P	96-14-121	296-306-26001	REP-P	96-14-121	296-306A-11010	NEW-S	96-17-093
296-306-015	REP-P	96-14-121	296-306-265	REP-P	96-14-121	296-306A-11015	NEW-P	96-14-120
296-306-020	REP-P	96-14-121	296-306-270	REP-P	96-14-121	296-306A-11015	NEW-S	96-17-093
296-306-025	REP-P	96-14-121	296-306-27095	REP-P	96-14-121	296-306A-120	NEW-P	96-14-120
296-306-030	REP-P	96-14-121	296-306-275	REP-P	96-14-121	296-306A-120	NEW-S	96-17-093
296-306-035	REP-P	96-14-121	296-306-300	REP-P	96-14-121	296-306A-12005	NEW-P	96-14-120
296-306-040	REP-P	96-14-121	296-306-310	REP-P	96-14-121	296-306A-12005	NEW-S	96-17-093
296-306-045	REP-P	96-14-121	296-306-320	REP-P	96-14-121	296-306A-12010	NEW-P	96-14-120
296-306-050	REP-P	96-14-121	296-306-40003	REP-P	96-14-121	296-306A-12010	NEW-S	96-17-093
296-306-055	REP-P	96-14-121	296-306-40005	REP-P	96-14-121	296-306A-12015	NEW-P	96-14-120
296-306-057	REP-P	96-14-121	296-306-40011	REP-P	96-14-121	296-306A-12015	NEW-S	96-17-093
296-306-061	REP-P	96-14-121	296-306A-003	NEW-P	96-14-121	296-306A-12020	NEW-P	96-14-120
296-306-06101	REP-P	96-14-121	296-306A-006	NEW-P	96-14-121	296-306A-12020	NEW-S	96-17-093
296-306-06103	REP-P	96-14-121	296-306A-009	NEW-P	96-14-121	296-306A-12025	NEW-P	96-14-120
296-306-06105	REP-P	96-14-121	296-306A-012	NEW-P	96-14-121	296-306A-12025	NEW-S	96-17-093
296-306-06107	REP-P	96-14-121	296-306A-015	NEW-P	96-14-121	296-306A-12030	NEW-P	96-14-120
296-306-06109	REP-P	96-14-121	296-306A-018	NEW-P	96-14-121	296-306A-12030	NEW-S	96-17-093
296-306-065	REP-P	96-14-121	296-306A-021	NEW-P	96-14-121	296-306A-12035	NEW-P	96-14-120
296-306-070	REP-P	96-14-121	296-306A-024	NEW-P	96-14-121	296-306A-12035	NEW-S	96-17-093
296-306-075	REP-P	96-14-121	296-306A-030	NEW-P	96-14-121	296-306A-12040	NEW-P	96-14-120
296-306-07501	REP-P	96-14-121	296-306A-033	NEW-P	96-14-121	296-306A-12040	NEW-S	96-17-093
296-306-07503	REP-P	96-14-121	296-306A-036	NEW-P	96-14-121	296-306A-12045	NEW-P	96-14-120
296-306-080	REP-P	96-14-121	296-306A-039	NEW-P	96-14-121	296-306A-12045	NEW-S	96-17-093
296-306-084	REP-P	96-14-121	296-306A-042	NEW-P	96-14-121	296-306A-12050	NEW-P	96-14-120
296-306-085	REP-P	96-14-121	296-306A-045	NEW-P	96-14-121	296-306A-12050	NEW-S	96-17-093
296-306-08501	REP-P	96-14-121	296-306A-050	NEW-P	96-14-121	296-306A-12055	NEW-P	96-14-120
296-306-08503	REP-P	96-14-121	296-306A-055	NEW-P	96-14-121	296-306A-12055	NEW-S	96-17-093
296-306-08505	REP-P	96-14-121	296-306A-05501	NEW-P	96-14-121	296-306A-130	NEW-P	96-14-120
296-306-08507	REP-P	96-14-121	296-306A-05503	NEW-P	96-14-121	296-306A-13005	NEW-S	96-17-093
296-306-08509	REP-P	96-14-121	296-306A-05505	NEW-P	96-14-121	296-306A-13010	NEW-P	96-14-120
296-306-090	REP-P	96-14-121	296-306A-05507	NEW-P	96-14-121	296-306A-13010	NEW-S	96-17-093
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296-306-09003	REP-P	96-14-121	296-306A-061	NEW-P	96-14-121	296-306A-13015	NEW-S	96-17-093
296-306-095	REP-P	96-14-121	296-306A-065	NEW-P	96-14-121	296-306A-13020	NEW-P	96-14-120
296-306-100	REP-P	96-14-121	296-306A-070	NEW-P	96-14-121	296-306A-13020	NEW-S	96-17-093
296-306-105	REP-P	96-14-121	296-306A-07001	NEW-P	96-14-121			
296-306-110	REP-P	96-14-121	296-306A-07003	NEW-P	96-14-121			
			296-306A-07005	NEW-P	96-14-121			

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296-306A-45005	NEW-P	96-14-121	296-306A-50019	NEW-P	96-14-121	308-10-067	AMD	96-05-036
296-306A-45007	NEW-P	96-14-121	296-306A-50021	NEW-P	96-14-121	308-13-005	AMD-P	96-04-009
296-306A-45009	NEW-P	96-14-121	296-306A-50023	NEW-P	96-14-121	308-13-005	AMD-C	96-04-040
296-306A-45011	NEW-P	96-14-121	296-306A-50025	NEW-P	96-14-121	308-13-005	AMD	96-10-013
296-306A-45013	NEW-P	96-14-121	296-306A-50027	NEW-P	96-14-121	308-13-015	AMD-P	96-04-009
296-306A-45015	NEW-P	96-14-121	296-306A-50029	NEW-P	96-14-121	308-13-015	AMD-C	96-04-040
296-306A-45017	NEW-P	96-14-121	296-306A-52001	NEW-P	96-14-121	308-13-015	AMD	96-10-013
296-306A-45019	NEW-P	96-14-121	296-306A-52003	NEW-P	96-14-121	308-13-024	AMD-P	96-04-009
296-306A-45021	NEW-P	96-14-121	296-306A-52005	NEW-P	96-14-121	308-13-024	AMD-C	96-04-040
296-306A-45023	NEW-P	96-14-121	296-306A-52007	NEW-P	96-14-121	308-13-024	AMD	96-10-013
296-306A-45025	NEW-P	96-14-121	296-306A-52009	NEW-P	96-14-121	308-13-050	AMD-P	96-04-009
296-306A-45027	NEW-P	96-14-121	296-306A-52011	NEW-P	96-14-121	308-13-050	AMD-C	96-04-040
296-306A-45029	NEW-P	96-14-121	296-306A-52013	NEW-P	96-14-121	308-13-050	AMD	96-10-013
296-306A-475	NEW-P	96-14-121	296-306A-52015	NEW-P	96-14-121	308-13-110	REP-P	96-04-009
296-306A-47501	NEW-P	96-14-121	296-306A-52017	NEW-P	96-14-121	308-13-110	REP-C	96-04-040
296-306A-480	NEW-P	96-14-121	296-306A-52019	NEW-P	96-14-121	308-13-110	REP	96-10-013
296-306A-48001	NEW-P	96-14-121	296-306A-52021	NEW-P	96-14-121	308-13-150	PREP	96-04-007
296-306A-48003	NEW-P	96-14-121	296-306A-52023	NEW-P	96-14-121	308-13-150	AMD-P	96-08-005
296-306A-48005	NEW-P	96-14-121	296-306A-52025	NEW-P	96-14-121	308-13-150	AMD	96-11-132
296-306A-48007	NEW-P	96-14-121	296-306A-52027	NEW-P	96-14-121	308-14-080	PREP-X	96-13-021
296-306A-48009	NEW-P	96-14-121	296-306A-52029	NEW-P	96-14-121	308-14-080	REP	96-17-040
296-306A-48011	NEW-P	96-14-121	296-306A-52031	NEW-P	96-14-121	308-14-110	PREP-X	96-13-021
296-306A-48013	NEW-P	96-14-121	296-306A-52033	NEW-P	96-14-121	308-14-110	REP	96-17-040
296-306A-48015	NEW-P	96-14-121	296-306A-52035	NEW-P	96-14-121	308-20-020	PREP-X	96-13-021
296-306A-48017	NEW-P	96-14-121	296-306A-52037	NEW-P	96-14-121	308-20-020	REP	96-17-040
296-306A-48019	NEW-P	96-14-121	296-306A-52039	NEW-P	96-14-121	308-20-050	PREP-X	96-13-021
296-306A-48021	NEW-P	96-14-121	296-306A-52041	NEW-P	96-14-121	308-20-050	REP	96-17-040
296-306A-48023	NEW-P	96-14-121	296-306A-52043	NEW-P	96-14-121	308-20-060	PREP-X	96-13-021
296-306A-48025	NEW-P	96-14-121	296-306A-52045	NEW-P	96-14-121	308-20-060	REP	96-17-040
296-306A-48027	NEW-P	96-14-121	296-306A-52047	NEW-P	96-14-121	308-20-070	PREP-X	96-13-021
296-306A-48029	NEW-P	96-14-121	296-306A-53001	NEW-P	96-14-121	308-20-070	REP	96-17-040
296-306A-48031	NEW-P	96-14-121	296-306A-53003	NEW-P	96-14-121	308-20-095	PREP-X	96-13-021
296-306A-48033	NEW-P	96-14-121	296-306A-53005	NEW-P	96-14-121	308-20-095	REP	96-17-040
296-306A-48035	NEW-P	96-14-121	296-306A-53007	NEW-P	96-14-121	308-20-100	PREP-X	96-13-021
296-306A-48037	NEW-P	96-14-121	296-306A-53009	NEW-P	96-14-121	308-20-100	REP	96-17-040
296-306A-48039	NEW-P	96-14-121	296-306A-53011	NEW-P	96-14-121	308-20-109	PREP-X	96-13-021
296-306A-48041	NEW-P	96-14-121	296-306A-53013	NEW-P	96-14-121	308-20-109	REP	96-17-040
296-306A-48043	NEW-P	96-14-121	296-306A-53015	NEW-P	96-14-121	308-20-140	PREP-X	96-13-021
296-306A-48045	NEW-P	96-14-121	296-306A-53017	NEW-P	96-14-121	308-20-140	REP	96-17-040
296-306A-48047	NEW-P	96-14-121	304-12-010	REP	96-04-045	308-20-175	PREP-X	96-13-021
296-306A-48049	NEW-P	96-14-121	304-12-020	REP	96-04-045	308-20-175	REP	96-17-040
296-306A-48051	NEW-P	96-14-121	304-12-025	REP	96-04-045	308-20-205	PREP-X	96-13-021
296-306A-48053	NEW-P	96-14-121	304-12-145	AMD	96-04-045	308-20-205	REP	96-17-040
296-306A-485	NEW-P	96-14-121	304-12-290	AMD	96-04-045	308-20-208	PREP-X	96-13-021
296-306A-48501	NEW-P	96-14-121	304-12-350	REP	96-04-045	308-20-208	REP	96-17-040
296-306A-48503	NEW-P	96-14-121	304-25-010	REP	96-04-045	308-20-510	PREP-X	96-13-021
296-306A-48505	NEW-P	96-14-121	304-25-020	REP	96-04-045	308-20-510	REP	96-17-040
296-306A-48507	NEW-P	96-14-121	304-25-030	REP	96-04-045	308-20-540	PREP-X	96-13-021
296-306A-48509	NEW-P	96-14-121	304-25-040	REP	96-04-045	308-20-540	REP	96-17-040
296-306A-490	NEW-P	96-14-121	304-25-050	REP	96-04-045	308-20-545	PREP-X	96-13-021
296-306A-49001	NEW-P	96-14-121	304-25-060	REP	96-04-045	308-20-545	REP	96-17-040
296-306A-49003	NEW-P	96-14-121	304-25-110	REP	96-04-045	308-48-140	PREP-X	96-13-021
296-306A-49005	NEW-P	96-14-121	304-25-120	REP	96-04-045	308-48-140	REP	96-17-040
296-306A-49007	NEW-P	96-14-121	304-25-510	REP	96-04-045	308-56A-030	AMD	96-04-004
296-306A-49009	NEW-P	96-14-121	304-25-520	REP	96-04-045	308-56A-090	AMD	96-03-047
296-306A-49011	NEW-P	96-14-121	304-25-530	REP	96-04-045	308-56A-210	AMD	96-03-047
296-306A-49013	NEW-P	96-14-121	304-25-540	REP	96-04-045	308-57	PREP	96-11-104
296-306A-49015	NEW-P	96-14-121	304-25-550	REP	96-04-045	308-66-110	AMD-P	96-13-042
296-306A-495	NEW-P	96-14-121	304-25-555	REP	96-04-045	308-66-120	AMD-P	96-13-042
296-306A-49501	NEW-P	96-14-121	304-25-560	REP	96-04-045	308-66-150	AMD-P	96-13-042
296-306A-49503	NEW-P	96-14-121	304-25-570	REP	96-04-045	308-66-155	AMD-P	96-13-042
296-306A-49505	NEW-P	96-14-121	304-25-580	REP	96-04-045	308-66-160	AMD-P	96-13-042
296-306A-49507	NEW-P	96-14-121	304-25-590	REP	96-04-045	308-66-170	AMD-P	96-13-042
296-306A-500	NEW-P	96-14-121	308-04-001	PREP-X	96-13-021	308-66-180	AMD-P	96-13-042
296-306A-50001	NEW-P	96-14-121	308-04-001	REP	96-17-040	308-66-190	AMD-P	96-13-042
296-306A-50003	NEW-P	96-14-121	308-10-010	AMD	96-05-036	308-66-200	AMD-P	96-13-042
296-306A-50005	NEW-P	96-14-121	308-10-020	AMD	96-05-036	308-66-205	AMD-P	96-13-042
296-306A-50007	NEW-P	96-14-121	308-10-025	AMD	96-05-036	308-66-206	REP-P	96-13-042
296-306A-50009	NEW-P	96-14-121	308-10-030	AMD	96-05-036	308-66-210	AMD-P	96-13-042
296-306A-50011	NEW-P	96-14-121	308-10-040	AMD	96-05-036	308-66-211	AMD-P	96-13-042
296-306A-50013	NEW-P	96-14-121	308-10-045	AMD	96-05-036	308-66-212	AMD-P	96-13-042
296-306A-50015	NEW-P	96-14-121				308-66-214	AMD-P	96-13-042
296-306A-50017	NEW-P	96-14-121				308-66-215	REP-P	96-13-042

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-66-227	NEW-P	96-13-042	308-96A-064	NEW-P	96-16-031	308-128B	PREP	96-06-084
308-66-230	REP-P	96-13-042	308-96A-175	AMD-P	96-16-030	308-128B-010	DECOD	96-05-018
308-87-010	NEW-P	96-11-006	308-96A-176	NEW-P	96-16-030	308-128B-020	DECOD	96-05-018
308-87-010	NEW	96-16-032	308-96A-505	AMD-P	96-09-040	308-128B-030	DECOD	96-05-018
308-87-020	NEW-P	96-11-006	308-96A-505	AMD	96-13-054	308-128B-050	DECOD	96-05-018
308-87-020	NEW-E	96-12-076	308-102-006	PREP	96-14-095	308-128B-070	DECOD	96-05-018
308-87-020	NEW	96-16-032	308-102-006	AMD-P	96-17-069	308-128B-080	DECOD	96-05-018
308-87-030	NEW-P	96-11-006	308-104	PREP	96-14-095	308-128B-090	DECOD	96-05-018
308-87-030	NEW	96-16-032	308-104-018	NEW-P	96-17-069	308-128C	PREP	96-06-084
308-87-040	NEW-P	96-11-006	308-124D-040	PREP	96-13-049	308-128C-020	DECOD	96-05-018
308-87-040	NEW	96-16-032	308-126A-010	PREP-X	96-13-021	308-128C-030	DECOD	96-05-018
308-87-050	NEW-P	96-11-006	308-126A-010	REP	96-17-040	308-128C-040	DECOD	96-05-018
308-87-050	NEW	96-16-032	308-126A-020	PREP-X	96-13-021	308-128C-050	DECOD	96-05-018
308-87-060	NEW-P	96-11-006	308-126A-020	REP	96-17-040	308-128D	PREP	96-06-084
308-87-060	NEW-E	96-12-076	308-126A-030	PREP-X	96-13-021	308-128D-010	DECOD	96-05-018
308-87-060	NEW	96-16-032	308-126A-030	REP	96-17-040	308-128D-020	DECOD	96-05-018
308-87-070	NEW-P	96-11-006	308-126A-040	PREP-X	96-13-021	308-128D-030	DECOD	96-05-018
308-87-070	NEW	96-16-032	308-126A-040	REP	96-17-040	308-128D-040	DECOD	96-05-018
308-87-080	NEW-P	96-11-006	308-126B-010	PREP-X	96-13-021	308-128D-050	DECOD	96-05-018
308-87-080	NEW	96-16-032	308-126B-010	REP	96-17-040	308-128D-060	DECOD	96-05-018
308-89-010	AMD-P	96-11-006	308-126B-020	PREP-X	96-13-021	308-128D-070	DECOD	96-05-018
308-89-010	AMD	96-16-032	308-126B-020	REP	96-17-040	308-128D-080	DECOD	96-05-018
308-89-020	AMD-P	96-11-006	308-126B-030	PREP-X	96-13-021	308-128E	PREP	96-06-084
308-89-020	AMD	96-16-032	308-126B-030	REP	96-17-040	308-128E-011	DECOD	96-05-018
308-89-030	AMD-P	96-11-006	308-126B-040	PREP-X	96-13-021	308-128F	PREP	96-06-084
308-89-030	AMD	96-16-032	308-126B-040	REP	96-17-040	308-128F-010	DECOD	96-05-018
308-89-040	AMD-P	96-11-006	308-126B-050	PREP-X	96-13-021	308-128F-020	DECOD	96-05-018
308-89-040	AMD	96-16-032	308-126B-050	REP	96-17-040	308-128F-040	DECOD	96-05-018
308-89-050	AMD-P	96-11-006	308-126B-060	PREP-X	96-13-021	308-128F-050	DECOD	96-05-018
308-89-050	AMD	96-16-032	308-126B-060	REP	96-17-040	308-128F-060	DECOD	96-05-018
308-89-060	AMD-P	96-11-006	308-126B-070	PREP-X	96-13-021	308-128F-070	DECOD	96-05-018
308-89-060	AMD	96-16-032	308-126B-070	REP	96-17-040	308-129-010	NEW-W	96-08-057
308-93-010	AMD-P	96-07-030	308-126B-080	PREP-X	96-13-021	308-129-010	NEW-P	96-11-102
308-93-010	AMD-S	96-11-128	308-126B-080	REP	96-17-040	308-129-010	NEW	96-14-092
308-93-010	AMD	96-16-038	308-126B-090	PREP-X	96-13-021	308-129-011	NEW-E	96-09-056
308-93-050	AMD-P	96-07-030	308-126B-090	REP	96-17-040	308-129-020	NEW-W	96-08-057
308-93-050	AMD-S	96-11-128	308-126B-100	PREP-X	96-13-021	308-129-020	NEW-P	96-11-102
308-93-050	AMD	96-16-038	308-126B-100	REP	96-17-040	308-129-020	NEW	96-14-092
308-93-070	AMD	96-04-004	308-126B-110	PREP-X	96-13-021	308-129-021	NEW-E	96-09-056
308-93-088	AMD	96-03-046	308-126B-110	REP	96-17-040	308-129-030	NEW-W	96-08-057
308-93-174	REP-P	96-09-041	308-126B-120	PREP-X	96-13-021	308-129-030	NEW-P	96-11-102
308-93-174	REP	96-13-055	308-126B-120	REP	96-17-040	308-129-030	NEW	96-14-092
308-93-440	AMD	96-03-046	308-126B-130	PREP-X	96-13-021	308-129-031	NEW-E	96-09-056
308-93-670	AMD	96-03-046	308-126B-130	REP	96-17-040	308-129-100	NEW-W	96-08-057
308-93-700	NEW-P	96-07-030	308-126B-130	PREP-X	96-13-021	308-129-100	NEW-P	96-11-102
308-93-700	NEW-S	96-11-128	308-126B-140	REP	96-17-040	308-129-100	NEW	96-14-092
308-93-700	NEW	96-16-038	308-126B-140	PREP-X	96-13-021	308-129-101	NEW-E	96-09-056
308-93-710	NEW-P	96-07-030	308-126C-010	REP	96-17-040	308-129-110	NEW-W	96-08-057
308-93-710	NEW-S	96-11-128	308-126C-010	PREP-X	96-13-021	308-129-110	NEW-P	96-11-102
308-93-710	NEW	96-16-038	308-126C-020	REP	96-17-040	308-129-110	NEW	96-14-092
308-93-720	NEW-P	96-07-030	308-126C-020	PREP-X	96-13-021	308-129-111	NEW-E	96-09-056
308-93-720	NEW-S	96-11-128	308-126C-030	REP	96-17-040	308-129-120	NEW-W	96-08-057
308-93-720	NEW	96-16-038	308-126C-030	PREP-X	96-13-021	308-129-120	NEW-P	96-11-102
308-93-730	NEW-P	96-07-030	308-126C-040	REP	96-17-040	308-129-120	NEW	96-14-092
308-93-730	NEW-S	96-11-128	308-126C-040	PREP-X	96-13-021	308-129-130	NEW-W	96-08-057
308-93-730	NEW	96-16-038	308-126C-050	REP	96-17-040	308-129-130	NEW-P	96-11-102
308-93-740	NEW-P	96-07-030	308-126C-050	PREP-X	96-13-021	308-129-130	NEW	96-14-092
388-93-740	NEW-S	96-11-128	308-126C-060	REP	96-17-040	308-129-200	NEW-W	96-08-057
308-93-740	NEW	96-16-038	308-126C-070	PREP-X	96-13-021	308-129-210	NEW-W	96-08-057
308-93-750	NEW-P	96-07-030	308-126C-070	REP	96-17-040	308-129-220	NEW-W	96-08-057
308-93-750	NEW-S	96-11-128	308-126C-080	PREP-X	96-13-021	308-129-230	NEW-W	96-08-057
308-93-750	NEW	96-16-038	308-126C-080	REP	96-17-040	308-129-230	NEW-P	96-11-102
308-93-760	NEW-P	96-07-030	308-126C-090	PREP-X	96-13-021	308-129-230	NEW	96-14-092
308-93-760	NEW-S	96-11-128	308-126C-090	REP	96-17-040	308-129-240	NEW-W	96-08-057
308-93-760	NEW	96-16-038	308-126C-090	PREP-X	96-13-021	308-129-300	NEW-W	96-08-057
308-93-770	NEW-P	96-07-030	308-126C-100	REP	96-17-040	308-129-300	NEW-P	96-11-102
308-93-770	NEW-S	96-11-128	308-126C-100	PREP-X	96-13-021	308-129-300	NEW	96-14-092
308-93-770	NEW	96-16-038	308-126C-110	REP	96-17-040	308-129-310	NEW-W	96-08-057
308-94-030	AMD	96-04-004	308-126C-110	PREP	96-06-084	308-129-310	NEW-P	96-11-102
308-94-035	REP-P	96-09-039	308-128A	PREP	96-06-084	308-129-310	NEW	96-14-092
308-94-035	REP	96-13-053	308-128A-010	DECOD	96-05-018	308-129-320	NEW-P	96-11-102
308-96A-035	AMD	96-04-004	308-128A-020	DECOD	96-05-018	308-129-320	NEW	96-14-092
308-96A-063	NEW-P	96-16-031	308-128A-030	DECOD	96-05-018	308-330-300	AMD-P	96-10-039
308-96A-063	NEW-P	96-16-031	308-128A-040	DECOD	96-05-018			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-330-300	AMD	96-13-089	315-11A-164	NEW	96-07-015	317-30	REP-C	96-09-008
308-330-305	AMD-P	96-10-039	315-11A-164	PREP	96-08-071	317-30-010	REP-P	96-03-071
308-330-305	AMD	96-13-089	315-11A-164	PREP	96-09-103	317-30-010	REP	96-12-077
308-330-307	AMD-P	96-10-039	315-11A-164	AMD-P	96-12-096	317-30-020	REP-P	96-03-071
308-330-307	AMD	96-13-089	315-11A-164	AMD	96-15-124	317-30-020	REP	96-12-077
308-330-316	AMD-P	96-10-039	315-11A-165	NEW-P	96-03-157	317-30-030	REP-P	96-03-071
308-330-316	AMD	96-13-089	315-11A-165	NEW	96-07-015	317-30-030	REP	96-12-077
308-330-400	AMD-P	96-10-039	315-11A-166	NEW-P	96-03-157	317-30-040	REP-P	96-03-071
308-330-400	AMD	96-13-089	315-11A-166	NEW	96-07-015	317-30-040	REP	96-12-077
314-10-090	AMD-P	96-13-043	315-11A-167	NEW-P	96-03-157	317-30-050	REP-P	96-03-071
314-10-100	PREP	96-15-042	315-11A-167	NEW	96-07-015	317-30-050	REP	96-12-077
314-12-020	AMD	96-03-004	315-11A-167	AMD-P	96-12-096	317-30-060	REP-P	96-03-071
314-12-025	AMD	96-03-004	315-11A-167	AMD	96-15-124	317-30-060	REP	96-12-077
314-12-035	AMD	96-03-004	315-11A-168	NEW-P	96-07-104	317-30-070	REP-P	96-03-071
314-12-070	AMD	96-03-004	315-11A-168	NEW	96-11-107	317-30-070	REP	96-12-077
314-12-080	AMD	96-03-004	315-11A-169	NEW-P	96-07-104	317-30-080	REP-P	96-03-071
314-14-010	NEW	96-03-074	315-11A-169	NEW	96-11-107	317-30-080	REP	96-12-077
314-14-020	NEW	96-03-074	315-11A-169	AMD-P	96-12-096	317-30-090	REP-P	96-03-071
314-14-030	NEW	96-03-074	315-11A-169	AMD	96-15-124	317-30-090	REP	96-12-077
314-14-040	NEW	96-03-074	315-11A-170	NEW-P	96-07-104	317-30-100	REP-P	96-03-071
314-14-050	NEW	96-03-074	315-11A-170	NEW	96-11-107	317-30-100	REP	96-12-077
314-14-060	NEW	96-03-074	315-11A-171	NEW-P	96-07-104	317-30-110	REP-P	96-03-071
314-14-070	NEW	96-03-074	315-11A-171	NEW	96-11-107	317-30-110	REP	96-12-077
314-14-080	NEW	96-03-074	315-11A-172	NEW-P	96-07-104	317-30-120	REP-P	96-03-071
314-14-090	NEW	96-03-074	315-11A-172	NEW	96-11-107	317-30-120	REP	96-12-077
314-14-100	NEW	96-03-074	315-11A-173	NEW-P	96-07-104	317-30-130	REP-P	96-03-071
314-14-110	NEW	96-03-074	315-11A-173	NEW	96-11-107	317-30-130	REP	96-12-077
314-14-120	NEW	96-03-074	315-11A-174	NEW-P	96-12-096	317-30-140	REP-P	96-03-071
314-14-130	NEW	96-03-074	315-11A-174	NEW	96-15-124	317-30-140	REP	96-12-077
314-14-140	NEW	96-03-074	315-11A-175	NEW-P	96-12-096	317-30-150	REP-P	96-03-071
314-14-150	NEW	96-03-074	315-11A-175	NEW	96-15-124	317-30-150	REP	96-12-077
314-14-160	NEW	96-03-074	315-11A-176	NEW-P	96-12-096	317-30-900	REP-P	96-03-071
314-14-170	NEW-W	96-13-087	315-11A-176	NEW	96-15-124	317-30-900	REP	96-12-077
314-16-196	AMD	96-03-005	315-11A-177	NEW-P	96-12-096	317-31	NEW-C	96-09-008
314-20-100	AMD-P	96-07-101	315-11A-177	NEW	96-15-124	317-31-010	NEW-P	96-03-071
314-20-100	AMD-W	96-11-075	315-11A-178	NEW-P	96-12-096	317-31-010	NEW	96-12-077
314-24-190	AMD-P	96-07-101	315-11A-178	NEW	96-15-124	317-31-020	NEW-P	96-03-071
314-24-190	AMD-W	96-11-075	315-11A-179	NEW-P	96-12-096	317-31-020	NEW	96-12-077
314-24-220	AMD-P	96-07-100	315-11A-179	NEW	96-15-124	317-31-030	NEW-P	96-03-071
314-24-220	AMD	96-11-076	315-11A-180	NEW-P	96-15-126	317-31-030	NEW	96-12-077
314-70-010	AMD	96-03-004	315-11A-181	NEW-P	96-15-126	317-31-100	NEW-P	96-03-071
314-70-030	AMD	96-03-004	315-11A-182	NEW-P	96-15-126	317-31-100	NEW	96-12-077
315-04-220	AMD	96-03-039	315-11A-183	NEW-P	96-15-126	317-31-110	NEW-P	96-03-071
315-06	PREP	96-09-103	315-34	PREP	96-08-004	317-31-110	NEW	96-12-077
315-06-120	PREP	96-12-095	315-34-010	AMD-P	96-12-096	317-31-120	NEW-P	96-03-071
315-06-120	AMD-P	96-12-096	315-34-010	AMD	96-15-054	317-31-120	NEW	96-12-077
315-06-120	AMD	96-15-124	315-34-020	AMD-P	96-12-096	317-31-130	NEW-P	96-03-071
315-06-120	AMD-P	96-15-126	315-34-020	AMD	96-15-054	317-31-130	NEW	96-12-077
315-06-123	NEW-P	96-12-096	315-34-040	AMD-P	96-12-096	317-31-140	NEW-P	96-03-071
315-06-123	NEW	96-15-124	315-34-040	AMD	96-15-054	317-31-140	NEW	96-12-077
315-10	PREP	96-15-123	315-34-070	NEW-P	96-12-096	317-31-200	NEW-P	96-03-071
315-10-050	PREP	96-03-156	315-34-070	NEW	96-15-054	317-31-200	NEW	96-12-077
315-10-050	REP-P	96-07-104	315-34-080	NEW-P	96-12-096	317-31-200	AMD-E	96-18-022
315-10-050	REP	96-11-107	315-34-080	NEW	96-15-054	317-31-210	NEW-P	96-03-071
315-10-070	PREP	96-15-123	315-34-090	NEW-P	96-12-096	317-31-210	NEW	96-12-077
315-11	PREP	96-15-123	315-34-090	NEW	96-15-054	317-31-220	NEW-P	96-03-071
315-11A	PREP	96-08-004	315-34-100	NEW-P	96-12-096	317-31-220	NEW	96-12-077
315-11A-157	NEW-W	96-03-038	315-34-100	NEW	96-15-054	317-31-220	AMD-E	96-18-022
315-11A-157	NEW-P	96-03-157	317-21-020	AMD	96-03-070	317-31-230	NEW-P	96-03-071
315-11A-157	NEW	96-07-015	317-21-030	AMD	96-03-070	317-31-230	NEW	96-12-077
315-11A-158	NEW	96-03-039	317-21-120	AMD	96-03-070	317-31-230	AMD-E	96-18-022
315-11A-159	NEW	96-03-039	317-21-200	AMD	96-03-070	317-31-240	NEW-P	96-03-071
315-11A-160	NEW	96-03-039	317-21-205	AMD	96-03-070	317-31-240	NEW	96-12-077
315-11A-161	NEW	96-03-039	317-21-210	AMD	96-03-070	317-31-250	NEW-P	96-03-071
315-11A-162	NEW-P	96-03-157	317-21-215	AMD	96-03-070	317-31-250	NEW	96-12-077
315-11A-162	NEW	96-07-015	317-21-235	AMD	96-03-070	317-31-300	NEW-P	96-03-071
315-11A-162	AMD-P	96-12-096	317-21-245	AMD	96-03-070	317-31-300	NEW	96-12-077
315-11A-162	AMD	96-15-124	317-21-265	AMD	96-03-070	317-31-310	NEW-P	96-03-071
315-11A-163	NEW-P	96-03-157	317-21-320	AMD	96-03-070	317-31-310	NEW	96-12-077
315-11A-163	NEW	96-07-015	317-21-345	AMD	96-03-070	317-31-900	NEW-P	96-03-071
315-11A-163	AMD-E	96-15-087	317-21-500	AMD	96-03-070	317-31-900	NEW	96-12-077
315-11A-163	AMD-P	96-15-126	317-21-530	AMD	96-03-070	317-50-999	NEW-E	96-08-002
315-11A-164	NEW-P	96-03-157	317-21-540	AMD	96-03-070	326-02-030	AMD-E	96-13-010

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326-30-041	PREP	96-07-089	356-30-067	AMD-W	96-02-069	371-08-080	REP-P	96-10-063
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326-30-041	AMD	96-14-064	356-30-315	AMD	96-02-073	371-08-085	REP-P	96-10-063
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326-40-030	PREP	96-07-088	356-37-020	AMD-P	96-04-052A	371-08-100	REP-P	96-10-063
326-40-060	AMD-E	96-13-010	356-37-020	AMD	96-07-093	371-08-100	REP	96-15-003
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332-24-221	AMD	96-12-020	356-37-030	AMD	96-07-093	371-08-104	REP	96-15-003
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332-26-040	NEW-E	96-13-048	356-37-050	AMD	96-07-093	371-08-125	REP	96-15-003
332-26-050	NEW-E	96-13-048	356-37-100	AMD-P	96-04-052A	371-08-130	REP-P	96-10-063
332-26-060	NEW-E	96-13-048	356-37-100	AMD	96-07-093	371-08-130	REP	96-15-003
352-32-300	PREP	96-13-079	356-37-160	NEW-P	96-04-052A	371-08-140	REP-P	96-10-063
352-32-300	AMD-P	96-15-108	356-37-160	NEW	96-07-093	371-08-140	REP	96-15-003
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356-05-171	REP-C	96-09-088	356-37-170	NEW	96-07-093	371-08-144	REP	96-15-003
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356-05-415	AMD-W	96-02-069	356-42-020	AMD-C	96-09-054	371-08-146	REP	96-15-003
356-06-080	AMD-P	96-08-087	356-42-020	AMD-C	96-11-057	371-08-147	REP-P	96-10-063
356-06-080	AMD	96-11-062	356-42-020	AMD	96-13-074	371-08-147	REP	96-15-003
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356-10-020	AMD	96-11-062	356-42-045	AMD-W	96-13-073	371-08-148	REP	96-15-003
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356-14-260	AMD-P	96-08-082	356-42-055	AMD	96-07-093	371-08-150	REP	96-15-003
356-14-260	AMD-C	96-09-088	356-46-080	AMD	96-02-073	371-08-155	REP-P	96-10-063
356-14-260	AMD	96-13-076	356-56-115	AMD-P	96-08-089	371-08-155	REP	96-15-003
356-15-030	AMD-P	96-08-082	356-56-115	AMD	96-12-004	371-08-156	REP-P	96-10-063
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356-15-030	AMD	96-13-076	365-185-010	NEW	96-04-046	371-08-162	REP-P	96-10-063
356-15-050	AMD	96-02-073	365-185-020	NEW-E	96-03-045	371-08-162	REP	96-15-003
356-15-060	AMD-P	96-02-070	365-185-020	NEW	96-04-046	371-08-165	REP-P	96-10-063
356-15-060	AMD-C	96-07-092	365-185-030	NEW-E	96-03-045	371-08-165	REP	96-15-003
356-15-060	AMD-W	96-09-053	365-185-030	NEW	96-04-046	371-08-167	REP-P	96-10-063
356-15-060	AMD-P	96-10-064	365-185-040	NEW-E	96-03-045	371-08-167	REP	96-15-003
356-15-060	AMD	96-13-075	365-185-040	NEW	96-04-046	371-08-180	REP-P	96-10-063
356-15-070	AMD	96-02-073	365-185-050	NEW-E	96-03-045	371-08-180	REP	96-15-003
356-15-090	AMD	96-02-073	365-185-050	NEW	96-04-046	371-08-180	REP-P	96-10-063
356-15-110	AMD	96-02-073	365-185-060	NEW-E	96-03-045	371-08-183	REP	96-15-003
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356-18-060	AMD-C	96-09-088	371-08-005	REP-P	96-10-063	371-08-186	REP	96-15-003
356-18-060	AMD	96-13-076	371-08-005	REP	96-15-003	371-08-187	REP-P	96-10-063
356-18-080	AMD-P	96-08-082	371-08-010	REP-P	96-10-063	371-08-187	REP	96-15-003
356-18-080	AMD-C	96-09-088	371-08-010	REP	96-15-003	371-08-188	REP-P	96-10-063
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356-18-110	AMD-P	96-08-082	371-08-020	REP	96-15-003	371-08-189	REP-P	96-10-063
356-18-110	AMD-C	96-09-088	371-08-030	REP-P	96-10-063	371-08-189	REP	96-15-003
356-18-110	AMD	96-13-076	371-08-030	REP	96-15-003	371-08-195	REP-P	96-10-063
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356-18-112	AMD-E	96-15-046	371-08-033	REP	96-15-003	371-08-197	REP-P	96-10-063
356-18-112	AMD-P	96-18-019	371-08-035	REP-P	96-10-063	371-08-197	REP	96-15-003
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356-18-140	AMD	96-13-076	371-08-050	REP-P	96-10-063	371-08-215	REP	96-15-003
356-18-145	AMD-P	96-08-082	371-08-050	REP	96-15-003	371-08-220	REP-P	96-10-063
356-18-145	AMD-C	96-09-088	371-08-055	REP-P	96-10-063	371-08-220	REP	96-15-003
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371-08-425	NEW	96-15-003	388-11-032	REP	96-09-036	388-15-690	AMD-P	96-13-107
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388-15-950	REP-P	96-04-084	388-73-030	AMD-E	96-10-054	388-76-130	REP	96-14-003
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388-49-460	PREP	96-15-090	388-73-800	AMD-P	96-06-051	388-76-190	REP	96-14-003
388-49-480	PREP	96-09-034	388-73-800	AMD-E	96-07-079	388-76-200	REP-P	96-06-040
388-49-500	AMD-P	96-03-097	388-73-800	AMD	96-10-032	388-76-200	REP	96-14-003
388-49-500	AMD	96-06-046	388-73-803	NEW-P	96-06-051	388-76-220	REP-P	96-06-040
388-49-505	PREP	96-14-054	388-73-803	NEW-E	96-07-079	388-76-220	REP	96-14-003
388-49-515	AMD-P	96-15-038	388-73-803	NEW	96-10-032	388-76-240	REP-P	96-06-040
388-49-515	AMD	96-18-042	388-73-805	NEW-P	96-06-051	388-76-240	REP	96-14-003
388-49-520	AMD-P	96-11-082	388-73-805	NEW-E	96-07-079	388-76-250	REP-P	96-06-040
388-49-520	AMD	96-18-045	388-73-805	NEW	96-10-032	388-76-250	REP	96-14-003
388-49-530	REP-P	96-11-081	388-73-815	AMD-P	96-06-051	388-76-260	REP-P	96-06-040
388-49-530	REP	96-18-043	388-73-815	AMD-E	96-07-079	388-76-260	REP	96-14-003
388-49-535	AMD-P	96-11-080	388-73-815	AMD	96-10-032	388-76-280	REP-P	96-06-040
388-49-535	AMD	96-18-044	388-73-821	NEW-P	96-06-051	388-76-280	REP	96-14-003
388-49-670	AMD-P	96-03-095	388-73-821	NEW-E	96-07-079	388-76-290	REP-P	96-06-040
388-49-670	AMD	96-06-042	388-73-821	NEW	96-10-032	388-76-290	REP	96-14-003
388-55-006	NEW	96-05-009	388-73-822	NEW-P	96-06-051	388-76-300	REP-P	96-06-040
388-55-008	NEW	96-05-009	388-73-822	NEW-E	96-07-079	388-76-300	REP	96-14-003
388-55-010	AMD	96-05-009	388-73-822	NEW	96-10-032	388-76-310	REP-P	96-06-040
388-55-020	AMD	96-05-009	388-73-823	NEW-P	96-06-051	388-76-310	REP	96-14-003
388-55-024	NEW	96-05-009	388-73-823	NEW-E	96-07-079	388-76-320	REP-P	96-06-040
388-55-027	NEW	96-05-009	388-73-823	NEW	96-10-032	388-76-320	REP	96-14-003
388-55-030	AMD	96-05-009	388-73-825	NEW-P	96-06-051	388-76-325	REP-P	96-06-040
388-55-040	AMD	96-05-009	388-73-825	NEW-E	96-07-079	388-76-325	REP	96-14-003
388-55-050	NEW	96-05-009	388-73-825	NEW	96-10-032	388-76-330	REP-P	96-06-040
388-55-060	NEW	96-05-009	388-76	AMD-C	96-11-106	388-76-330	REP	96-14-003
388-60-005	AMD-P	96-14-101	388-76	AMD-C	96-13-018	388-76-340	REP-P	96-06-040
388-60-120	AMD-P	96-14-101	388-76	AMD-C	96-13-058	388-76-340	REP	96-14-003
388-60-130	AMD-P	96-14-101	388-76	PREP	96-18-089	388-76-350	REP-P	96-06-040
388-60-140	AMD-P	96-14-101	388-76-010	REP-P	96-06-040	388-76-350	REP	96-14-003
388-60-150	AMD-P	96-14-101	388-76-010	REP	96-14-003	388-76-360	REP-P	96-06-040
388-60-160	AMD-P	96-14-101	388-76-020	REP-P	96-06-040	388-76-360	REP	96-14-003
388-60-190	NEW-P	96-14-101	388-76-020	REP	96-14-003	388-76-370	REP-P	96-06-040
388-60-200	NEW-P	96-14-101	388-76-030	REP-P	96-06-040	388-76-370	REP	96-14-003
388-60-210	NEW-P	96-14-101	388-76-030	REP	96-14-003	388-76-380	REP-P	96-06-040
388-60-220	NEW-P	96-14-101	388-76-040	REP-P	96-06-040	388-76-380	REP	96-14-003
388-60-230	NEW-P	96-14-101	388-76-040	REP	96-14-003	388-76-390	REP-P	96-06-040
388-60-240	NEW-P	96-14-101	388-76-045	REP-P	96-06-040	388-76-390	REP	96-14-003
388-60-250	NEW-P	96-14-101	388-76-045	REP	96-14-003	388-76-400	REP-P	96-06-040
388-70	PREP	96-12-015	388-76-050	REP-P	96-06-040	388-76-400	REP	96-14-003
388-70	PREP	96-15-107	388-76-050	REP	96-14-003	388-76-405	REP-P	96-06-040
388-73	PREP	96-12-010	388-76-060	REP-P	96-06-040	388-76-405	REP	96-14-003
388-73	PREP	96-12-015	388-76-060	REP	96-14-003	388-76-410	REP-P	96-06-040
388-73-012	AMD-P	96-06-051	388-76-070	REP-P	96-06-040	388-76-410	REP	96-14-003
388-73-012	AMD-E	96-07-079	388-76-070	REP	96-14-003	388-76-420	REP-P	96-06-040
388-73-012	AMD	96-10-032	388-76-080	REP-P	96-06-040	388-76-420	REP	96-14-003
388-73-014	AMD-P	96-06-051	388-76-080	REP	96-14-003	388-76-430	REP-P	96-06-040
388-73-014	AMD-E	96-07-079	388-76-085	REP-P	96-06-040	388-76-430	REP	96-14-003
388-73-014	AMD	96-10-032	388-76-085	REP	96-14-003	388-76-435	REP-P	96-06-040
388-73-01950	AMD-P	96-06-051	388-76-087	REP-P	96-06-040	388-76-435	REP	96-14-003

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-76-440	REP-P	96-06-040	388-76-655	NEW	96-14-003	388-91-030	REP-P	96-16-088
388-76-440	REP	96-14-003	388-76-660	NEW-P	96-06-040	388-91-035	REP-P	96-16-088
388-76-450	REP-P	96-06-040	388-76-660	NEW	96-14-003	388-91-040	REP-P	96-16-088
388-76-450	REP	96-14-003	388-76-665	NEW-P	96-06-040	388-91-050	REP-P	96-16-088
388-76-460	REP-P	96-06-040	388-76-665	NEW	96-14-003	388-96	PREP	96-07-024
388-76-460	REP	96-14-003	388-76-670	NEW-P	96-06-040	388-96-221	AMD-P	96-11-010
388-76-465	REP-P	96-06-040	388-76-670	NEW	96-14-003	388-96-221	AMD	96-15-056
388-76-465	REP	96-14-003	388-76-675	NEW-P	96-06-040	388-96-534	AMD-P	96-11-010
388-76-467	REP-P	96-06-040	388-76-675	NEW	96-14-003	388-96-534	AMD	96-15-056
388-76-467	REP	96-14-003	388-76-680	NEW-P	96-06-040	388-96-585	AMD-P	96-11-010
388-76-470	REP-P	96-06-040	388-76-680	NEW	96-14-003	388-96-585	AMD	96-15-056
388-76-470	REP	96-14-003	388-76-685	NEW-P	96-06-040	388-96-708	NEW-P	96-11-010
388-76-475	REP-P	96-06-040	388-76-685	NEW	96-14-003	388-96-708	NEW	96-15-056
388-76-475	REP	96-14-003	388-76-690	NEW-P	96-06-040	388-96-735	AMD-P	96-11-010
388-76-480	REP-P	96-06-040	388-76-690	NEW	96-14-003	388-96-735	AMD	96-15-056
388-76-480	REP	96-14-003	388-76-695	NEW-P	96-06-040	388-96-745	AMD-P	96-11-010
388-76-490	REP-P	96-06-040	388-76-695	NEW	96-14-003	388-96-745	AMD	96-15-056
388-76-490	REP	96-14-003	388-76-700	NEW-P	96-06-040	388-96-762	AMD-P	96-11-010
388-76-500	REP-P	96-06-040	388-76-700	NEW	96-14-003	388-96-762	AMD	96-15-056
388-76-500	REP	96-14-003	388-76-705	NEW-P	96-06-040	388-96-774	AMD-P	96-11-010
388-76-520	REP-P	96-06-040	388-76-705	NEW	96-14-003	388-96-774	AMD	96-15-056
388-76-520	REP	96-14-003	388-76-710	NEW-P	96-06-040	388-96-776	AMD-P	96-11-010
388-76-530	REP-P	96-06-040	388-76-710	NEW	96-14-003	388-96-776	AMD	96-15-056
388-76-530	REP	96-14-003	388-76-715	NEW-P	96-06-040	388-96-810	AMD-P	96-11-010
388-76-535	NEW-P	96-06-040	388-76-715	NEW	96-14-003	388-96-810	AMD	96-15-056
388-76-535	NEW	96-14-003	388-76-720	NEW-P	96-06-040	388-96-904	AMD-P	96-11-010
388-76-540	NEW-P	96-06-040	388-76-720	NEW	96-14-003	388-96-904	AMD	96-15-056
388-76-540	NEW	96-14-003	388-76-725	NEW-P	96-06-040	388-97	PREP	96-14-100
388-76-545	NEW-P	96-06-040	388-76-725	NEW	96-14-003	388-110	NEW-C	96-09-032
388-76-545	NEW	96-14-003	388-76-730	NEW-P	96-06-040	388-110	NEW-C	96-10-010
388-76-550	NEW-P	96-06-040	388-76-730	NEW	96-14-003	388-110	NEW-C	96-10-077
388-76-550	NEW	96-14-003	388-76-735	NEW-P	96-06-040	388-110-005	NEW-P	96-04-084
388-76-555	NEW-P	96-06-040	388-76-735	NEW	96-14-003	388-110-005	NEW	96-11-045
388-76-555	NEW	96-14-003	388-76-740	NEW-P	96-06-040	388-110-010	NEW-P	96-04-084
388-76-560	NEW-P	96-06-040	388-76-740	NEW	96-14-003	388-110-010	NEW	96-11-045
388-76-560	NEW	96-14-003	388-76-745	NEW-P	96-06-040	388-110-020	NEW-P	96-04-084
388-76-565	NEW-P	96-06-040	388-76-745	NEW	96-14-003	388-110-020	NEW	96-11-045
388-76-565	NEW	96-14-003	388-76-750	NEW-P	96-06-040	388-110-030	NEW-P	96-04-084
388-76-570	NEW-P	96-06-040	388-76-750	NEW	96-14-003	388-110-030	NEW	96-11-045
388-76-570	NEW	96-14-003	388-76-755	NEW-P	96-06-040	388-110-040	NEW-P	96-04-084
388-76-575	NEW-P	96-06-040	388-76-755	NEW	96-14-003	388-110-040	NEW	96-11-045
388-76-575	NEW	96-14-003	388-76-760	NEW-P	96-06-040	388-110-040	AMD-P	96-18-102
388-76-580	NEW-P	96-06-040	388-76-760	NEW	96-14-003	388-110-050	NEW-P	96-04-084
388-76-580	NEW	96-14-003	388-76-765	NEW-P	96-06-040	388-110-050	NEW	96-11-045
388-76-585	NEW-P	96-06-040	388-76-765	NEW	96-14-003	388-110-060	NEW-P	96-04-084
388-76-585	NEW	96-14-003	388-76-770	NEW-P	96-06-040	388-110-060	NEW	96-11-045
388-76-590	NEW-P	96-06-040	388-76-770	NEW	96-14-003	388-110-070	NEW-P	96-04-084
388-76-590	NEW	96-14-003	388-76-775	NEW-P	96-06-040	388-110-070	NEW	96-11-045
388-76-595	NEW-P	96-06-040	388-76-775	NEW	96-14-003	388-110-080	NEW-P	96-04-084
388-76-595	NEW	96-14-003	388-76-780	NEW-P	96-06-040	388-110-080	NEW	96-11-045
388-76-600	NEW-P	96-06-040	388-76-780	NEW	96-14-003	388-110-090	NEW-P	96-04-084
388-76-600	NEW	96-14-003	388-76-785	NEW-P	96-06-040	388-110-090	NEW	96-11-045
388-76-605	NEW-P	96-06-040	388-76-785	NEW	96-14-003	388-110-100	NEW-P	96-04-084
388-76-605	NEW	96-14-003	388-76-790	NEW-P	96-06-040	388-110-100	NEW	96-11-045
388-76-610	NEW-P	96-06-040	388-76-790	NEW	96-14-003	388-110-110	NEW-P	96-04-084
388-76-610	NEW	96-14-003	388-76-795	NEW-P	96-06-040	388-110-110	NEW	96-11-045
388-76-615	NEW-P	96-06-040	388-86	PREP	96-07-042	388-110-120	AMD-P	96-18-102
388-76-615	NEW	96-14-003	388-86	PREP	96-07-043	388-110-120	NEW-P	96-04-084
388-76-620	NEW-P	96-06-040	388-86	PREP	96-07-044	388-110-120	NEW	96-11-045
388-76-620	NEW	96-14-003	388-86	PREP	96-07-045	388-110-140	NEW-P	96-04-084
388-76-625	NEW-P	96-06-040	388-86	PREP	96-12-015	388-110-140	NEW	96-11-045
388-76-625	NEW	96-14-003	388-87	PREP	96-07-042	388-110-150	NEW-P	96-04-084
388-76-630	NEW-P	96-06-040	388-87	PREP	96-07-043	388-110-150	NEW	96-11-045
388-76-630	NEW	96-14-003	388-87	PREP	96-07-044	388-110-170	NEW-P	96-04-084
388-76-635	NEW-P	96-06-040	388-87	PREP	96-07-045	388-110-170	NEW	96-11-045
388-76-635	NEW	96-14-003	388-87	PREP	96-07-045	388-110-180	NEW-P	96-04-084
388-76-640	NEW-P	96-06-040	388-87-020	PREP	96-08-091	388-110-180	NEW	96-11-045
388-76-640	NEW	96-14-003	388-91-005	REP-P	96-16-088	388-110-190	NEW-P	96-04-084
388-76-645	NEW-P	96-06-040	388-91-010	REP-P	96-16-088	388-110-190	NEW	96-11-045
388-76-645	NEW	96-14-003	388-91-013	REP-P	96-16-088	388-110-200	NEW-P	96-04-084
388-76-650	NEW-P	96-06-040	388-91-015	REP-P	96-16-088	388-110-200	NEW	96-11-045
388-76-650	NEW	96-14-003	388-91-016	REP-P	96-16-088	388-110-210	NEW-P	96-04-084
388-76-655	NEW-P	96-06-040	388-91-020	REP-P	96-16-088	388-110-210	NEW	96-11-045

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388-110-220	NEW	96-11-045	388-155-620	NEW-P	96-07-010	388-215-1390	PREP	96-03-096
388-110-230	NEW-P	96-04-084	388-155-620	NEW	96-10-042	388-215-1390	AMD-E	96-04-001
388-110-230	NEW	96-11-045	388-155-630	NEW-P	96-07-010	388-215-1390	AMD-P	96-07-009
388-110-240	NEW-P	96-04-084	388-155-630	NEW	96-10-042	388-215-1390	AMD	96-10-045
388-110-240	NEW	96-11-045	388-155-640	NEW-P	96-07-010	388-215-1600	AMD-P	96-03-099
388-110-250	NEW-P	96-04-084	388-155-640	NEW	96-10-042	388-215-1600	AMD	96-06-045
388-110-250	NEW	96-11-045	388-155-650	NEW-P	96-07-010	388-215-1610	AMD-P	96-03-099
388-110-260	NEW-P	96-04-084	388-155-650	NEW	96-10-042	388-215-1610	AMD	96-06-045
388-110-260	NEW	96-11-045	388-155-660	NEW-P	96-07-010	388-218-1510	AMD	96-03-040
388-110-260	AMD-P	96-18-102	388-155-660	NEW	96-10-042	388-219-3000	AMD-P	96-07-014
388-110-270	NEW-P	96-04-084	388-155-670	NEW-P	96-07-010	388-219-3000	AMD-E	96-09-075
388-110-270	NEW	96-11-045	388-155-670	NEW	96-10-042	388-219-3000	AMD	96-10-031
388-110-280	NEW-P	96-04-084	388-155-680	NEW-P	96-07-010	388-235-5050	PREP	96-08-041A
388-110-280	NEW	96-11-045	388-155-680	NEW	96-10-042	388-235-5050	AMD-P	96-13-066
388-150	PREP	96-12-010	388-160	PREP	96-05-057	388-235-5050	AMD-E	96-14-036
388-150-085	NEW-P	96-14-027	388-160	PREP	96-12-010	388-235-5050	AMD	96-16-022
388-150-090	AMD-C	96-03-105	388-160-050	PREP	96-05-057	388-235-7500	AMD-P	96-13-056
388-150-090	AMD-S	96-05-061	388-160-050	AMD-P	96-14-099	388-245-1170	AMD-P	96-13-056
388-150-090	RESCIND	96-05-067	388-160-080	PREP	96-05-057	388-245-1300	AMD-P	96-13-056
388-150-090	AMD-E	96-05-068	388-160-080	AMD-P	96-14-099	388-245-1350	AMD-P	96-13-056
388-150-090	AMD	96-10-043	388-160-090	AMD-C	96-03-105	388-245-1700	AMD-P	96-13-056
388-150-090	AMD-E	96-10-054	388-160-090	AMD-S	96-05-061	388-245-1715	AMD-P	96-13-056
388-150-090	AMD-P	96-14-027	388-160-090	RESCIND	96-05-067	388-245-1720	AMD-P	96-13-056
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388-150-093	NEW-P	96-14-027	388-160-090	AMD	96-10-043	388-245-2020	AMD	96-07-025
388-150-094	NEW-P	96-14-027	388-160-090	AMD-E	96-10-054	388-250-1400	AMD	96-04-002
388-150-095	NEW-P	96-14-027	388-160-120	AMD-S	96-05-061	388-250-1700	AMD-P	96-07-008
388-150-096	NEW-P	96-14-027	388-160-120	AMD-E	96-05-068	388-250-1700	AMD-E	96-10-030
388-150-097	NEW-P	96-14-027	388-160-120	AMD	96-10-043	388-250-1700	AMD	96-10-044
388-150-098	NEW-P	96-14-027	388-160-120	AMD-E	96-10-054	388-265-1250	AMD-P	96-13-056
388-151	PREP	96-12-010	388-160-430	PREP	96-05-057	388-270-1125	PREP	96-06-008
388-151-085	NEW-P	96-14-027	388-160-430	AMD-P	96-14-099	388-270-1125	AMD-P	96-11-127
388-151-090	AMD-C	96-03-105	388-160-460	PREP	96-05-057	388-270-1125	AMD	96-17-032
388-151-090	AMD-S	96-05-061	388-160-460	AMD-P	96-14-099	388-290	PREP	96-11-047
388-151-090	RESCIND	96-05-067	388-160-480	PREP	96-05-057	388-290-135	AMD-P	96-06-026
388-151-090	AMD-E	96-05-068	388-160-480	AMD-P	96-14-099	388-290-135	AMD	96-09-058
388-151-090	AMD	96-10-043	388-160-490	PREP	96-05-057	388-301	PREP	96-11-047
388-151-090	AMD-E	96-10-054	388-160-490	AMD-P	96-14-099	388-320-140	AMD-P	96-15-028
388-151-090	AMD-P	96-14-027	388-160-500	PREP	96-05-057	388-320-140	AMD	96-18-092
388-151-092	NEW-P	96-14-027	388-160-500	AMD-P	96-14-099	388-330	PREP	96-12-010
388-151-093	NEW-P	96-14-027	388-160-530	AMD-P	96-14-099	388-330-010	AMD-C	96-03-105
388-151-094	NEW-P	96-14-027	388-160-550	NEW-P	96-14-099	388-330-010	AMD-S	96-05-061
388-151-095	NEW-P	96-14-027	388-200	PREP	96-07-041	388-330-010	RESCIND	96-05-067
388-151-096	NEW-P	96-14-027	388-200-1050	AMD-P	96-13-056	388-330-010	AMD-E	96-05-068
388-151-097	NEW-P	96-14-027	388-200-1100	AMD-P	96-13-056	388-330-010	AMD	96-10-043
388-151-098	NEW-P	96-14-027	388-200-1150	AMD-P	96-13-056	388-330-010	AMD-E	96-10-054
388-155	PREP	96-12-010	388-200-1160	AMD-P	96-13-056	388-330-035	NEW-C	96-03-105
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392-140-517	PREP-X	96-14-018	392-140-680	NEW-P	96-15-114	392-163-165	REP	96-18-014
392-140-517	REP	96-18-014	392-140-685	NEW-P	96-15-114	392-163-170	PREP-X	96-14-019
392-140-518	PREP-X	96-14-018	392-141	PREP	96-09-067	392-163-170	REP	96-18-014
392-140-518	REP	96-18-014	392-141-115	AMD-P	96-11-137	392-163-175	PREP-X	96-14-019
392-140-519	PREP-X	96-14-018	392-141-115	AMD	96-16-010	392-163-175	REP	96-18-014
392-140-519	REP	96-18-014	392-141-125	REP-P	96-11-137	392-163-180	PREP-X	96-14-019
392-140-525	PREP-X	96-14-018	392-141-125	PREP-X	96-14-018	392-163-180	REP	96-18-014
392-140-525	REP	96-18-014	392-141-125	REP	96-16-010	392-163-185	PREP-X	96-14-019
392-140-527	PREP-X	96-14-018	392-141-125	REP	96-18-014	392-163-185	REP	96-18-014
392-140-527	REP	96-18-014	392-141-135	AMD-P	96-11-137	392-163-186	PREP-X	96-14-019
392-140-529	PREP-X	96-14-018	392-141-135	AMD	96-16-010	392-163-186	REP	96-18-014
392-140-529	REP	96-18-014	392-141-140	AMD-P	96-11-137	392-163-190	PREP-X	96-14-019
392-140-530	PREP-X	96-14-018	392-141-140	AMD	96-16-010	392-163-190	REP	96-18-014
392-140-530	REP	96-18-014	392-141-151	REP-P	96-11-137	392-163-195	PREP-X	96-14-019
392-140-531	PREP-X	96-14-018	392-141-151	REP	96-16-010	392-163-195	REP	96-18-014
392-140-531	REP	96-18-014	392-141-155	AMD-P	96-11-137	392-163-200	PREP-X	96-14-019
392-140-533	PREP-X	96-14-018	392-141-155	AMD	96-16-010	392-163-200	REP	96-18-014
392-140-533	REP	96-18-014	392-141-160	AMD-P	96-11-137	392-163-205	PREP-X	96-14-019
392-140-535	PREP-X	96-14-018	392-141-160	AMD	96-16-010	392-163-205	REP	96-18-014
392-140-535	REP	96-18-014	392-141-170	AMD-P	96-11-137	392-163-210	PREP-X	96-14-019
392-140-536	PREP-X	96-14-018	392-141-170	AMD	96-16-010	392-163-210	REP	96-18-014
392-140-536	REP	96-18-014	392-141-175	REP-P	96-11-137	392-163-215	PREP-X	96-14-019
392-140-537	PREP-X	96-14-018	392-141-175	PREP-X	96-14-018	392-163-215	REP	96-18-014
392-140-537	REP	96-18-014	392-141-175	REP	96-16-010	392-163-220	PREP-X	96-14-019
392-140-538	PREP-X	96-14-018	392-141-175	REP	96-18-014	392-163-220	REP	96-18-014
392-140-538	REP	96-18-014	392-141-176	REP-P	96-11-137	392-163-225	PREP-X	96-14-019
392-140-540	PREP-X	96-14-018	392-141-176	PREP-X	96-14-018	392-163-225	REP	96-18-014
392-140-540	REP	96-18-014	392-141-176	REP	96-16-010	392-163-230	PREP-X	96-14-019
392-140-542	PREP-X	96-14-018	392-141-176	REP	96-18-014	392-163-230	REP	96-18-014
392-140-542	REP	96-18-014	392-141-185	AMD-P	96-11-137	392-163-235	PREP-X	96-14-019
392-140-543	PREP-X	96-14-018	392-141-185	AMD	96-16-010	392-163-235	REP	96-18-014
392-140-543	REP	96-18-014	392-142	PREP	96-09-068	392-163-236	PREP-X	96-14-019
392-140-544	PREP-X	96-14-018	392-142-155	AMD-P	96-11-138	392-163-236	REP	96-18-014
392-140-544	REP	96-18-014	392-142-155	AMD	96-16-011	392-163-237	PREP-X	96-14-019
392-140-545	PREP-X	96-14-018	392-143	PREP	96-09-069	392-163-237	REP	96-18-014
392-140-545	REP	96-18-014	392-143-010	AMD-P	96-11-139	392-163-240	PREP-X	96-14-019
392-140-548	PREP-X	96-14-018	392-143-010	AMD	96-16-012	392-163-240	REP	96-18-014
392-140-548	REP	96-18-014	392-151	PREP	96-15-048	392-163-245	PREP-X	96-14-019
392-140-549	PREP-X	96-14-018	392-153	PREP	96-11-108	392-163-245	REP	96-18-014
392-140-549	REP	96-18-014	392-153-020	AMD-P	96-18-039	392-163-250	PREP-X	96-14-019
392-140-551	PREP-X	96-14-018	392-153-025	AMD-P	96-18-039	392-163-250	REP	96-18-014
392-140-551	REP	96-18-014	392-153-032	AMD-P	96-18-039	392-163-255	PREP-X	96-14-019
392-140-552	PREP-X	96-14-018	392-162	PREP	96-13-033	392-163-255	REP	96-18-014
392-140-552	REP	96-18-014	392-163	AMD-P	96-16-056	392-163-260	PREP-X	96-14-019
392-140-553	PREP-X	96-14-018	392-163-100	PREP-X	96-14-019	392-163-260	REP	96-18-014
392-140-553	REP	96-18-014	392-163-100	REP	96-18-014	392-163-265	PREP-X	96-14-019
392-140-555	PREP-X	96-14-018	392-163-105	PREP-X	96-14-019	392-163-265	REP	96-18-014
392-140-555	REP	96-18-014	392-163-105	REP	96-18-014	392-163-270	PREP-X	96-14-019
392-140-557	PREP-X	96-14-018	392-163-110	PREP-X	96-14-019	392-163-270	REP	96-18-014
392-140-557	REP	96-18-014	392-163-110	REP	96-18-014	392-163-275	PREP-X	96-14-019
392-140-559	PREP-X	96-14-018	392-163-115	PREP-X	96-14-019	392-163-275	REP	96-18-014
392-140-559	REP	96-18-014	392-163-115	REP	96-18-014	392-163-280	PREP-X	96-14-019
392-140-600	NEW-P	96-15-114	392-163-120	PREP-X	96-14-019	392-163-280	REP	96-18-014
392-140-601	NEW-P	96-15-114	392-163-120	REP	96-18-014	392-163-285	PREP-X	96-14-019
392-140-602	NEW-P	96-15-114	392-163-125	PREP-X	96-14-019	392-163-285	REP	96-18-014
392-140-605	NEW-P	96-15-114	392-163-125	REP	96-18-014	392-163-290	PREP-X	96-14-019
392-140-608	NEW-P	96-15-114	392-163-130	PREP-X	96-14-019	392-163-290	REP	96-18-014
392-140-609	NEW-P	96-15-114	392-163-130	REP	96-18-014	392-163-295	PREP-X	96-14-019
392-140-610	NEW-P	96-15-114	392-163-135	PREP-X	96-14-019	392-163-295	REP	96-18-014
392-140-613	NEW-P	96-15-114	392-163-135	REP	96-18-014	392-163-299	PREP-X	96-14-019
392-140-616	NEW-P	96-15-114	392-163-140	PREP-X	96-14-019	392-163-299	REP	96-18-014
392-140-620	NEW-P	96-15-114	392-163-140	REP	96-18-014	392-163-300	PREP-X	96-14-019
392-140-625	NEW-P	96-15-114	392-163-142	PREP-X	96-14-019	392-163-300	REP	96-18-014
392-140-640	NEW-P	96-15-114	392-163-142	REP	96-18-014	392-163-305	PREP-X	96-14-019
392-140-643	NEW-P	96-15-114	392-163-145	PREP-X	96-14-019	392-163-305	REP	96-18-014
392-140-646	NEW-P	96-15-114	392-163-145	REP	96-18-014	392-163-306	PREP-X	96-14-019
392-140-650	NEW-P	96-15-114	392-163-150	PREP-X	96-14-019	392-163-306	REP	96-18-014
392-140-653	NEW-P	96-15-114	392-163-150	REP	96-18-014	392-163-310	PREP-X	96-14-019
392-140-656	NEW-P	96-15-114	392-163-155	PREP-X	96-14-019	392-163-310	REP	96-18-014
392-140-660	NEW-P	96-15-114	392-163-155	REP	96-18-014	392-163-315	PREP-X	96-14-019
392-140-665	NEW-P	96-15-114	392-163-160	PREP-X	96-14-019	392-163-315	REP	96-18-014
392-140-670	NEW-P	96-15-114	392-163-160	REP	96-18-014	392-163-320	PREP-X	96-14-019
392-140-675	NEW-P	96-15-114	392-163-165	PREP-X	96-14-019	392-163-320	REP	96-18-014

TABLE



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-167A-025	REP	96-18-014	392-300-055	NEW	96-17-045	415-104-305	NEW-P	96-18-074
392-167A-030	PREP-X	96-14-019	392-300-060	NEW-P	96-14-093	415-104-311	NEW-P	96-18-074
392-167A-030	REP	96-18-014	392-300-060	NEW	96-17-045	415-104-3200	NEW-P	96-18-074
392-167A-035	PREP-X	96-14-019	392-310-010	PREP-X	96-14-019	415-104-3201	NEW-P	96-18-074
392-167A-035	REP	96-18-014	392-310-010	REP	96-18-014	415-104-3202	NEW-P	96-18-074
392-167A-040	PREP-X	96-14-019	392-310-015	PREP-X	96-14-019	415-104-3203	NEW-P	96-18-074
392-167A-040	REP	96-18-014	392-310-015	REP	96-18-014	415-104-3204	NEW-P	96-18-074
392-167A-045	PREP-X	96-14-019	392-310-020	PREP-X	96-14-019	415-104-3205	NEW-P	96-18-074
392-167A-045	REP	96-18-014	392-310-020	REP	96-18-014	415-104-330	NEW-P	96-18-074
392-167A-050	PREP-X	96-14-019	392-310-025	PREP-X	96-14-019	415-104-3301	NEW-P	96-18-074
392-167A-050	REP	96-18-014	392-310-025	REP	96-18-014	415-104-3302	NEW-P	96-18-074
392-167A-055	PREP-X	96-14-019	392-320	PREP	96-07-050	415-104-3303	NEW-P	96-18-074
392-167A-055	REP	96-18-014	392-320-005	AMD-P	96-12-075	415-104-3304	NEW-P	96-18-074
392-167A-060	PREP-X	96-14-019	392-320-005	AMD	96-15-115	415-104-3305	NEW-P	96-18-074
392-167A-060	REP	96-18-014	392-320-015	AMD-P	96-12-075	415-104-3306	NEW-P	96-18-074
392-167A-065	PREP-X	96-14-019	392-320-015	AMD	96-15-115	415-104-340	NEW-P	96-18-074
392-167A-065	REP	96-18-014	392-320-025	AMD-P	96-12-075	415-104-3401	NEW-P	96-18-074
392-167A-070	PREP-X	96-14-019	392-320-025	AMD	96-15-115	415-104-3402	NEW-P	96-18-074
392-167A-070	REP	96-18-014	392-320-040	AMD-P	96-12-075	415-104-3403	NEW-P	96-18-074
392-167A-075	PREP-X	96-14-019	392-320-040	AMD	96-15-115	415-104-3404	NEW-P	96-18-074
392-167A-075	REP	96-18-014	392-320-045	AMD-P	96-12-075	415-104-3405	NEW-P	96-18-074
392-167A-080	PREP-X	96-14-019	392-320-045	AMD	96-15-115	415-104-3406	NEW-P	96-18-074
392-167A-080	REP	96-18-014	392-320-050	AMD-P	96-12-075	415-104-350	NEW-P	96-18-074
392-167A-085	PREP-X	96-14-019	392-320-050	AMD	96-15-115	415-104-360	NEW-P	96-18-074
392-167A-085	REP	96-18-014	400-12	PREP	96-16-094	415-104-363	NEW-P	96-18-074
392-167A-090	PREP-X	96-14-019	415	PREP	96-06-079	415-104-365	NEW-P	96-18-074
392-167A-090	REP	96-18-014	415-02-099	REP	96-03-100	415-104-367	NEW-P	96-18-074
392-193-005	PREP-X	96-14-019	415-04	AMD-P	96-13-100	415-104-370	NEW-P	96-18-074
392-193-005	REP	96-18-014	415-04	AMD	96-16-020	415-104-373	NEW-P	96-18-074
392-193-010	PREP-X	96-14-019	415-04-010	AMD-P	96-13-100	415-104-375	NEW-P	96-18-074
392-193-010	REP	96-18-014	415-04-010	AMD	96-16-020	415-104-377	NEW-P	96-18-074
392-193-020	PREP-X	96-14-019	415-04-020	AMD-P	96-13-100	415-104-379	NEW-P	96-18-074
392-193-020	REP	96-18-014	415-04-020	AMD	96-16-020	415-104-380	NEW-P	96-18-074
392-193-025	PREP-X	96-14-019	415-04-030	NEW-P	96-13-100	415-104-383	NEW-P	96-18-074
392-193-025	REP	96-18-014	415-04-030	NEW	96-16-020	415-104-385	NEW-P	96-18-074
392-193-030	PREP-X	96-14-019	415-04-040	NEW-P	96-13-100	415-104-387	NEW-P	96-18-074
392-193-030	REP	96-18-014	415-04-040	NEW	96-16-020	415-104-390	NEW-P	96-18-074
392-193-035	PREP-X	96-14-019	415-04-050	NEW-P	96-13-100	415-104-393	NEW-P	96-18-074
392-193-035	REP	96-18-014	415-04-050	NEW	96-16-020	415-104-395	NEW-P	96-18-074
392-193-045	PREP-X	96-14-019	415-08-010	AMD-P	96-07-080	415-104-397	NEW-P	96-18-074
392-193-045	REP	96-18-014	415-08-010	AMD	96-11-036	415-104-401	NEW-P	96-18-074
392-193-050	PREP-X	96-14-019	415-08-015	NEW	96-16-020	415-104-405	NEW-P	96-18-074
392-193-050	REP	96-18-014	415-08-020	AMD-P	96-07-080	415-108-340	AMD	96-03-100
392-193-055	PREP-X	96-14-019	415-08-020	AMD	96-11-036	415-112-0160	NEW-P	96-18-073
392-193-055	REP	96-18-014	415-08-023	NEW-P	96-07-080	415-112-040	AMD	96-03-100
392-193-060	PREP-X	96-14-019	415-08-023	NEW	96-11-036	415-112-330	AMD-E	96-18-072
392-193-060	REP	96-18-014	415-08-025	AMD-P	96-07-080	415-112-335	NEW-E	96-18-072
392-196	PREP	96-11-140	415-08-025	AMD	96-11-036	415-112-410	REP-P	96-18-073
392-196-086	AMD-P	96-15-113	415-08-027	NEW-P	96-07-080	415-112-411	REP-P	96-18-073
392-196-100	AMD-P	96-15-113	415-08-027	NEW	96-11-036	415-112-414	REP-P	96-18-073
392-300-001	NEW-P	96-14-093	415-08-030	AMD-P	96-07-080	415-112-444	NEW-P	96-18-073
392-300-001	NEW	96-17-045	415-08-030	AMD	96-11-036	415-112-445	NEW-P	96-18-073
392-300-005	NEW-P	96-14-093	415-08-040	AMD-P	96-07-080	415-112-450	NEW-P	96-18-073
392-300-005	NEW	96-17-045	415-08-040	AMD	96-11-036	415-112-460	NEW-P	96-18-073
392-300-010	NEW-P	96-14-093	415-08-050	AMD-P	96-07-080	415-112-4601	NEW-P	96-18-073
392-300-010	NEW	96-17-045	415-08-050	AMD	96-11-036	415-112-4603	NEW-P	96-18-073
392-300-015	NEW-P	96-14-093	415-08-080	AMD-P	96-07-080	415-112-4604	NEW-P	96-18-073
392-300-015	NEW	96-17-045	415-08-080	AMD	96-11-036	415-112-4605	NEW-P	96-18-073
392-300-020	NEW-P	96-14-093	415-08-090	AMD-P	96-07-080	415-112-4607	NEW-P	96-18-073
392-300-020	NEW	96-17-045	415-08-090	AMD	96-11-036	415-112-4608	NEW-P	96-18-073
392-300-025	NEW-P	96-14-093	415-08-100	AMD-P	96-07-080	415-112-4609	NEW-P	96-18-073
392-300-025	NEW	96-17-045	415-08-100	AMD	96-11-036	415-112-470	NEW-P	96-18-073
392-300-030	NEW-P	96-14-093	415-08-105	AMD-P	96-07-080	415-112-471	NEW-P	96-18-073
392-300-030	NEW	96-17-045	415-08-105	AMD	96-11-036	415-112-473	NEW-P	96-18-073
392-300-035	NEW-P	96-14-093	415-08-280	AMD-P	96-07-080	415-112-475	NEW-P	96-18-073
392-300-035	NEW	96-17-045	415-08-280	AMD	96-11-036	415-112-477	NEW-P	96-18-073
392-300-040	NEW-P	96-14-093	415-08-420	AMD-P	96-07-080	415-112-480	NEW-P	96-18-073
392-300-040	NEW	96-17-045	415-08-420	AMD	96-11-036	415-112-482	NEW-P	96-18-073
392-300-045	NEW-P	96-14-093	415-104-0125	NEW	96-04-003	415-112-483	NEW-P	96-18-073
392-300-045	NEW	96-17-045	415-104-108	AMD	96-03-100	415-112-485	NEW-P	96-18-073
392-300-050	NEW-P	96-14-093	415-104-298	NEW-P	96-18-074	415-112-487	NEW-P	96-18-073
392-300-050	NEW	96-17-045	415-104-299	NEW-P	96-18-074	415-112-489	NEW-P	96-18-073
392-300-055	NEW-P	96-14-093	415-104-301	NEW-P	96-18-074	415-112-490	NEW-P	96-18-073

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
415-112-491	NEW-P	96-18-073	415-528-010	NEW	96-16-020	415-640-030	NEW-P	96-13-100
415-113-0306	AMD-P	96-15-080	415-532-010	NEW-P	96-13-100	415-640-030	NEW	96-16-020
415-113-055	AMD-P	96-15-080	415-532-010	NEW	96-16-020	415-650-010	NEW-P	96-13-100
415-113-059	AMD-P	96-15-080	415-532-020	NEW-P	96-13-100	415-650-010	NEW	96-16-020
415-113-070	AMD-P	96-15-080	415-532-020	NEW	96-16-020	415-650-020	NEW-P	96-13-100
415-113-090	AMD-P	96-15-080	415-536-010	NEW-P	96-13-100	415-650-020	NEW	96-16-020
415-501-010	NEW-P	96-13-100	415-536-010	NEW	96-16-020	415-650-030	NEW-P	96-13-100
415-501-010	NEW	96-16-020	415-540-010	NEW-P	96-13-100	415-650-030	NEW	96-16-020
415-501-020	NEW-P	96-13-100	415-540-010	NEW	96-16-020	415-650-040	NEW-P	96-13-100
415-501-020	NEW	96-16-020	415-544-010	NEW-P	96-13-100	415-650-040	NEW	96-16-020
415-504-010	NEW-P	96-13-100	415-544-010	NEW	96-16-020	415-650-050	NEW-P	96-13-100
415-504-010	NEW	96-16-020	415-548-010	NEW-P	96-13-100	415-650-050	NEW	96-16-020
415-504-020	NEW-P	96-13-100	415-548-010	NEW	96-16-020	415-660-010	NEW-P	96-13-100
415-504-020	NEW	96-16-020	415-552-010	NEW-P	96-13-100	415-660-010	NEW	96-16-020
415-504-030	NEW-P	96-13-100	415-552-010	NEW	96-16-020	415-660-020	NEW-P	96-13-100
415-504-030	NEW	96-16-020	415-556-010	NEW-P	96-13-100	415-660-020	NEW	96-16-020
415-504-040	NEW-P	96-13-100	415-556-010	NEW	96-16-020	415-670-010	NEW-P	96-13-100
415-504-040	NEW	96-16-020	415-560-010	NEW-P	96-13-100	415-670-010	NEW	96-16-020
415-504-050	NEW-P	96-13-100	415-560-010	NEW	96-16-020	415-680-010	NEW-P	96-13-100
415-504-050	NEW	96-16-020	415-564-010	NEW-P	96-13-100	415-680-010	NEW	96-16-020
415-504-060	NEW-P	96-13-100	415-564-010	NEW	96-16-020	415-680-020	NEW-P	96-13-100
415-504-060	NEW	96-16-020	415-564-020	NEW-P	96-13-100	415-680-020	NEW	96-16-020
415-504-070	NEW-P	96-13-100	415-564-020	NEW	96-16-020	415-680-030	NEW-P	96-13-100
415-504-070	NEW	96-16-020	415-564-030	NEW-P	96-13-100	415-680-030	NEW	96-16-020
415-504-080	NEW-P	96-13-100	415-564-030	NEW	96-16-020	415-680-040	NEW-P	96-13-100
415-504-080	NEW	96-16-020	415-564-040	NEW-P	96-13-100	415-680-040	NEW	96-16-020
415-504-090	NEW-P	96-13-100	415-564-040	NEW	96-16-020	415-680-050	NEW-P	96-13-100
415-504-090	NEW	96-16-020	415-564-050	NEW-P	96-13-100	415-680-050	NEW	96-16-020
415-504-100	NEW-P	96-13-100	415-564-050	NEW	96-16-020	415-680-060	NEW-P	96-13-100
415-504-100	NEW	96-16-020	415-564-060	NEW-P	96-13-100	415-680-060	NEW	96-16-020
415-504-110	NEW-P	96-13-100	415-564-060	NEW	96-16-020	415-680-070	NEW-P	96-13-100
415-504-110	NEW	96-16-020	415-568-010	NEW-P	96-13-100	415-680-070	NEW	96-16-020
415-508-010	NEW-P	96-13-100	415-568-010	NEW	96-16-020	415-690-010	NEW-P	96-13-100
415-508-010	NEW	96-16-020	415-568-020	NEW-P	96-13-100	415-690-010	NEW	96-16-020
415-508-020	NEW-P	96-13-100	415-568-020	NEW	96-16-020	415-695-010	NEW-P	96-13-100
415-508-020	NEW	96-16-020	415-610-010	NEW-P	96-13-100	415-695-010	NEW	96-16-020
415-508-030	NEW-P	96-13-100	415-610-010	NEW	96-16-020	415-695-020	NEW-P	96-13-100
415-508-030	NEW	96-16-020	415-610-015	NEW-P	96-13-100	415-695-020	NEW	96-16-020
415-508-040	NEW-P	96-13-100	415-610-015	NEW	96-16-020	415-695-030	NEW-P	96-13-100
415-508-040	NEW	96-16-020	415-610-020	NEW-P	96-13-100	415-695-030	NEW	96-16-020
415-508-050	NEW-P	96-13-100	415-610-020	NEW	96-16-020	415-695-040	NEW-P	96-13-100
415-508-050	NEW	96-16-020	415-610-030	NEW-P	96-13-100	415-695-040	NEW	96-16-020
415-512-010	NEW-P	96-13-100	415-610-030	NEW	96-16-020	419-04-010	PREP-X	96-14-041
415-512-010	NEW	96-16-020	415-620-010	NEW-P	96-13-100	419-04-010	REP	96-17-072
415-512-015	NEW-P	96-13-100	415-620-010	NEW	96-16-020	419-04-020	PREP-X	96-14-041
415-512-015	NEW	96-16-020	415-620-015	NEW-P	96-13-100	419-04-020	REP	96-17-072
415-512-020	NEW-P	96-13-100	415-620-015	NEW	96-16-020	419-04-030	PREP-X	96-14-041
415-512-020	NEW	96-16-020	415-620-020	NEW-P	96-13-100	419-04-030	REP	96-17-072
415-512-030	NEW-P	96-13-100	415-620-020	NEW	96-16-020	419-18	PREP	96-03-037
415-512-030	NEW	96-16-020	415-620-025	NEW-P	96-13-100	419-18-020	DECOD	96-06-011
415-512-040	NEW-P	96-13-100	415-620-025	NEW	96-16-020	419-18-030	DECOD	96-06-011
415-512-040	NEW	96-16-020	415-620-030	NEW-P	96-13-100	419-18-040	DECOD	96-06-011
415-512-050	NEW-P	96-13-100	415-620-030	NEW	96-16-020	419-18-045	DECOD	96-06-011
415-512-050	NEW	96-16-020	415-620-035	NEW-P	96-13-100	419-18-050	DECOD	96-06-011
415-512-070	NEW-P	96-13-100	415-620-035	NEW	96-16-020	419-18-060	DECOD	96-06-011
415-512-070	NEW	96-16-020	415-620-040	NEW-P	96-13-100	419-18-070	DECOD	96-06-011
415-512-075	NEW-P	96-13-100	415-620-040	NEW	96-16-020	419-18-080	DECOD	96-06-011
415-512-075	NEW	96-16-020	415-620-045	NEW-P	96-13-100	419-20-010	PREP-X	96-14-040
415-512-080	NEW-P	96-13-100	415-620-045	NEW	96-16-020	419-20-010	REP	96-17-072
415-512-080	NEW	96-16-020	415-620-050	NEW-P	96-13-100	419-20-020	PREP-X	96-14-040
415-512-085	NEW-P	96-13-100	415-620-050	NEW	96-16-020	419-20-020	REP	96-17-072
415-512-085	NEW	96-16-020	415-620-055	NEW-P	96-13-100	419-20-030	PREP-X	96-14-040
415-512-086	NEW-P	96-13-100	415-620-055	NEW	96-16-020	419-20-030	REP	96-17-072
415-512-086	NEW	96-16-020	415-630-010	NEW-P	96-13-100	419-20-040	PREP-X	96-14-040
415-512-087	NEW-P	96-13-100	415-630-010	NEW	96-16-020	419-20-040	REP	96-17-072
415-512-087	NEW	96-16-020	415-630-020	NEW-P	96-13-100	419-20-050	PREP-X	96-14-040
415-512-090	NEW-P	96-13-100	415-630-020	NEW	96-16-020	419-20-050	REP	96-17-072
415-512-090	NEW	96-16-020	415-630-030	NEW-P	96-13-100	419-20-060	PREP-X	96-14-040
415-512-110	NEW-P	96-13-100	415-630-030	NEW	96-16-020	419-20-060	REP	96-17-072
415-512-110	NEW	96-16-020	415-640-010	NEW-P	96-13-100	419-20-070	PREP-X	96-14-040
415-524-010	NEW-P	96-13-100	415-640-010	NEW	96-16-020	419-20-070	REP	96-17-072
415-524-010	NEW	96-16-020	415-640-020	NEW-P	96-13-100	419-20-080	PREP-X	96-14-040
415-528-010	NEW-P	96-13-100	415-640-020	NEW	96-16-020	419-20-080	REP	96-17-072



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
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419-20-090	REP	96-17-072	419-80-030	DECOD	96-06-011	434-75-230	DECOD	96-03-141
419-20-100	PREP-X	96-14-040	419-80-040	DECOD	96-06-011	434-75-240	AMD-E	96-03-140
419-20-100	REP	96-17-072	419-80-050	DECOD	96-06-011	434-75-240	AMD	96-03-141
419-20-110	PREP-X	96-14-040	419-80-060	DECOD	96-06-011	434-75-240	DECOD	96-03-141
419-20-110	REP	96-17-072	419-80-070	DECOD	96-06-011	434-75-250	AMD-E	96-03-140
419-20-120	PREP-X	96-14-040	434-40-235	NEW-E	96-18-103	434-75-250	AMD	96-03-141
419-20-120	REP	96-17-072	434-40-310	REP-E	96-18-103	434-75-250	DECOD	96-03-141
419-20-130	PREP-X	96-14-040	434-75-010	AMD-E	96-03-140	434-75-260	AMD-E	96-03-140
419-20-130	REP	96-17-072	434-75-010	AMD	96-03-141	434-75-260	AMD	96-03-141
419-20-140	PREP-X	96-14-040	434-75-010	DECOD	96-03-141	434-75-260	DECOD	96-03-141
419-20-140	REP	96-17-072	434-75-020	AMD-E	96-03-140	434-75-270	AMD-E	96-03-140
419-20-150	PREP-X	96-14-040	434-75-020	AMD	96-03-141	434-75-270	AMD	96-03-141
419-20-150	REP	96-17-072	434-75-020	DECOD	96-03-141	434-75-270	DECOD	96-03-141
419-20-900	PREP-X	96-14-040	434-75-030	AMD-E	96-03-140	434-75-280	AMD-E	96-03-140
419-20-900	REP	96-17-072	434-75-030	AMD	96-03-141	434-75-280	AMD	96-03-141
419-28-010	PREP-X	96-14-039	434-75-030	DECOD	96-03-141	434-75-280	DECOD	96-03-141
419-28-010	REP	96-17-072	434-75-040	AMD-E	96-03-140	434-75-280	DECOD	96-03-141
419-28-020	PREP-X	96-14-039	434-75-040	AMD	96-03-141	434-75-290	AMD-E	96-03-140
419-28-020	REP	96-17-072	434-75-040	DECOD	96-03-141	434-75-290	AMD	96-03-141
419-28-030	PREP-X	96-14-039	434-75-050	AMD-E	96-03-140	434-75-290	DECOD	96-03-141
419-28-030	REP	96-17-072	434-75-050	AMD	96-03-141	434-75-300	REP-E	96-03-140
419-28-040	PREP-X	96-14-039	434-75-050	DECOD	96-03-141	434-75-300	REP	96-03-141
419-28-040	REP	96-17-072	434-75-060	AMD-E	96-03-140	434-75-310	AMD-E	96-03-140
419-28-050	PREP-X	96-14-039	434-75-060	AMD	96-03-141	434-75-310	AMD	96-03-141
419-28-050	REP	96-17-072	434-75-060	AMD	96-03-141	434-75-310	DECOD	96-03-141
419-28-060	PREP-X	96-14-039	434-75-060	DECOD	96-03-141	434-75-320	AMD-E	96-03-140
419-28-060	REP	96-17-072	434-75-070	AMD-E	96-03-140	434-75-320	AMD	96-03-141
419-28-070	PREP-X	96-14-039	434-75-070	AMD	96-03-141	434-75-320	DECOD	96-03-141
419-28-070	REP	96-17-072	434-75-070	DECOD	96-03-141	434-75-330	AMD-E	96-03-140
419-28-080	PREP-X	96-14-039	434-75-080	AMD-E	96-03-140	434-75-330	AMD	96-03-141
419-28-080	REP	96-17-072	434-75-080	AMD	96-03-141	434-75-330	DECOD	96-03-141
419-28-990	PREP-X	96-14-039	434-75-080	DECOD	96-03-141	434-75-340	AMD-E	96-03-140
419-28-990	REP	96-17-072	434-75-090	AMD-E	96-03-140	434-75-340	AMD	96-03-141
419-36-010	DECOD	96-06-011	434-75-090	AMD	96-03-141	434-75-340	DECOD	96-03-141
419-36-020	DECOD	96-06-011	434-75-090	DECOD	96-03-141	434-75-350	AMD-E	96-03-140
419-36-030	DECOD	96-06-011	434-75-100	AMD-E	96-03-140	434-75-350	AMD	96-03-141
419-36-040	DECOD	96-06-011	434-75-100	AMD	96-03-141	434-75-350	DECOD	96-03-141
419-36-050	DECOD	96-06-011	434-75-100	DECOD	96-03-141	434-79-010	AMD-E	96-14-085
419-36-060	DECOD	96-06-011	434-75-110	AMD-E	96-03-140	434-120-100	AMD-P	96-05-089
419-36-070	DECOD	96-06-011	434-75-110	AMD	96-03-141	434-120-100	AMD	96-10-021
419-36-080	DECOD	96-06-011	434-75-110	DECOD	96-03-141	434-120-105	AMD-P	96-05-089
419-36-090	DECOD	96-06-011	434-75-120	AMD-E	96-03-140	434-120-130	AMD-P	96-05-089
419-40-010	DECOD	96-06-011	434-75-120	AMD	96-03-141	434-120-140	AMD-P	96-05-089
419-40-020	DECOD	96-06-011	434-75-120	DECOD	96-03-141	434-120-140	AMD	96-10-021
419-40-030	DECOD	96-06-011	434-75-130	AMD-E	96-03-140	434-120-225	AMD-P	96-05-089
419-40-040	DECOD	96-06-011	434-75-130	AMD	96-03-141	434-120-225	AMD	96-10-021
419-40-050	DECOD	96-06-011	434-75-130	DECOD	96-03-141	434-120-255	AMD-P	96-05-089
419-44-010	DECOD	96-06-011	434-75-140	AMD-E	96-03-140	434-120-300	AMD-P	96-05-088
419-64-010	DECOD	96-06-011	434-75-140	AMD	96-03-141	434-120-300	AMD	96-08-049
419-64-020	DECOD	96-06-011	434-75-140	DECOD	96-03-141	434-120-335	AMD-P	96-05-088
419-64-030	DECOD	96-06-011	434-75-150	AMD-E	96-03-140	434-120-335	AMD	96-08-049
419-64-040	DECOD	96-06-011	434-75-150	AMD	96-03-141	434-120-335	AMD-P	96-07-069
419-64-050	DECOD	96-06-011	434-75-150	DECOD	96-03-141	434-166-260	AMD	96-10-052
419-64-060	DECOD	96-06-011	434-75-160	AMD-E	96-03-140	434-166-260	AMD-P	96-07-069
419-64-070	DECOD	96-06-011	434-75-160	AMD	96-03-141	434-166-280	AMD	96-10-052
419-64-080	DECOD	96-06-011	434-75-160	DECOD	96-03-141	434-166-280	AMD	96-10-052
419-64-090	DECOD	96-06-011	434-75-170	REP-E	96-03-140	434-166-290	AMD-P	96-07-069
419-72-010	DECOD	96-06-011	434-75-170	REP	96-03-141	434-166-290	AMD	96-10-052
419-72-012	DECOD	96-06-011	434-75-180	AMD-E	96-03-140	434-219-010	RECOD	96-03-141
419-72-015	DECOD	96-06-011	434-75-180	AMD	96-03-141	434-219-020	RECOD	96-03-141
419-72-015	PREP	96-09-005	434-75-180	DECOD	96-03-141	434-219-030	RECOD	96-03-141
419-72-020	DECOD	96-06-011	434-75-190	AMD-E	96-03-140	434-219-040	RECOD	96-03-141
419-72-025	DECOD	96-06-011	434-75-190	AMD	96-03-141	434-219-050	RECOD	96-03-141
419-72-041	DECOD	96-06-011	434-75-190	DECOD	96-03-141	434-219-060	RECOD	96-03-141
419-72-045	DECOD	96-06-011	434-75-200	REP-E	96-03-140	434-219-070	RECOD	96-03-141
419-72-050	DECOD	96-06-011	434-75-200	REP	96-03-141	434-219-080	RECOD	96-03-141
419-72-060	DECOD	96-06-011	434-75-210	AMD-E	96-03-140	434-219-090	RECOD	96-03-141
419-72-065	DECOD	96-06-011	434-75-210	AMD	96-03-141	434-219-100	RECOD	96-03-141
419-72-070	DECOD	96-06-011	434-75-210	DECOD	96-03-141	434-219-110	RECOD	96-03-141
419-72-075	DECOD	96-06-011	434-75-220	AMD-E	96-03-140	434-219-120	RECOD	96-03-141
419-72-080	DECOD	96-06-011	434-75-220	AMD	96-03-141	434-219-130	RECOD	96-03-141
419-80-010	DECOD	96-06-011	434-75-220	DECOD	96-03-141	434-219-140	RECOD	96-03-141
			434-75-230	AMD-E	96-03-140	434-219-150	RECOD	96-03-141
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434-219-190	RECOD	96-03-141	446-20-620	PREP	96-11-070	458-56-090	PREP-X	96-14-050
434-219-210	RECOD	96-03-141	446-20-620	NEW-P	96-14-078	458-56-100	PREP-X	96-14-050
434-219-220	RECOD	96-03-141	446-20-620	NEW	96-18-017	458-56-110	PREP-X	96-14-050
434-219-230	RECOD	96-03-141	446-20-630	NEW-E	96-11-069	458-56-120	PREP-X	96-14-050
434-219-240	RECOD	96-03-141	446-20-630	PREP	96-11-070	458-56-130	PREP-X	96-14-050
434-219-250	RECOD	96-03-141	446-20-630	NEW-P	96-14-078	458-56-140	PREP-X	96-14-050
434-219-260	RECOD	96-03-141	446-20-630	NEW	96-18-017	458-56-150	PREP-X	96-14-050
434-219-270	RECOD	96-03-141	446-65-010	AMD-E	96-14-112	458-56-160	PREP-X	96-14-050
434-219-280	RECOD	96-03-141	446-65-010	PREP	96-14-113	458-56-170	PREP-X	96-14-050
434-219-290	RECOD	96-03-141	458-10	PREP	96-15-135	458-56-180	PREP-X	96-14-050
434-219-310	RECOD	96-03-141	458-20-101	PREP	96-15-136	458-56-190	PREP-X	96-14-050
434-219-320	RECOD	96-03-141	458-20-104	PREP	96-15-136	458-56-200	PREP-X	96-14-050
434-219-330	RECOD	96-03-141	458-20-12401	NEW-P	96-06-056	458-56-210	PREP-X	96-14-050
434-219-340	RECOD	96-03-141	458-20-12401	NEW-P	96-09-087	458-56-220	PREP-X	96-14-050
434-219-350	RECOD	96-03-141	458-20-12401	NEW-E	96-10-020	458-56-230	PREP-X	96-14-050
440-22	PREP	96-08-079	458-20-12401	NEW	96-16-086	460-10A	PREP	96-03-121
440-22	PREP	96-12-015	458-20-13601	PREP	96-08-040	460-10A-035	REP-P	96-07-084
440-22-005	AMD-P	96-09-078	458-20-14601	PREP	96-07-097	460-10A-035	REP	96-11-026
440-22-005	AMD-C	96-12-033	458-20-199	AMD-P	96-06-057	460-10A-050	AMD-P	96-07-084
440-22-005	AMD-S	96-14-055	458-20-199	AMD-C	96-10-040	460-10A-050	AMD	96-11-026
440-22-406	NEW-P	96-09-078	458-20-199	AMD	96-12-024	460-10A-055	REP-P	96-07-084
440-22-406	NEW-C	96-12-033	458-20-211	AMD	96-03-139	460-10A-055	REP	96-11-026
440-22-406	NEW-S	96-14-055	458-20-226	AMD	96-05-080	460-10A-060	AMD-P	96-07-084
440-22-408	NEW-P	96-09-078	458-20-232	PREP-X	96-14-051	460-10A-060	AMD	96-11-026
440-22-408	NEW-C	96-12-033	458-20-262	PREP	96-17-037	460-10A-065	REP-P	96-07-084
440-26-005	NEW-P	96-13-101	458-20-263	PREP	96-14-079	460-10A-065	REP	96-11-026
440-26-005	NEW	96-16-015	458-20-263	NEW-E	96-14-080	460-10A-075	REP-P	96-07-084
440-26-010	NEW-P	96-13-101	458-24-010	PREP-X	96-14-049	460-10A-075	REP	96-11-026
440-26-010	NEW	96-16-015	458-24-020	PREP-X	96-14-049	460-10A-080	REP-P	96-07-084
440-26-020	NEW-P	96-13-101	458-24-030	PREP-X	96-14-049	460-10A-080	REP	96-11-026
440-26-020	NEW	96-16-015	458-24-040	PREP-X	96-14-049	460-10A-090	REP-P	96-07-084
440-26-030	NEW-P	96-13-101	458-24-050	PREP-X	96-14-049	460-10A-090	REP	96-11-026
440-26-030	NEW	96-16-015	458-24-060	PREP-X	96-14-049	460-10A-095	REP-P	96-07-084
440-26-100	NEW-P	96-13-101	458-24-070	PREP-X	96-14-049	460-10A-095	REP	96-11-026
440-26-100	NEW	96-16-015	458-24-080	PREP-X	96-14-049	460-10A-100	REP-P	96-07-084
440-26-110	NEW-P	96-13-101	458-24-090	PREP-X	96-14-049	460-10A-100	REP	96-11-026
440-26-110	NEW	96-16-015	458-40-660	PREP	96-06-058	460-10A-105	REP-P	96-07-084
440-26-120	NEW-P	96-13-101	458-40-660	AMD-P	96-10-075	460-10A-105	REP	96-11-026
440-26-120	NEW	96-16-015	458-40-660	AMD	96-14-063	460-10A-110	AMD-P	96-07-084
440-26-130	NEW-P	96-13-101	458-53-010	AMD	96-05-002	460-10A-110	AMD	96-11-026
440-26-130	NEW	96-16-015	458-53-020	AMD	96-05-002	460-10A-115	REP-P	96-07-084
440-26-140	NEW-P	96-13-101	458-53-030	AMD	96-05-002	460-10A-115	REP	96-11-026
440-26-140	NEW	96-16-015	458-53-040	REP	96-05-002	460-10A-120	REP-P	96-07-084
440-26-160	NEW-P	96-13-101	458-53-050	AMD	96-05-002	460-10A-120	REP	96-11-026
440-26-160	NEW	96-16-015	458-53-051	REP	96-05-002	460-10A-125	REP-P	96-07-084
440-26-200	NEW-P	96-13-101	458-53-070	AMD	96-05-002	460-10A-125	REP	96-11-026
440-26-200	NEW	96-16-015	458-53-080	AMD	96-05-002	460-10A-130	AMD-P	96-07-084
440-26-205	NEW-P	96-13-101	458-53-090	AMD	96-05-002	460-10A-130	AMD	96-11-026
440-26-205	NEW	96-16-015	458-53-095	NEW	96-05-002	460-10A-135	REP-P	96-07-084
440-26-210	NEW-P	96-13-101	458-53-100	AMD	96-05-002	460-10A-135	REP	96-11-026
440-26-210	NEW	96-16-015	458-53-105	NEW	96-05-002	460-10A-140	REP-P	96-07-084
440-26-220	NEW-P	96-13-101	458-53-110	REP	96-05-002	460-10A-140	REP	96-11-026
440-26-220	NEW	96-16-015	458-53-120	REP	96-05-002	460-10A-145	REP-P	96-07-084
440-26-230	NEW-P	96-13-101	458-53-130	AMD	96-05-002	460-10A-145	REP	96-11-026
440-26-230	NEW	96-16-015	458-53-135	NEW	96-05-002	460-10A-150	REP-P	96-07-084
440-26-240	NEW-P	96-13-101	458-53-140	AMD	96-05-002	460-10A-150	REP	96-11-026
440-26-240	NEW	96-16-015	458-53-141	REP	96-05-002	460-10A-155	REP-P	96-07-084
440-26-250	NEW-P	96-13-101	458-53-142	REP	96-05-002	460-10A-155	REP	96-11-026
440-26-250	NEW	96-16-015	458-53-150	REP	96-05-002	460-10A-170	AMD-P	96-07-084
446-10-090	PREP	96-14-114	458-53-160	AMD	96-05-002	460-10A-170	AMD	96-11-026
446-20-290	REP-E	96-11-069	458-53-163	REP	96-05-002	460-10A-180	AMD-P	96-07-084
446-20-290	PREP	96-11-070	458-53-165	REP	96-05-002	460-10A-180	AMD	96-11-026
446-20-290	REP-P	96-14-078	458-53-180	REP	96-05-002	460-10A-185	NEW-P	96-07-084
446-20-290	REP	96-18-017	458-53-200	AMD	96-05-002	460-10A-185	NEW	96-11-026
446-20-600	NEW-E	96-11-069	458-53-210	AMD	96-05-002	460-10A-190	NEW-P	96-07-084
446-20-600	PREP	96-11-070	458-56-010	PREP-X	96-14-050	460-10A-190	NEW	96-11-026
446-20-600	NEW-P	96-14-078	458-56-020	PREP-X	96-14-050	460-10A-195	NEW-P	96-07-084
446-20-600	NEW	96-18-017	458-56-030	PREP-X	96-14-050	460-10A-195	NEW	96-11-026
446-20-610	NEW-E	96-11-069	458-56-040	PREP-X	96-14-050	460-10A-200	NEW-P	96-07-084
446-20-610	PREP	96-11-070	458-56-050	PREP-X	96-14-050	460-10A-200	NEW	96-11-026
446-20-610	NEW-P	96-14-078	458-56-060	PREP-X	96-14-050	460-10A-205	NEW-P	96-07-084
446-20-610	NEW	96-18-017	458-56-070	PREP-X	96-14-050	460-10A-205	NEW	96-11-026

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Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
460-10A-210	NEW-P	96-07-084	460-80-160	PREP	96-03-118	461-08-150	REP-P	96-10-062
460-10A-210	NEW	96-11-026	460-80-160	REP-P	96-07-066	461-08-150	REP	96-15-002
460-16A-010	PREP	96-03-129	460-80-160	REP	96-11-029	461-08-155	REP-P	96-10-062
460-16A-010	AMD-P	96-07-057	461-08-001	REP-P	96-10-062	461-08-155	REP	96-15-002
460-16A-010	AMD	96-11-023	461-08-001	REP	96-15-002	461-08-156	REP-P	96-10-062
460-16A-015	PREP	96-03-128	461-08-005	REP-P	96-10-062	461-08-156	REP	96-15-002
460-16A-015	AMD-P	96-07-065	461-08-005	REP	96-15-002	461-08-157	REP-P	96-10-062
460-16A-015	AMD	96-11-019	461-08-010	REP-P	96-10-062	461-08-157	REP	96-15-002
460-16A-111	PREP	96-03-127	461-08-010	REP	96-15-002	461-08-160	REP-P	96-10-062
460-16A-111	AMD-P	96-07-063	461-08-015	REP-P	96-10-062	461-08-160	REP	96-15-002
460-16A-111	AMD	96-11-020	461-08-015	REP	96-15-002	461-08-167	REP-P	96-10-062
460-16A-120	PREP	96-03-126	461-08-020	REP-P	96-10-062	461-08-167	REP	96-15-002
460-16A-120	AMD-P	96-07-062	461-08-020	REP	96-15-002	461-08-170	REP-P	96-10-062
460-16A-120	AMD	96-11-021	461-08-025	REP-P	96-10-062	461-08-170	REP	96-15-002
460-16A-125	PREP	96-03-125	461-08-025	REP	96-15-002	461-08-174	REP-P	96-10-062
460-16A-125	AMD-P	96-07-055	461-08-030	REP-P	96-10-062	461-08-174	REP	96-15-002
460-16A-125	AMD	96-11-024	461-08-030	REP	96-15-002	461-08-175	REP-P	96-10-062
460-16A-150	PREP	96-03-125	461-08-035	REP-P	96-10-062	461-08-175	REP	96-15-002
460-16A-150	AMD-P	96-07-055	461-08-035	REP	96-15-002	461-08-180	REP-P	96-10-062
460-16A-150	AMD	96-11-024	461-08-040	REP-P	96-10-062	461-08-180	REP	96-15-002
460-16A-205	PREP	96-03-130	461-08-040	REP	96-15-002	461-08-185	REP-P	96-10-062
460-16A-205	AMD-P	96-07-061	461-08-045	REP-P	96-10-062	461-08-185	REP	96-15-002
460-16A-205	AMD	96-11-017	461-08-045	REP	96-15-002	461-08-190	REP-P	96-10-062
460-16A-390	PREP	96-03-129	461-08-047	REP-P	96-10-062	461-08-190	REP	96-15-002
460-16A-390	AMD-P	96-07-057	461-08-047	REP	96-15-002	461-08-195	REP-P	96-10-062
460-16A-390	AMD	96-11-023	461-08-050	REP-P	96-10-062	461-08-195	REP	96-15-002
460-17A	PREP	96-03-120	461-08-050	REP	96-15-002	461-08-205	REP-P	96-10-062
460-17A	AMD-P	96-07-083	461-08-053	REP-P	96-10-062	461-08-205	REP	96-15-002
460-17A	AMD	96-11-027	461-08-053	REP	96-15-002	461-08-210	REP-P	96-10-062
460-17A-010	AMD-P	96-07-083	461-08-055	REP-P	96-10-062	461-08-210	REP	96-15-002
460-17A-010	AMD	96-11-027	461-08-055	REP	96-15-002	461-08-215	REP-P	96-10-062
460-17A-020	AMD-P	96-07-083	461-08-060	REP-P	96-10-062	461-08-215	REP	96-15-002
460-17A-020	AMD	96-11-027	461-08-060	REP	96-15-002	461-08-220	REP-P	96-10-062
460-17A-030	AMD-P	96-07-083	461-08-065	REP-P	96-10-062	461-08-220	REP	96-15-002
460-17A-030	AMD	96-11-027	461-08-065	REP	96-15-002	461-08-220	REP	96-15-002
460-17A-040	AMD-P	96-07-083	461-08-070	REP-P	96-10-062	461-08-221	REP-P	96-10-062
460-17A-040	AMD	96-11-027	461-08-070	REP	96-15-002	461-08-221	REP	96-15-002
460-17A-050	AMD-P	96-07-083	461-08-075	REP-P	96-10-062	461-08-225	REP-P	96-10-062
460-17A-050	AMD	96-11-027	461-08-075	REP	96-15-002	461-08-225	REP	96-15-002
460-17A-060	AMD-P	96-07-083	461-08-080	REP-P	96-10-062	461-08-230	REP-P	96-10-062
460-17A-060	AMD	96-11-027	461-08-080	REP	96-15-002	461-08-230	REP	96-15-002
460-17A-070	AMD-P	96-07-083	461-08-085	REP-P	96-10-062	461-08-235	REP-P	96-10-062
460-17A-070	AMD	96-11-027	461-08-085	REP	96-15-002	461-08-235	REP	96-15-002
460-20B-020	PREP	96-03-117	461-08-085	REP	96-15-002	461-08-237	REP-P	96-10-062
460-20B-020	AMD-P	96-07-059	461-08-090	REP-P	96-10-062	461-08-237	REP	96-15-002
460-20B-035	NEW-S	96-12-018	461-08-090	REP	96-15-002	461-08-240	REP-P	96-10-062
460-20B-035	NEW	96-15-062	461-08-093	REP-P	96-10-062	461-08-240	REP	96-15-002
460-20B-070	PREP	96-03-117	461-08-093	REP	96-15-002	461-08-245	REP-P	96-10-062
460-20B-070	NEW-P	96-07-059	461-08-095	REP-P	96-10-062	461-08-245	REP	96-15-002
460-33A-020	PREP	96-03-124	461-08-095	REP	96-15-002	461-08-250	REP-P	96-10-062
460-33A-020	AMD-P	96-07-056	461-08-100	REP-P	96-10-062	461-08-250	REP	96-15-002
460-33A-020	AMD	96-11-025	461-08-100	REP	96-15-002	461-08-255	REP-P	96-10-062
460-40A-025	PREP	96-03-122	461-08-105	REP-P	96-10-062	461-08-255	REP	96-15-002
460-40A-025	REP-P	96-07-060	461-08-105	REP	96-15-002	461-08-260	REP-P	96-10-062
460-40A-025	REP	96-11-018	461-08-110	REP-P	96-10-062	461-08-260	REP	96-15-002
460-42A-010	PREP	96-03-119	461-08-110	REP	96-15-002	461-08-265	REP-P	96-10-062
460-42A-010	REP-P	96-07-067	461-08-115	REP-P	96-10-062	461-08-265	REP	96-15-002
460-42A-010	REP	96-11-028	461-08-115	REP	96-15-002	461-08-270	REP-P	96-10-062
460-42A-081	AMD-P	96-03-131	461-08-120	REP-P	96-10-062	461-08-270	REP	96-15-002
460-42A-081	AMD	96-11-016	461-08-120	REP	96-15-002	461-08-300	NEW-P	96-10-062
460-44A-503	PREP	96-03-116	461-08-125	REP-P	96-10-062	461-08-300	NEW	96-15-002
460-44A-503	AMD-P	96-12-019	461-08-125	REP	96-15-002	461-08-305	NEW-P	96-10-062
460-44A-503	AMD	96-15-063	461-08-130	REP-P	96-10-062	461-08-305	NEW	96-15-002
460-44A-505	PREP	96-03-116	461-08-130	REP	96-15-002	461-08-310	NEW-P	96-10-062
460-44A-506	PREP	96-03-116	461-08-135	REP-P	96-10-062	461-08-310	NEW-S	96-13-064
460-46A-050	AMD-P	96-03-132	461-08-135	REP	96-15-002	461-08-310	NEW	96-17-017
460-46A-050	AMD	96-11-015	461-08-140	REP-P	96-10-062	461-08-315	NEW-P	96-10-062
460-60A-015	PREP	96-03-123	461-08-140	REP	96-15-002	461-08-315	NEW	96-15-002
460-60A-015	AMD-P	96-07-058	461-08-143	REP-P	96-10-062	461-08-320	NEW-P	96-10-062
460-60A-015	AMD	96-11-022	461-08-143	REP	96-15-002	461-08-320	NEW	96-15-002
460-60A-020	PREP	96-03-123	461-08-144	REP-P	96-10-062	461-08-325	NEW-P	96-10-062
460-60A-020	AMD-P	96-07-058	461-08-144	REP	96-15-002	461-08-325	NEW	96-15-002
460-60A-020	AMD	96-11-022	461-08-145	REP-P	96-10-062	461-08-330	NEW-P	96-10-062
460-60A-020	AMD	96-11-022	461-08-145	REP	96-15-002	461-08-330	NEW	96-15-002

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
461-08-335	NEW-P	96-10-062	461-08-515	NEW	96-15-002	468-105-030	NEW	96-03-107
461-08-335	NEW	96-15-002	461-08-520	NEW-P	96-10-062	468-105-040	NEW	96-03-107
461-08-340	NEW-P	96-10-062	461-08-520	NEW-S	96-13-064	468-105-050	NEW	96-03-107
461-08-340	NEW	96-15-002	461-08-520	NEW	96-17-017	468-105-060	NEW	96-03-107
461-08-345	NEW-P	96-10-062	461-08-525	NEW-P	96-10-062	468-105-070	NEW	96-03-107
461-08-345	NEW	96-15-002	461-08-525	NEW	96-15-002	468-105-080	NEW	96-03-107
461-08-350	NEW-P	96-10-062	461-08-530	NEW-P	96-10-062	468-200-020	NEW	96-02-067
461-08-350	NEW	96-15-002	461-08-530	NEW	96-15-002	468-200-040	NEW	96-02-067
461-08-355	NEW-P	96-10-062	461-08-535	NEW-P	96-10-062	468-200-060	NEW	96-02-067
461-08-355	NEW	96-15-002	461-08-535	NEW	96-15-002	468-200-080	NEW	96-02-067
461-08-360	NEW-P	96-10-062	461-08-540	NEW-P	96-10-062	468-200-100	NEW	96-02-067
461-08-360	NEW	96-15-002	461-08-540	NEW	96-15-002	468-200-110	NEW	96-02-067
461-08-365	NEW-P	96-10-062	461-08-545	NEW-P	96-10-062	468-200-120	NEW	96-02-067
461-08-365	NEW	96-15-002	461-08-545	NEW	96-15-002	468-200-160	NEW	96-02-067
461-08-370	NEW-P	96-10-062	461-08-550	NEW-P	96-10-062	468-200-180	NEW	96-02-067
461-08-370	NEW	96-15-002	461-08-550	NEW	96-15-002	468-200-200	NEW	96-02-067
461-08-375	NEW-P	96-10-062	461-08-555	NEW-P	96-10-062	468-200-220	NEW	96-02-067
461-08-375	NEW	96-15-002	461-08-555	NEW	96-15-002	468-200-230	NEW	96-02-067
461-08-380	NEW-P	96-10-062	461-08-560	NEW-P	96-10-062	468-200-240	NEW	96-02-067
461-08-380	NEW	96-15-002	461-08-560	NEW	96-15-002	468-200-250	NEW	96-02-067
461-08-385	NEW-P	96-10-062	461-08-565	NEW-P	96-10-062	468-200-260	NEW	96-02-067
461-08-385	NEW	96-15-002	461-08-565	NEW	96-15-002	468-200-280	NEW	96-02-067
461-08-390	NEW-P	96-10-062	461-08-570	NEW-P	96-10-062	468-200-300	NEW	96-02-067
461-08-390	NEW	96-15-002	461-08-570	NEW	96-15-002	468-200-320	NEW	96-02-067
461-08-395	NEW-P	96-10-062	461-08-575	NEW-P	96-10-062	468-200-340	NEW	96-02-067
461-08-395	NEW	96-15-002	461-08-575	NEW	96-15-002	468-200-350	NEW	96-02-067
461-08-400	NEW-P	96-10-062	461-08-580	NEW-P	96-10-062	468-200-360	NEW	96-02-067
461-08-400	NEW	96-15-002	461-08-580	NEW	96-15-002	468-210-001	RECOD-P	96-14-024
461-08-405	NEW-P	96-10-062	461-08-585	NEW-P	96-10-062	468-210-001	RECOD	96-17-018
461-08-405	NEW	96-15-002	461-08-585	NEW	96-15-002	468-210-010	RECOD-P	96-14-024
461-08-410	NEW-P	96-10-062	468-06	PREP	96-09-013	468-210-010	RECOD	96-17-018
461-08-410	NEW	96-15-002	468-06-030	AMD-P	96-12-036	468-210-020	RECOD-P	96-14-024
461-08-415	NEW-P	96-10-062	468-06-030	AMD	96-16-004	468-210-020	RECOD	96-17-018
461-08-415	NEW	96-15-002	468-06-040	AMD-P	96-12-036	468-210-030	RECOD-P	96-14-024
461-08-420	NEW-P	96-10-062	468-06-040	AMD	96-16-004	468-210-030	RECOD	96-17-018
461-08-420	NEW	96-15-002	468-06-070	AMD-P	96-12-036	468-210-040	RECOD-P	96-14-024
461-08-425	NEW-P	96-10-062	468-06-070	AMD	96-16-004	468-210-040	RECOD	96-17-018
461-08-425	NEW	96-15-002	468-06-090	AMD-P	96-12-036	468-210-050	RECOD-P	96-14-024
461-08-430	NEW-P	96-10-062	468-06-090	AMD	96-16-004	468-210-050	RECOD	96-17-018
461-08-430	NEW	96-15-002	468-38-120	PREP	96-11-009	468-220-010	RECOD-P	96-14-024
461-08-435	NEW-P	96-10-062	468-38-120	AMD-P	96-15-018	468-220-010	RECOD	96-17-018
461-08-435	NEW	96-15-002	468-38-120	AMD	96-18-053	468-230-050	RECOD-P	96-14-024
461-08-440	NEW-P	96-10-062	468-66	PREP	96-06-022	468-230-050	RECOD	96-17-018
461-08-440	NEW	96-15-002	468-66-010	AMD-P	96-10-007	468-240-002	RECOD-P	96-14-024
461-08-445	NEW-P	96-10-062	468-66-010	AMD	96-13-007	468-240-002	RECOD	96-17-018
461-08-445	NEW	96-15-002	468-66-080	AMD	96-03-031	468-240-005	RECOD-P	96-14-024
461-08-450	NEW-P	96-10-062	468-86-010	NEW-W	96-05-032	468-240-005	RECOD	96-17-018
461-08-450	NEW	96-15-002	468-86-020	NEW-W	96-05-032	468-240-025	RECOD-P	96-14-024
461-08-455	NEW-P	96-10-062	468-86-030	NEW-W	96-05-032	468-240-025	RECOD	96-17-018
461-08-455	NEW	96-15-002	468-86-040	NEW-W	96-05-032	468-240-030	RECOD-P	96-14-024
461-08-460	NEW-P	96-10-062	468-86-050	NEW-W	96-05-032	468-240-030	RECOD	96-17-018
461-08-460	NEW	96-15-002	468-86-060	NEW-W	96-05-032	468-240-035	RECOD-P	96-14-024
461-08-465	NEW-P	96-10-062	468-86-070	NEW-W	96-05-032	468-240-035	RECOD	96-17-018
461-08-465	NEW	96-15-002	468-86-080	NEW-W	96-05-032	468-240-040	RECOD-P	96-14-024
461-08-470	NEW-P	96-10-062	468-86-090	NEW-W	96-05-032	468-240-040	RECOD	96-17-018
461-08-470	NEW	96-15-002	468-86-100	NEW-W	96-05-032	468-240-045	RECOD-P	96-14-024
461-08-475	NEW-P	96-10-062	468-86-110	NEW-W	96-05-032	468-240-045	RECOD	96-17-018
461-08-475	NEW	96-15-002	468-86-120	NEW-W	96-05-032	468-240-050	RECOD-P	96-14-024
461-08-480	NEW-P	96-10-062	468-86-130	NEW-W	96-05-032	468-240-050	RECOD	96-17-018
461-08-480	NEW	96-15-002	468-86-140	NEW-W	96-05-032	468-240-105	RECOD-P	96-14-024
461-08-485	NEW-P	96-10-062	468-86-150	NEW-W	96-05-032	468-240-105	RECOD	96-17-018
461-08-485	NEW	96-15-002	468-86-160	NEW-W	96-05-032	468-240-110	RECOD-P	96-14-024
461-08-490	NEW-P	96-10-062	468-86-170	NEW-W	96-05-032	468-240-110	RECOD	96-17-018
461-08-490	NEW	96-15-002	468-86-180	NEW-W	96-05-032	468-240-115	RECOD-P	96-14-024
461-08-495	NEW-P	96-10-062	468-86-190	NEW-W	96-05-032	468-240-115	RECOD	96-17-018
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