

Washington State Register

May 17, 2000

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CITATION

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

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) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 2000 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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John G. Schultz
Chair, Statute Law Committee

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Code Reviser

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Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **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.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. 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].

1999 - 2000

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 24, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 8, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 21, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 5, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 19, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Nov 2, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 23, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 7, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 21, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 4, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 19, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Feb 1, 00
00 - 01	Nov 24, 99	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 25, 00	Feb 23, 00
00 - 02	Dec 8, 99	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 8, 00	Mar 7, 00
00 - 03	Dec 22, 99	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 22, 00	Mar 21, 00
00 - 04	Jan 5, 00	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 7, 00	Apr 4, 00
00 - 05	Jan 19, 00	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 21, 00	Apr 18, 00
00 - 06	Feb 2, 00	Feb 16, 00	Mar 1, 00	Mar 15, 00	Apr 4, 00	May 2, 00
00 - 07	Feb 23, 00	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 25, 00	May 23, 00
00 - 08	Mar 8, 00	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 9, 00	Jun 6, 00
00 - 09	Mar 22, 00	Apr 5, 00	Apr 19, 00	May 3, 00	May 23, 00	Jun 20, 00
00 - 10	Apr 5, 00	Apr 19, 00	May 3, 00	May 17, 00	Jun 6, 00	Jul 5, 00
00 - 11	Apr 26, 00	May 10, 00	May 24, 00	Jun 7, 00	Jun 27, 00	Jul 25, 00
00 - 12	May 10, 00	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 11, 00	Aug 8, 00
00 - 13	May 24, 00	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 25, 00	Aug 22, 00
00 - 14	Jun 7, 00	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 8, 00	Sep 6, 00
00 - 15	Jun 21, 00	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 22, 00	Sep 19, 00
00 - 16	Jul 5, 00	Jul 19, 00	Aug 2, 00	Aug 16, 00	Sep 5, 00	Oct 3, 00
00 - 17	Jul 26, 00	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 26, 00	Oct 24, 00
00 - 18	Aug 9, 00	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 10, 00	Nov 7, 00
00 - 19	Aug 23, 00	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 24, 00	Nov 21, 00
00 - 20	Sep 6, 00	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 7, 00	Dec 5, 00
00 - 21	Sep 20, 00	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 21, 00	Dec 19, 00
00 - 22	Oct 4, 00	Oct 18, 00	Nov 1, 00	Nov 15, 00	Dec 5, 00	Jan 3, 01
00 - 23	Oct 25, 00	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 26, 00	Jan 23, 01
00 - 24	Nov 8, 00	Nov 22, 00	Dec 6, 00	Dec 20, 00	Jan 9, 01	Feb 6, 01

¹ 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.

² 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.

³ 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.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

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;

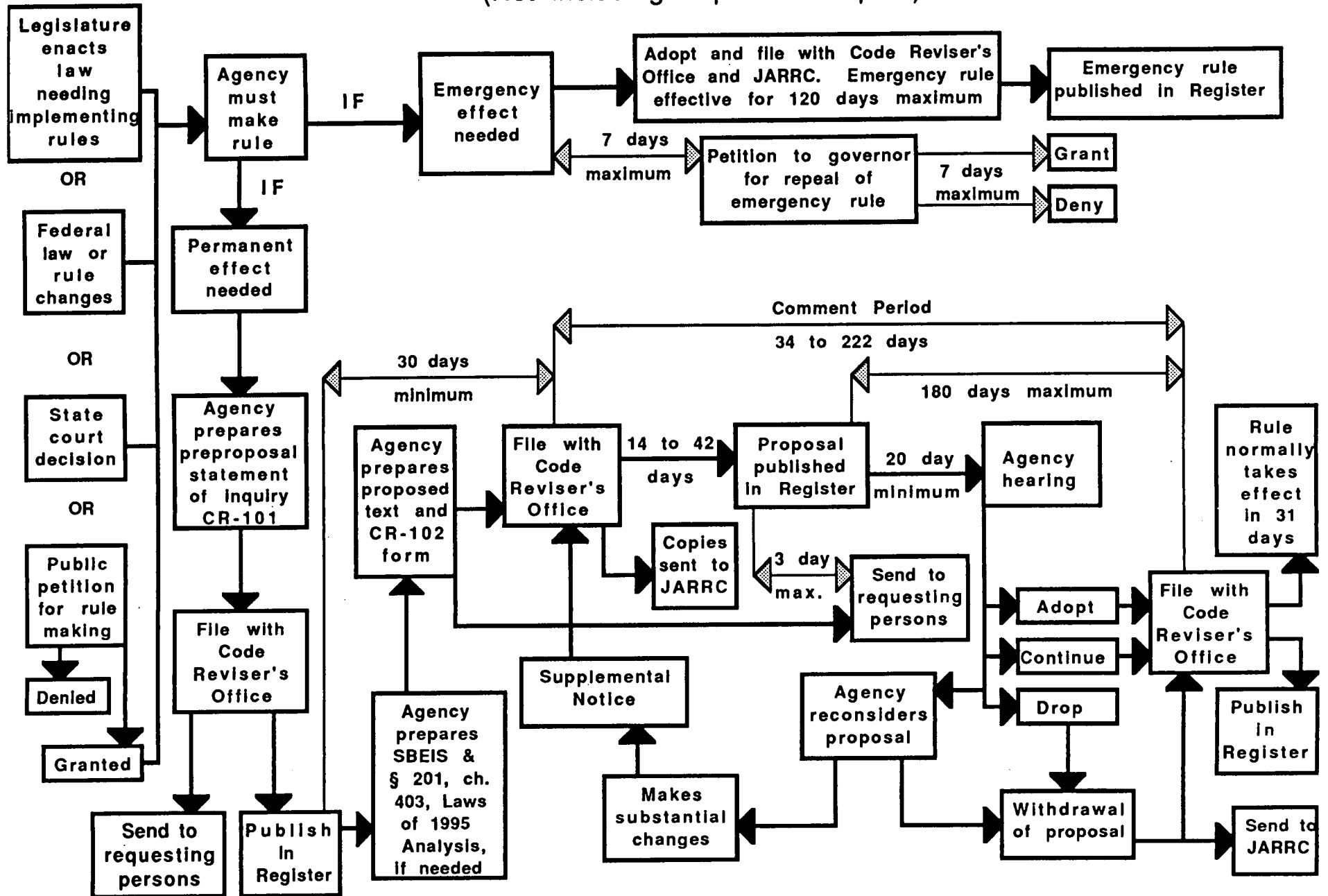
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 00-10-002**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF BOILER RULES**

[Filed April 20, 2000, 12:49 p.m.]

Subject of Possible Rule Making: Boilers and unfired pressure vessels law, WAC 296-104-010, 296-104-102, 296-104-180 - 296-104-249, 296-104-265, 296-104-502, 296-104-700, and 296-104-701.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.79.030 and 70.79.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with actions taken by the Board of Boiler Rules to clarify and update current rules using clear rule writing.

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

Process for Developing New Rule: Board of Boiler Rules study of existing rules for consistency with nationally accepted codes and standards, clarification, and clear rule writing incorporating suggestions and comments from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dick Barkdoll, Chief Boiler Inspector, Secretary to the Board of Boiler Rules, P.O. Box 44410, Olympia, WA 98504-4410, (360) 902-5270, fax (360) 902-5272. Board of Boiler Rules regular meeting, May 16, 2000, at 10:00 a.m., Labor and Industries Building, 7273 Linderson Way S.W., Tumwater. Public Hearing, September 19, 2000, 10:00 a.m., Labor and Industries Building, 7273 Linderson Way S.W., Tumwater.

April 20, 2000
Frank Sanchez
Chair

WSR 00-10-029**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed April 24, 2000, 2:37 p.m.]

Subject of Possible Rule Making: Chapter 308-320 WAC, Commercial telephone solicitation, specifically, WAC 308-320-010 through 308-320-090.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.158.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The nine rule sections identified above are being reviewed to determine if they are still required, if they still contain accurate information, and if they are effective and easily understood. All interested parties are invited to comment on these rules. The findings from this review may indicate some of these rules need to be amended or repealed. Any subsequent rule making is intended to simplify, improve, and bring these rules up-to-date.

Process for Developing New Rule: Agency study; and public comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. All interested parties may present their views and comments. To have your comments considered in the review process please submit them in time to be received no later than June 15, 2000. Comments may be submitted in writing, by fax, by telephone, or e-mail, and should be addressed to ATTN: Clyde Zahn, Department of Licensing, P.O. Box 9034, Olympia, WA 98507-9034, phone (360) 664-1447, fax (360) 753-9668, e-mail czahn@dol.wa.gov.

April 20, 2000
Nancy A. Skewis
Administrator
Master License Service

WSR 00-10-030**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed April 24, 2000, 3:25 p.m.]

Subject of Possible Rule Making: WAC 388-478-0026 Excluded resources for family medical programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment is necessary to implement HB 2686.

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45534, Olympia, Washington 98504-5534, phone (360) 725-1330, fax (360) 664-0910, TDD 1-800-848-5429, e-mail SCOTSJK@DSHS.WA.GOV.

April 24, 2000
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-10-031

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Assistance Programs)

[Filed April 24, 2000, 3:26 p.m.]

Subject of Possible Rule Making: Correct inadvertent omissions in chapter 388-450 WAC and rules related to income for cash, medical, and food assistance benefits. Amend income rules to reflect changes in program policy. Simplify income rules by making rules more consistent across program lines. This may require the addition of new rules and a new chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.04.510, HB 2686 filed March 30, 2000.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current income chapter does not contain adequate information to allow people to quickly find rules that impact a client's eligibility and benefit level and rules for income are not consistent across program lines. HB 2686 allows the department to change some of the income rules to be more consistent across program lines. By revising this chapter and updating the program policy, we will allow interested parties to find the rules related to income and apply the correct criteria.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture (USDA), Food and Nutrition Services. The department will be using the Code of Federal Regulations, policy memos, and administrative notices from USDA, Food and Nutrition Services to ensure the rules meet federal requirements.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making. A copy of the draft will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Program Manager, Division of Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

April 20, 2000

Marie Myerchin-Redifer
Manager

WSR 00-10-032

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed April 24, 2000, 3:28 p.m.]

Subject of Possible Rule Making: Medical Assistance Administration (MAA) is considering amending WAC 388-501-0050 to explain how MAA determines if a service or equipment is covered or noncovered, and the conditions that may be placed on coverage, such as prior authorization, expedited prior authorization and/or service limitations. MAA will also amend rules pertaining to specific programs to reference this general rule rather than duplicate the information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The terms covered and non-covered are used throughout MAA WACs. MAA will consolidate information and include a general description of a new, expedited prior authorization process that can be used for some services and equipment. MAA will also eliminate duplication in existing MAA rules.

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 department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Saeger, Regulatory Improvement Manager, Medical Assistance Administration, Olympia, WA 98504-5530, phone (360) 725-2315, fax (360) 586-9727, TTY 1-800-848-5429, e-mail saegell@dshs.wa.gov.

April 19, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-10-043

**PREPROPOSAL STATEMENT OF INQUIRY
CLARK COLLEGE**

[Filed April 26, 2000, 9:02 a.m.]

Subject of Possible Rule Making: Chapter 132N-156 WAC, Parking and traffic rules and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To revise and update parking and traffic rules and regulations.

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 Tony Birch, Vice-President for Administrative Services, Clark College, 1800 East McLoughlin Boulevard, Vancouver, WA 98663, phone (360) 992-2123, fax (360) 992-2884.

April 20, 2000
Tana L. Hasart
President

WSR 00-10-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 26, 2000, 10:18 a.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, General occupational health standards; chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals; chapter 296-79 WAC, Safety standards for pulp, paper, and paperboard mills and converters; and chapter 296-305 WAC, Safety standards for fire-fighters.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is proposing to clarify and amend requirements relating to hazardous waste operations and emergency response to be as effective as OSHA. Also, this rule making will address changes that were identified in the August 1997 rule review plan and incorporate necessary policy into rule as required by the Governor's Executive Order on Regulatory Improvement (97-02).

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

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individuals listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael McCauley, Project Manager, phone (360) 902-5779, fax (360) 902-5529, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620.

April 26, 2000
Gary Moore
Director

WSR 00-10-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 26, 2000, 10:19 a.m.]

Subject of Possible Rule Making: Chapter 296-24 WAC, General safety and health standards: Part E, Hazardous Materials, Flammable and Combustible Liquids, Spray Finishing, Dip Tanks; chapter 296-62 WAC, General occupational health standards: Part L, Atmospheres, Ventilation, Emergency Washing; and chapter 296-307 WAC, Safety standards for agriculture: Part U-3—Other hazardous materials (specifically WAC 296-307-450).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Introduce OSHA clearly written rules, with no change in requirements, pertaining to dip and coating tank operations.

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

Process for Developing New Rule: Questions, suggestions or comments should be addressed to the project manager, identified below. All interested parties may provide written comments, or oral testimony, during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Hughes, Project Manager, phone (360) 902-4504, fax (360) 902-5529, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620.

April 26, 2000
Gary Moore
Director

WSR 00-10-056
PREPROPOSAL STATEMENT OF INQUIRY
MILITARY DEPARTMENT

[Filed April 28, 2000, 9:03 a.m.]

Subject of Possible Rule Making: Minimum information requirements of automatic location identification for the purposes of enhanced 911 emergency service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 38.52.505 and 43.43.934.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Time to respond is critical in many emergency situations. The location information delivered to a public safety answering point as part of the enhanced 911 system capabilities is frequently a key element in directing response to the caller's location. The degree of accuracy necessary to adequately direct response is dependent on a number of factors that are impacted by local responder capabilities as well as the design of the facility in

which the caller is located. Rules are necessary to both permit the local responding agency to establish what location information is needed and to permit private telephone system owners to demonstrate that they are in compliance with local requirements. Rules will avoid unnecessary expense on the part of private telephone system owners while assuring that response will not be compromised by the delivery of inadequate location information through the enhanced 911 system.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject. The rule making provision for the Military Department requires that the Fire Protection Policy Board of the Fire Protection Bureau of Washington State Patrol recommend the provisions to be adopted by the adjutant general.

Process for Developing New Rule: Agency study; and recommendation from Fire Protection Policy Board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication.

Technical Contact: Bob Oenning, phone (253) 512-7011, fax (253) 512-7202, e-mail b.oenning@emd.wa.gov.

Legislative Contact: Linda Burton-Ramsey, phone (253) 512-7950, fax (253) 512-8497.

Proposed rule will be reviewed by the State-wide Enhanced 911 Advisory Committee prior to public hearings and will be published on the Military Department Emergency Management web page at 'access.wa.gov'.

April 20, 2000
Timothy J. Lowenberg
Major General
The Adjutant General
Director

WSR 00-10-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)
[Filed April 28, 2000, 3:26 p.m.]

Subject of Possible Rule Making: License fees for child day care homes, WAC 440-44-026.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20B.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Fees from licensed child day care centers go to the general fund. WAC 440-44-026 which governs fees needs to be reexamined because of regulatory reform.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS is responsible for fee collection.

Process for Developing New Rule: Collaborative community rule making with stakeholders. Stakeholders include the resource and referral, State Family Child Care Association, providers and licensors. DSHS welcomes the public to

take part in developing the rule(s). Anyone interested in participating should contact the staff person indicated below. After the rule(s) is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Edwards-Hill at edle300@dshs.wa.gov or (360) 902-8041, fax (360) 902-7588, P.O. Box 45700, Olympia, WA 98504.

April 28, 2000
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-10-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)
[Filed April 28, 2000, 3:27 p.m.]

Subject of Possible Rule Making: WAC 440-44-025 Fees for licensed child care centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20B.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The WACs for fees need to be reviewed and incorporated into the WAC for centers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health, Washington State Patrol, Fire Marshal's Office.

Process for Developing New Rule: Collaborative rule making, stakeholders, resource and referral, center directors, center licensors, Department of Health. DSHS welcomes the public to take part in developing the rule(s). Anyone interested in participating should contact the staff person indicated below. After the rule(s) is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Edwards-Hill at edle300@dshs.wa.gov or (360) 902-8041, fax (360) 902-7588, P.O. Box 45700, Olympia, WA 98504.

April 28, 2000
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-10-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Juvenile Rehabilitation Administration)
 [Filed April 28, 2000, 3:29 p.m.]

Subject of Possible Rule Making: Parole revocation due process procedures for youth detained out of state pending a return to Washington for the purpose of suspending parole.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090, 72.05.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule does not distinguish detention in state and out of state. The term detention is used to describe the period of time that a parole absconder is incarcerated prior to the completion of the due process required for revocation. It is not possible to meet the timelines for due process if the offender is not in our custody in Washington. Therefore it is not possible to complete a revocation on a youth when the youth is out of state without distinguishing detention as being in Washington state. This rule change is for making that distinction.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Administrative Law Judges.

Process for Developing New Rule: Negotiated rule making, DSHS welcomes the public to take part in developing this rule. Anyone interested in participating should contact the staff person indicated below. After the rule is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and any one else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeff Patnode, Juvenile Rehabilitation Administration, 14th and Jefferson Street, P.O. Box 45725, Olympia, WA 98504-5720, (360) 902-8095, fax (360) 902-8108, TTY (360) 902-7862, e-mail patnoja@dshs.wa.gov.

April 26, 2000
 Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

WSR 00-10-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 1, 2000, 4:23 p.m.]

Subject of Possible Rule Making: Ballast water management.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title 77 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Nonindigenous species introduced into Washington waters via ballast water from shipping vessels have the potential to cause economic and

environmental damage. To monitor the effectiveness of management efforts vessels must report management information to the department, and ballast water must be sampled and tested.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Coast Guard (USCG) currently has a voluntary ballast water management program in place. The department intends to use forms and procedures acceptable to the USCG.

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. Representatives of the shipping community will be involved in the rule-making process.

Agency Contact: Scott S. Smith, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2724. Contact by July 3, 2000. Expected proposal filing July 5, 2000.

May 1, 2000
 Evan Jacoby
 Rules Coordinator

WSR 00-10-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 1, 2000, 4:26 p.m.]

Subject of Possible Rule Making: Falconry; waterfowl decoys; equipment restrictions; nontoxic shot; game reserves and waterfowl closures; migratory waterfowl seasons and regulations; big game hunting seasons, permits, and regulations; turkey permits and regulations; small game seasons and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040 and 77.12.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish rules for incidental take for falcons; provide recreational opportunity; and wildlife conservation.

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, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2504, fax (360) 902-2162.

May 1, 2000
 Evan Jacoby
 Rules Coordinator

WSR 00-10-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 2, 2000, 11:02 a.m.]

Subject of Possible Rule Making: Trapping seasons and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040 and 77.12.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide trapping opportunity.

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, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2504, fax (360) 902-2162.

May 2, 2000
Evan Jacoby
Rules Coordinator

WSR 00-10-101
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Order 00-01—Filed May 3, 2000, 9:36 a.m.]

Subject of Possible Rule Making: Consolidation of PEBB and basic health appeal procedures under chapter 182-16 WAC. Amendments to basic health WAC 182-25-100 and repealing of WAC 182-25-105 and 182-25-110.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160 and 70.47.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is proposing to amend its rules dealing with member appeals in order to streamline and standardize the appeals process across all Health Care Authority (HCA) programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Insurance Commissioner (IC), 2SSB 6199, chapter 5, Laws of 2000. The HCA will monitor IC requirements to ensure there is no conflict.

Process for Developing New Rule: Stakeholder mailings and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy McCord, R.N., Health Care Authority, 676 Woodland Square Loop S.E., P.O. Box 42684, Olympia, WA 98504-2684, phone (360) 923-2626, fax (360) 923-2608.

May 3, 2000
Melodie H. Bankers
Rules Coordinator

WSR 00-10-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed May 3, 2000, 9:43 a.m.]

Subject of Possible Rule Making: Chapter 208-680 WAC, Escrow Agency Registration Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.44.410.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 18.44 RCW was extensively amended in 1999 and these rules are needed to bring the WAC in conformance with the amendments made to the statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency regulated the activities of escrow agents in the state of Washington.

Process for Developing New Rule: The Department of Financial Institutions encouraged participation by holding extensive meetings with the Escrow Commission and the Escrow Association of Washington prior to this filing and will continue to work with both groups and the public as these rules go forward.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Thomson, Assistant Director of Consumer Services and Administration, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8787, mthomson@dfi.wa.gov.

May 3, 2000
Mark Thomson
Assistant Director

WSR 00-10-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed May 3, 2000, 10:21 a.m.]

Subject of Possible Rule Making: Chapter 16-212 WAC, WSDA grain inspection program—Fee schedule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 22.09 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To explore whether the current definition of "official commercial" will meet an emerging industry need. Recent industry inquiries relative to the potential application of this rule requires a determination of whether additional definition and fees need to be developed in order to better serve the industry.

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

Process for Developing New Rule: [No information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Randall R. Deike, Grain Inspection Program Manager, Commodity Inspection Division, Washington State Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1921, fax (360) 902-2085, e-mail rdeike@agr.wa.gov.

May 3, 2000
Robert W. Gore
Assistant Director
Commodity Inspection Division

WSR 00-10-105

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Filed May 3, 2000, 10:51 a.m.]

Subject of Possible Rule Making: WAC 326-30-041 Annual goals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.19.030(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent changes in state law expressly prohibit discrimination based on race or gender in public contracting unless it is prerequisite for federal funding. Recent changes in federal regulations reaffirm requirements to maintain a minority and women's business enterprise program to ensure continued federal funding assistance. Studies of the state's contracting and procurement in fiscal years 1994-96 and 1997-98 indicate that there are disparities between the participation of businesses owned by white males and that of businesses owned by minorities and/or women. Specifically, businesses owned by white males are over utilized in most categories of activity reviewed, given their percentage in the pool of businesses available to the state. Further, the study indicates the underutilization of businesses owned by minorities and women is statistically significant and cannot be attributed to chance.

Pursuant to RCW 39.19.030(4), the office establishes overall goals annually for the participation of qualified minority and women-owned businesses in state contracting and procurement. For fiscal year 2000, the office is considering the establishment of overall annual goals by race and gender. These goals would not be contract-specific and implementation would be designed to emphasize nondiscrimination rather than goal attainment. Other changes under consideration include, but are not limited to, further delineation of classes of contract, goals by geographic region (Eastern and Western Washington) and goals for direct and indirect contracting (prime and subcontracting).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office is meeting with representatives of the United States Department of Transportation, the Environmental Protection Agency and the United States Small Business Administration to ensure the state remains in compliance as it restructures its program.

Process for Developing New Rule: Comments from the affected business communities and state organizations will be solicited directly.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juan Huey-Ray, Rules Coordinator, Office of Minority and Women's Business Enterprises, P.O. Box 41160, Olympia, WA 98504-1160, phone (360) 704-1188, fax (360) 586-7079. All comments must be received by July 25, 2000.

May 1, 2000
Juan Huey-Ray
Acting Director

WSR 00-10-108

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 3, 2000, 11:21 a.m.]

Subject of Possible Rule Making: Chapter 16-573 WAC, Canola and Rapeseed Commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.60.050 [15.65.050], 15.65.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The director of the Department of Agriculture has the regulatory authority, chapter 16-570 WAC, on the production of rapeseed by variety and geographic location until a rapeseed commission is formed. The Washington Canola and Rapeseed Commission, chapter 16-573 WAC was formed June 1, 1998. This rule is necessary to transfer the regulatory authority from the director of agriculture to the board of the Canola and Rapeseed 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: Adoption of this rule will be accomplished according to procedures in chapter 15.65 RCW, Washington State Agriculture Enabling Act of 1961, which includes meeting with interested parties and a public hearing. The procedures may also include a referendum vote of the affected producers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Agricultural Programs Administrator, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, fax (360) 902-2092.

May 2, 2000
R. W. Gore
for William E. Brookreson
Deputy Director

WSR 00-10-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed May 3, 2000, 11:22 a.m.]

Subject of Possible Rule Making: Repeal entire chapter 16-570 WAC, Rapeseed production and establishment of districts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.65.050, 15.65.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The director of the Department of Agriculture has the authority under chapter 16-570 WAC to regulate the production of rapeseed by variety and geographic location until a rapeseed commission is formed. The Washington Canola and Rapeseed Commission, chapter 16-573 WAC was formed June 1, 1998. RCW 15.65.055 authorizes the transfer of authority to regulate production and variety by geographical location from the director of agriculture to the board of the Canola and Rapeseed Commission. This rule will no longer be necessary.

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 Washington Department of Agriculture will meet with interested parties and industry to discuss the proposal. Comments can also be made through mail and fax.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Agricultural Programs Administrator, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, fax (360) 902-2092.

May 2, 2000
 R. W. Gore
 for William E. Brookreson
 Deputy Director

WSR 00-10-110
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 3, 2000, 11:32 a.m.]

Subject of Possible Rule Making: Chiropractic, WAC 246-808-105 Chiropractic licensure—Initial eligibility and application requirements, 246-808-115 Examinations, 246-808-120 Chiropractic examination scores, and 246-808-135 Licensure by endorsement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.0171 Commission—Duties and powers—Compensation—Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Allows chiropractic applicants to take one national examination and be qualified to practice in forty-eight states. Eliminates administering Washington state chiropractic practical examination. National examinations are administered on the chiropractic

college campus eliminating applicant's time commitment, travel costs and makes the examination more accessible. Allows licenses to be issued within thirty days compared to several months.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Connie M. Glasgow, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4871, fax (360) 753-0657.

April 28, 2000
 Gail Zimmerman
 Executive Director

WSR 00-10-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 3, 2000, 11:34 a.m.]

Subject of Possible Rule Making: The standards for licensing and verifying air ambulance services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.73.081 Duties of secretary—Minimum requirements to be prescribed, 18.73.140 Ambulance and aid vehicles—Licenses.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under RCW 18.73.140 and WAC 246-976-320 and 246-976-390, the Department of Health, Office of Emergency Medical and Trauma Prevention (OEMTP) licenses and verifies all air ambulance services to provide trauma care in the state of Washington. The department is considering whether air ambulance services should be accredited by the Commission on Accreditation of Medical Transport Services (CAMTS) before they are licensed and/or verified. Accreditation will ensure public safety and conformity between Washington air ambulance standards and the current national standards.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department initially heard testimony on air ambulances ambulance standards as part of another recently adopted rule change for the emergency medical services and trauma rules (proposed under WSR 00-07-075B [00-03-075], and filed with the code reviser on January 19, 2000). These standards were pulled out of that process for additional study as a result of testimony received at the February 23, 2000, rules hearing. Based on extensive research since that time, the department is reconsidering including the language initially proposed within the EMS and trauma rules.

In the previous rules process several statutory and other EMS and Trauma Care Committees participated in the drafting and reviewing of the proposed rule changes. These committees include: The Steering Committee for EMS and Trauma, Licensing and Certification Committee, EMS Education Committee, Hospital, Pediatric, Rehabilitation and Data Technical Advisory Committees. Members of the above listed committees represent such associations as the Washington State Fire Commissioner's Association, Washington Ambulance Association, Washington State Fire-fighter's Association, Washington State Hospital Association, American College of Surgeons, Emergency Nurse's Association, Law Enforcement—Washington, Association of Neurological Surgeons, Washington State Medical Association Standards Committee, the public sector and the citizens of Washington state. All of these committees agreed that all air ambulance services in Washington state should be accredited by CAMTS before they apply to become licensed and/or verified. Having completed that research and confirmed that CAMTS is the only qualified accrediting organization, we are resubmitting this proposed rule change.

Any questions or concerns regarding air ambulance services (WAC 246-976-320) rules or the verification of air ambulance services (WAC 246-976-390) should contact Janet Griffith, Director, Office of Emergency Medical and Trauma Prevention at P.O. Box 47853, Olympia, WA 98504-7853, phone (360) 705-6745, or fax (360) 705-6706.

May 2, 2000
M. C. Selecky
Secretary

WSR 00-10-112

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed May 3, 2000, 11:37 a.m.]

Subject of Possible Rule Making: Revision of water works operator certification regulation, chapter 246-292 WAC to satisfy the federal Environmental Protection Agency (EPA) guidelines (Federal Register, Vol. 64, No. 24), to implement legislative direction in state statute (chapter 70.119 RCW) and to be consistent with other drinking water regulations (chapter 246-290 WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.119 RCW; federal guidance to states for operator certification programs (Federal Register, Vol. 64, No. 24, February 5, 1999, Notices, Part III); and the Safe Drinking Water Act (SDWA) Amendments of 1996 (Public Law 104-182).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The requirements for certified operator are expanded to include all Group A community and nontransient noncommunity (NTNC) public water systems to satisfy EPA guidelines. EPA, which is responsible for the SDWA, requires that the federal guidelines be incorporated into state regulations, be enforceable and the expanded program implemented. The public health objectives of the federal guidelines for this rule are to ensure that:

(1) Customers of Group A community and NTNC public water systems be provided with an adequate supply of safe, potable drinking water; (2) consumers are confident that their water is safe to drink; and (3) public water system operators are trained and certified and that they have knowledge and understanding of the public health reasons for drinking water standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Environmental Protection Agency (EPA); direct involvement includes review by EPA of existing regulation and proposed regulation; EPA's participation with the division's advisory committees; and review by EPA of a primacy revision application and crosswalk checklist to be completed prior to final federal approval of program.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. During the rule development and adoption process, stakeholders will be involved through the division's water works operator certification and water supply advisory committees. The draft rule will also be announced in the division's quarterly newsletter and through a direct mailing to all affected and/or interested parties. The draft rule will be distributed upon request and made available through the division's homepage on the Internet. Stakeholder participation has included: The division's advisory committees' program direction recommendations and discussion of proposed revisions to regulations; written notification to all impacted parties; stakeholder involvement through other representative groups, including extensive workshop and conference presentations regarding proposed program changes and impacts.

For more information contact Lisa Raysby, Operator Certification Rule Development Coordinator, (360) 236-3147 or Cheryl Bergener, Operator Certification Program Manager, 1-800-521-0323, Drinking Water Division, P.O. Box 47822, Olympia, WA 98504-7822, fax (360) 236-2253.

May 2, 2000
M. C. Selecky
Secretary

WSR 00-10-115

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed May 3, 2000, 11:44 a.m.]

Subject of Possible Rule Making: WAC 458-20-238 Sales of watercraft to nonresidents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule explains the retail sales tax exemptions provided by RCW 82.08.0266 and 82.08.02665 for sales of watercraft to nonresidents. It also explains the use tax exemptions provided to nonresidents using watercraft in Washington by RCW 82.12.0251. The department has adopted the vessel registration requirements

standards administered by the Department of Licensing for the purpose of determining the eligibility of nonresidents to claim the use tax exemption available for the "temporary" use of vessels within Washington. Amendment of this rule is necessary to incorporate chapter 83, Laws of 1997 (as modified by chapter 198, Laws of 1998) which extended the length of time nonresident individuals can use a vessel in Washington without having to register the vessel.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to D. Douglas Titus, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6112, fax (360) 664-0693.

Date and Location of Public Meeting: On June 6, 2000, at 1:30 p.m., Capitol Plaza Building, 4th Floor, #400, Large Conference Room, 1025 Union Avenue, Olympia, WA.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date TDD 1-800-451-7985, or (360) 586-0721.

May 3, 2000
 Claire Hesselholt
 Rules Manager
 Legislation and Policy Division

- Make clarifying and housekeeping changes;
- Address current policies relating to low voltage exemptions, automatic door openers, traffic signal and roadway illumination systems, and additional scope of work interpretations of electrical specialties - incorporate and/or eliminate these policies as directed by the Governor's Executive Order (97-02) on Regulatory Improvement; and
- Make several other amendments, including changes to the carnival rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This subject is solely regulated by the Department of Labor and Industries. No other state or federal agencies are involved.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individuals listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Swanson, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov, Department of Labor and Industries, Speciality Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400.

May 3, 2000
 Gary Moore
 Director

WSR 00-10-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 3, 2000, 11:51 a.m.]

Subject of Possible Rule Making: Chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative; chapter 296-401A WAC, Certification of competency for journeyman electricians; and chapter 296-403 WAC, Amusement rides or structures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.28.060, 67.42.050, and 2SSB 5802 (chapter 238, Laws of 2000).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule is to:

- Establish a new regulatory framework for telecommunications as a result of legislation that passed the legislature this session and was signed into law (2SSB 5802);
- Permanently adopt the HVAC/refrigeration emergency amendments of March 1, 2000;
- Apply clear rule writing principles to the rules;

NO EXPEDITED REPEALS FILED IN THIS ISSUE

EXPEDITED REPEAL



WSR 00-10-004
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION
 [Filed April 20, 2000, 3:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-049.

Title of Rule: Existing uses (350-80-070).

Purpose: To include natural disasters as a basis for replacement of structures.

Statutory Authority for Adoption: Chapter 43.97 RCW.

Summary: This rule defines types of structures to be considered "existing" prior to the management plan for the purpose of reconstruction.

Reasons Supporting Proposal: Mandated by scenic area management plan.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brian Litt, White Salmon, Washington, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To expand and clarify types of structures to be considered existing before the management plan for the purpose of replacement.

Proposal Changes the Following Existing Rules: As above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: The Discovery Center, 5000 Discovery Drive, The Dalles, OR, on June 13, 2000, at 9:45 a.m.

Assistance for Persons with Disabilities: Contact by phone, (509) 493-3323.

Submit Written Comments to: Fax (509) 493-2229, by June 13, 2000.

Date of Intended Adoption: June 13, 2000.

April 17, 2000

Robert K. McIntyre
 Administrative Assistant

AMENDATORY SECTION

350-80-070. Existing Uses.

Except as otherwise provided below, existing uses in the Scenic Area may continue, notwithstanding the provisions of Commission Rule 350-80.

(1) Except as otherwise provided, any use or structure existing on the effective date of the Management Plan, may continue so long as it is used in the same manner and for the same purpose as on that date.

(2) Any use or structure damaged or destroyed by fire disaster or an emergency event shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within ~~1-year~~ 2 years. Such uses

shall be subject to compliance with guidelines for protection of scenic resources involving color, reflectivity, and landscaping. Replacement of an existing use or structure, including those damaged or destroyed by disaster or an emergency event, by a use or structure different in purpose, size or scope the same type of use or structure in a different location or with a different size shall be subject to the policies and guidelines in the Management Plan to minimize adverse effects on scenic, cultural, natural and recreation resources.

The applicant shall be responsible for providing necessary information to demonstrate that the replacement structure is in-kind as defined by guideline .040(71). This may include photos and building plans.

(3) Replacement or reestablishment of a use or structure discontinued for more than one year shall be subject to Commission Rule 350-80. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location. This includes replacing an existing mobile home with a framed residence.

(4) In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the dedicated site, subject to Commission Rule 350-80-520 through 350-80-620 to minimize adverse effects on scenic, cultural, natural and recreation resources. Expansion beyond the dedicated site is prohibited. Commercial uses discontinued for 1 year or more shall no longer be considered as an existing use and shall no longer be permitted, in accordance with the provisions this rule.

(5) Existing industrial uses in the General Management Area may expand as necessary for successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

(6) In the General Management Area, existing industrial uses may convert to less intensive uses. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.

(7) In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to Commission Rule 350-80 if any of the following conditions exist:

(a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation.

(b) The site has not maintained a required state permit.

(c) The site has not operated legally within 5 years before the date of adoption of the Management Plan.

(8) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue when:

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(a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Area.

(b) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.

(9) Except as otherwise provided, whether a use has a vested right to continue will be determined by the law on vested rights in the appropriate state.

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 00-10-005
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed April 20, 2000, 3:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-049.

Title of Rule: Review uses—Residential land (350-80-370).

Purpose: Explains uses allowed on lands in the GMA in Klickitat County.

Statutory Authority for Adoption: Chapter 43.97 RCW.

Summary: Additions to uses on land in the GMA-Klickitat County.

Reasons Supporting Proposal: Change mandated by the scenic area management plan.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brian Litt, 288 East Jewett, White Salmon, WA, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The change adds uses allowed under the general management area.

Proposal Changes the Following Existing Rules: Stated above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: The Discovery Center, 5000 Discovery Drive, The Dalles, OR, on June 13, at 9:45 a.m.

Assistance for Persons with Disabilities: Contact by phone, (509) 493-3323.

Submit Written Comments to: Bob McIntyre, fax (509) 493-2229, by June 13, 2000.

Date of Intended Adoption: June 13, 2000.

April 17, 2000

Robert K. McIntyre

Administrative Assistant

AMENDATORY SECTION

350-80-370. Review Uses—Residential land.

(1) The following uses may be allowed on lands in the General Management Area designated Residential, subject to compliance with the scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620):

(a) One single-family dwelling per legally created parcel.

(A) If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture or Commercial Forest Land or Large or Small Woodland, the use shall comply with the buffer and notification requirements of Commission Rule 350-80-150(2) and 350-80-190 (1)(n)(E) for agriculture designations or Commission Rule 350-80-310(1) and 350-80-290(1) for forest land designations.

(B) If the subject parcel is located adjacent to lands designated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines of Commission Rule 350-80-300.

(b) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

(c) The temporary use of a mobile home in the case of a family hardship, subject to Commission Rule 350-80-150(3).

(d) Construction or reconstruction of roads.

(e) On parcels 10 acres or larger designated Residential-5, or 20 acres or larger designated Residential-10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of Commission Rule 350-80-150(1).

(f) New cultivation, subject to compliance with Commission Rule 350-80-540 and 350-80-560 through 350-80-590.

(g) Land divisions, subject to the minimum lot size as indicated on the Land Use Designation Map.

(h) New agricultural structures.

(2) The following uses may be allowed on lands in the Special Management Area designated Residential subject to compliance with the scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620):

(a) One single-family dwelling per legally created lot or consolidated parcel, subject to the guidelines of Commission Rule 350-80-270 (2)(j)(E).

(b) Accessory structures over 60 square feet.

(c) New utility facilities.

(d) Fire stations.

(e) Home occupations and cottage industries pursuant to Commission Rule 350-80-150(4).

(f) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 350-80-150(5).

(g) Community parks and playgrounds.

(h) Road and railroad construction and reconstruction.

(i) Forest practices, pursuant to the provisions of Commission Rule 350-80-270(2).

(j) Signs, as specified in Commission Rule 350-80-160(2)(k) Expansion of existing primary or middle schools

on land purchased prior to adoption of this amendment. For purposes of this section, existing schools means public schools that existed prior to adoption of the Management Plan.

WSR 00-10-006
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed April 20, 2000, 3:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-049.

Title of Rule: Emergency response/disaster actions (350-80-075).

Purpose: To clarify procedures following a natural disaster in Klickitat County.

Statutory Authority for Adoption: Chapter 43.97 RCW.

Summary: Clarifies procedures to be followed in Klickitat County.

Reasons Supporting Proposal: Mandated by scenic area management plan.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brian Litt, 288 East Jewett, White Salmon, WA, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To implement disaster plans in Klickitat County scenic area.

Proposal Changes the Following Existing Rules: As stated above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: The Discovery Center, 5000 Discovery Drive, The Dalles, OR, on June 13, 2000, at 9:45 a.m.

Assistance for Persons with Disabilities: Contact by phone, (509) 493-3323.

Submit Written Comments to: Fax (509) 493-2229, by June 13, 2000.

Date of Intended Adoption: June 13, 2000.

April 17, 2000

Robert K. McIntyre
 Administrative Assistant

NEW SECTION

350-80-075 Emergency/disaster response actions.

1. General Guidelines for Emergency/Disaster Response Actions

(a) Actions taken in response to an emergency/disaster event (as defined above) are allowed in all GMA/SMA land

use designations, subject to the notification requirements of Commission Rule 350-80-075(2).

(b) Following emergency/disaster response actions, best management practices (MBPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, and/or grading. MBPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.

(c) Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life property, public services or the environment, an extension of no more than two years may be granted by the development review officer.

(d) The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.

(e) No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake or riparian area within the National Scenic Area (NSA) as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determine to not be possible without further jeopardizing life or property.

2. Notification Requirements for Emergency/Disaster Response Actions

(a) Actions taken in response to an emergency/disaster event, as defined in Commission Rule 350-80-40, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

A. notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.

B. notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

C. notification shall be furnished to the Gorge Commission.

D. at a minimum, the following information shall be required at the time of notification:

- (i) nature of emergency/disaster event.
- (ii) description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).
- (iii) location of emergency/disaster response activities.

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(iv) estimated start and duration of emergency/disaster response activities.

(v) contact person and phone number for the parties conducting emergency/disaster response actions.

E. Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

(b) Upon notification of an emergency/disaster response action, the gorge commission shall, as soon as possible:

(A) review its natural resource inventory data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;

(B) notify the Washington Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide these agencies an opportunity to consult with responding agencies during the event, and;

(C) notify the forest Service, the Washington Office of Archeology and historic Preservation, and the Tribal governments of all emergency/disaster response activities. The Forest Service will review their cultural resource inventory data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

(c) Upon notification of a response action, the Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

(3) Post-Emergency/Disaster Response Development Review Application Requirements.

(a) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Gorge Commission. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration and not more than two (2) extensions shall be granted.

(b) post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

(c) Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except

for those actions within 500 feet of a known cultural resource (as determined in the notification process).

(d) Applications shall include the following information:

A. applicants name and address.

B. location of emergency/disaster response.

C. a written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.

D. a map of the project area drawn to scale, at a scale of 1"=200' or a scale providing greater detail. The map shall include:

(i) north arrow and scale.

(ii) boundaries, dimensions and size of subject parcel(s).

(iii) bodies of water, watercourses, and significant landforms.

(iv) existing roads and structures.

(v) new structures placed and any vegetation removal, excavation or grading resulting from the response actions.

E. An exception to the scale requirements of commission Rule 350-80-075 (2)(d)(D) for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1"=200' or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

(e) Applications for post-emergency/disaster response development shall be subject to the following requirements:

(A) provisions of Commission Rule 350-80-100, except for section 3.

(B) notice of the application to landowners, except for section 3, within 200' of the perimeter of the subject parcel, the Forest Service, Gorge commission, the four Tribal governments and interested parties.

(C) provisions of commission rule 350-80-110, except section (4), substituting the phrase "post emergency/disaster response action development review" for the phrase "proposed action".

(D) provisions of commission Rule 350-80-130 (1) through (5).

(E) interested persons shall have 21 days from the date which the notice is sent to submit written comments to the Gorge commission relative to the consistency of the post-emergency/disaster actions with applicable guidelines in Commission Rule 350-80.

(4) Post-emergency/Disaster response Development Review: GMA/SMA Guidelines.

Actions taken in all land use designations within the GMA/SMA that are in response to an emergency/disaster event, as defined in Commission Rule 350-80-040.

(a) Scenic Resources

(A) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. Such actions shall be rendered visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable, except for actions located in areas exempted from visual subordination requirements, pursuant to commission rule 350-80-520 (3)(k).

(B) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas

denuded of vegetation, as a result of emergency/disaster response actions.

(C) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species, or species commonly found within the applicable landscape setting, to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension up to one year.

(D) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as seen from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

(E) Additions to existing structures, resulting from an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable.

(F) Spoil materials associated with grading, Excavation and slide debris removal activities in relation to an emergency/disaster response action, shall either be (1) removed from the NSA or deposited at a site within the NSA permitted by the agency administering a Scenic Area land use ordinance, or (2) (re)contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

(b) Cultural Resources and treaty Rights

(A) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect Tribal treaty rights.

(B) The USA Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Gorge Commission.

(i) Reconnaissance surveys shall be conducted by the USDA Forest Service and comply with the standards of Commission Rule 350-80-540 (1)(c)(d). Reconnaissance survey reports shall comply with the standards of commission Rule 350-80-540 (1)(c)(E).

(ii) Historic surveys shall be conducted by the USDA Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.

(C) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the Tribal governments shall be notified by the development review offer when (1) a reconnaissance survey is required or (2) cultural resources exist in the project area. Notices shall include a site plan. Tribal governments

shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them.

(D) When written comments are submitted in compliance with Guideline 3 above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the development review officer following the consultation meeting. Consultation meetings and reports shall comply with the standards established in Commission Rule 350-80-540 (2)(a) and Commission Rule 350-80-150 (8)(b)(A) and (B).

(E) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in Commission Rule 350-80-540 (5)(a).

(G) The development review officer shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the Tribal governments. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and Tribal governments shall have 15 calendar days from the date a survey report is mailed to submit written comments to the Gorge Commission. The development review officer shall record and address all written comments in the development review order.

(H) The development review offer shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a Tribal government regarding treaty rights, the development review officer shall justify how it reached an opposing conclusion.

(I) The cultural resource protection process may conclude when it has been determined that Tribal treaty rights have not been not affected and one of the following conditions exists:

(i) The emergency/disaster response action does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.

(ii) The emergency/disaster response action avoided cultural resources that exist in the project area.

(iii) Adequate mitigation measures to affected cultural resources have been developed and will be implemented.

(iv) A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:

(I) The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or

(II) The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's Standards for Rehabilitation* [U.S. Department of the Interior 1990] and *The secretary of the interior's Standards for Historic Preservation Projects* [U.S. Department of the Interior 1983].

(C) Natural Resources

(A) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(B) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be the same as those established in Commission rule 350-80-560 through 600.

(C) Wetlands, Streams, Ponds, Lakes, riparian Areas

(i) Emergency/disaster response actions occurring within a buffer zone of wetlands, streams, pond, lakes or riparian areas shall be reviewed by the Washington department of Fish and Wildlife. These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their bigger zones. State biologists shall respond within 15 days of the date the application is mailed.

(ii) When emergency/disaster response activities occur within wetlands, streams, ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant shall demonstrate the following:

(I) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes or riparian areas.

(II) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

(iii) Impacts to wetlands, streams, ponds, lakes and riparian areas, and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

(iv) If the development review officer, in consultation with the state wildlife agency, determines that the emergency/disaster response actions had minor effects on the aquatic area or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist, or a Forest Service natural resource advisor (as available) in conclusion

with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Gorge Commission shall incorporate them into its development review order and the aquatic area protection process may conclude.

(v) Unless addressed through guideline 4 of this section, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy commission rule 350-80-570 (8)(a) and (b). Rehabilitation plans shall also satisfy the following:

(I) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.

(II) Planting plans shall be included that specify native plant species to be used, specimen quantities and plant locations.

(III) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

(D) Wildlife Habitat

(i) Emergency/disaster response actions occurring within 1,000 feet of a sensitive wildlife area or site, shall be reviewed by the Washington Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response actions have affected or have a potential to affect a sensitive wildlife area or site.

(ii) Site plans for emergency/disaster response sites shall be submitted by the development review officer to Oregon Department of fish and Wildlife or the Washington Department of Fish and Wildlife for review as prescribed in Commission Rule 350-80-580(5). The wildlife agency shall respond within 15 days of the date the application is mailed.

(iii) The Wildlife protection process may terminate if the development review officer, in consultation with the state wildlife agency, determines 91) the sensitive wildlife area or site was not active, or 2) the emergency/disaster response did not compromise the integrity of the wildlife area or site or occurred at a time when wildlife species are not sensitive to disturbance.

(iv) If the development review officer, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had minor effects on the wildlife area or site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Gorge Commission shall incorporate them into its development review order and the wildlife protection process may conclude.

(v) If the development review officer, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had adverse effect on a sensitive wildlife area or site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall comply with Commission Rule 350-80-580(6). Upon

completion of the Wildlife Management Plan, the development review offer shall:

(I) submit a copy of the Wildlife Management Plan to the state wildlife agency for review. The state wildlife agency will have 15 days from the date that a management plan is mailed to submit written comments to the gorge commission;

(II) record any written comments submitted by the state wildlife agency in its development review order. Based on these comments, the development review officer shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the development review officer shall justify how it reached an opposing conclusion.

(III) require the project applicant to revise the wildlife management plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

(E) Deer and Elk Winter Range

(i) Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall comply with commission Rule 350-80-580(7).

(F) Rare Plants

(i) Emergency/disaster response actions occurring within 1,000 feet of a sensitive plant, shall be reviewed by the Washington Natural Heritage Program. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.

(ii) Site plans for emergency/disaster response sites shall be submitted to the Washington Natural Heritage Program by the development review officer. State natural heritage staff will, within 15 days from the date the application is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.

(iii) The rare plant protection process may conclude if the development review officer, in consultation with the state natural heritage program, determines that emergency/disaster response activities occurred outside of a rare plant buffer zone.

(iv) If the development review officer, in consultation with the state natural heritage program, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measure that need to be taken to eliminate them. The state natural heritage staff, or a forest Service natural resources advisor (as available) in consultation with the state natural heritage staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Gorge Commission shall incorporate them into its development review order and the rare plant protection process may conclude.

(v) If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse effects on rare plants or their buffer zone, the project applicant shall prepare a protection and rehabilitation plan, that meets the requirements provided in Commission rule 350-80-590(b)

(vi) The development review officer shall submit a copy of all protection and rehabilitation plans to the state heritage program for review. The state natural heritage program will

have 15 days from the date the protection and rehabilitation plan is mailed to submit written comments to the development review officer.

The development review officer shall record any written comments submitted by the state natural heritage program in its development review order. Based on these comments, the development review officer shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state natural heritage program, the development review officer conducting the post-emergency development review shall justify how it reached an opposing conclusion.

(vii) The development review officer shall require the project applicant to revise the protection and rehabilitation plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

(d) Recreational Resources

(A) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

(B) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

(5) Post-Emergency Construction

(a) The following review uses are allowed in all land use designations subject to compliance with Commission rules 350-80-100 through 130 and Commission Rule 350-80-520 through 620:

(A) Placement of structures necessary for continued public safety and the protection of private property and essential public services damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use applications shall be submitted within 12 months following an emergency/disaster event.

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 00-10-007
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION**

[Filed April 20, 2000, 3:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-049.

Title of Rule: Review uses - open space (350-80-340).

Purpose: Clarifies allowed uses on lands designated GMA.

Statutory Authority for Adoption: Chapter 43.97 RCW.

PROPOSED

Summary: Addition of restoration and enhancement structures.

Reasons Supporting Proposal: Mandated by scenic area management plan.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brian Litt, White Salmon, Washington, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To clarify allowed uses on land designated GMA in Klickitat County. It adds "addition of restoration and enhancement" structures.

Proposal Changes the Following Existing Rules: As above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: The Discovery Center, 5000 Discovery Drive, The Dalles, OR, on June 13, 2000, at 9:45 a.m.

Assistance for Persons with Disabilities: Contact by phone, (509) 493-3323.

Submit Written Comments to: Fax (509) 493-2229, by June 13, 2000.

Date of Intended Adoption: June 13, 2000.

April 18, 2000

Robert K. McIntyre
Administrative Assistant

AMENDATORY SECTION

350-80-340. Review uses—Open space.

(1) The following uses may be allowed on all lands designated GMA-Open Space subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620):

(a) Low intensity recreation, subject to Commission Rule 350-80-610(2).

(b) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.

(c) Non-emergency repair and maintenance of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities that involve new ground disturbing activities or those which differ in depth and extent from past ground disturbance.

(d) Improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(e) Placement of structures for public safety.

(f) Restoration and enhancement structures and/or activities including vegetation, scenic, soil, fish and wildlife habitat restoration and enhancements.

(2) The following uses may be allowed on land designated GMA-Open Space in the Gorge Walls, Canyonlands and Wildlands landscape setting:

(a) All uses listed in Commission Rule 350-80-340(1).

(b) Livestock grazing.

(c) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.

(d) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.

(e) Harvesting of wild crops.

(f) Educational or scientific research.

(g) Continued operation of existing quarries if they are determined to be consistent with guidelines to protect scenic, cultural, natural and recreation resources (Commission Rule 350-80-520 through 350-80-620).

(3) The following uses may be allowed on lands designated GMA-Open Space within the Mosley Lakes Natural Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.

(c) Educational or scientific research, after consultation with the Washington Natural Heritage Program.

(d) Commercial trapping.

(4) The following uses may be allowed on land designated GMA-Open Space within the Chenoweth Table Natural Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Oregon Natural Heritage Program.

(c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Oregon Natural Heritage Program.

(d) Educational or scientific research, after consultation with the Oregon Natural Heritage Program.

(5) The following uses may be allowed on land designated GMA-Open Space within the Squally Point Natural Area:

(a) Except as limited by guideline (5)(b) below, all those uses allowed in Commission Rule 350-80-340(1).

(b) Except in the upland dunes south of the railroad tracks, low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Oregon Natural Heritage Program.

(c) Repair and maintenance of railroads, except measures to stabilize dunes, after consultation with the Oregon Natural Heritage Program.

(6) The following uses may be allowed on land designated GMA-Open Space within the Klickitat River Wildlife and Natural Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Washington Natural Heritage Program and Washington Department of Wildlife.

(c) Wildlife management uses conducted by federal, state, or tribal resource agencies, after consultation with the Washington Natural Heritage Program.

(d) Educational or scientific research, after consultation with the Washington Natural Heritage Program.

(7) The following uses are allowed on land designated GMA-Open Space within the Balch Lake Wetland Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Livestock grazing, subject to a range conservation plan, after consultation with the Washington Department of Wildlife.

(c) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

(d) Educational and scientific research, after consultation with the Washington Department of Wildlife.

(e) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Washington Department of Wildlife.

(8) The following uses may be allowed on lands designated GMA-Open Space within the mouth of the Wind River Wildlife Area:

(a) All those uses allowed in Commission Rule 350-80-340(1).

(b) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

(c) Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

(d) Harvesting of wild crops.

(e) Educational or scientific research, after consultation with the Washington Department of Wildlife or Fisheries.

(f) Commercial fishing and trapping.

(g) Low-intensity recreation, subject to the guidelines for recreation intensity classes 350-80-610(2), after consultation with the Washington Department of Wildlife.

(9) The following uses may be allowed on lands designated GMA-Open Space within state parks:

(a) All uses listed in Commission Rule 350-80-340(1).

(b) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.

(c) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

(d) Harvesting of wild crops.

(e) Educational or scientific research.

(10) On land designated SMA-Open Space, the maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, and utility facilities may occur without review.

(11) The following uses may be allowed on lands designated SMA-Open Space, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Commission Rule 350-80-520 through 350-80-620) and when consistent with an open space plan approved by the U.S. Forest Service pursuant to guideline (12) below:

(a) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.

(b) ~~Structures or vegetation management activities, including scientific research, related to scenic, cultural, recreational, and natural resource enhancement projects.~~

Restoration and enhancement structures and/or activities including vegetation, scenic, soil, fish and wildlife habitat restoration and enhancements.

(c) Low intensity recreation uses, including educational and interpretive facilities, consistent with Commission Rule 350-80-620.

(d) Utility facilities for public service upon a showing that:

(A) There is no alternative location with less adverse effect on Open Space land.

(B) The size is the minimum necessary to provide the service.

(e) New signs, pursuant to Commission Rule 350-80-160.

(12) An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed by the Forest Service. The Open Space plan shall include the following:

(a) Direction for resource protection, enhancement, and management.

(b) Review of existing uses to determine compatibility with Open Space values.

(c) Consultation with members of the public and with agency and resource specialists.

(13) Treatment of noxious weeds on lands designated SMA-Open Space shall be permitted, subject to review, without completion of an SMA Open Space plan when the following criteria have been met:

(a) Noxious weed infestation is new and eradication is still viable.

(b) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

(A) Displacement of native and traditionally gathered plants;

(B) Degradation of wildlife habitat and forage;

(C) Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

(D) Limitation of recreational uses.

(c) For federal lands, treatment effects have been thoroughly evaluated in an environmental assessment.

WSR 00-10-008
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed April 20, 2000, 3:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-049.

Title of Rule: Definitions (350-80-040).

Purpose: To explain terms used in the Klickitat County land use ordinance.

Statutory Authority for Adoption: Chapter 43.97 RCW.

Summary: Two new terms have been added to the section.

PROPOSED

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brian Litt, White Salmon, Washington, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule explains terms used in the Klickitat County land use ordinance. Two new terms have been added.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: The Discovery Center, 5000 Discovery Drive, The Dalles, OR, on June 13, 2000, at 9:45 a.m.

Assistance for Persons with Disabilities: Contact by phone, (509) 493-3323.

Submit Written Comments to: Fax (509) 493-2229, by June 13, 2000.

Date of Intended Adoption: June 13, 2000.

April 18, 2000

Robert K. McIntyre
Administrative Assistant

AMENDATORY SECTION

350-80-040. Definitions.

As used in Commission Rule 350-80, unless otherwise noted, the following words and their derivations shall have the following meanings:

Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

Accessory building: A building or structure whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use.

Active wildlife site: A wildlife site that has been used within the past 5 years by a sensitive wildlife species.

Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.

Agricultural structure: A structure located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.

Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural

use, including Christmas trees. Current employment of land for agricultural use includes:

(a) The operation or use of farmland subject to any agriculture-related government program.

(b) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.

(c) Land planted in orchards or other perennials prior to maturity.

(d) Land under buildings supporting accepted agricultural practices. Agricultural use does not include livestock feedlots.

Anadromous fish: Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

Anaerobic: A condition in which molecular oxygen is absent (or effectively so) from the environment.

Aquaculture: The cultivation, maintenance, and harvesting of aquatic species.

Aquatic area: The water area of a stream, pond, or lake measured at the ordinary high water mark.

Archaeological resources: See cultural resource.

Archival research: Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.

Bed and breakfast inn: An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodations, not as rooming or boarding houses.

Best management practices: Conservation techniques and management measures that

(e) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;

(f) minimize adverse effects to groundwater and surface-water flow and circulation patterns; and

(g) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

Biodiversity (SMA): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

Boat landing: Cleared area or developed structure used to facilitate launching or retrieving watercraft.

Buffer zone: An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Camping or recreational vehicle: A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit and subject to review for consistency with Commission Rule 350-80 if it is connected

to a sewer system (including septic tank), water, and electrical lines or is occupied on the same parcel for more than 60 days in any consecutive 12-month period and is not part of a legally operating designated campground.

Campsite: Single camping unit that usually consists of a cleared level area for a tent, and may include a parking spur, fire ring, table, and other amenities.

Capability: The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure, or other natural factors.

Cascadian architecture (SMA): Architectural style using native rock work, large timber, and steeply pitched roofs in a rustic manner.

Catastrophic situations (SMA): Forces such as fire, insect and disease infestations, and earth movements.

Childcare center: A facility providing daycare to three or more children, but not including:

(a) The provision of care that is primarily educational, unless provided to a preschool child for more than 4 hours a day.

(b) The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion.

(c) The provision of short-term care related to or associated with group athletic or social activities.

(c) The provision of daycare in the provider's home in the family living quarters for less than 13 children.

Clear cut: A created opening of 1 acre or more.

Columbia River Gorge National Scenic Area Graphic Signage System: Sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.

Commercial development/use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.

Commercial forest products: These include timber for lumber, pulp, and firewood for commercial purposes.

Commercial recreation: Any private (non-governmental) recreational activity or facility on privately owned land, excluding nonprofit facilities. This does not include operation of a public recreation facility by a private vendor.

Community facility: Basic utilities and services necessary to support public service needs, including but not limited to water and power utilities, sanitation facilities, public microwave stations and communication facilities, schools, roads and highways. This does not include sanitary landfills.

Consulting parties (cultural resources): Organizations or individuals who submit substantive written comments to the Development Review Officer in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

Contiguous land: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations, or are separated by public or private roads.

Contiguous land does not include parcels that meet only at a single point.

Counties: The six counties within the Scenic Area: Hood River, Multnomah, and Wasco in Oregon, and Clark, Skamania, and Klickitat in Washington.

Created opening (SMA): A created forest opening with less than 80 percent crown cover closure of trees averaging less than 20 feet tall.

Creation (wetlands): A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).

Cultivation: Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.

Cultural resource: Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:

(a) Archaeological resources. Physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least 50 years old.

Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material by-products from tool and utensil-making activities; and graves, human remains, and associated artifacts.

(b) Historic buildings and structures. Standing or above-ground buildings and structures that are at least 50 years old.

Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways, and tunnels.

(c) Traditional cultural properties. Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.

Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.

Cumulative effects: The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Cut: An area where soil or earth is excavated or removed in conjunction with development activities.

Dedicated site: An area actively devoted to the current use and as delineated on the site plan.

Deer and elk winter range: Areas normally used, or capable of being used, by deer and elk from December through April.

Destruction of wetlands: Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.

Developed recreation: Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

Development: Any land division or structure, including but not limited to, new construction of buildings and structures, and mining, dredging, filling, grading, paving, and excavation.

Diameter at breast height (dbh): The diameter of a tree as measured at breast height.

Duplex: A building containing two dwelling units and designed for occupancy by two families.

Dwelling, single-family: A detached building containing one dwelling unit and designed for occupancy by one family only.

Dwelling unit: A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

Effect on treaty rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakima tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.

Emergency/Disaster: A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

Emergency/Disaster Response: Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above.) Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

Endemic: Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.

Enhancement (natural resources): A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian area, or other sensitive area that is degraded. Enhancing an area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

Ethnography: The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

Existing use or structure: A legally established use that existed before the effective date of the Scenic Area Act, the Management Plan, or a land use ordinance established pursuant to the Scenic Area Act. "Legally-established" means established in accordance with the law in effect at the time of establishment of the use.

Exploration, development (extraction and excavation), and production of mineral resources: Includes all or any part of the process of surface, underground, or submerged mining of mineral resources. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Management Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, onsite stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.

Fill: The placement, deposition, or stockpiling of sand, sediment, or other earth materials to create new uplands or create an elevation above the existing surface.

Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.

Forbs: Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.

Foreground (SMA): One-half mile on either side of a traveled road or trail.

Forest products: Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

Forest practices: Those activities related to the growing and harvesting of forest tree species, as defined by the Oregon Forest Practices Act or the Washington Forest Practices Act.

Forest use: The growing, propagation, and harvesting of forest tree species and other forest products.

Fully screened: A description of the relative visibility of a structure where that structure is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan).

Grade (ground level): The average elevation of the finished ground elevation as defined by the Uniform Building Code.

Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Height of building: The vertical distance from the grade to the highest point of the roof.

Herbaceous: A plant with no persistent woody stem above the ground, with characteristics of an herb.

Herbs: Nonwoody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and non-woody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

Historic buildings and structures: See cultural resource.

Historic survey: Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

Horses, boarding of: The stabling, feeding, and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks.

Hydric soil: A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

In-kind replacement: A development or land use which is the same as or smaller than an existing or destroyed use or structure. An in-kind building or structure may be shorter in height, smaller mass, and contained entirely within the existing footprint of the existing use or destroyed use or structure.

In-lieu sites: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 14 and Public Law 100-581, Section 401. Additional in-lieu sites will be provided for.

Indian tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakima Indian Nation (Tribal Council).

Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

Industrial uses: Any use of land or water primarily involved in:

- (a) Assembly or manufacture of goods or products;
- (b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
- (c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products, or recyclable materials for purposes other than retail sale and service; or
- (d) Production of electric power for commercial purposes.

Interpretive displays: Signs and structures that provide for the convenience, education, and enjoyment of visitors,

helping visitors understand and appreciate natural and cultural resources and their relationship to them.

Key components: The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

Key viewing areas: Those portions of important public roads, parks, or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. Key Viewing Areas include the entire feature, road, or place within the boundary of the National Scenic Area, including those portions of the feature, road, or place located in urban areas. Consideration of General Management Area viewsheds from urban areas does not constitute review of development located within urban areas. These include:

Historic Columbia River Highway

Crown Point

Highway I-84, including rest stops

Multnomah Falls

Washington State Route 14

Beacon Rock

Panorama Point Park

Cape Horn

Dog Mountain Trail

Cook-Underwood Road

Rowena Plateau and Nature Conservancy Viewpoint

Portland Women's Forum State Park

Bridal Veil State Park

Larch Mountain

Rooster Rock State Park

Bonneville Dam Visitor Centers

Columbia River

Washington State Route 141

Washington State Route 142

Oregon Highway 35

Sandy River

Pacific Crest Trail

SMA only:

Old Washington State Route 14 (County Road 1230)

Wyeth Bench Road

Larch Mountain Road

Sherrard Point on Larch Mountain

Land division: The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to, short subdivisions, partitions, and subdivisions.

Landscape setting: The combination of land use, landform, and vegetation patterns that distinguish an area in appearance and character from other portions of the Scenic Area.

Livestock feedlot: Stockyards and commercial livestock finishing yards for cattle, sheep, swine, and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

Lot line adjustment: Transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

Management plan: The document entitled Management Plan for the Columbia River Gorge National Scenic Area adopted October 14, 1991. The Management Plan becomes effective upon approval of land use ordinances by the Commission for the General Management Area and concurrence of land use ordinances by the Secretary of Agriculture for the Special Management Area.

Mitigation: The use of any or all of the following actions:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

Multifamily dwelling: A dwelling constructed or modified into two or more single-family units.

Native species: Species that naturally inhabit an area.

Natural resources: Naturally occurring features including land, water, air, plants, animals (including fish), plant and animal habitat, and scenery.

Natural resource specialist: A person with professional qualifications, including an academic degree or sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.

Natural resource-based recreation (SMA): Recreation activities, uses, or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; golf courses, tennis courts, and rental cabins are not.

Nonprofit organization: An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.

Old growth: Any stand of trees 10 acres or greater generally containing the following characteristics:

- (a) contain mature and overmature trees in the overstory and are well into the mature growth state;
- (b) in coniferous forests, will usually contain a multilayered canopy and trees of several age classes;
- (c) in coniferous forests, standing dead trees and down material are present; and
- (d) evidences of man's activities may be present, but do not significantly alter the other characteristics and would be a subordinate factor in description of such a stand.

Open Spaces: Unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as open space by the Management Plan. Open spaces include:

- (a) Scenic, cultural, and historic areas;
- (b) Fish and wildlife habitat;
- (c) Lands which support plant species that are endemic to the Scenic Area or which are listed as rare, threatened or

endangered species pursuant to State or Federal Endangered Species Acts;

(d) Ecologically and scientifically significant natural areas;

(e) Outstanding scenic views and sites;

(f) Water areas and wetlands;

(g) Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;

(h) Potential and existing recreation resources; and

(i) Federal and state wild, scenic, and recreation waterways.

Ordinary high water mark: The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

Parcel:

(a) Any parcel legally created by a short division, partition, or subdivision.

(b) Any unit of land legally created and separately described by deed or sales contract prior to November 17, 1986, if there were no applicable planning, zoning, and land division ordinances or regulations.

(c) In the state of Washington, a unit of land created and separately described by deed or sales contract after November 17, 1986 if the unit created was approved by the Gorge Commission or the Forest Service Scenic Area Office.

(d) A unit of land shall not be considered a separate parcel simply because the subject tract of land:

(A) As a unit of land created solely to establish a separate tax account;

(B) Lies in different counties;

(C) Lies in different sections or government lots;

(D) Lies in different land use or zoning designations; or

(E) Is dissected by a public or private road.

Partial retention: A visual quality objective that provides for management activities that may be evident but must remain visually subordinate to the characteristic landscape. Activities may repeat form, line, color, or texture common to the characteristic landscape, but changes in their qualities of size, amount, intensity, direction, pattern, etc., shall remain visually subordinate to the characteristic landscape.

Practicable: Able to be done, considering technology and cost.

Preexisting: Existing prior to the adoption of the Columbia River Gorge National Scenic Area Management Plan.

Primarily: A clear majority as measured by volume, weight, or value.

Project area: The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

Public use facility: Recreation development(s) that meet the definition of "recreation facility" in the Manage-

ment Plan and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

Rare plant species: Used in a generic sense to refer to various categories of sensitive plants cited in federal and state programs.

Recreation facility: A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and that are not separated in distance by more than 1/4 mile of land that does not contain any such developments or improvements, except for roads and/or pathways.

Reconnaissance survey: Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

Recreation Opportunity Spectrum (ROS): A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

(a) Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.

(b) Semiprimitive: Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

(c) Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.

(d) Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.

(e) Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.

(f) Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.

Recreation resources: Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semiprimitive areas with few facilities and developed sites.

Rehabilitation (natural resources): A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or preconstruction condition.

Repair and maintenance: An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included in this definition.

Resource-based recreation: Those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the Scenic Area and that do not adversely affect those resources upon which they depend.

Restoration: A human activity that returns a resource from a disturbed or altered condition to a previous, less-disturbed or less altered condition. This definition does not modify or eliminate the definition *Restoration (wetlands)* which applies only to wetlands.

Restoration (wetlands): A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.

Retention: A visual quality objective that provides for management activities that are not visually evident to the casual visitor. Management activities may only repeat form, line, color, and texture that are frequently found in the characteristic landscape. Changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be evident.

Review uses: Proposed uses and developments that must be reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they comply with the policies and guidelines in the Management Plan.

Riparian area: The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

Road: The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys.

(b) Road-related structures that are in the right-of-way, such as tunnels, culverts, or similar structures.

(c) Structures that provide for continuity of the right-of-way, such as bridges.

Scenic Area: The Columbia River Gorge National Scenic Area.

Scenic travel corridor: In the General Management Area, those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the Scenic Area and specifically designated to be managed as scenic and recreational travel routes.

In addition to those Scenic Travel Corridors listed above, in the Special Management Area, those portions of Larch Mountain Road, Wyeth Bench Road, and Klickitat County Road 1230 which are located in the Special Management Area are Scenic Travel Corridors.

Secretary: The Secretary of Agriculture.

Sensitive plant species: Plant species that are

(a) endemic to the Columbia River Gorge and vicinity;

(b) listed as endangered or threatened pursuant to federal or state endangered species acts; or

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(c) listed as endangered, threatened or sensitive by the Oregon or Washington Natural Heritage Program.

In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Sensitive wildlife species: Animal species that are

(a) listed as endangered or threatened pursuant to federal or state endangered species acts;

(b) listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission;

(c) listed as sensitive by the Oregon Fish and Wildlife Commission; or

(d) considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.

In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

Service station: A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Serviceable: Presently useable.

Shall: Action is mandatory.

Should: Action is encouraged.

Shrub: A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

Sign: Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.

Significant cultural resource (SMA): A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. (The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation" [36 CFR 60].)

Skyline: The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). In areas with thick, unbroken tree cover, the skyline is generally

formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.

Soil Capability Class: A classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.

Special habitat area: Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

Special streams: Streams that are primary water supplies for fish hatcheries and rearing ponds.

Stand: A group of trees possessing uniformity in regard to type, age, vigor, or size.

Story: A single floor level of a structure, as defined by the Uniform Building Code.

Streams: Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

For the Management Plan, streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, and additions/alterations to structures.

Subsurface testing: Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.

Suitability: The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

Travelers accommodations: Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.

Treaty rights or other rights: Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.

Tributary fish habitat: Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.

Undertaking: Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [36 CFR 800.2(o)].

Unimproved lands: Lands that generally do not have developments such as buildings or structures.

Upland: Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

Uses allowed outright: New uses and developments that may occur without being reviewed by a county planning department, the Gorge Commission, or the Forest Service to determine if they are consistent with the Management Plan.

Utility facility: Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.

Viewshed: A landscape unit seen from a key viewing area.

Visual Quality Objective (VQO): A set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

Visually subordinate: A description of the relative visibility of a structure where that structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.

Water-dependent: Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.

Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in satu-

rated soil conditions. This does not include riparian areas, rivers, streams, and lakes.

Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

Woody plant: A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

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 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 00-10-018

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 21, 2000, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-017.

Title of Rule: WAC 180-51-063 Certificate of mastery—High school graduation requirement—Effective date.

Purpose: To revise language in subsection (g).

Statutory Authority for Adoption: RCW 28A.230.090.

Summary: The change in subsection (g) indicates once a student earns the certification of mastery, it will be noted on the students transcript.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will establish an effective date for the implementation of the certification of mastery and indicate the notation of this completion on the student's transcript shall be required.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Seattle Christian Schools, 18301 Military Road South, SeaTac, WA 98188, on June 8, 2000, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by May 25, 2000, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by May 25, 2000.

Date of Intended Adoption: June 8, 2000.

April 21, 2000

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 00-04-047, filed 1/27/00, effective 2/27/00)

WAC 180-51-063 Certificate of mastery—High school graduation requirement—Effective date. (1) Pursuant to RCW 28A.655.060 (3)(c):

(a) The certificate of mastery shall be a graduation requirement, but not the only requirement for graduation from high school; and

(b) The state board of education is responsible for determining when the secondary Washington assessment of student learning has been implemented and is sufficiently valid and reliable.

(2)(a) The state board of education establishes the 2007-08 school year as the first year in which graduating high school students shall be required to have attained the state certificate of mastery in order to graduate, in addition to other state and local graduation requirements.

(b) The state board of education fully recognizes that a higher standard of validity and reliability must be applied when the result of the assessment affects the ability of an individual student to receive a high school diploma. Therefore, the state board of education will continue to monitor the high school level Washington assessment of student learning. If the board finds that the assessment is lacking in this higher level of validity or reliability, or both, by the beginning of the 2004-05 school year, the state board may change the effective date of the certificate of mastery, for state graduation purposes, to a later school year.

(c) Beginning the 2007-08 school year, the certificate of mastery shall consist of the subject areas under the student learning goals for which a Washington assessment of student learning secondary assessment has been implemented and declared valid and reliable for graduation purposes. It is expected that the initial certificate of mastery will be comprised of reading, writing, communications, and mathematics.

(d) Beginning the 2009-10 school year, the certificate of mastery shall include science if a Washington assessment of student learning secondary assessment has been implemented and declared valid and reliable for this subject area.

(e) As determined by the state board of education, in consultation with the legislature and the academic achievement and accountability commission, successful completion of the Washington assessment of student learning secondary assessment in social studies may be required to achieve the certificate of mastery or may lead to an endorsement on the high school transcript.

(f) As determined by the state board of education, in consultation with the legislature and the academic achievement and accountability commission, successful completion of the Washington assessment of student learning secondary assessment in arts and health and fitness may lead to an endorsement on the high school transcript.

(g) Beginning with ~~((graduating))~~ students in 2001 who take the secondary Washington assessment of student learning and earn the certificate of mastery and/or meet the standard, attainment of the state certificate of mastery ~~((may))~~ and/or meeting the standard shall be noted on the student's transcript pursuant to ~~((written district policy))~~ WAC 180-57-070.

(3) Notwithstanding WAC 180-18-055 and 180-51-107, subsection (2) of this section shall not be waived.

(4) The certificate of mastery shall not be a graduation requirement for students who receive home-based instruction under RCW 28A.200.101(3) nor for students attending private schools under RCW 28A.195.010(6).

WSR 00-10-019

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 21, 2000, 3:31 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-016.

Title of Rule: WAC 180-57-070 Mandatory high school transcript contents—Items.

Purpose: Amend current language.

Statutory Authority for Adoption: RCW 28A.04.155.

Summary: Amend current language for clarification and update.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule indicates what the standardized high school transcript must contain. Amendments have been made for clarification and update purposes.

Proposal Changes the Following Existing Rules: See information above.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Seattle Christian Schools, 18301 Military Road South, SeaTac, WA 98188; on June 8, 2000, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by May 25, 2000, TDD (360) 664-3631, or (360) 753-6715.

PROPOSED

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by May 25, 2000.

Date of Intended Adoption: June 8, 2000.

April 21, 2000

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 18-84, filed 12/10/84)

WAC 180-57-070 Mandatory high school transcript contents—Items. The standardized high school transcript shall contain only the following information:

(1) The student's name (last name, first name, and middle name(s) or middle initial(s));

(2) The student's current address, address at graduation, or address at withdrawal from school (street, city, state, zip code);

(3) The name and address of parent(s) or guardian(s) (street, city, state, zip code) if such information is available;

(4) The student's birth date and sex;

~~((4))~~ (5) The student's identification number (if applicable);

~~((5))~~ (6) The school's name;

~~((6))~~ (7) The school's address (street, city, state, zip code, and telephone number);

~~((7))~~ (8) The dates of the student's entry, reentry, withdrawal, and graduation (if applicable) related to the school issuing the transcript;

~~((8))~~ (9) A list of previous high schools attended (school name, address, city, state, and month and year of entrance and exit);

(10) The student's attendance record (total days of unexcused, full day absences. "Full day" shall mean the complete regular school day calendar encompassing all periods. "Unexcused absence" shall mean the lack of an excuse that is accepted by the school);

(11) The student's academic history for high school (grade level and date of course completion, course titles, marks/grades earned as defined in WAC 180-57-050, credits attempted as defined in WAC 180-57-040, and grade point average as defined in WAC 180-57-055). Courses completed and credits earned through running start shall be noted with an "RS" designation. Courses completed and credits earned through advanced placement shall be noted with an "AP" designation. Courses completed and credits earned through college in the high school shall be noted with a "CHS" designation. Courses completed and credits earned through an international baccalaureate program shall be noted with an "IB" designation. Courses completed which earn college credit through tech-prep and/or the corresponding credits or certification earned shall be noted with a "T-P" designation;

~~((9) The name and address of parent(s) or guardian(s) (street, city, state, zip code) if such information is available;~~

~~(10) A list of previous high schools attended (school name, address, city, state, and month and year of entrance and exit); and~~

~~((4))~~ (12) The transcript shall include notation that the student has met the standard on the secondary Washington assessment of student learning and/or earned the state certificate of mastery; and

(13) The signature and/or seal of the authorized school official (name, title, and date).

WSR 00-10-020

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 21, 2000, 3:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-046.

Title of Rule: WAC 180-56-230 Program.

Purpose: Amend current language.

Statutory Authority for Adoption: RCW 28A.04.120(5).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amend WAC 180-56-230 Program, indicating minimum course offerings that must be available in grades 9-12 that are necessary to meet the minimum high school graduation requirements.

Proposal Changes the Following Existing Rules: Amends language as mentioned above.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Seattle Christian Schools, 18301 Military Road South, SeaTac, WA 98188, on June 8, 2000, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by May 25, 2000, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by May 25, 2000.

Date of Intended Adoption: June 8, 2000.

April 21, 2000

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 2-82, filed 1/21/82)

WAC 180-56-230 Program. It is presumed by the state board of education that a new secondary program (or new grades nine through twelve) must make provision for a comprehensive program. ~~((These programs also must accommo-~~

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~~date the requirements of WAC 180-56-026 relating to areas of study that must be available to students and WAC 180-56-021 relating to required subject area and credits for graduation, and must provide for the varied needs, abilities, and interests of students.))~~ Minimum course offerings that must be available for student selection during grades nine through twelve shall include ((:)) those necessary to meet the minimum high school graduation requirements under WAC 180-51-060.

((Required Offerings (subject areas)	Credits*
Language arts	48
Social studies	45
Mathematics (including algebra and geometry)	42
Laboratory science (including biology, chemistry and physics)	42
Home economics	9
Health and physical education	9
Industrial arts	9
Fine arts (must include both music and art)	42
Foreign language (9 credits of one language or 6 credits of two languages)	9
Business education	9

* One credit equals 60 clock hours of instruction including normal class change passing time. (See WAC 180-56-016))

WSR 00-10-025
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF PERSONNEL
 (Personnel Resources Board)
 [Filed April 24, 2000, 2:29 p.m.]

The Washington Personnel Resources Board hereby withdraws the proposed amendments to WAC 356-15-100 and 356-15-110, originally filed as WSR 00-01-097 on December 16, 1999.

If you have any questions, please contact Judy Montoure at 664-6324.

Dennis Karras, Secretary
 Personnel Resources Board

WSR 00-10-033
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed April 24, 2000, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-11-083.

Title of Rule: WAC 388-71-0430 Am I eligible for one of the HCP programs? and WAC 388-71-0435 Am I eligible for COPEs-funded services?

Purpose: WAC 388-71-0435 is being adopted so that COPEs eligibility requirements are identical to that of nursing facility care as required by federal regulations (42 C.F.R. 441.302(c)). WAC 388-71-0430 is being amended to update a WAC reference and to add general Medicaid-eligibility requirements.

Statutory Authority for Adoption: RCW 74.39A.030.

Statute Being Implemented: RCW 74.39A.030.

Summary: The rule will meet federal regulations, which require that individuals receiving COPEs also be in need of the level of care provided in a nursing facility. The rule will meet clear rule-writing standards, per Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brooke Buckingham, P.O. Box 45600, Olympia, WA 98504, (360) 493-2544.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule clarifies the general eligibility requirements for HCP services. It also clarifies the eligibility criteria for COPEs so that it is consistent with nursing facility care eligibility. The department does not anticipate that the change in rule will have an impact on caseload.

Proposal Changes the Following Existing Rules: The proposal establishes a new rule under chapter 388-71 WAC, repeals WAC 388-15-610 COPEs—Eligibility and amends WAC 388-71-0430 Am I eligible for one of the HCP programs?

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. Rules do meet the definition of "significant legislative rule," but the department is exempt from preparing a cost benefit analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 6, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact DSHS Rules Coordinator by May 26, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail myercme@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 6, 2000.

Date of Intended Adoption: June 13, 2000.

April 19, 2000
 Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-04-056, filed 1/28/00, effective 2/28/00)

WAC 388-71-0430 Am I eligible for one of the HCP programs? You are eligible to receive HCP services if you

PROPOSED

meet the functional and financial eligibility requirements in WAC ((388-15-610)) 388-71-0435 for COPES, WAC 388-71-0440 for MPC, or WAC 388-71-0445 for Chore. You must also meet general eligibility requirements. This means you must reside in Washington state, be a U.S. citizen or have certain immigrant status, have a Social Security Number, agree to certain conditions and meet other requirements as stated in WAC 388-503-0505. Your eligibility begins upon the date of the department's service authorization.

NEW SECTION

WAC 388-71-0435 Am I eligible for COPES-funded services? You are eligible for COPES-funded services if you meet all of the following criteria. The department or its designee must assess your needs and determine that:

(1) You are age:

(a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or

(b) Sixty-five or older.

(2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, Community options program entry system (COPES).

(3) You:

(a) Are not eligible for Medicaid personal care services; or

(b) Are eligible for Medicaid personal care services, but the department determines that the amount, duration, or scope of your needs is beyond what Medicaid personal care can provide.

(4) Your comprehensive assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless COPES services are provided) which means one of the following applies. You:

(a) Require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis due to your complex medical needs;

(b) Have an unmet need requiring substantial or total assistance with at least two or more of the following activities of daily living (ADLS):

(i) Eating,

(ii) Toileting,

(iii) Ambulation,

(iv) Transfer,

(v) Positioning,

(vi) Bathing, and

(vii) Self-medication.

(c) Have an unmet need requiring minimal, substantial or total assistance in three or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section; or

(d) Have:

(i) A cognitive impairment and require supervision due to one or more of the following: disorientation, memory impairment, impaired judgment, or wandering; and

(ii) An unmet need requiring substantial or total assistance with one or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section.

(5) You have an approved service plan, per WAC 388-15-205.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-15-610

COPES—Eligibility.

WSR 00-10-034

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Management Services Administration)

[Filed April 24, 2000, 3:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-21-037.

Title of Rule: Chapter 388-02 WAC, DSHS hearing rules.

Purpose: Chapter 388-08 WAC, Practice and procedure—Fair hearings, is being repealed and replaced by chapter 388-02 WAC, DSHS hearing rules. The proposed rules are the result of DSHS reviewing and updating rules according to Executive Order 97-02. The rules have been written in "plain English" using a question and answer format making them more understandable for our customers. The rules describe general procedures for resolution of disputes between DSHS and its clients, vendors, contractors, and customers. It also explains the DSHS hearing process so a lay person can understand it. These rules supplement the procedural provisions of chapter 34.05 RCW, Administrative Procedure Act and chapter 10-08 WAC, Model rules of the Office of Administrative Hearings.

Statutory Authority for Adoption: RCW 34.05.020.

Statute Being Implemented: RCW 34.05.220.

Summary: Chapter 388-08 WAC, Practice and procedure—Fair hearings, is being repealed and replaced with chapter 388-02 WAC, DSHS hearing process; the definitions in this chapter have been alphabetized; DSHS is used to indicate the department for consistency; questions are used in the rule to help users find information easily; the section on "Separate hearing regarding disclosure of investigative and intelligence files" has been deleted as they are no longer used; equitable estoppel is updated to reflect department policy; fair hearing guidelines have been incorporated into the rule; legal concepts have been explained; DSHS authority regarding stays has been clarified; and the time period for vacating orders of dismissal has been extended.

Name of Agency Personnel Responsible for Drafting and Implementation: Marie Myerchin-Redifer, Mailstop 45850, Lacey, WA 98504-5850, (360) 664-6093; and Enforcement: Kenneth Harden, OB 2, (360) 902-7792.

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

PROPOSED

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules describe general procedures for resolution of disputes between DSHS and its clients, vendors, contractors, and customers. The rules also explain the DSHS hearing process. These rules supplement procedural provisions of the Administrative Procedure Act and OAH model rules. They have been written in "plain English" using a question and answer format making them more understandable and easier to use for our clients, vendors, contractors and customers as required by Executive Order 97-02.

Proposal Changes the Following Existing Rules: Chapter 388-08 WAC, Practice and procedure—Fair hearings, is being repealed. The proposed rules are new rules relating to the DSHS hearing process and are written with much more detail than the previous rules. The rules were written using clear rule-writing techniques.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule impacts all clients, vendors, and customers of DSHS equally. The rules do not have a disproportionate impact on small business.

RCW 34.05.328 does not apply to this rule adoption. This rule is a procedural rule relating to the DSHS hearing process. RCW 34.05.328 does not apply to procedural rules.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 27, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 20, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Chapter 388-02 WAC, Marie Myerchin-Redifer, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 27, 2000.

Date of Intended Adoption: September 1, 2000.

April 17, 2000

Edith M. Rice, Chief

Office of Legal Affairs

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-11 issue of the Register.

WSR 00-10-055

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed April 27, 2000, 4:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-053.

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

Purpose: RCW 84.33.091 requires that the stumpage value tables rule be revised twice annually. WAC 458-40-660 is being amended to provide the proposed stumpage values for the last six months of 2000. Large harvesters of tim-

ber use these values to calculate the timber excise tax on harvested timber.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091, 82.32.060, and 84.33.077.

Summary: The rule contains eight tables of stumpage values. These eight tables represent the areas in the state in which timber is harvested. Each table breaks out the values by timber species, quality, and a downward adjustment for hauling. The rule also contains two harvest adjustment tables for the volume per acre which is harvested, logging conditions, remote island harvesting, and thinning. In addition, the rule also contains a domestic market adjustment table for some timber which is not sold by a competitive bidding process and that is prohibited from export.

Reasons Supporting Proposal: RCW 84.33.091 requires the values provided in this rule be revised twice a year.

Name of Agency Personnel Responsible for Drafting: Ed Ratcliffe, 1025 Union Avenue, #400, Olympia, WA, (360) 570-6126; **Implementation and Enforcement:** Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment of WAC 458-40-660 complies with RCW 84.33.091 that requires the department to publish stumpage values on semiannual basis. The tables set out for each stumpage value area the amount that each species or subclassification of timber would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Timber harvesters, other than small harvesters, use the tables as a basis for calculating the amount of timber excise tax owed.

Proposal Changes the Following Existing Rules: Values are updated. See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burdens upon small businesses that are not already specifically required by statute.

RCW 34.05.328 applies to this rule adoption. These are significant legislative rules pursuant to RCW 34.05.328 (5)(a)(i).

Hearing Location: Department of Revenue, Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on June 8, 2000, at 10 a.m.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985 or (360) 586-0721.

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by June 8, 2000.

Date of Intended Adoption: June 20, 2000.

April 27, 2000
 Claire Hesselholt
 Rules Manager
 Legislation and Policy Division

**((TABLE 1—Stumpage Value Table
 Stumpage Value Area 1
 January 1 through June 30, 2000**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Timber Quality Species Code	Hauling Distance-Zone-Number					
		1	2	3	4	5	
	2	116	109	102	95	88	
	3	83	76	69	62	55	
Douglas-fir Poles	DFL	†	845	838	831	824	817
Western Redcedar Poles	RCL	†	845	838	831	824	817
Chipwood	CHW	†	3	2	†	†	†
RC Shake Blocks	RCS	†	303	296	289	282	275
RC Shingle Blocks	RCF	†	121	114	107	100	93
RC & Other Posts ⁴	RCP	†	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	†	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	†	0.50	0.50	0.50	0.50	0.50

AMENDATORY SECTION (Amending WSR 00-02-019, filed 12/27/99, effective 1/1/00)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 2000:

**((TABLE 1—Stumpage Value Table
 Stumpage Value Area 1
 January 1 through June 30, 2000**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Timber Quality Species Code	Hauling Distance-Zone-Number					
		1	2	3	4	5	
Douglas-Fir	DF	†	\$536	\$529	\$522	\$515	\$508
		2	442	435	428	421	414
		3	439	432	425	418	411
		4	439	432	425	418	411
Western Redcedar ²	RC	†	726	719	712	705	698
		2	726	719	712	705	698
		3	705	698	691	684	677
		4	689	682	675	668	661
Western Hemlock ³	WH	†	371	364	357	350	343
		2	370	363	356	349	342
		3	339	332	325	318	311
		4	334	327	320	313	306
Other Conifer	OC	†	371	364	357	350	343
		2	370	363	356	349	342
		3	339	332	325	318	311
		4	334	327	320	313	306
Red Alder	RA	†	258	251	244	237	230
		2	223	216	209	202	195
		3	180	173	166	159	152
		4	180	173	166	159	152
Black Cottonwood	BC	†	81	74	67	60	53
		2	81	74	67	60	53
		3	15	8	†	†	†
Other Hardwood	OH	†	136	129	122	115	108

PROPOSED

**TABLE 2—Stumpage Value Table
 Stumpage Value Area 2
 January 1 through June 30, 2000**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Timber Quality Species Code	Hauling Distance-Zone-Number					
		1	2	3	4	5	
Douglas-Fir	DF	†	\$515	\$508	\$501	\$494	\$487
		2	461	454	447	440	433
		3	439	432	425	418	411
		4	351	344	337	330	323
Western Redcedar ²	RC	†	726	719	712	705	698
		2	726	719	712	705	698
		3	705	698	691	684	677
		4	689	682	675	668	661

[†] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

TABLE 3 - Stumpage Value Table

Stumpage Value Area 3
January 1 through June 30, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality	Hauling										
			Timber	Distance	Zone	Number	Code						
Douglas Fir ²	DF	+	\$536	\$529	\$522	\$515	\$508	+	1	2	3	4	5
Western Hemlock ³	WH	+	370	363	356	349	342	+	1	2	3	4	5
Other Conifer	OC	+	370	363	356	349	342	+	1	2	3	4	5
Western Redcedar ³	RC	+	726	719	712	705	698	+	1	2	3	4	5
Western Hemlock ⁴	WH	+	371	364	357	350	343	+	1	2	3	4	5
Other Conifer	OC	+	371	364	357	350	343	+	1	2	3	4	5
Western Hemlock ⁴	WH	+	371	364	357	350	343	+	1	2	3	4	5
Other Conifer	OC	+	371	364	357	350	343	+	1	2	3	4	5
Red Alder	RA	+	258	251	244	237	230	+	1	2	3	4	5
Other Hardwood	OH	+	136	129	122	115	108	+	1	2	3	4	5
Douglas Fir Poles	DFL	+	845	838	831	824	817	+	1	2	3	4	5
Western Redcedar Poles	RCL	+	845	838	831	824	817	+	1	2	3	4	5
Chipwood	CHW	+	3	2	1	1	1	+	1	2	3	4	5
RC Shake Blocks	RCS	+	303	296	289	282	275	+	1	2	3	4	5
RC Shingle Blocks	RCF	+	121	114	107	100	93	+	1	2	3	4	5
RC & Other Posts ⁵	RCP	+	0.45	0.45	0.45	0.45	0.45	+	1	2	3	4	5
DF Christmas Trees ⁵	DFX	+	0.25	0.25	0.25	0.25	0.25	+	1	2	3	4	5
Other Christmas Trees ⁵	TFX	+	0.50	0.50	0.50	0.50	0.50	+	1	2	3	4	5

PROPOSED

TABLE 2 - Stumpage Value Table

Stumpage Value Area 2
January 1 through June 30, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality	Hauling										
			Timber	Distance	Zone	Number	Code						
Western Hemlock ³	WH	+	370	363	356	349	342	+	1	2	3	4	5
Other Conifer	OC	+	370	363	356	349	342	+	1	2	3	4	5
Western Hemlock ³	WH	+	370	363	356	349	342	+	1	2	3	4	5
Other Conifer	OC	+	370	363	356	349	342	+	1	2	3	4	5
Red Alder	RA	+	258	251	244	237	230	+	1	2	3	4	5
Other Hardwood	OH	+	136	129	122	115	108	+	1	2	3	4	5
Douglas Fir Poles	DFL	+	845	838	831	824	817	+	1	2	3	4	5
Western Redcedar Poles	RCL	+	845	838	831	824	817	+	1	2	3	4	5
Chipwood	CHW	+	3	2	1	1	1	+	1	2	3	4	5
RC Shake Blocks	RCS	+	303	296	289	282	275	+	1	2	3	4	5
RC Shingle Blocks	RCF	+	121	114	107	100	93	+	1	2	3	4	5
RC & Other Posts ⁵	RCP	+	0.45	0.45	0.45	0.45	0.45	+	1	2	3	4	5
DF Christmas Trees ⁵	DFX	+	0.25	0.25	0.25	0.25	0.25	+	1	2	3	4	5
Other Christmas Trees ⁵	TFX	+	0.50	0.50	0.50	0.50	0.50	+	1	2	3	4	5

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
⁴ Stumpage value per 8 lineal feet or portion thereof.
⁵ Stumpage value per lineal foot.

- ¹ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 2000**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$557	\$550	\$543	\$536	\$529
		2	450	443	436	429	422
		3	431	424	417	410	403
		4	431	424	417	410	403
Lodgepole Pine	LP	1	242	235	228	221	214
Ponderosa Pine	PP	1	350	343	336	329	322
		2	212	205	198	191	184
Western-Redcedar ³	RC	1	726	719	712	705	698
		2	726	719	712	705	698
		3	705	698	691	684	677
		4	689	682	675	668	661
Western Hemlock ⁴	WH	1	414	407	400	393	386
		2	414	407	400	393	386
		3	355	348	341	334	327
		4	343	336	329	322	315
Other Conifer	OC	1	414	407	400	393	386
		2	414	407	400	393	386
		3	355	348	341	334	327
		4	343	336	329	322	315
Red Alder	RA	1	258	251	244	237	230
		2	223	216	209	202	195
		3	180	173	166	159	152
Black Cottonwood	BC	1	81	74	67	60	53
		2	81	74	67	60	53
		3	15	8	1	1	1
Other Hardwood	OH	1	136	129	122	115	108
		2	116	109	102	95	88
		3	83	76	69	62	55

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 2000**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code Number	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir Poles	DFL	1	845	838	831	824	817
Western Redcedar Poles	RCL	1	845	838	831	824	817
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 2000**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code Number	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$543	\$536	\$529	\$522	\$515
		2	431	424	417	410	403
		3	394	387	380	373	366
		4	394	387	380	373	366
Lodgepole Pine	LP	1	242	235	228	221	214
Ponderosa Pine	PP	1	350	343	336	329	322
		2	212	205	198	191	184
Western-Redcedar ³	RC	1	726	719	712	705	698
		2	726	719	712	705	698

PROPOSED

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Quantity— Species Code	Hauling Distance—Zone Number	Timber				
			Code Number	1	2	3	4
Western Hemlock ⁴	WH	+	378	371	364	357	350
			378	371	364	357	350
			378	371	364	357	350
			378	371	364	357	350
Other Conifer	OC	+	378	371	364	357	350
			378	371	364	357	350
			378	371	364	357	350
			378	371	364	357	350
Red Alder	RA	+	258	251	244	237	230
			223	216	209	202	195
			180	173	166	159	152
			3	2	2	2	2
Black Cottonwood	BC	+	81	74	67	60	53
			81	74	67	60	53
			81	74	67	60	53
			81	74	67	60	53
Other Hardwood	OH	+	136	129	122	115	108
			116	109	102	95	88
			83	76	69	62	55
			3	2	2	2	2
Douglas Fir Poles	DFP	+	845	838	831	824	817
			845	838	831	824	817
			845	838	831	824	817
			845	838	831	824	817
Western Redcedar Poles	RCL	+	845	838	831	824	817
			845	838	831	824	817
			845	838	831	824	817
			845	838	831	824	817
Chipwood	CHW	+	3	2	2	2	2
			3	2	2	2	2
			3	2	2	2	2
			3	2	2	2	2

PROPOSED

RC Shake Blocks	RCS	+	303	296	289	282	275
RC Single Blocks	RCF	+	121	114	107	100	93
RC & Other Posts ⁵	RCP	+	0.45	0.45	0.45	0.45	0.45
DP Christmas Trees ⁶	DPX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	OTX	+	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington—See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.
³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 2000

Stumpage Values per Thousand and Board Feet Net Scribner Log Scale¹

Species Name	Quantity— Species Code	Hauling Distance—Zone Number	Timber				
			Code Number	1	2	3	4
Douglas Fir ²	DF	+	\$287	\$280	\$273	\$266	\$259
			\$287	\$280	\$273	\$266	\$259
			\$287	\$280	\$273	\$266	\$259
			\$287	\$280	\$273	\$266	\$259
Ponderosa Pine	PP	+	350	343	336	329	322
			350	343	336	329	322
			350	343	336	329	322
			350	343	336	329	322
Western Redcedar ³	RC	+	539	532	525	518	511
			539	532	525	518	511
			539	532	525	518	511
			539	532	525	518	511
True Firs ⁴	WH	+	222	215	208	201	194
			346	339	332	325	318
			346	339	332	325	318
			346	339	332	325	318
Hardwoods	OH	+	50	43	36	29	22
			50	43	36	29	22
			50	43	36	29	22
			50	43	36	29	22
Western White Pine	WP	+	346	339	332	325	318
			346	339	332	325	318
			346	339	332	325	318
			346	339	332	325	318
Small Logs	SMB	+	21	20	19	18	17
			21	20	19	18	17
			21	20	19	18	17
			21	20	19	18	17
Chipwood	CHW	+	2	2	2	2	2
			2	2	2	2	2
			2	2	2	2	2
			2	2	2	2	2
RC Shake & Shingle Blocks	RCF	+	92	85	78	71	64
			92	85	78	71	64
			92	85	78	71	64
			92	85	78	71	64
LP & Other Posts ⁵	LPP	+	0.35	0.35	0.35	0.35	0.35
			0.35	0.35	0.35	0.35	0.35
			0.35	0.35	0.35	0.35	0.35
			0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	+	0.25	0.25	0.25	0.25	0.25
			0.25	0.25	0.25	0.25	0.25
			0.25	0.25	0.25	0.25	0.25
			0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DPX	+	0.25	0.25	0.25	0.25	0.25
			0.25	0.25	0.25	0.25	0.25
			0.25	0.25	0.25	0.25	0.25
			0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington—See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.
³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$287	\$280	\$273	\$266	\$259
Engelmann Spruce	ES	1	233	226	219	212	205
Lodgepole Pine	LP	1	246	239	232	225	218
Ponderosa Pine	PP	1	392	385	378	371	364
		2	305	298	291	284	277
Western Redcedar ³	RC	1	539	532	525	518	511
True Firs ⁴	WH	1	213	206	199	192	185
Western White Pine	WP	1	346	339	332	325	318
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	22	21	20	19	18
Chipwood	CHW	1	2	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$543	\$536	\$529	\$522	\$515
		2	436	429	422	415	408
		3	417	410	403	396	389
		4	417	410	403	396	389
Lodgepole Pine	LP	1	242	235	228	221	214
Ponderosa Pine	PP	1	350	343	336	329	322
		2	212	205	198	191	184
Western Redcedar ³	RC	1	712	705	698	691	684
		2	712	705	698	691	684
		3	691	684	677	670	663
		4	675	668	661	654	647
Western Hemlock ⁴	WH	1	400	393	386	379	372
		2	400	393	386	379	372
		3	341	334	327	320	313
		4	329	322	315	308	301
Other Conifer	OC	1	400	393	386	379	372
		2	400	393	386	379	372
		3	341	334	327	320	313
		4	329	322	315	308	301
Red Alder	RA	1	244	237	230	223	216
		2	209	202	195	188	181
		3	166	159	152	145	138
Black Cottonwood	BC	1	67	60	53	46	39
		2	67	60	53	46	39
		3	15	8	1	1	1
Other Hardwood	OH	1	122	115	108	101	94
		2	102	95	88	81	74
		3	69	62	55	48	41
Douglas fir Poles	DFL	1	831	824	817	810	803
Western Redcedar Poles	RCL	1	831	824	817	810	803
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷ Stumpage value per lineal foot.

PROPOSED

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

[†] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.))

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$513	\$506	\$499	\$492	\$485
		2	513	506	499	492	485
		3	462	455	448	441	434
		4	301	294	287	280	273
Western Redcedar ⁽²⁾	RC	1	902	895	888	881	874
		2	799	792	785	778	771
		3	782	775	768	761	754
		4	781	774	767	760	753
Western Hemlock ⁽³⁾	WH	1	504	497	490	483	476
		2	338	331	324	317	310
		3	332	325	318	311	304
		4	306	299	292	285	278
Other Conifer	OC	1	504	497	490	483	476
		2	338	331	324	317	310
		3	332	325	318	311	304
		4	306	299	292	285	278
Red Alder	RA	1	286	279	272	265	258
		2	235	228	221	214	207

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Black Cottonwood	BC	1	182	175	168	161	154
		2	34	27	20	13	6
		3	15	8	1	1	1
Other Hardwood	OH	1	167	160	153	146	139
		2	138	131	124	117	110
		3	78	71	64	57	50
Douglas-Fir Poles	DFL	1	903	896	889	882	875
Western Redcedar Poles	RCL	1	903	896	889	882	875
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽²⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁴⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

⁽²⁾ Includes Alaska Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁵⁾ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$529	\$522	\$515	\$508	\$501
		2	529	522	515	508	501
		3	485	478	471	464	457

PROPOSED

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		4	388	381	374	367	360
Western Redcedar ⁽²⁾	RC	1	902	895	888	881	874
		2	799	792	785	778	771
		3	782	775	768	761	754
		4	781	774	767	760	753
Western Hemlock ⁽¹⁾	WH	1	530	523	516	509	502
		2	370	363	356	349	342
		3	353	346	339	332	325
		4	318	311	304	297	290
Other Conifer	OC	1	530	523	516	509	502
		2	370	363	356	349	342
		3	353	346	339	332	325
		4	318	311	304	297	290
Red Alder	RA	1	286	279	272	265	258
		2	235	228	221	214	207
		3	182	175	168	161	154
Black Cottonwood	BC	1	38	31	24	17	10
		2	34	27	20	13	6
		3	15	8	1	1	1
Other Hardwood	OH	1	167	160	153	146	139
		2	138	131	124	117	110
		3	78	71	64	57	50
Douglas-fir Poles	DFL	1	903	896	889	882	875
Western Redcedar Poles	RCL	1	903	896	889	882	875
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽²⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽²⁾	TEF	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁵⁾ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$492	\$485	\$478	\$471	\$464
		2	451	444	437	430	423
		3	442	435	428	421	414
		4	258	251	244	237	230
Western Redcedar ⁽³⁾	RC	1	902	895	888	881	874
		2	799	792	785	778	771
		3	782	775	768	761	754
		4	781	774	767	760	753
Western Hemlock ⁽⁴⁾	WH	1	357	350	343	336	329
		2	326	319	312	305	298
		3	317	310	303	296	289
		4	227	220	213	206	199
Other Conifer	OC	1	357	350	343	336	329
		2	326	319	312	305	298
		3	317	310	303	296	289
		4	227	220	213	206	199
Red Alder	RA	1	286	279	272	265	258
		2	235	228	221	214	207
		3	182	175	168	161	154
Black Cottonwood	BC	1	38	31	24	17	10
		2	34	27	20	13	6
		3	15	8	1	1	1
Other Hardwood	OH	1	167	160	153	146	139
		2	138	131	124	117	110
		3	78	71	64	57	50
Douglas-fir Poles	DFL	1	903	896	889	882	875
Western Redcedar Poles	RCL	1	903	896	889	882	875
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
Douglas-fir Poles	DFL	1	903	896	889	882	875
Western Redcedar Poles	RCL	1	903	896	889	882	875
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93

PROPOSED

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC & Other Posts ⁽²⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- (2) Includes Western Larch.
- (3) Includes Alaska-Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
- (5) Stumpage value per 8 lineal feet or portion thereof.
- (6) Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$506	\$499	\$492	\$485	\$478
		2	506	499	492	485	478
		3	503	496	489	482	475
		4	297	290	283	276	269
Lodgepole Pine	LP	1	242	235	228	221	214
Ponderosa Pine	PP	1	399	392	385	378	371
		2	262	255	248	241	234
Western Redcedar ⁽³⁾	RC	1	902	895	888	881	874
		2	799	792	785	778	771
		3	782	775	768	761	754
		4	781	774	767	760	753
Western Hemlock ⁽⁴⁾	WH	1	504	497	490	483	476
		2	369	362	355	348	341
		3	346	339	332	325	318
		4	308	301	294	287	280
Other Conifer	OC	1	504	497	490	483	476

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	286	279	272	265	258
		2	235	228	221	214	207
		3	182	175	168	161	154
Black Cottonwood	BC	1	38	31	24	17	10
		2	34	27	20	13	6
		3	15	8	1	1	1
Other Hardwood	OH	1	167	160	153	146	139
		2	138	131	124	117	110
		3	78	71	64	57	50
Douglas-fir Poles	DFL	1	903	896	889	882	875
Western Redcedar Poles	RCL	1	903	896	889	882	875
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCE	1	121	114	107	100	93
RC & Other Posts ⁽²⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- (2) Includes Western Larch.
- (3) Includes Alaska-Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
- (5) Stumpage value per 8 lineal feet or portion thereof.
- (6) Stumpage value per lineal foot.

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TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$496	\$489	\$482	\$475	\$468
		2	496	489	482	475	468
		3	424	417	410	403	396
		4	340	333	326	319	312
Lodgepole Pine	LP	1	242	235	228	221	214
Ponderosa Pine	PP	1	399	392	385	378	371
		2	262	255	248	241	234
Western Redcedar ⁽³⁾	RC	1	902	895	888	881	874
		2	799	792	785	778	771
		3	782	775	768	761	754
		4	781	774	767	760	753
Western Hemlock ⁽⁴⁾	WH	1	504	497	490	483	476
		2	372	365	358	351	344
		3	346	339	332	325	318
		4	330	323	316	309	302
Other Conifer	OC	1	504	497	490	483	476
		2	372	365	358	351	344
		3	346	339	332	325	318
		4	330	323	316	309	302
Red Alder	RA	1	286	279	272	265	258
		2	235	228	221	214	207
		3	182	175	168	161	154
Black Cottonwood	BC	1	38	31	24	17	10
		2	34	27	20	13	6
		3	15	8	1	1	1
Other Hardwood	OH	1	167	160	153	146	139
		2	138	131	124	117	110
		3	78	71	64	57	50
Douglas-fir Poles	DFL	1	903	896	889	882	875
Western Redcedar Poles	RCL	1	903	896	889	882	875
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

(2) Includes Western Larch.

(3) Includes Alaska-Cedar.

(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

(5) Stumpage value per 8 lineal feet or portion thereof.

(6) Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$305	\$298	\$291	\$284	\$277
Engelmann Spruce	ES	1	245	238	231	224	217
Lodgepole Pine	LP	1	242	235	228	221	214
Ponderosa Pine	PP	1	399	392	385	378	371
		2	262	255	248	241	234
Western Redcedar ⁽³⁾	RC	1	423	416	409	402	395
True Firs ⁽⁴⁾	WH	1	245	238	231	224	217
Western White Pine	WP	1	446	439	432	425	418
Hardwoods	OH	1	14	7	1	1	1
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	25	24	23	22	21
Chipwood	CHW	1	2	1	1	1	1

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TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽²⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- (2) Includes Western Larch.
- (3) Includes Alaska-Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
- (5) Stumpage value per 8 lineal feet or portion thereof.
- (6) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- (7) Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$305	\$298	\$291	\$284	\$277
Engelmann Spruce	ES	1	245	238	231	224	217
Lodgepole Pine	LP	1	242	235	228	221	214
Ponderosa Pine	PP	1	411	404	397	390	383
		2	316	309	302	295	288
Western Redcedar ⁽²⁾	RC	1	423	416	409	402	395
True Firs ⁽⁴⁾	WH	1	260	253	246	239	232
Western White Pine	WP	1	446	439	432	425	418
Hardwoods	QH	1	14	7	1	1	1

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	25	24	23	22	21
Chipwood	CHW	1	2	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽²⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- (2) Includes Western Larch.
- (3) Includes Alaska-Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
- (5) Stumpage value per 8 lineal feet or portion thereof.
- (6) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- (7) Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$492	\$485	\$478	\$471	\$464
		2	492	485	478	471	464
		3	489	482	475	468	461
		4	283	276	269	262	255
Lodgepole Pine	LP	1	242	235	228	221	214
Ponderosa Pine	PP	1	399	392	385	378	371
		2	262	255	248	241	234
Western Redcedar ⁽²⁾	RC	1	888	881	874	867	860

PROPOSED

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 2000

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		2	785	778	771	764	757
		3	768	761	754	747	740
		4	767	760	753	746	739
Western Hemlock ⁽⁴⁾	WH	1	490	483	476	469	462
		2	355	348	341	334	327
		3	332	325	318	311	304
		4	294	287	280	273	266
Other Conifer	OC	1	490	483	476	469	462
		2	355	348	341	334	327
		3	332	325	318	311	304
		4	294	287	280	273	266
Red Alder	RA	1	272	265	258	251	244
		2	221	214	207	200	193
		3	168	161	154	147	140
Black Cottonwood	BC	1	24	17	10	3	1
		2	20	13	6	1	1
		3	15	8	1	1	1
Other Hardwood	OH	1	153	146	139	132	125
		2	124	117	110	103	96
		3	64	57	50	43	36
Douglas-fir Poles	DFL	1	889	882	875	868	861
Western Redcedar Poles	RCL	1	889	882	875	868	861
Chipwood	CHW	1	3	2	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽²⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TEF	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

(3) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of ((January)) July 1 through ((June-30)) December 31, 2000:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
 ((January)) July 1 through ((June-30)) December 31, 2000

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00
Not A Class 2 adjustment may be used for slopes less than 30% e: when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.		
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00
IV. Thinning (see WAC 458-40-610(21))		
Class 1	Average log volume of 50 board feet or more.	- \$25.00

PROPOSED

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 2	Average log volume of less than 50 board feet.	-\$125.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
 ((January)) July 1 through ((June-30)) December 31, 2000

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Most of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	-\$145.00
Note: A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.		
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00

TABLE 11—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private Timber

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

WSR 00-10-060
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed April 28, 2000, 2:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-06-078.

Title of Rule: WAC 180-29-085 Construction and other documents—Submittal.

Purpose: To delete requirement for microfilm of construction documents due to industry change from microfilm to electronic storage and copying of documents.

Statutory Authority for Adoption: RCW 28A.525.020.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule requires a microfilm copy of construction plans and specifications to be provided to the Office of Superintendent of Public Instruction (OSPI). The industry is moving away from microfilm to internet access and computer disk storage.

The change to the rule will allow OSPI to require copies of documents to be provided in an electronic format. The new process will be faster and cheaper than the microfilm process.

Proposal Changes the Following Existing Rules: Construction documents would be submitted to OSPI in an electronic format instead of microfilm.

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

Hearing Location: Seattle Christian Schools, 18301 Military Road South, SeaTac, WA 98188, on June 8, 2000, at 8 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin, TDD (360) 664-3631, or (360) 753-6715.

PROPOSED

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by May 30, 2000.

Date of Intended Adoption: August 25, 2000.

April 20, 2000

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-24-126, filed 12/1/99, effective 1/1/00)

WAC 180-29-085 Construction and other documents—Submittal. (1) For the purpose of determining that the provisions set forth in chapters 180-25 through 180-29 WAC have been complied with prior to the opening of bids of any project to be financed with state moneys, the school district shall have on file with the superintendent of public instruction the following:

- (a) One ((~~microfilm~~)) copy of the construction documents forwarded by others;
 - (b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;
 - (c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 180-29-090;
 - (d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 180-27 WAC;
 - (e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 180-27-100;
 - (f) One copy of the value engineering and constructability review reports as accepted by the school district board of directors. The reports shall include the following:
 - (i) A brief description of the original design;
 - (ii) A brief description of the value engineering or constructability review methodology used;
 - (iii) The areas analyzed;
 - (iv) The design alternatives proposed;
 - (v) The cost changes proposed;
 - (vi) The alternates accepted; and
 - (vii) A brief statement explaining why each alternate not accepted was rejected;
 - (g) Completed Building Condition Evaluation Forms (BCEF) as required by WAC 180-27-535 for every school facility in the district.
- (2) If the above documents reflect an increase in square foot size from the application approved by the state board of education as per WAC 180-29-030 which will result in an increase in state support, a new application must be submitted to the state board of education.

WSR 00-10-064
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed April 28, 2000, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-011.

Title of Rule: WAC 388-502-0210 Statistical data—Vendor reports.

Purpose: To clarify and update program requirements and to comply with the Governor's Executive Order 97-02, which mandates that all rules be reviewed for clarity, necessity, fairness, etc.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.035.

Statute Being Implemented: RCW 74.08.090, 74.09.035.

Summary: These amendments clarify how Medical Assistance Administration (MAA)-enrolled providers submit reports to MAA to provide data on goods and services furnished. They also clarify how MAA tabulates, analyzes, and distributes the data collected.

Reasons Supporting Proposal: To update rule content to reflect current department policy and business practices and to comply with the Governor's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, RIP, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Rich Boyesen, OIS, P.O. Box 45511, Olympia, WA 98504, (360) 725-1284.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule clarifies how Medical Assistant Administration (MAA)-enrolled providers submit reports to MAA to provide data on goods and services furnished. It also clarifies how MAA tabulates, analyzes, and distributes the data collected.

The purpose of the rule is to inform provider about current MAA policy, and to make that policy clearly understood.

Its anticipated effect is a clearer understanding of MAA policy.

Proposal Changes the Following Existing Rules: The rule is amended with updated language that replaces "vendor reports" with "provider reports."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes that no new costs will be imposed on businesses affected by them.

RCW 34.05.328 does not apply to this rule adoption. The department has analyzed this rule and concluded that it is not a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 6, 2000, at 10:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Fred Swenson by May 26, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 6, 2000.

Date of Intended Adoption: No sooner than June 7, 2000.

April 26, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

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

WAC 388-502-0210 Statistical data-((~~vendor~~)) provider reports. (1) ~~((When requested by the department, all vendors under the program shall submit full reports of goods furnished and services rendered to the department in the manner specified. The department shall provide the vendor with standardized forms to report these data))~~ At the request of the medical assistance administration (MAA), all providers enrolled with MAA programs must submit full reports, as specified by MAA, of goods and services furnished to eligible medical assistance clients. MAA furnishes the provider with a standardized format to report these data.

(2) ~~((The department shall tabulate and analyze))~~ MAA analyzes the data collected from the providers' reports to secure statistics on costs of goods and ((the)) services ((rendered in the various phases of the program. The department shall make available such tabulations and analyses to the department's advisory committee, state welfare medical care committee, official organizations of vendor groups participating in the program, and other appropriate persons or groups)) furnished and makes a report of the analysis available to MAA's advisory committee, the state welfare medical care committee, representative organizations of provider groups enrolled with MAA, and any other interested organizations or individuals.

WSR 00-10-066

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed April 28, 2000, 4:36 p.m.]

This is to advise you that the Department of Agriculture is withdrawing WSR 99-20-113 and any continuance filed thereafter.

William Brookreson
Deputy Director

WSR 00-10-074

PROPOSED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Filed May 1, 2000, 9:54 a.m.]

Original Notice.

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

Title of Rule: Tariffs and pilotage rates for the Grays Harbor pilotage district.

Purpose: To establish a Grays Harbor pilotage district annual tariff.

Other Identifying Information: WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed rule contains no changes from the existing rule other than to establish a new effective period.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 2911 2nd Avenue, Seattle, WA, (206) 515-3904.

Name of Proponent: Grays Harbor Pilots Association, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Grays Harbor pilotage district expire on July 31, 2000. New rates must be set annually.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed sets the tariff for pilotage services in the Grays Harbor pilotage district for the period from August 1, 2000, through July 31, 2001.

Proposal does not change existing rules. The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule contains no changes from the previous rule.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: 2911 2nd Avenue, Level B Conference Room, Seattle, WA 98121, on June 8, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by June 5, 2000, (206) 515-3904.

Submit Written Comments to: Harry Dudley, Chairman, fax (206) 515-3969, by June 1, 2000.

Date of Intended Adoption: June 8, 2000.

April 28, 2000
Peggy Larson
Administrator

PROPOSED

AMENDATORY SECTION (Amending WSR 99-16-027, filed 7/27/99, effective 8/1/99)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours on ((8-1-99)) 8-1-00 through 2400 hours ((7-31-00)) 7-31-01.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be \$70.43 per meter (or \$21.43 per foot) and the tonnage charge shall be \$0.2246 per net registered ton. The minimum net registered tonnage charge is \$785.90. The charge for an extra vessel (in case of tow) is \$449.11.

Boarding fee:

Per each boarding/deboarding from a boat \$338.84

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$563.37
Delays per hour \$134.34
Cancellation charge (pilot only) \$224.54
Cancellation charge (pilot boat only) \$673.64

Travel allowance:

Transportation fee per assignment \$55.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$785.93 for each day or fraction thereof, and the travel expense incurred \$785.93

Bridge transit:

Charge for each bridge transited \$246.62
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam..... \$682.80

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

**WSR 00-10-078
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(By the Code Reviser's Office)
[Filed May 2, 2000, 8:54 a.m.]**

WAC 388-557-0100, proposed by the Department of Social and Health Services in WSR 99-20-111 appearing in issue 99-21 of the State Register, which was distributed on November 3, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

**WSR 00-10-081
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed May 2, 2000, 10:49 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-054.

Title of Rule: WAC 180-51-075.

Purpose: Rule amendment.

Statutory Authority for Adoption: RCW 28A.230.170, 28A.230.060.

Summary: This amendment will allow military dependent secondary school students who have completed and passed a course of study in state history and government from without the state to have their principal waive the Washington state history and government.

Reasons Supporting Proposal: This social studies requirement will have identified equivalences.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Seattle Christian Schools, 18301 Military Road South, SeaTac, WA 98188, on June 8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by May 25, 2000, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by May 25, 2000.

PROPOSED

Date of Intended Adoption: June 8, 2000.

May 1, 2000

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-05-010, filed 2/4/00, effective 3/6/00)

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

(1) Pursuant to WAC 180-51-060, one credit shall be required in United States history and government which shall include study of the Constitution of the United States. No other course content may be substituted as an equivalency for this requirement.

(2)(a) Pursuant to the provisions of RCW 28A.230.170, 28A.230.090, and WAC 180-51-060, one-half credit shall be required in Washington state history and government which shall include study of the Constitution of the state of Washington and is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state.

(b) Secondary school students who have completed and passed a state history and government course of study in another state may have the Washington state history and government requirement waived by their principal. The study of the United States and Washington state Constitutions required under RCW 28A.230.170 shall not be waived, but may be fulfilled through an alternative learning experience approved by the school principal pursuant to a written district policy. For purposes of this subsection the term "secondary school students" shall mean a student who is in one of the grades seven through twelve.

(c) After completion of the tenth grade and prior to commencement of the eleventh grade, eleventh and twelfth grade students who transfer from another state, and who have or will have earned two credits in social studies at graduation, may have the Washington state history requirement waived by their principal if without such a waiver they will not be able to graduate with their class.

(3) Pursuant to WAC 180-51-060, one credit shall be required in contemporary world history, geography, and problems. Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.

WSR 00-10-082

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed May 2, 2000, 10:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-077.

Title of Rule: WAC 180-85-030 Continuing education credit hour—Definition.

Purpose: The amendment would permit independent study to be included as continuing education credit hours (clock hours), thus permitting on-line instruction.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Seattle Christian Schools, 18301 Military Road South, SeaTac, WA 98188, on June 8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by May 25, 2000, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by May 25, 2000.

Date of Intended Adoption: June 8, 2000.

May 1, 2000

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-086, filed 2/5/97, effective 3/8/97)

WAC 180-85-030 Continuing education credit hour—Definition. As used in this chapter, the term "continuing education credit hour" shall mean:

(1) For each college or university semester hour credit, fifteen hours of continuing education credit hours shall be granted.

(2) For each college or university quarter hour credit, ten hours of continuing education credit hours shall be granted.

(3) For each sixty minutes of instruction in course work provided by a vocational-technical college, one continuing education credit hour shall be granted.

(4) For each sixty minutes of approved in-service education including reasonable time for breaks and passing time, one continuing education credit hour shall be granted. In the application of this subsection, the in-service education provider shall determine what is reasonable.

(5) In the application of this section, approved in-service credit hours shall not include:

(a) Routine staff meetings—such as district, building, or area meetings within an agency, district, or building—to discuss or explain operational policies or administrative practices within the agency, district, or building;

(b) Business meetings of professional associations to discuss operational policies or practices of the association;

(c) Social hours(~~(-independent study,)~~) or actual meal time.

(6) In the application of this section, for the purpose of official records of the amount of in-service credit hours, the in-service provider or the superintendent of public instruction shall round continuing education credit hours down to the nearest half hour of credits actually completed—i.e., .50, and .00—and in no case shall an applicant receive credit for an in-service program that was less than a total of three continuing education credit hours.

WSR 00-10-083

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed May 2, 2000, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-078.

Title of Rule: WAC 180-78A-500 Professional certificate program approval.

Purpose: The proposed amendment would clarify that only colleges and universities that have approved preparation programs for the residency certificate shall be approved to offer professional certificate programs.

Statutory Authority for Adoption: RCW 28A.305.130 (1) and (2).

Summary: See above.

Reasons Supporting Proposal: This amendment will ensure articulation between the residency and professional certificate preparation programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Seattle Christian Schools, 18301 Military Road South, SeaTac, WA 98188, on June 8, 2000, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moores by May 25, 2000, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by May 25, 2000.

Date of Intended Adoption: June 8, 2000.

May 1, 2000

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

WAC 180-78A-500 Professional certificate program approval. All professional certificate programs for teachers shall be approved pursuant to the requirements in WAC 180-78A-520 through 180-78A-540. Only colleges/universities with state board of education approved residency certificate teacher preparation programs are eligible to apply for approval to offer professional certificate programs.

WSR 00-10-084

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed May 2, 2000, 10:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-076.

Title of Rule: WAC 180-79A-140 Types of certificates and 180-79A-231 Limited certificates.

Purpose: The rule would create a new type of limited certificate, the intern substitute teacher certificate, which would allow student teachers/interns to be substitute teachers in the absence of the classroom teacher.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: The amendment would help alleviate somewhat the substitute shortage and provide the classroom with a qualified substitute teacher.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

Hearing Location: Seattle Christian Schools, 18301 Military Road South, SeaTac, WA 98188, on June 8, 2000, at 8:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Laura Moore by May 25, 2000, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by May 25, 2000.

Date of Intended Adoption: June 8, 2000.

May 1, 2000

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-23-023, filed 11/9/99, effective 12/10/99)

WAC 180-79A-140 Types of certificates. ~~((Six))~~ Five types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) Vocational. The vocational certificate authorizes service in vocational programs in accordance with the provisions of chapter 180-77 WAC.

(3) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or vice-principal. The initial principal certificate shall indicate one of the following grade levels, preschool-9, 4-12, or preschool-12, based on recommendations from the college or university in which the candidate completed an approved preparation program.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(4) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

~~(5) ((Internship. The internship certificate is issued to individuals who meet the qualifications for it and are participating in the internship pilot project as described in WAC 180-79A-241.~~

~~(6))~~ Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC ~~((180-79A-230))~~ 180-79A-231:

- (a) Conditional certificate.
- (b) Substitute certificate.
- (c) Emergency certificate.
- (d) Emergency substitute certificate.
- (e) Intern substitute teacher certificate.

AMENDATORY SECTION (Amending WSR 99-23-023, filed 11/9/99, effective 12/10/99)

WAC 180-79A-231 Limited certificates. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The state board of education encourages in all cases the hiring of fully certificated individuals with conditional certificates only after careful review of all other options. The state board of education asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) The applicant has completed a baccalaureate degree level school speech pathologist or audiologist certification preparation program, who were eligible for certification at the time of program completion and who have served in the role for three of the last seven years.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

PROPOSED

(i) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 180-79A-257 (2)(c) and (d).

(b) The substitute certificate is valid for life.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: Provided, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

(a) School districts and approved private schools may request intern substitute teacher certificates for persons enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

(b) The supervising college or university must approve the candidate for the intern substitute teacher certificate.

(c) Such certificated substitutes may be called at the discretion of the school district or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher/intern.

(d) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

**WSR 00-10-086
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed May 2, 2000, 12:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-110.

Title of Rule: WAC 480-120-071 Extensions of telecommunications service, WUTC Docket No. UT-991737.

Purpose: The purpose of the proposed rule is to maintain and advance the efficiency and availability of telecommunications service; ensure that customers pay only reasonable charges for telecommunications service; and promote diversity in the supply of telecommunications services and products in telecommunications markets throughout the state. In addition, the rule is necessary to provide services that are reasonably comparable in quality and price between urban and rural areas and that are priced at rates that are fair, just, reasonable and sufficient.

Statutory Authority for Adoption: RCW 80.01.040 General; 80.04.160 Utility; 80.36.300, 80.36.080, 80.36.610. Also 47 U.S.C. § 254(b).

Summary: This proposed rule sets a uniform standard for telecommunications service extensions. It provides an incentive to build within county approved growth-management areas because there is a greater charge for service extensions outside those areas. It maintains and advances the efficiency and availability of telecommunications services by setting a uniform standard and providing that unreasonable extensions are not required. It ensures that customers pay only reasonable charges by setting a uniform standard with an upper limit that individual customers must pay and provides a means to recover costs not met by customer charges. It promotes diversity in the supply of telecommunications services and products by permitting extensions through non-wireline telecommunications services. It results in comparable services and prices between urban and rural areas and sets a policy that promotes fair, just, reasonable and sufficient rates. It permits companies to cooperate in providing services across exchange boundaries and does not affect the price telecommunications companies charge developers for extensions to and within developments.

Reasons Supporting Proposal: The commission is charged with establishing policies that maintain and advance the efficiency and availability of telecommunications service; ensure that customers pay only reasonable charges for telecommunications service; and promote diversity in the supply of telecommunications services and products in telecommunications markets throughout the state. The commission is also charged with establishing policies that result in the provision of services that are reasonably comparable in quality and price between urban and rural areas and that are

priced at rates that are fair, just, reasonable and sufficient. This proposal implements the legislature's policies and state and federal law. See Purpose above.

Name of Agency Personnel Responsible for Drafting: Robert Shirley, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose is to provide uniform standards that promote legislative policies and implement policies established by congress. The proposed rule will maintain and advance the efficiency and availability of telecommunications service; ensure that customers pay only reasonable charges for telecommunications service; and promote diversity in the supply of telecommunications services and products in telecommunications markets throughout the state. The proposed rule will also promote the provision of services that are comparable in quality and price between urban and rural areas and that are priced at rates that are fair, just, reasonable and sufficient. This proposal implements the legislature's policies and state and federal law.

The anticipated effects are a simpler, uniform process for the public to request and companies to provide service extensions. When appropriate, it permits the use of nonwireline technologies for service extensions. Customers will pay a reasonable price for extensions and companies will recover their costs.

Proposal Changes the Following Existing Rules: This proposal would change WAC 480-120-071 by expanding on the present requirement that each company must have a tariff. The rule changes are described above.

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

Small Business Economic Impact Statement

Background: WAC 480-120-071 Line extension policy, requires telephone companies to file a line extension tariff. The proposed amendments would add requirements which could cause all telephone companies to incur additional costs. Accordingly, a small business economic impact statement is required to determine whether there will be a disproportionate burden placed on small businesses.

Summary of the Proposed Amendments: Companies that file tariffs are required to provide extensions of service to customers requesting service and willing to pay in accordance with the rule. The extension of service may be fulfilled either through traditional wireline service or through a contract with a radio communications service company. Customers may be required to pay up to forty times the basic service rate of the provider. The remainder of cost incurred by the company, not including the cost of reinforcement of facilities, can be recovered by an increase in terminating access charges. Exceptions to the rule apply.

PROPOSED

Purpose and Process: RCW 19.85.040 requires that the economic impacts of a proposed rule on a small company be compared with the economic impacts of the rule on the largest companies, or those which comprise the top 10% of the local exchange telecommunications industry. RCW 19.85.020 defines small companies as those that have fifty or fewer employees.

On February 25, 2000, commission staff sent out the following small business economic impact statement questionnaire to all local and competitive telephone companies registered in the state.

February 24, 2000

To: All Local Exchange Companies
From: Gargi Charya, Telecommunications Analyst
Re: Small Business Economic Impact Statement
UT-991737 Service Extension Rulemaking

The Washington Utilities and Transportation Commission requests your assistance in preparation of the Small Business Economic Impact Statement (SBEIS) for the rulemaking in Docket No. UT-991737, Extension of Service. The SBEIS is a requirement of Washington's Regulatory Fairness Act, RCW 19.85, and is intended to focus an agency's attention on the economic impact of proposed rules on affected businesses, involve affected businesses in developing rules, and minimize any disproportionate impact of rules on small businesses. Your assistance is appreciated.

Before adopting a rule that will impose more than minor costs on an industry, the Commission is asked to analyze the compliance costs for both large and small businesses (including lost sales and revenue), involve small businesses in the development of the rule, take feasible steps to reduce the economic impact of the rule on small businesses, and prepare a Small Business Economic Impact Statement. A "small business" is any profit-making entity that has 50 or fewer employees.

In order to measure the impact on small businesses, the Commission also needs information from larger businesses. *The Commission requests all local exchange companies to complete and return the SBEIS Questionnaire to the Commission by March 15, 2000.*

If you have any questions or comments, please contact Gargi Charya, Telecommunications Analyst, at 360-664-1349.

Sincerely,
CAROLE J. WASHBURN
Secretary

SBEIS Questionnaire for All Local Exchange Companies

Company Name: _____
Company Contact: _____
Contact Telephone: _____
Contact Email: _____

- Does your company employ: Fewer than 51 people? ___
More than 50? ___
- For the purposes of this rule, approximately how much would it cost your company to:
File a Tariff or Price List: \$ _____
Provide for Extension of Service \$ _____
Notify Customers \$ _____
Make Billing Changes \$ _____
Other (please specify) \$ _____
- Would compliance with this rule cause a loss of sales?
___ Yes ___ No
Approximately how much? \$ _____
If "Yes" why would sales be lost? _____
- Would compliance with this rule cause a loss of revenue?
___ Yes ___ No
Approximately how much? \$ _____
If "yes," why would revenue be lost? _____
- In comparison with the cost incurred from prior cases of extension of service, would the cost of compliance for sections (2), (3), (4) and (5):
Increase? _____
Decrease? _____
The change in cost (increase or decrease) would be:
Substantial _____
Moderate _____
Minor _____
- Would access revenue increase? ___ Yes? ___ No?
Approximately how much? \$ _____
- Would access expenses increase? ___ Yes? ___ No?
Approximately how much? \$ _____

Thank you for your participation. If you have any questions, please contact Gargi Charya at (360) 664-1349. You may FAX your response to (360) 586-1150.

PLEASE Return Questionnaire to the Commission by March 15, 2000.

Return Address:
Gargi Charya
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive, SW
P.O. Box 47250
Olympia, WA 98504-7250

Responses were requested by March 15, 2000, and received from three incumbent local exchange companies one of which is defined as a small business (as shown below)¹.

PROPOSED

Small Business Economic Impact Statement Cost Study

Company Name	Small*	Large*	Cost to File a Tariff or Price List (\$)	Provide for Extension of Service (\$)	Notify Cus- tomers (\$)	Make Billing Changes (\$)	Other (\$)
Concentric Carrier Ser- vices, Inc.	X		2500	2500	50,000	25,000	
DSLnet Communications, LLC.	X		5000		2000-3000	5000	
Global Crossing Local Services, Inc./Global Crossing Telemangement Inc.		X	500	500	2000	1000	
GTE Northwest Incorpo- rated		X		1800 per 1/10 mile			
Intermedia Communica- tions Inc.		X	5000		2000-3000	5000	
McLeodUSA Telecom- munications Service		X	2000				
Megsinet - CLEC, Inc.	X		5000		2000-3000	5000	
New Edge Network, Inc.		X	1500		2500	2500	
Rhythms Links Inc.		X	2500		1000		
Talk.Com Holding Corp.		X	2500		2000-3000	5000	
U S West Communica- tions, Inc.		X	3000	6,000,000	20,000- 500,000	10,000-15,000	
Universal Access, Inc.		X	2000	10,000	500	1500	
Ycom Networks	X		1000			250	
Z-Tel Communications, Inc.		X	5000		2000-3000	5000	

*A small company employs fifty or fewer people. A large company employs more than fifty.

The small telephone companies provided little information from which the commission could determine whether there would be significant cost for them to comply. Commission staff's experience with telephone companies in the state provides some basis for a general opinion regarding the cost of compliance. *Without direct industry input and based on one data observation, the conclusions must be somewhat tentative. The data are consistent with the commission's experience in other settings, however, and do appear to be within a reasonable range.*

Cost of Compliance: In order to comply with the new requirements, local exchange telephone companies reported the following costs. Estimates are derived from analysis of the March 15, 2000, industry response and include the cost of all company extensions for one year. See Table above for company specific information.

	Cost to Small Company (\$)	Cost to Large Companies (\$)
Tariff/Price List Filing	1000	3000
Extension of Service	Unknown	3,009,000
Billing Changes	250	15,000
<i>Total²</i>	<i>1,250</i>	<i>3,027,000</i>

Comparison of Costs: The available industry data indicates that, the small company would not incur a disproportionate share of the cost as a result of the proposed amendments. The relative effect on businesses is determined by the cost per one hundred dollars of revenue. Figures for company revenue are from the 1998 Annual Reports filed with the commission³. For every \$100 of small company revenue,

the rule would impose a cost of two cents. For every \$100 of large company revenue, the rule would impose a cost of forty-two cents. Per \$100 of revenue, the rule would impose a burden twenty-one times greater on large companies than it would on small companies.

In cases where the rule would pertain to small companies, the greatest burden would be the administrative cost associated with tariff or price list filing and billing changes. However, as stated in the rule, all costs incurred by the company, aside from costs associated with the reinforcement of facilities, are eventually recovered through access charges.

Lost Sales or Revenue: None of the proposed changes would directly result in loss of sales or revenue.

Impact of Proposed Amendments: As a result of the provision allowing all companies to recover their costs through an increase in access charges, the rule as a whole would have minimal impact on companies. However, opportunity costs are incurred by both the small and the large companies. As a result of extending service to areas outside urban growth areas, companies with opportunities to invest in urban areas face the prospect of decreased return at least temporarily. All regulated companies are entitled to general rates that provide the opportunity to earn a return that is fair, just, reasonable and sufficient. Nonetheless, since the magnitude of investment is less for a smaller company than the magnitude of investment for a company with greater scope the impact is not disproportionate.

Conclusion: All affected telephone companies have been given ample opportunity to participate in the rule making and to provide pertinent information to commission staff. Only one small telephone company has taken advantage of the opportunity to complete the SBEIS questionnaire.

PROPOSED

As a result, although this small company would not be disproportionately affected, no broad conclusions can be drawn.

¹ Additionally, questionnaires were completed by eleven competitive local exchange companies (CLECs), however, since CLECs are not required to file tariffs, they are exempt from complying with the proposed amendments for extension of service. The burden of compliance falls mainly on the incumbent company. Therefore, to avoid a distortion of total cost, information provided by the CLECs is not incorporated into the SBEIS.

² All costs, excluding reinforcement costs, will be recovered under the rule.

³ Total 1998 revenues: Ycomm - \$5,443,017.00; U S West - \$997,555,634.00; GTE Northwest - \$444,139,000.00.

A copy of the statement may be obtained by writing to Carole Washburn, Secretary, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504, phone (360) 664-1292, fax (360) 586-1150.

RCW 34.05.328 does not apply to this rule adoption. This commission is not an agency to which RCW 34.05.328 applies.

Hearing Location: Commission Hearing Room, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on June 16, 2000, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by Wednesday, June 14, 2000, TDD (360) 586-8203.

Submit Written Comments to: Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by May 25, 2000.

Date of Intended Adoption: June 16, 2000.

May 1, 2000
Carole J. Washburn
Secretary

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

~~WAC 480-120-071 ((Line extension policy.)) **Extension of service.** ((All utilities shall have on file as part of their established tariff, a line extension schedule stating the terms and conditions under which extensions of its lines and services will be made to render service to applicants.)) (1) **Extensions of service.**~~

(a) Each company required to file tariffs under RCW 80.36.100 must have on file an extension of service tariff and must extend service consistent with its tariff and this section. An extension of service is an initial extension of company distribution plant outside an approved county urban growth area established under RCW 36.70A.110, or outside municipal boundaries not contained within an approved county urban growth area established under RCW 36.70A.110, that extends more than 1/10 mile, and is constructed at the request of one or more applicants that pay a charge under this section. Service extensions must be completed within a reasonable time after a request is made and the customer makes the initial payment. Extensions of service do not include customer trenches, conduits or other construction for placement of company-provided facilities from the customer property line to the premises to be served. For extensions to neighboring

exchange facilities, see subsection (4) of this section. The requirements of subsection (5) of this section apply to local exchange companies required to file either tariffs under RCW 80.36.100, or price lists under RCW 80.36.320.

(b) Extension of service is required to premises unless the company demonstrates occupancy is temporary. In the case of new construction commenced after the effective date of this section, extension of service is required only if the applicant has permission to build from the applicable local government and the need for service is not temporary.

(c) Any company required to extend service under this section may do so by extending distribution plant or by making a service and financial agreement with a radio communications service company to provide service. The services provided through a radio communications service company must be reasonably comparable services at reasonably comparable prices compared to services provided through wireline distribution facilities in the area of the exchange where service has been requested. In addition, the services must include all elements of basic service defined in RCW 80.36.600. A company extending service through a service agreement with a radio communications service company may file a tariff as permitted under subsection (3) of this section to recover the lesser of the actual direct cost to extend the service through the cooperative agreement or the direct cost of extending wireline distribution plant.

(2) Service extension charge to applicants.

(a)(i) The charge to applicants for service extensions must include an initial payment to complete the order. The maximum initial payment to complete the order shall be an amount equal to twenty times the basic monthly service rate exclusive of all fees, taxes or other charges.

A per-month payment beginning with the first month of service will be charged once service is provided. The maximum per-month payment for a period of twenty months will be an amount equal to the basic monthly service rate, exclusive of all fees, taxes or other charges. Customers may pay the entire amount at any time, in lieu of monthly payments.

Companies may impose the initial fee and the per-month fee on any applicant requesting service from a service extension that is less than five years old measured from the date of the initial service provided by the extension.

(ii) Customers are responsible for providing or paying the cost of trenching, conduit, or other structures required for placement of company provided drop wire from the customer's property line to the premises.

(b) Exceptions to (a)(i) of this subsection:

(i) No company may levy a service extension charge against an applicant or customer located within an urban growth area.

(ii) No company may levy a service extension charge against an applicant or customer outside an urban growth area that is served by an extension that is less than 1/10 mile in length in total.

(iii) A company may charge the cost for a wireline service extension to an applicant or customer if there is available radio communication service that is reasonably comparable in service and price to the company's wireline service in the area of the exchange where service has been requested. The

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radio communication service must include all elements of basic service defined in RCW 80.36.600. The cost of a service extension, for the purposes of this section, is the direct and indirect costs of the material and labor to plan and construct the facilities including, but not limited to, drop wire, permitting fees, rights of way fees, and payments to subcontractors, and does not include the cost of reinforcement, network upgrade, or similar costs.

(c) Waiver of subsection (2)(a) of this section.

(i) A company may petition for a waiver of subsection (2)(a) of this section in order to charge an applicant the direct cost to extend service if it is unreasonable for the direct cost of the extension of service to be borne by rates permitted under subsection (3) of this section.

(ii) In determining whether providing an extension is unreasonable and granting a waiver is consistent with the public interest, the commission will consider:

(A) The total direct cost of the extension;

(B) The number of customers to be served;

(C) The comparative cost and capabilities of radio communication;

(D) Technological difficulties and physical barriers presented by the requested extensions;

(E) The effect on the individuals and communities involved;

(F) The effect on the public switched network; and

(G) The effect on the company.

(3) Cost recovery for extensions of service.

(a) A company with a terminating access tariff under WAC 480-120-540 may file tariffs to include a service extension element in an amount necessary to recover the cost of an extension of service. The cost of a service extension, for the purposes of this section, is the direct and indirect costs of the material and labor to plan and construct the facilities including, but not limited to, drop wire, permitting fees, rights of way fees, and payments to subcontractors, and does not include the cost of reinforcement, network upgrade, or similar costs. The tariff may not recover costs covered by applicant or customer payments for service extensions, federal universal service funds, or any similar funds or grants from other sources. The company must file the tariff to be effective only so long as necessary to recover the costs allowed under this section.

(b) Companies may recover costs by filing a tariff under (b)(i) or (ii) of this subsection. In the case of a Class B company, placement of the tariff on the agenda of a commission open meeting constitutes notice of an opportunity to be heard on the need for any reporting requirements related to a tariff based on estimated costs.

(i) A company may file such a proposed tariff to recover fifty percent of the estimated cost of an extension after it obtains all permits necessary for construction related to the extension of service. Extensions of service must be completed within twelve months of the effective date of a tariff that uses estimated costs. The tariff based on estimates is null and void at the end of that twelve-month period if the extension of service is not completed, and the company must within thirty days thereafter file a tariff to offset the amounts collected; however, the commission may permit the tariff to

remain in effect after twelve months for good cause shown. After completion of an extension subject to a tariff based on estimated costs, the company may file a tariff to recover the cost of the extension less any amount already recovered or, in the event of an over collection, must file a tariff to reduce terminating access sufficient to offset the amount over collected through the initial tariff.

Class A companies with a service extension tariff based on estimated costs in effect must report quarterly on collections, expenditures, and construction timetables and progress, including a final report after completion of the extension and termination of the tariff. Class B companies with a service extension tariff based on estimated costs in effect must make the same report every six months if ordered by the commission.

(ii) A company may file a tariff to recover the cost of a service extension at any time within two years after completion of an extension and may accumulate the cost of multiple line extensions before filing a tariff.

(c) The commission will review the cost justification for the tariffs and approve the tariffs if they are consistent with this section and in the public interest. The commission will not conduct an earnings review of the company's operations for the purpose of reviewing the proposed tariffs.

(4) Extension of service to neighboring exchange facilities. When an applicant is in the exchange of one company and the property line of the applicant is within one-half mile of facilities in a neighboring exchange, the company may elect to extend service to the neighboring exchange if the company operating in the neighboring exchange agrees and if the extension cost to the extending company would be less than extending to distribution plant in the applicant's exchange. Under this arrangement, an applicant will become a customer of and receive service from the neighboring exchange at regular local service rates and the customer's local calling capability will be that which is provided in the neighboring exchange. The newly constructed facilities will become the property of the serving company, but the exchange boundary will remain unchanged. The charge to the customer shall be determined in the same manner as in subsection (2) of this section. The company that constructs the extension may file a tariff under subsection (3) of this section to recover the cost of the extension.

(5) Extensions to developments. This subsection applies to all geographic areas of the state and all local exchange carriers. A development is the platting or other approval for construction on the same or on contiguous properties of four or more residential units and any commercial or industrial units. The price local exchange companies may charge for extending service to and within developments is not covered by this section. Companies may not recover under subsection (3) of this section the cost of service extensions to developments or within developments.

PROPOSED

WSR 00-10-087
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(WorkFirst Division)
[Filed May 2, 2000, 2:34 p.m.]

Original Notice.

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

Title of Rule: Chapter 388-450 WAC, Washington state WorkFirst program. Amended section on educational benefits, WAC 388-450-0035.

Purpose: Amends section to describe the eligibility rules for the new WorkFirst work study program.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.050.

Statute Being Implemented: RCW 74.08.090 and 74.04.050.

Summary: Amends section to describe how to budget TANF work study earnings for the purposes of the food assistance programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sandy James, WorkFirst Division, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3239, e-mail JSAMESSM@DSHS.WA.GOV, fax (360) 413-3482.

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: Clarifies how to budget WorkFirst work study income when determining eligibility for cash, medical and food assistance.

Proposal Changes the Following Existing Rules: Counts WorkFirst work study educational assistance as earned income for food assistance and disregards it for cash and medical assistance.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 6, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by May 26, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 6, 2000.

Date of Intended Adoption: No sooner than June 7, 2000.

April 26, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0035 Educational benefits. This section applies to TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs. Unless otherwise stated, exclusions and disregards of educational benefits apply to clients engaged in undergraduate studies only.

(1) We exclude the educational assistance in the form of grants, loans or work study, issued from Title IV of the Higher Education Amendments (Title IV - HEA) and Bureau of Indian Affairs (BIA) education assistance programs. Examples of Title IV - HEA and BIA educational assistance include but are not limited to:

- (a) College work study (federal and state);
- (b) Pell grants; and
- (c) BIA higher education grants.

(2) We do not count the following types of educational assistance, in the form of grants, loans, or work study when determining a student's need:

(a) Assistance under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391 for attendance costs identified by the institution as specified in subsections (3) and (4) of this section; and

(b) Educational assistance made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include but are not limited to:

- (i) Christa McAuliffe Fellowship Program;
- (ii) Jacob K. Javits Fellowship Program; and
- (iii) Library Career Training Program.

(3) Educational assistance under subsection (2)(a) of this section is disregarded when used for the following attendance costs when a student is attending school less than half-time:

- (a) Tuition;
- (b) Fees; and
- (c) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(4) Educational assistance under subsection (2)(a) of this section that is used for the following expenses is disregarded in addition to the costs specified in subsection (3) of this section when the student is attending school at least half-time:

- (a) Books;
- (b) Supplies;
- (c) Transportation;
- (d) Dependent care; and
- (e) Miscellaneous personal expenses.

(5) For TANF/SFA, RCA, GA, and TANF/SFA-related medical assistance, the amount of a student's remaining educational assistance equal to the difference between the student's appropriate need standard and payment standard is excluded.

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(6) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.

(7) When a student participates in WorkFirst work study, educational assistance made available to the student is:

(a) Disregarded for cash and medical assistance;

(b) Counted as earned income for food assistance.

(8) When a student participates in a work study program that is not excluded by subsections (1) and (2) or (7)(a) of this section, the income received is treated as earned income:

(a) Applying the applicable earned income disregards;

(b) For TANF/SFA, RCA, GA, and TANF/SFA-related medical assistance, excluding the difference between the student's appropriate need standard and payment standard; and

(c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.

~~((8))~~ (9) When a student receives Veteran's Administration Educational Assistance:

(a) All applicable attendance costs are subtracted; and

(b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.

~~((9))~~ (10) When a student participates in graduate school studies, educational assistance made available to the student is counted as:

(a) Assistance from another agency for cash and medical assistance;

(b) Earned income for food assistance if there are work requirements; or

(c) Unearned income for food assistance if there are no work requirements.

WSR 00-10-089
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 2, 2000, 2:44 p.m.]

Original Notice.

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

Title of Rule: WAC 388-290-015, 388-290-280, 388-290-350, 388-290-450, 388-290-475, 388-290-600, 388-290-650, 388-290-920, and 388-290-950, working connections child care.

Purpose: The purpose of this rule is to: 1. Raise the working connections child care (WCCC) upper income limit from 175% FPL to 225% FPL; and 2. Change the WCCC copayment schedule.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.0903, and P. L. 104-193, Sections 407 and 605. Other Authority: 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule).

Statute Being Implemented: RCW 74.04.050, 74.13.0903, and P. L. 104-193, Sections 407 and 605. Other Authority: 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule).

Summary: By directive from the governor's office, the working connections child care (WCCC) program is raising its upper-income limit and moderating its copayment schedule. This change will make an estimated 5000 additional families state-wide eligible for WCCC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Roger Long, Lacey Government Center, P.O. Box 45480, Olympia, WA 98504, (360) 413-3259.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: By directive from the governor's office, the working connections child care (WCCC) program is raising its upper-income limit and moderating its copayment schedule. This change will make an estimated 5000 additional families state-wide eligible for WCCC.

Proposal Changes the Following Existing Rules: Repeal WAC 388-290-550. Amendments to WAC 388-290-015, 388-290-280, 388-290-350, 388-290-450, 388-290-475, 388-290-600, 388-290-650, 388-290-920, and 388-290-950, working connections child care.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not impact small business.

RCW 34.05.328 does not apply to this rule adoption. These rules do not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 6, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by May 26, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 6, 2000.

Date of Intended Adoption: No sooner than June 7, 2000.

April 28, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-015 What basic steps does the department take to decide if I'm eligible for WCCC? We take the following basic steps to decide if you're eligible for WCCC:

"We," for the purposes of this chapter, means the department of social and health services.

(1) We determine:

(a) If you're participating in an approved activity (see WAC 388-290-125, 388-290-150, or 388-290-200);

(b) If you and your children are otherwise eligible for WCCC (see WAC 388-290-300);

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(c) Your family size under WCCC guidelines (see WAC 388-290-400);

(d) Your countable income, which must be at or below ~~((one))~~ two hundred ~~((seventy))~~ twenty-five percent of the Federal Poverty Level (FPL) (see WAC 388-290-600);

(e) Your share of the child care cost, called a copayment (see WAC 388-290-650);

(2) After you make your own child care arrangements, we decide if we can pay your child care provider under WCCC guidelines (see WAC 388-290-850).

(3) We look at other WCCC program requirements, when needed (see WAC 388-290-900, ~~((1000, 1050, 1100, 1150, 1200, 1250, and 1300))~~ 905, 910, 915, 920, 925, 930, and 935).

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-280 Can the department pay WCCC for activity fees or bonuses? (1) We can pay initial and ongoing annual registration fees up to fifty dollars per child to your child care provider, only if the fees are:

(a) Required of all parents whose child(ren) are in care with that provider; and

(b) Needed to maintain a child care arrangement.

(2) We can pay ongoing activity fees of up to twenty dollars per month per child to your child care provider if the conditions in subsections (1)(a) and (1)(b) of this section are met.

(3) We can pay child care providers a one-time bonus of up to two hundred fifty dollars for each infant they newly enroll in care if all the following conditions are met:

(a) The child being cared for is less than twelve months of age;

(b) The child care provider is licensed or certified by the department; and

(c) We expect care to be provided for five days or more.

(4) We can pay child care providers a nonstandard hour bonus under ~~((chapter 388-15))~~ WAC 388-165-195 and 388-165-200.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-350 If I'm in an approved activity, what are the steps the department takes to figure my WCCC copayment? If you're in an approved activity, we take the following steps to figure your WCCC copayment:

(1) Determine your family size (see WAC 388-290-400);

(2) Verify and calculate all nonexempt income that is received directly by your family (see WAC 388-290-450);

(3) ~~((Figure))~~ Add together your family's expected average monthly earned and unearned income ~~((see WAC 388-290-500 and 525))~~ to get total income;

(4) ~~((Figure your family's adjusted earned income based on your expected average monthly earnings (see WAC 388-290-550);~~

~~5) Add your expected average monthly unearned income and the result of subsection (4) of this section~~

~~together))~~ Subtract the amount of child support you pay out to get your family's countable income (see WAC 388-290-600).

~~((6))~~ 5 Use your family's countable income to figure your WCCC copayment (see WAC 388-290-650).

~~((7))~~ 6 Assess the minimum copayment if:

(a) You're a minor parent and meet certain guidelines (see WAC 388-290-700); or

(b) You meet other guidelines not specifically for minor parents (see WAC 388-290-750).

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-450 What income does the department count in WCCC? (1) We count the following as earned income when figuring your copayment:

(a) Earnings from employment or self-employment;

(b) Military housing and food allowance;

(c) Income in-kind.

"Income in-kind" means income received in a form other than cash, such as goods, services, or room and board.

(2) We count the following as unearned income when figuring your WCCC copayment:

(a) Your TANF grant, except when exempt under WAC 388-290-475;

(b) Child support payments received;

(c) General assistance;

(d) Supplemental Security Income (SSI);

(e) Other social security payments, such as SSA and SSDI;

(f) Refugee assistance payments;

(g) Payments from the Veterans' Administration, disability payments, or payments from labor and industries (L&I);

(h) Unemployment compensation; and

(i) Other types of unearned income not exempted in WAC 388-290-475.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-475 What income does the department exempt in WCCC? We exempt the following when figuring your copayment:

(1) Income types in WAC 388-450-0015, WAC 388-450-0035, WAC 388-450-0040, and WAC 388-450-0055;

(2) The earned income of a child, unless otherwise indicated in WAC 388-290-400;

(3) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(4) Reimbursements, such as an income tax refund;

(5) Diversion Cash Assistance; ~~((and))~~

(6) Child support you pay out under court order, DCS administrative order, or tribal government order.

(7) The TANF grant for the first three consecutive calendar months after you start a new job. The first calendar month is the month in which you start working.

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AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-600 How does the department figure my countable income, and what is countable income used for? ((1) To get your countable income, we add together the following kinds of expected average monthly income:

- (a) Adjusted earned income; and
- (b) Unearned income that is not exempt (see WAC 388-290-450).

(2)) All countable income received directly by your family is used to determine WCCC eligibility and calculate your WCCC copayment except if you automatically pay the minimum copayment under WAC 388-290-700 or 388-290-750.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-650 How does the department figure my copayment, once my countable income is known?

If your family's countable income falls within this range...	...Then your copayment is...
(1) At or below ((seventy-four) <u>eighty-two</u> percent of the Federal Poverty Level (FPL).	Ten dollars.
(2) Above ((seventy-four) <u>eighty-two</u> percent and up to one hundred <u>thirty-seven and one-half</u> percent FPL.	Twenty dollars.
(3) Over one hundred <u>thirty-seven and one-half</u> percent of the FPL.	The ((<u>greater of:</u> (a) <u>Twenty dollars, or;</u> (b) <u>Forty-seven percent of your countable income over one hundred percent of the FPL</u>)) <u>dollar amount equal to subtracting one hundred thirty-seven and one-half of FPL from countable income, multiplying by forty-four percent, then adding twenty.</u>

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-920 When does the department provide me with advance and adequate notice of WCCC payment changes? (1) We provide you with advance and adequate notice for changes in payment when the change results in a suspension, reduction, termination, or forces a change in child care arrangements, except as noted in WAC ((~~388-290-1200~~) 388-290-925, below.

(2) "**Advance notice**," means a notice of a WCCC reduction, suspension, or termination that is mailed at least ten days before the date of the intended action.

(3) "**Adequate notice**" means a written statement of the action the department intends to take, the facts relating to the decision, the Washington Administrative Code (WAC) supporting the action, and your right to request a fair hearing.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-950 When does the department collect overpayments? (1) In areas not covered by this section, WCCC consumers are subject to chapter 388-410 WAC (Benefit errors).

(2) When setting up an overpayment, we reduce the WCCC overpayment by the amount of the WCCC underpayment when applicable.

(3) We recover WCCC overpayments from you, regardless of whether you are a current or past WCCC consumer, if:

- (a) The amount we overpay is more than three hundred dollars; and
- (b) Your child(ren) attend child care when not authorized by the department to do so;
- (c) A member of a different overpaid family later becomes a member of your family;
- (d) Cost of recovery does not exceed the overpayment amount;

(e) You:

- (i) Do not report a change of circumstance within ten days under WAC ((~~388-290-1050~~) 388-290-910); and
- (ii) Use WCCC during a period of time when you would otherwise have been ineligible or eligible for a smaller amount of care; or

(f) You knowingly fail to give the department information that affects the amount of WCCC you are eligible for.

(4) Recovery of overpayments cannot force a change in your child care arrangements.

(5) We recover WCCC overpayments from child care providers, if:

- (a) The amount we overpay is more than three hundred dollars;
- (b) The provider receives payment for WCCC services not provided; or
- (c) We pay the provider more than the cost of providing WCCC under ((~~chapter 388-15~~) WAC 388-165-180 and 388-165-185); and

(d) The cost of recovery does not exceed the overpayment amount.

(6) We set up overpayments starting the date that:

- (a) You use WCCC when not authorized by the department to do so; or
- (b) The child care provider provides care when not authorized by the department to do so.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-290-550

How does the department figure my adjusted earned income?

PROPOSED

WSR 00-10-091
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed May 2, 2000, 2:54 p.m.]

Date of Intended Adoption: June 7, 2000.

April 27, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

Supplemental Notice to WSR 00-08-089.

Preproposal statement of inquiry was filed as WSR 00-05-109.

Title of Rule: WAC 388-310-800 Support services.

Purpose: This is a supplemental notice to the original CR-102. The food stamp E & T section has been removed as the implementation has been delayed after conferencing with the Attorney General's office. All other amended sections remain the same from the original CR-102. Some additional clarifying language has been added.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 78.08A.340.

Statute Being Implemented: RCW 74.08.090, 74.04-050, and 78.08A.340(2).

Summary: Makes support services available to minor parents and adds new support service limits and categories such as educational expenses and transitional work expenses.

Reasons Supporting Proposal: To implement new policy supporting minor parents and WorkFirst participants.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ian Horlor, 1009 College Street, Olympia, WA 98504, Mailstop 45480, fax 413-3482, e-mail horloit@dshs.wa.gov, (360) 413-3247.

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: Makes support services available to minor parents and adds new support service limits and categories such as educational expenses and transitional work expenses.

Proposal Changes the Following Existing Rules: Amends WAC 388-310-800 to add new covered populations, new limits and new categories of support services.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not effect small business.

RCW 34.05.328 does not apply to this rule adoption. This rule change does not meet the definition of significant legislative. RCW 34.05.328 (5)(b)(vii) exempts DSHS rules that [relate] only to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 6, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by May 26, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 6, 2000.

AMENDATORY SECTION (Amending WSR 99-14-043, filed 6/30/99, effective 7/31/99)

WAC 388-310-0800 WorkFirst—Support services.

(1) (~~Why do I receive~~) Who can get support services?

~~((Support services help you participate in work and WorkFirst activities that lead to financial independence. You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)~~

(2) What support services may I receive?

You may receive support services, including but not limited to any of the following:

- (a) Employment related needs such as work clothing or uniforms, tools, equipment, relocation expenses, or fees;
- (b) Transportation costs such as mileage reimbursement, public transportation vouchers, and car repair;
- (c) Professional services;
- (d) Personal needs such as clothing appropriate for job search or other work activities;
- (e) Special needs such as accommodations for employment;
- (f) Identified specific needs due to location or employment if you are an American Indian;
- (g) Job skills training, vocational education and/or basic education if:
 - (i) It is an approved activity in your individual responsibility plan; and
 - (ii) You do not qualify for sufficient student financial aid to meet the cost.

(3) When will I get support services?

The department or its agents will decide what support services you will receive, as follows:

- (a) You need the support services to do the activities in your individual responsibility plan;
- (b) It is within available funds; and
- (c) It does not assist, promote, or deter religious activity.

(4) How much support services can I get?

The chart below shows the guidelines for the amount and type of support services you can get. There is a suggested limit of fifteen hundred dollars per person per calendar year for the amount of support services you can receive from the department and/or employment security.

Type of Support Service	Suggested Limit
Accommodation (reasonable)	\$1,000 per request
Books/supplies (school)	No limit
Car repair	\$500 per calendar year
Clothing - General	Participant - \$250 per request Each child - \$100 per request
Clothing/uniforms - Employment	Participant - \$200 per year
Clothing/uniforms - Training	No limit
Diapers	\$50 per child per month

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Type of Support Service	Suggested Limit
Employer reimbursement	No limit
GED	No limit
Haircut	\$40 per request
License/fees	\$300 per each license or fee
Lunch	\$15 per event
Medical exams (not covered by Medicaid)	\$150 per exam
Mileage	\$0.315 per mile (not to exceed \$100 per week)
Personal hygiene	\$50 per request (up to three times per calendar year)
Professional, trade, association, union and bonds	\$300 per each due or fee
Public transportation	\$150 per month
Relocation	\$1,000 per calendar year
Rent, housing, deposits	\$500 per calendar year
Short term lodging and meals	\$300 per request
Testing - Certification	\$100 each
Testing - Diagnostic	\$200 each
Tools (training)	No limit
Tools/equipment	\$300 per request
Tutoring	\$200 per month
Tuition and fees	No limit

(5) What if I request more support services than the guidelines allow?

If you request support services from your case manager, you can:

- (a) Ask to see a copy of these guidelines;
- (b) Ask for an exception, if you are requesting more than the guidelines allow or asking for services or goods not mentioned in the guidelines; and/or
- (c) Request a fair hearing, if your request for support services is denied.

(6) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-418-0030, then discontinue your support services until you participate as required)) (a) WorkFirst participants;

(b) Sanctioned WorkFirst participants during the two-week participation before the sanction is lifted;

(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Actively working with a social worker to remove the barriers that are preventing the minor from living in a department approved living arrangement and/or meeting the school requirements.

(2) Why do I receive support services?

(a) Support services help you participate in work and WorkFirst activities that lead to financial independence. You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(b) Support services help you to keep working, accept a job, and/or participate in job search.

(3) What support services may I receive?

You may receive support services, including but not limited to any of the following:

(a) Employment related needs such as work clothing or uniforms, tools, equipment, relocation expenses, or fees;

(b) Transportation costs such as mileage reimbursement, public transportation vouchers, and car repair;

(c) Professional services;

(d) Personal needs such as clothing appropriate for job search or other work activities;

(e) Special needs such as accommodations for employment;

(f) Identified specific needs due to location or employment if you are an American Indian;

(g) Job skills training, vocational education and/or basic education if:

(i) It is an approved activity in your individual responsibility plan; and

(ii) You do not qualify for sufficient student financial aid to meet the cost.

(h) Transitional work expense of one thousand dollars if:

(i) You are in unsubsidized employment; or

(ii) You are in subsidized employment that does not end with your grant; and

(iii) You are in the assistance unit and receiving a TANF/SFA grant of one hundred dollars or less a month; and

(iv) You or anyone in your assistance unit is not in sanction status; and

(v) You voluntarily stop receiving your TANF/SFA grant; and

(vi) You are an adult and have never received a transitional work expense.

(4) When will I get support services?

The department or its agents will decide what support services you will receive, as follows:

(a) You need the support services to do the activities in your individual responsibility plan, do job search, accept employment, do paid work or continue to work;

(b) It is within available funds;

(c) It does not assist, promote, or deter religious activity;

(d) You are a pregnant or parenting minor who is income eligible to receive TANF and you need support services to remove barriers that prevent you from living in a department approved living arrangement and/or meet the school requirements; or

(e) Your request is within twenty-four months after your TANF/SFA case closed.

(5) How much support services can I get?

The chart below shows the guidelines for the amount and type of support services you can get. There is a suggested limit of three thousand dollars per person per program year (July 1st to June 30th) for support services you can receive from the department and/or employment security.

Type of Support Service	Suggested Limit
Accommodation (reasonable)	\$1,000 per request
Car repair	\$750 per program year

Type of Support Service	Suggested Limit
Clothing-General	Participant-\$250 per request Each child-\$100 per request
Clothing/uniforms-Employment	Participant-\$200 per program year
Counseling	No limit
Diapers	\$50 per child per month
Educational expenses	\$300 per request
Employer reimbursement	No limit
Haircut	\$40 per request
License/fees/liability insurance	\$600 per each license, fee or liability insurance request per program year
Lunch	Same rate as established by OFM for state employees
Medical exams (not covered by Medicaid)	\$150 per exam
Mileage	Same rate as established by OFM for state employees
Personal hygiene	\$50 per request (up to three times per program year)
Professional, trade, association, union and bonds	\$300 per each fee
Public transportation	\$150 per month
Relocation	\$1,000 per program year
Rent, housing, deposits	\$500 per program year
Short-term lodging and meals	Same rate as established by OFM for state employees
Testing-Diagnostic	\$200 each
Tools/equipment	\$500 per request

(6) What if I request more support services than the guidelines allow?

If you request support services from your case manager, you can:

- (a) Ask to see a copy of these guidelines;
- (b) Ask for an exception, if you are requesting more than the guidelines allow or asking for services or goods not mentioned in the guidelines; and/or
- (c) Request a fair hearing, if your request for support services is denied.

(7) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

**WSR 00-10-093
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 2, 2000, 3:02 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-060.

Title of Rule: WAC 388-406-0060 What happens when my application is denied?

Purpose: The rule is written with the intention to be clearer for clients. The rule also includes the federal requirement to send a second letter giving clients a final opportunity for follow through on their application, even though they failed to appear for an initial food stamp application.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057, C.F.R. 273.2(h1d), waiver October 10, 1984.

Statute Being Implemented: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057.

Summary: According to Food and Nutrition Service (FNS) Code of Federal Regulations (CFR), the department must attempt to reschedule households that failed to appear for an initial food stamp interview within thirty days from the date the application was filed. FNS approved a waiver dated October 10, 1984, removing the requirement for the department to automatically set specific appointment times for second interviews. However, FNS still requires a letter sent to clients informing them to contact the CSO to reschedule the initial missed interview.

Reasons Supporting Proposal: Provide clients the opportunity to reschedule if they missed their first appointment for food stamps.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lisa Yanagida, DAP, 1009 College Street, Lacey, WA 98504, Mailstop 45470, (360) 413-3104.

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

Rule is necessary because of federal law, Food and Nutrition Service waiver dated October 10, 1984.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule has been written with the intention to be clearer for clients. The rule also includes the federal requirement to send a second letter giving clients a final opportunity for follow through on their application, even though they failed to appear for an initial food stamp interview.

Proposal Changes the Following Existing Rules: WAC 388-406-0060 Include section on what happens when client does not keep first appointment for food assistance applications. Change language of rule with the intention to be clearer for clients.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. The rule does not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 6, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by May 26, 2000, phone (360) 664-6097, TTY 664-6178, swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 6, 2000.

PROPOSED

Date of Intended Adoption: No sooner than June 7, 2000.

April 26, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0060 (~~(Denial of)~~) What happens when my application(s) is denied? (1) ~~((An application will be denied only when the department has not been able to establish the applicant's eligibility.~~

~~(2) An application cannot be denied solely because the applicant failed to provide requested information within a reasonably allowed period.~~

~~(3) For medical and cash assistance:~~

~~(a) An application cannot be denied based on a delay in obtaining medical information if the delay in obtaining the information is beyond the control of the applicant and the department;~~

~~(b) A decision to deny an application will be delayed for good cause as specified in WAC 388-406-0045; and~~

~~(c) An application for medical benefits will not be denied based on a failure to meet a spenddown obligation until at least thirty days after the end of the base period.~~

~~(4) If an applicant requests a fair hearing to contest the department's decision to deny an application because eligibility cannot be established based on information provided by the applicant, the issue in the hearing is whether the applicant can provide evidence to establish eligibility.~~

~~(5) Assistance will be denied to an entire assistance unit only when:~~

~~(a) Information required to establish eligibility for the entire assistance unit is not available to the department; or~~

~~(b) Circumstances which cause ineligibility affect all assistance unit members.~~

~~(6) An applicant will be notified of the department's decision to deny an application following notice requirements in WAC 388-458-0005.~~

~~(7) When an applicant for food assistance has not provided requested information within ten days:~~

~~(a) The application will be denied immediately if an application for TANF, SFA or SSI is not pending; or~~

~~(b) The denial decision may be delayed for up to thirty days from the date of application if an application for TANF, SFA or SSI is pending.~~

~~(8) A food assistance application which is not denied within the initial thirty day period will be denied at the end of the second thirty day period when:~~

~~(a) An eligibility decision could not be made based on information available to the department; and~~

~~(b) The applicant fails to provide requested information necessary to determine eligibility)) The department will deny your application when we cannot decide your eligibility based on the information we have.~~

(2) If we ask you to provide information and you do not provide it by the due date, we will not deny your application unless this information is needed to decide your eligibility.

(3) We will deny your application for everyone in the assistance unit when:

(a) You do not provide information that is required to decide eligibility for everyone in your assistance unit; or

(b) Your situation causes everyone in your assistance unit to be not eligible.

(4) We will tell you about our decision to deny your application by following notice requirements in WAC 388-458-0005.

(5) If we deny your application, you may request a fair hearing. If we deny your application because we do not have enough information to decide that you are eligible, the hearing issue is whether you can provide the needed information.

(6) For medical and cash assistance applications:

(a) If getting medical information is slowed down beyond your and our control, we will not deny your application;

(b) If you have good cause under WAC 388-406-0045, we will wait to deny your application; and

(c) If you do not meet a medical spenddown obligation, we will not deny your medical application before thirty days after the end of the base period as defined in WAC 388-519-0110.

(7) For food assistance applications:

(a) If you do not keep your first scheduled appointment:

(i) We will send you a letter telling you to get in touch with us to schedule another appointment; and

(ii) We will deny your application on the thirtieth day after you applied if you do not schedule a new appointment.

(b) If you do not provide the requested information within ten days:

(i) We will deny your application right after the ten days if you do not have a pending application for TANF, SFA, or SSI; or

(ii) We may wait to deny your application up to thirty days from the date you applied if you have a pending application for TANF, SFA or SSI.

(c) If we do not deny your application within the first thirty-days from the date you applied, we will deny your application at the end of the second thirty-day period when:

(i) We could not make an eligibility decision based on the information provided to us; and

(ii) You did not provide the requested information that was necessary to decide eligibility.

WSR 00-10-094
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Management Services Administration)
[Filed May 2, 2000, 3:04 p.m.]

Original Notice:

Preproposal statement of inquiry was filed as WSR 99-21-037.

Title of Rule: Chapter 388-08 WAC, Practice and procedure—Fair hearings.

PROPOSED

Purpose: Chapter 388-08 WAC, Practice and procedure—Fair hearings, is being repealed and replaced by chapter 388-02 WAC, DSHS hearing rules.

Statutory Authority for Adoption: RCW 34.05.020.

Statute Being Implemented: RCW 34.05.220.

Summary: Chapter 388-08 WAC, Practice and procedure—Fair hearings, is being repealed and replaced with chapter 388-02 WAC, DSHS hearing process.

Name of Agency Personnel Responsible for Drafting and Implementation: Marie Myerchin-Redifer, Mailstop 45850, Lacey, WA 98504-5850, (360) 664-6093; and Enforcement: Kenneth Harden, OB2, (360) 902-7792.

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: Chapter 388-08 WAC, Practice and procedure—Fair hearings, is being repealed and replaced by chapter 388-02 WAC, DSHS hearing rules.

Proposal Changes the Following Existing Rules: It repeals the existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules are being repealed.

RCW 34.05.328 does not apply to this rule adoption. These rules are being repealed.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 27, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson by June 20, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Chapter 388-02 WAC, Marie Myerchin-Redifer, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by June 27, 2000.

Date of Intended Adoption: September 1, 2000.

May 2, 2000

Edith M. Rice, Chief
Office of Legal Affairs

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-08-410 Application of chapter 388-08 WAC.
- WAC 388-08-413 Application for an adjudicative proceeding.
- WAC 388-08-425 Administrative law judge (ALJ)—Authority—Application of law—Assignment—Disqualification.
- WAC 388-08-428 Representation.
- WAC 388-08-431 Prehearing conference.

- WAC 388-08-434 Notice of hearing.
- WAC 388-08-437 Filing and service of papers.
- WAC 388-08-440 Vacating an order of dismissal for reason of default or withdrawal.
- WAC 388-08-446 Subpoenas.
- WAC 388-08-449 Teleconference hearing.
- WAC 388-08-452 Rules of evidence.
- WAC 388-08-461 Contents of orders.
- WAC 388-08-462 Corrected decision.
- WAC 388-08-464 Petition for review—Response to petition—Disqualification of review judge.
- WAC 388-08-466 Procedure on review by review judge.
- WAC 388-08-470 Reconsideration.
- WAC 388-08-515 Notice to limited-English-speaking parties.
- WAC 388-08-525 Interpreters.
- WAC 388-08-535 Group hearing.
- WAC 388-08-545 Continuance.
- WAC 388-08-555 Separate hearing regarding disclosure of investigative and intelligence files.
- WAC 388-08-565 Computation of time.
- WAC 388-08-575 Judicial review of final adjudicative order.
- WAC 388-08-585 Equitable estoppel.

WSR 00-10-096
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed May 2, 2000, 3:10 p.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 98-19-122.

Title of Rule: Support establishment notices. Proposed new rules: WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order? WAC 388-14A-3102 When the parents have signed a paternity affidavit, which support establishment notice does the Division of Child Support serve on the noncustodial parent? WAC 388-14A-3105 How does the division of child support serve support establishment notices? WAC 388-14A-3110 When can a support establish-

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ment notice become a final order? WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue. WAC 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity. WAC 388-14A-3125 The notice and finding of medical responsibility is used to set a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services. WAC 388-14A-3130 What happens if a parent makes a timely request for hearing on a support establishment notice? WAC 388-14A-3131 What happens if neither parent appears for the hearing? WAC 388-14A-3132 What happens if only one parent appears for the hearing? WAC 388-14A-3133 What happens when the noncustodial parent and the custodial parent both appear for the hearing? WAC 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices. WAC 388-14A-3140 What can happen at a hearing on a support establishment notice? WAC 388-14A-3200 How does DCS determine my support obligation? and WAC 388-14A-3205 How does DCS calculate my income?

Proposed amended rules: WAC 388-11-011 Definitions. WAC 388-11-100 Duty of the administrative law judge in a hearing to determine the amount of a support obligation. WAC 388-11-120 When is it appropriate to vacate a default ((Vacate-)) order? WAC 388-11-150 ((Consent order and)) The parties may resolve any child support case by entering a consent order or an agreed settlement. WAC 388-11-305 Uniform Interstate Family Support Act—Notices served in another state; and WAC 388-11-310 Request for late hearing—Good cause.

Proposed repealers: WAC 388-11-285 Notice and finding of financial responsibility, 388-11-290 Notice and finding of parental responsibility, 388-11-295 Notice and finding of medical responsibility, 388-11-400 Physical custodians—Rights to participate in hearings, 388-11-410 Notice of proposed child support amount, 388-11-415 Support establishment notice—Physical custodian accepts proposed child support amount, 388-11-420 Support establishment notice—Physical custodian objects to the proposed child support amount, 388-11-425 Hearings on support establishment notices, 388-11-430 Settlement and consent order, and 388-14-445 Notice of proposed settlement.

Purpose: The Division of Child Support seeks to revise its procedures for preparing and serving a support establishment notice under RCW 74.20A.055 or 74.20A.056.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

Statute Being Implemented: RCW 74.20A.055, 74.20A.056.

Summary: After the Division of Child Support enacted changes to the WAC regarding procedures for preparing and serving support establishment notices so as to give the physical custodian of the child full party status, DCS staff requested that the procedures be revised. DCS commissioned a quality improvement team to look at the process and the QIT has come up with suggestions on how the preparation and service of the support establishment notice can be

streamlined, revised and improved. DCS believes the new method will be more efficient and easier to understand, and will result in better customer service for both custodial and noncustodial parents.

Reasons Supporting Proposal: Efficiency, customer service.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, DCS Rules Coordinator, P.O. Box 9162, Olympia, WA 98507, (360) 664-5065.

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: After the Division of Child Support enacted changes to the WAC regarding procedures for preparing and serving support establishment notices so as to give the physical custodian of the child full party status, DCS staff requested that the procedures be revised. DCS commissioned a quality improvement team to look at the process and the QIT has come up with suggestions on how the preparation and service of the support establishment notice can be streamlined, revised and improved. DCS believes the new method will be more efficient and easier to understand, and will result in better customer service for both custodial and noncustodial parents.

Proposal Changes the Following Existing Rules: Amends WAC 388-11-011, 388-11-100, 388-11-120, 388-11-150, 388-11-305, and 388-11-310. Repeals WAC 388-11-285, 388-11-290, 388-11-295, 388-11-400, 388-11-415, 388-11-420, 388-11-425, 388-11-430, and 388-14-445. Adds several new sections to chapter 388-14A WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not meet the requirements for a small business economic impact statement.

RCW 34.05.328 applies to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts DSHS rules that apply only to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 27, 2000, 10:00 a.m.

Assistance for Persons with Disabilities: Contact Rules and Policies Assistance Unit by June 16, 2000, phone (360) 664-6097, TTY (360) 664-6178, e-mail myercme@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6187.

Date of Intended Adoption: June 28, 2000.

April 26, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-11 issue of the Register.

WSR 00-10-098
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed May 3, 2000, 8:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-11-058.

Title of Rule: Rules relating to the pesticide penalty matrix, WAC 16-228-1100 through 16-228-1160.

Purpose: The rule ensures a fair and uniform method when assessing penalties for violations of the pesticide laws and rules. The proposed changes simplify and provide additional clarification to the existing rule. Changes will also provide an increased level of deterrence.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Statute Being Implemented: Chapters 15.58 and 17.21 RCW.

Summary: The primary purpose of these rules is to clarify and simplify the existing matrix. This is accomplished in part by consolidating the existing two matrices into one and eliminating the knowledge element as a factor. The amendments repeal the first level of violation, leaving only four levels on the matrix. The amendments also clearly separate days of license suspension from monetary fines by adding the words and/or in the first level of violation providing flexibility for WSDA to seek both a civil penalty, a license suspension or both depending on the violation. Additional changes proposed include adding specific language concerning the length of license revocation, new language to address violations committed during a license suspension/revocation, and a new section concerning licensing actions only.

Reasons Supporting Proposal: To provide clarification, to update and adjust penalties, and to increase deterrence effectiveness.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cliff Weed, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-2036.

Name of Proponent: 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 penalty matrix rule was originally established to provide an effective deterrent in relationship to the nature and magnitude of the violation. Specifically, the proposed changes to the rule clarify the manner in which a penalty is assessed. The changes also provide for slightly higher civil penalties and license suspensions. The proposal allows for the revocation of a license sooner than allowed by the existing matrix. The proposed changes will provide a greater level of deterrence and allow the department a better method to deal with repeat violators in a more effective manner.

Proposal Changes the Following Existing Rules: Definitions of "knowingly" and "unknowingly" are repealed, definitions of "civil penalty," "technical assistance" and "notice of correction" are added. A provision (aggravating factor) is added for "actions against licenses only" without also seeking a civil penalty. Two penalty assignment schedules are com-

binced into one schedule, the first level of violation is repealed, and penalty determination is clarified. A new section is added to clarify notices of correction. Other proposed changes include adding specific language concerning the length of license revocation, new language to address violations committed during a license suspension/revocation, and a new section concerning licensing actions only.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The imposition of civil penalties and/or license suspension on violators of the state pesticide laws and rules does not disproportionately impact small businesses. There is nothing mandatory in these rules that would require any business to expend additional funds to comply with these rules. Rather, the only way businesses will be effected by these rules would be if they violated the pesticide laws and rules. Therefore, no economic impact consideration is necessary.

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: The videoconference hearing will be held at six sites throughout the state simultaneously. Videoconference hearing sites: Lacey, WA Interactive Technologies, 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA 98503, (360) 407-9487; Seattle, WA Interactive Technologies, 1500 Harvard, Seattle, WA 98122, (206) 720-3050; Spokane, WA Interactive Technologies, North 1101 Argonne, Suite 109, Spokane, WA 99201, (509) 921-2371; Tri-Cities, WA Interactive Technologies, 8551 West Gate Boulevard, Suite H, Kennewick, WA 99336, (509) 734-7180; Vancouver, ESD 112, 2500 N.E. 65th Avenue, Vancouver, WA 98661-6812, (360) 750-7500; and Yakima, WA Interactive Technologies, Yesterday's Village, 15 West Yakima Avenue, Suite 220, Yakima, WA 98902, (509) 454-7878, on June 6, 2000, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by May 26, 2000, TDD (360) 902-1996.

Submit Written Comments to: Cliff Weed, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, by June 9, 2000.

Date of Intended Adoption: June 23, 2000.

May 2, 2000

Bob Arrington

Assistant Director

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1110 Definitions—Penalty assignment. In addition to the definitions set forth in RCW 17.21.020, 15.58.030, and WAC 16-228-1010, the following shall apply to WAC 16-228-1100 through 16-228-1150:

(1) "Adverse effect(s)" means ((a)) that the alleged activity actually causes, or creates the possibility of ((pesticide exposure that could cause)) damage ((or)), injury or public health threat, to humans, animals, plants, property or the environment. In those situations involving a wood destroying organism inspection, adverse effects exist when the

inspection has been performed in a faulty, careless or negligent manner.

~~(2) ("Knowingly" means that the alleged violator knew or should have known that conditions existed that would result in adverse effect(s) or knew that a violation would occur.~~

~~(3)) "Level of violation" means that the alleged violation is a first, second, third, fourth, ((fifth,)) or more violation(s).~~

(a) First violation. This means the alleged violator has committed no prior incident(s) which resulted in a violation or violations within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior incident which resulted in a violation or violations within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

~~(e) ((Fifth or more violation. This means the alleged violator committed at least four prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.~~

(4)) For purposes of calculating the level of violation, prior incidents will be measured from the date that a final order or stipulated order resolved the prior violation(s), and not from the date that the incident(s) occurred.

(3) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

~~((5))~~ (4) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

~~((6) "Unknowingly" means that the alleged violator did not act knowingly.~~

~~(7))~~ (5) "Violation" means commission of an act or acts prohibited by chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder.

(6) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law, or rules. The term does not include any criminal penalty, damage assessment, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(7) "Notice of correction" means a document issued by the department that describes a condition or conduct that is not in compliance with chapter 15.58 or 17.21 RCW, or the rules adopted under the authority of chapter 15.58 or 17.21 RCW and is not subject to civil penalties as provided for in RCW 43.05.110. A notice of correction is not a formal enforcement action, is not subject to appeal and is a public record.

(8) "Notice of intent" means a document issued by the department that alleges specific violations of chapter 15.58 or 17.21 RCW, or any rules adopted under the authority of those chapters. A notice of intent is a formal enforcement docu-

ment issued with the intent to assess civil penalties to the alleged violator and/or to suspend, deny or revoke the alleged violator's pesticide license.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1120 Calculation of penalty. (1) Median penalty selection. In the disposition of administrative cases, the department shall ~~((determine the penalty by first determining))~~ use the penalty assignment schedule ~~((table))~~ listed in ~~((either))~~ WAC 16-228-1130 ~~((or 16-228-1140 that is applied based on the type of violation alleged))~~ to determine appropriate penalties. The department shall ~~((then determine the))~~ calculate the appropriate penalty ~~((range))~~ based on the level of violation~~(,)~~ and the adverse effect(s) or potential adverse effect(s) at the time of the incident(s) giving rise to the violation~~(, and the knowledge of the alleged violator))~~. The median penalty ~~((is then selected as the penalty))~~ shall be assessed unless a proportionate adjustment is ~~((required))~~ warranted and/or there are aggravating or mitigating factors ~~((as provided herein))~~ present. The median penalty ~~((under Table A))~~ as listed in WAC 16-228-1130 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation in the penalty assignment schedule table. The median penalty under ~~((Table B listed in WAC 16-228-1140 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation. The median penalty under Table A and B))~~ the penalty assignment schedule may not be proportionately adjusted and/or mitigated to a level less than the minimum penalty listed for the violation.

(2) Proportionate adjustment of median penalty.

~~(a) The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action ((when)) under certain circumstances ((in the particular case demonstrate the ineffectiveness of the licensing action as a deterrent including but not limited to violations by persons who are not licensed and violations by certified private applicator(s), or proportionately decrease the civil penalty and proportionately increase the licensing action when circumstances in the particular case demonstrate the ineffectiveness of a civil penalty action as a deterrent)). Such circumstances include situations where licensing action(s) as a deterrent are ineffective and include, but are not limited to:~~

~~(i) Violations by persons who are not licensed; and~~

~~(ii) Situations where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation.~~

~~(b) The department also reserves the right to proportionately decrease the civil penalty and increase the licensing action in circumstances that demonstrate the ineffectiveness of a civil penalty as a deterrent. Nothing shall prevent the department from proportionally adjusting a licensing action to a level greater than the maximum licensing action listed in the penalty assignment schedule.~~

(3) Aggravating factors. The department may consider circumstances enhancing the penalty based on the seriousness of the violation~~((, including))~~. Aggravating factors include, but are not limited to, the following:

(a) ~~((Each separate additional incident of violation(s) alleged within a single notice of intent to have been committed by the alleged violator within the same calendar year.))~~ The number of separate alleged violations contained within a single notice of intent.

(b) The high magnitude of the harm, or potential harm, including quantity and/or degree, to humans, animals, plants, property or the environment caused by the violation(s).

(c) The similarity of the current alleged violation to previous violations ~~((that occurred))~~ committed within the last three years ((of the current alleged violation)).

(d) The extent to which the ~~((alleged))~~ violation is part of a pattern of the same or substantially similar conduct ~~((by others which necessitates a greater deterrent factor)).~~

(4) When the department determines that one or more aggravating factors are present, the department may assess the maximum penalty under the penalty schedule or may, in its discretion, increase the penalty to a level greater than that listed in the penalty schedule, including, but not limited to, revocation of the license.

(5) Mitigating factors. The department may consider circumstances reducing the penalty based upon the seriousness of the violation ((including, but)), Mitigating factors include, but are not limited to, the following:

(a) ~~((A))~~ Voluntary disclosure of a violation ((by the alleged violator)).

(b) The low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

(c) Voluntary taking of remedial measures that will result in increased public protection, or that will result in a decreased likelihood that the violation will be repeated.

(6) When the department determines that one or more mitigating factors are present, the department may assess the minimum penalty for the violation from the penalty schedule.

(7) The department considers each violation to be a separate and distinct event. Every day a violation is continued may be considered a separate and distinct violation. When a person has committed multiple violations, the violations are cumulative for purposes of calculating the appropriate penalty. Penalties are added together.

(8) Violation(s) committed during the period when an individual's license is suspended or revoked shall be subject to the maximum civil penalty of seven thousand five hundred dollars and/or revocation of the license for a period of up to five years. Violation(s) committed by unlicensed individuals are subject to the provisions of this chapter, including the penalty provision.

NEW SECTION

WAC 16-228-1125 Revocation and denial of licenses—Actions against licenses only. (1) The department retains the sole discretion to determine when an individual license should be revoked rather than suspended. Revocation of a license shall be an option for the department in those circumstances where:

(a) The penalty schedule allows for revocation;

(b) One or more aggravating factors are present; and/or

(c) The duration of the licensure action exceeds six months.

In circumstances where the department determines revocation to be appropriate, the period of revocation shall be determined at the discretion of the department, but in no instance shall the revocation exceed five years.

(2) The department may deny an applicant a license when the applicant has committed a violation(s) of chapters 15.58 and 17.21 RCW and/or the rules adopted under those chapters. The duration of denial shall be determined based upon the penalty provisions of this chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(3) Nothing shall prevent the department from denying an applicant a license when the applicant has an outstanding civil penalty owed to the department from a previous violation(s).

(4) The department may, at its discretion, suspend a license without also seeking a civil penalty. Such circumstances include, but are not limited to, those incidents where a civil penalty is not available as an appropriate penalty pursuant to RCW 43.05.110. The appropriate period of suspension shall be determined from the penalty schedule.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1130 Penalty assignment schedule~~((—Table A)).~~ ~~((Pesticide use, application, disposal, licensing, distribution, recommendation, and label violations))~~ This assignment schedule shall be used for violations of chapter 17.21 or 15.58 RCW or chapter 16-228 WAC. (See WAC 16-228-1150 for other dispositions of alleged violations, including ((warning letters)) notice of corrections.)

((Level of Violation	Adverse Effect(s)	Unknowingly			Knowingly		
		Minimum	Median	Maximum	Minimum	Median	Maximum
First	a. Not probable	\$100 and 1 day suspension	\$200 and 3 days suspension	\$300 and 5 days suspension	\$200 and 3 days suspension	\$300 and 5 days suspension	\$400 and 7 days suspension
	b. Probable	\$150 and 1 day suspension	\$250 and 3 days suspension	\$350 and 5 days suspension	\$250 and 3 days suspension	\$350 and 5 days suspension	\$450 and 7 days suspension
Second	a. Not probable	\$200 and 3 days suspension	\$300 and 5 days suspension	\$400 and 7 days suspension	\$300 and 5 days suspension	\$400 and 7 days suspension	\$500 and 9 days suspension
	b. Probable	\$300 and 3 days suspension	\$350 and 5 days suspension	\$450 and 7 days suspension	\$350 and 5 days suspension	\$450 and 7 days suspension	\$550 and 9 days suspension

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Third	a. Not probable	\$400 and 10 days suspension	\$700 and 15 days suspension	\$1000 and 20 days suspension	\$500 and 10 days suspension	\$1000 and 20 days suspension	\$1500 and 30 days suspension
	b. Probable	\$500 and 10 days suspension	\$1800 and 20 days suspension	\$3000 and 25 days suspension	\$700 and 20 days suspension	\$2100 and 30 days suspension	\$3500 and 40 days suspension
Fourth	a. Not probable	\$600 and 15 days suspension	\$1800 and 20 days suspension	\$3000 and 25 days suspension	\$700 and 20 days suspension	\$2100 and 30 days suspension	3500 and 40 days suspension
	b. Probable	\$700 and 20 days suspension	\$2100 and 30 days suspension	\$3500 and 40 days suspension	\$800 and 30 days suspension	\$2400 and 40 days suspension	\$4000 and 50 days suspension
Fifth or More	a. Not Probable	\$800 and 20 days suspension	\$3400 and 40 days suspension	\$6000 and 60 days suspension	\$900 and 50 days suspension	\$3700 and 60 days suspension	\$6500 and 7 days suspension
	b. Probable	\$900 and 50 days suspension or denial or revocation	\$3700 and 60 days suspension or denial or revocation	\$6500 and 70 days suspension or denial or revocation	\$1000 and 50 days suspension or denial or revocation	\$4250 and 70 days suspension or denial or revocation	\$7500 and 90 days suspension or denial or revocation))

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LEVEL OF VIOLATION	ADVERSE EFFECTS NOT PROBABLE			ADVERSE EFFECTS PROBABLE		
	MINIMUM	MEDIAN	MAXIMUM	MINIMUM	MEDIAN	MAXIMUM
	FIRST	\$300 and/or 3 days license suspension	\$350 and/or 5 days license suspension	\$450 and/or 7 days license suspension	\$350 and/or 5 days license suspension	\$450 and/or 7 days license suspension
SECOND	\$500 and 10 days license suspension denial or revocation	\$1000 and 15 days license suspension denial or revocation	\$1500 and 20 days license suspension denial or revocation	\$600 and 10 days license suspension denial or revocation	\$1300 and 20 days license suspension denial or revocation	\$2000 and 30 days license suspension denial or revocation
THIRD	\$700 and 20 days license suspension denial or revocation	\$2100 and 30 days license suspension denial or revocation	\$3500 and 40 days license suspension denial or revocation	\$800 and 30 days license suspension denial or revocation	\$2400 and 40 days license suspension denial or revocation	\$4000 and 50 days license suspension denial or revocation
FOURTH OR MORE	\$900 and 50 days license suspension denial or revocation	\$3700 and 60 days license suspension denial or revocation	\$6500 and 70 days license suspension denial or revocation	\$1000 and 50 days license suspension denial or revocation	\$4250 and 70 days license suspension denial or revocation	\$7500 and 90 days license suspension denial or revocation

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1150 Other dispositions of alleged violations. Nothing herein shall prevent the department from:

- (1) Choosing not to pursue a case administratively.
- (2) Issuing a (~~warning letter~~) notice of correction in lieu of pursuing administrative action.
- (3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.
- (4) Referring violations or alleged violations, to any federal, state or county authority with jurisdiction over the activities in question, including, but not limited to, the Environmental Protection Agency (EPA) and the Federal Aviation Administration (FAA).

NEW SECTION

WAC 16-228-1155 Application of RCW 43.05.100 and 43.05.110—Notice of correction. (1) Pursuant to RCW 43.05.100 a notice of correction may be issued by the department when they become aware of conditions and/or conduct that are not in compliance with the applicable laws and rules enforced by the department. The issuance of a notice of correction by the department shall not constitute a previous violation for purposes of WAC 16-228-1110(2), but may, at the discretion of the department, be considered as an aggravating factor for the purposes of WAC 16-228-1120(2).

(2) Prior to issuing a civil penalty for a violation of chapter 15.58 or 17.21 RCW, and the rules adopted under the authority of chapter 15.58 or 17.21 RCW the department shall comply with the requirements of RCW 43.05.110.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-228-1140 Penalty assignment schedule—Table B.

WSR 00-10-099
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed May 3, 2000, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-128 [00-08-029].

Purpose: To clarify TIAA/CREF retirement plan eligibility and participation.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Chapter 131-16 WAC.

Summary: The TIAA/CREF eligibility threshold revised and approved by the state board in July 1999 presents a possible conflict with PERS statute, RCW 41.40.023. The permanent proposed rules clarifies eligibility and plan participation.

Name of Agency Personnel Responsible for Drafting and Implementation: John Boesenberg, 319 7th Avenue, Olympia, (360) 753-3661; and **Enforcement:** Howard Fischer, Attorney General's Office, Olympia, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: The permanent rule revision addresses potential conflicts with the PERS statute under RCW 41.40.023.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Walla Walla Community College, 500 Tausick Way, Walla Walla, WA 98362, on June 22, 2000, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 15, 2000, (360) 586-6440 (fax).

Submit Written Comments to: John Boesenberg, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, fax (360) 586-6440, by June 15, 2000.

Date of Intended Adoption: June 22, 2000.

May 2, 2000
 Claire C. Krueger
 Executive Assistant and
 Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 99-22-052, filed 10/29/99, effective 11/29/99)

WAC 131-16-021 Employees eligible to participate in retirement annuity purchase plan. (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and, effective July 1, 1999, are assigned a cumulative total of at least fifty percent of full-time workload as defined by the collective bargaining agreement and/or the appointing authority at one or more college districts or the state board for at least two consecutive college quarters. (Part-time faculty workload is calculated in accordance with RCW 28B.50.489 and 28B.50.4891.)

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: Provided, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Optional participation in tax-deferred annuities other than this qualified plan as offered by individual colleges is permitted consistent with the Internal Revenue Code: Provided, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases. Optional tax-deferred annuities are provided through a salary reduction agreement between the employee and employer. There is no employer contribution for optional tax-deferred annuities.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed within the community and technical college system. The community and technical college or state board employer shall notify, in writing, all newly hired employees of their potential right to participate. A participating employee, who changes employers without a break in service, shall have the responsibility to notify in writing the new college or state board employer of his or her eligibility. In no case will there be a requirement for retroactive contributions if an employee fails to inform his or her college or state board employer about eligibility previously established with another community and technical college system employer. For the purposes of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) As a condition of employment, all employees who become eligible on and after January 1, 1997, shall partici-

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pate in this plan upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031(((+))).

AMENDATORY SECTION (Amending WSR 98-14-033, filed 6/23/98, effective 7/24/98)

WAC 131-16-031 Participation in the plan. (1) Except as provided in subsections (2) and (3) of this section, participation in the TIAA/CREF plan is required of all otherwise eligible new employees: Provided, That any such new employee, who at the time of employment is a member of the Washington state teachers retirement system or the Washington public employees retirement system, and whose college or state board employment meets the requirements of an "eligible position" as defined by such plan, may irrevocably elect to retain such membership or, if not vested in that system, retain membership until vesting occurs and then irrevocably elect to participate in the TIAA/CREF plan.

(2) Employees who establish TIAA/CREF plan eligibility in accordance with WAC 131-16-021 and who, through concurrent employment with another employer, are active Washington public employee retirement system (PERS) members are required to so advise the college or state board employer and shall be given the following options:

(a) To participate in the state board's TIAA/CREF retirement plan in accordance with chapter 131-16 WAC, forgoing active PERS membership (contributions and service credit) with their other employer; or

(b) To continue active participation in PERS based upon their employment with the other public employer; forgoing participation in the state board's TIAA/CREF retirement plan.

Failure to make an election within thirty days of notification results in the employee being placed in the TIAA/CREF plan. The college or state board employer is required to advise the department of retirement systems (DRS) of a PERS member's participation in the TIAA/CREF plan, whether through election or default. It shall be the employee's responsibility to notify the other employer if he or she elects to participate in the TIAA/CREF plan. The employee will notify his or her college or state board employer should the employee cease to be an active PERS member. This irrevocable election remains in effect as long as the employee is actively participating in a PERS plan and is required because RCW 41.40.023(4) prohibits PERS members from simultaneously participating in two state retirement plans.

(3) Any current active participant of TIAA/CREF who becomes an active member of PERS based on employment with another PERS employer is required to notify his or her college or state board employer. The employee will be provided the options listed in subsection (2) of this section and the college or state board employer will follow through accordingly.

**WSR 00-10-106
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 3, 2000, 11:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-002.

Title of Rule: New chapter 296-19A WAC, Vocational rehabilitation; new section WAC 296-15-500 What vocational rehabilitation reports are required for self-insured employers? and new section WAC 296-15-510 What is the process used for vocational rehabilitation with regard to self-insured employers?

Purpose: Chapter 296-19A WAC will replace chapter 296-18A WAC as the regulatory basis for vocational rehabilitation for industrial insurance. New sections WAC 296-15-500 and 296-15-510 will move regulations applicable to vocational services provided in the self-insured arena to the self-insured chapter.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110.

Summary: Chapter 296-19A WAC will:

- Spell out additional detail on provider qualifications, billing processes, and L&I auditing.
- Explain more clearly the department's expectations of what services will be provided for each type of vocational referral, what reports to the department must contain, and when they will be submitted.
- Address how providers are to be held accountable for the services they deliver (corrective actions and performance measurement).

Reasons Supporting Proposal: In 1998-99, the Department of Labor and Industries (L&I) conducted a study of its vocational purchasing practices. Based on the recommendation of the department's project consultant, William M. Mercer, Inc., L&I concluded that its current purchasing method of contracting with private sector vocational providers should be discontinued and the requirements of the contract should be placed in WAC. At roughly the same time, the Joint Legislative Audit and Review Committee (JLARC) authorized a performance audit of the department's workers' compensation activities. One of the recommendations from the JLARC team (21A) directed the department to "move toward higher standards of private vocational rehabilitation providers." In addition, other program improvements recommended both by JLARC and Mercer warrant significant changes to the current vocational rehabilitation chapter 296-18A WAC. Without rule changes, L&I will be unable to implement many of the changes needed to improve its vocational purchasing practices.

Name of Agency Personnel Responsible for Drafting: Blake Maresh, Senior Health Policy Analyst, Tumwater, Washington, (360) 902-6564; Implementation and Enforcement: Linda Murphy, Program Manager, Tumwater, Washington, (360) 902-6699 and Jody Moran, Program Manager, Tumwater, Washington, (360) 902-4300.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 296-19A WAC will:

- Spell out additional detail on provider qualifications, billing processes, and L&I auditing.
- Explain more clearly the department's expectations of what services will be provided for each type of vocational referral, what reports to the department must contain, and when they must be submitted.
- Address how providers are to be held accountable for the services they deliver (corrective actions and performance measurement).

The anticipated effects of replacing chapter 296-18A WAC with chapter 296-19A WAC include:

- More efficient service delivery through more detailed billing requirements.
- More highly qualified vocational providers delivering better quality service to injured workers.
- More consistent application of the rules through better, more consistent definitions and easier to understand language.
- Increased level of provider accountability for services rendered.

Proposal Changes the Following Existing Rules: The current proposal strikes and replaces the existing WAC chapter on vocational rehabilitation, chapter 296-18A WAC. The new chapter will be chapter 296-19A WAC, Vocational rehabilitation. The new chapter makes several changes to existing rules.

- It organizes the rules more clearly, places the rules in clear rule writing format, and defines terms used in the rules more clearly and consistently.
- As stated above, because vocational purchasing has traditionally occurred through contracts between the department and vocational rehabilitation firms, many requirements previously in contract must now be placed in WAC.
- To clarify the parallels and distinctions between vocational providers and medical providers, some applicable WACs from L&I's Medical Aid Rules are included in this proposal. In some cases, these WACs have been modified slightly to better suit the vocational provider community.
- The proposal also moves two WAC sections from chapter 296-18A WAC to chapter 296-15 WAC. This is because chapter 296-15 [296-18A] WAC pertains to self-insurers, as does chapter 296-15 [296-18A] WAC.

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

Small Business Economic Impact Statement

Background: In 1998-99, the Department of Labor and Industries (L&I) conducted a study of its vocational purchasing practices. Based on the recommendation of the department's project consultant, William M. Mercer, Inc., L&I concluded that its current purchasing method of contracting with private sector vocational providers should be discontinued and the requirements of the contract should be placed in

WAC. At roughly the same time, the Joint Legislative Audit and Review Committee (JLARC) authorized a performance audit of the department's workers' compensation activities. One of the recommendations from the JLARC team (21A) directed the department to "move toward higher standards of private vocational rehabilitation providers." In addition, other program improvements recommended both by JLARC and Mercer warrant significant changes to the current vocational rehabilitation, chapter 296-18A WAC. Without rule changes, L&I will be unable to implement many of the changes needed to improve its vocational purchasing practices.

L&I's proposal makes several changes to existing rules:

- It organizes the rules more clearly, places the rules in clear rule writing format, and defines terms used in the rules more clearly and consistently.
- As stated above, because vocational purchasing has traditionally occurred through contracts between the department and vocational rehabilitation firms, many requirements previously in contract must now be placed in WAC.
- To clarify the parallels and distinctions between vocational providers and medical providers, some applicable WACs from L&I's Medical Aid Rules are included in this proposal. In some cases, these WACs have been modified slightly to better suit the vocational provider community.
- The proposed rules spell out additional detail on provider qualifications, billing processes, and L&I auditing. The proposed rules explain more clearly the department's expectations of what services will be provided for each type of vocational referral, what reports to the department will contain, and when they will be submitted. They also address how providers are to be held accountable for the services they deliver (sanctions and performance measurement).

Proposed Changes to Billing Requirements: Currently, providers are not required to itemize bills to the department by specific date of service, units of service, or individual counselor or intern. This prevents the department from being able to track costs of services by individual VRC or vocational intern. Through the issuance of individual provider ID numbers, L&I is proposing more detailed billing requirements that will allow it to perform analysis and do performance measurement on vocational professionals delivering services.

In the future, bills submitted to the department must include the following information:

- Worker's name;
- Worker's claim number;
- Vocational referral number;
- Dates of service;
- Place of service;
- Type of service;
- Appropriate procedure code(s);
- Description of service;
- Charge;
- Units of service;
- Total bill charge;

- The name and the department assigned provider ID of the counselor or intern rendering the services;
- The provider ID of the payee;
- Date of billing;
- Submission of supporting documentation required under other sections of this chapter.

There are several possible implications of L&I establishing more detailed billing requirements. Vocational rehabilitation firms and counselors billing the department will need to make sure that they are maintaining the appropriate records to satisfy L&I's billing needs. Further, it may be necessary for some vocational providers who electronically bill L&I to make modifications to their information systems. Finally, some larger vocational firms may also need to engage in training of administrative and professional staff with regard to the new requirements of L&I bills.

Proposed Minimum Qualifications Changes: The proposed WACs make changes that increase the qualifications that must be met to obtain a provider number with the department and be eligible to receive referrals and be reimbursed for providing vocational services to industrially injured/occupationally ill workers.

Vocational Rehabilitation Counselor (VRC): VRCs applying for a provider number with the department effective on or after September 1, 2000, must meet the following minimum qualifications:

Table 1: Vocational Rehabilitation Counselor Minimum Qualifications

Qualification	Education	Experience	Certification
Option A	Masters Degree	1 year full-time industrial insurance experience	and CRC or CDMS or ABVE
Option B	Bachelors Degree	2 years full-time industrial insurance experience	and CRC or CDMS

CRC = Certified Rehabilitation Counselor
 CDMS = Certified Disability Management Specialist
 ABVE = American Board of Vocational Experts

VRCs registered with the department prior to September 1, 2000, will be required to apply for a provider number and will be given four years from September 1, 2000, to meet the above requirements.

Vocational Rehabilitation Counselor/Supervisor: In order to supervise interns providing vocational services to industrially injured/occupationally ill workers beginning on or after September 1, 2000, the VRC/supervisor must provide proof of three years full-time experience working with Washington state injured workers when applying for a provider number. VRC/supervisors registered with the department prior to September 1, 2000, will be required to apply for a provider number and will be given four years from September 1, 2000, to meet the above requirements.

Forensic Services: In order to provide forensic services to the department on claims other than those for which the VRC provided the vocational rehabilitation services, a VRC must provide proof of three years full-time experience work-

ing with Washington state industrially injured or ill workers when applying for a provider number.

Vocational Rehabilitation Interns (interns): Interns applying for a provider number with the department on or after September 1, 2000, must meet the following minimum qualifications:

Table 2: Vocational Rehabilitation Intern Minimum Qualifications

Qualification	Degree	Internship Length
Option A	Masters Degree in field acceptable to CRC or CDMS or ABVE	Equal to required experience to obtain CRC or CDMS or ABVE certification including at least 1 year working with industrially injured workers.
Option B	Bachelors Degree in field acceptable by CDMS	Equal to required experience to obtain CDMS certification including at least 2 years working with industrially injured workers.

Interns must obtain one of the required VRC certifications within one year of completing their required internship. Interns registered with the department prior to September 1, 2000, will be required to apply for a provider number with the department and may work up to an additional four years as an intern if necessary to meet the new VRC requirements.

Comparison of L&I and NARPPS Qualifications Proposals: The National Association of Rehabilitation Professionals in the Private Sector (NARPPS) Washington chapter submitted recommendations to the department for VRC qualifications. The primary differences between the NARPPS and department proposed qualifications are:

Table 3: NARPPS and L&I Qualification Proposals

NARPPS	Department
State licensure	National certification
2 levels of VRC "A" and "B"	1 level for VRCs
Limit work that can be done by Bachelor ("B" level) VRCs	No limit on work a qualified VRC can do
Eliminate Bachelor degree in unrelated field for "B" level VRCs in 3 to 5 yrs.	National certification agencies determine acceptability of Bachelor and Masters degrees
VRC with Bachelors must be supervised by Masters level VRC ("A" level)	No supervision requirement for qualified VRCs
5 years workers comp/voc rehab experience to supervise	3 years Washington worker comp experience to supervise
"A" level interns can assign work to, but not supervise, "B" level VRCs	Interns cannot assign work
Grandfather current VRCs and Interns who sit for exam within specified time	4 years to meet new requirements
Peer review board to set and administer state exam with disciplinary power for ethical violations	National certification. L&I has no authority to license VRCs/Interns. Would support establishing within Dept. of Health.

PROPOSED

Small Business Economic Impact Analysis: The Regulatory Fairness Act, chapter 19.85 RCW, requires that the economic impact of proposed regulations on small businesses be examined relative to their impact on large businesses. The act outlines the requirements for a small business economic impact statement (SBEIS). For the purposes of an SBEIS the term small business is defined as a business entity that has the purpose of making a profit and has fifty or fewer employees. The agency must prepare an SBEIS when a proposed rule, or rule amendments, have the potential of placing a more than minor economic impact on business. For the vocational rehabilitation (SIC #833) the minor impact threshold is fifty dollars (1990 dollars) per business. This value is calculated as 0.1% of profits for a business of fifty employees (Guide for Facilitating Regulatory Fairness, 1993). The results in Table 7 below reveal that the cost created by proposed changes to chapter 296-19A WAC exceeds the minor cost thresholds for an SBEIS.

Industry Survey to Assess Cost of Compliance: To assess the financial impact of the proposed amendments to chapter 296-307 WAC, the agency conducted a mail cost survey. A total of one hundred thirty surveys were sent to vocational rehabilitation service providers that provide service to residents of Washington state. The survey contained information regarding the proposed changes to the vocational rehabilitation rules focusing particularly on the minimum qualification and billing requirements. Recipients were asked to supply information on the number of VRCs, VRC supervisors and VRC interns at their company, and what fractions of VRC and VRC interns met the proposed educational requirements. Survey recipients were also asked to estimate the cost of meeting the proposed minimum qualification and billing requirements.

A total of sixty surveys were returned for a response rate of 46%, which represents six hundred thirty-six people that work in the vocational rehabilitation industry. Of this number, fifty-five survey responses were from small businesses and five were from large business establishments. Note that four of the five large businesses reported total VRC employment in the forty to fifty range; the department assumed that with part-time workers and support staff that these businesses would exceed the fifty employee threshold.

Analysis of Survey Cost Data: The survey data was compiled and analyzed in an Excel spreadsheet. Summary data on the fraction of VR employees that currently meet the minimum qualification (option A or B) and billing requirements is presented in Table 4 below.

Table 4: Summary information form VR survey

Category	Small Business	Large Business	Overall
Number VRCs	236	153	389
Number VRC supervisors	65	43	108
Number of interns	43	49	92
Percent VRCs meeting min. qual. requirements	65.5 (53.4)	47.2 (46.4)	63.9 (50.1)

Percent VRC interns meeting min. qual. requirements	40.8 (21.5)	39.2 (44.1)	40.5 (31.3)
Percent of businesses meeting billing requirements	51.7	20	49.1
Fraction cost to meet minimum qualification requirement paid by company	31.6	100	40.4

Values in parentheses are population-weighted percentages

For this study, just under three fifths of VRC workers were employed at small business establishments. The survey results indicate that about half of the VRCs currently meet the proposed minimum qualification requirements, slightly less than one third of VRC interns meet the requirements and approximately half of the VRC businesses meet the proposed billing requirements. Overall, VR businesses responded that they would cover about 40% of the training and educational costs for VRCs to meet the minimum qualification requirements.

In the survey additional information was collected regarding the sources of a particular VR firms work (state, federal, self-insured, other). Correlation coefficients between fraction of VRCs and VRC interns meeting the minimum qualifications and the sources of work were determined. The correlation coefficients are presented in Table 5 below.

Table 5: Correlation between fraction meeting minimum qualifications and source of work (by firm)

Source of VRC work (as fraction of total work)	Correlation (R) between fraction VRCs meeting education req. and source of work	Correlation (R) between fraction VRC interns meeting education req. and source of work
State fund (SF)	-0.248	-0.273
Self insured (SI)	0.550	*
Federal (F)	0.614	*
Non-state fund (includes SI, F and other)	0.513	0.200

*Data sets for VRC interns too small to perform these correlation analyses

The negative correlation coefficients of -0.248 and -0.273 between the fraction of state fund work and fraction of VRCs and VRC interns meeting the minimum qualifications suggests that VR business doing state fund work tend to have workers with lower qualifications. The positive correlation coefficients of 0.513 and 0.200 between nonstate fund work and fraction VRCs and VRC interns meeting the minimum qualifications suggests that those VR businesses in which nonstate fund work is a large fraction of the total work, have more highly qualified workers. The results of this correlation analysis seem to lend credence to anecdotal information from the vocational provider community. That is, self-insurers, who will typically pay more for vocational rehabilitation services than does the department, are able to attract more

PROPOSED

highly qualified and experienced providers to give self-insured referrals priority over state fund referrals. It follows, then, that less experienced counselors and interns typically work on state fund referrals.

Procedure for Dealing with Data Outliers: Costs to meet the proposed minimum training and experience qualifications and billing requirements were determined for small and large business entities. While data was generally used as reported, a few respondents may have misinterpreted the questions, based their responses on incorrect assumptions, or responded in a strategic manner, thus giving unrealistically high cost numbers. Based on the departments' own internal vocational rehabilitation expertise, more reasonable lower, middle and upper bound costs estimates for the minimum qualifications and billing were developed. These estimates were used to replace the extreme survey cost estimates and are shown in Table 6 below. The lower bound minimum qualification estimate was based on the following assumptions:

1. VRC or intern has degree, which meet credential requirements,
 2. Cost of credential is \$290,
 3. Cost of supervision is \$3,000 (60 hours at \$50/hour).
- The upper bound minimum qualification estimate was based on the following assumptions:

1. VRC or intern needs 5 courses to meet credential requirement,
2. Cost of credential is \$290,
3. Cost of supervision is \$3,000 (60 hours at \$50/hour),
4. Costs of course work \$4,000.

The middle estimate is centered between the lower and upper bounds. Upper, middle and lower bound estimates were also prepared for outliers involving the costing of the billing requirements. Basic billing software can be obtained for about \$300 dollars from Crabtree Consulting and \$1,000 from Berg Infosystems. A supplementary cost was added to the \$1,000 cited above for customizing efforts or consulting fees that might be incurred to make the software fully functional. An allowance was also made for additional recurring costs in the billing process. Because a large VR business

might need to buy multiple versions of the billing software, costs for the large VR businesses were assumed to be twice the costs for small VR businesses: See Table 6 below.

Table 6: Departmental estimates for meeting minimum qualification and billing requirements:

Category	Minimum Qualification (\$/employee affected)	Billing Requirement Initial cost (recurring costs)	
		Small	Large
Estimate (bound)	Small and Large		
Lower	\$ 3,290	\$ 1,000 (\$700)	\$ 2,000 (\$1,400)
Middle	\$ 5,290	\$ 1,500 (\$1,000)	\$ 3,000 (\$2,000)
Upper	\$ 7,290	\$ 3,000 (\$2,000)	\$ 6,000 (\$4,000)

When a survey value for meeting the minimum qualifications or billing requirements in a survey exceeded the value(s) above, it was replaced with the corresponding lower, middle or upper bound estimate. Note that the departments' values do not include lost work income. There were two reasons why the department did not include lost work income: 1. Most workers should be able to obtain enough course work as part-time students over the four year phase-in period, and/or be able to receive a CRC, CDMS or ABVE certification. 2. The investment that providers and individuals make in furthering education is likely to result in a higher level of compensation for those providers and individuals, a benefit in the long term. Compliance costs were computed for small and large businesses substituting in the lower, middle and upper bound estimates where appropriate. Costs were annualized over four years (the time allowed for meeting the qualification requirements) using a 5% discount rate. Recurring billing costs were not annualized. Compliance costs are presented on a per establishment and per employee basis in Table 7 below. The far right column shows small versus large cost ratios. A value significantly over 1.0 demonstrates a disproportionate impact on small businesses and according to the RFA indicates a need for mitigation.

Table 7: Annualized compliance costs for proposed vocational rehabilitation WAC

Cost of compliance	Estimate	Small business (\$/yr.)	Large business (\$/yr.)	Overall (\$/yr.)	Small/Large
Per employee	Lower	223	436	241	0.511
	Middle	278	625	307	0.445
	Upper	368	997	420	0.369
Per establishment	Lower	1,984	22,185	3,667	
	Middle	2,384	32,468	4,891	
	Upper	2,950	49,656	6,842	

Table 7 indicates that the projected annualized cost of compliance will be higher for large businesses at six hundred twenty-five dollars per employee (range four hundred thirty-six to nine hundred ninety-seven dollars) versus an average of two hundred ninety-eight dollars per employee (range two hundred forty-six to three hundred seventy-seven dollars) for the small business establishments. Applying the reported

fractions of education requirements to be paid by the company, see Table 4, (the true cost of the proposed rule to the business) the costs become one hundred-fifty dollars for small businesses, six hundred twenty-five dollars for large businesses and one hundred fifty dollars overall: Small [versus] large cost ratio then becomes 0.168. Regardless of which technique is utilized, the small versus large cost ratio is sig-

PROPOSED

nificantly less than 1.0, indicating that per the requirements set forth in the RFA, that there will not be a disproportionate impact on small businesses and mitigation is unnecessary.

Impacted Industries and Involvement of Small Business in Rule Development (RCW 19.85.040(2)): The proposed rule changes impact businesses that provide vocational rehabilitation services for injured workers: SIC 833. The affected businesses have had an opportunity to comment through extensive stakeholder mailings and survey, and VTSG (Vocational Technical Stakeholder Group) meetings. They will continue to have an opportunity to comment during the hearing and public commenting process.

Conclusion: The survey results presented in the previous section reveal anticipated compliance costs that impose a more than minor impact on the vocational rehabilitation industry. The results above indicate that on a per employee basis annualized compliance costs for small vocational rehabilitation businesses will be only half those for large businesses. Therefore, I conclude that the anticipated compliance costs for the proposed changes to chapter 296-19A WAC will not have a disproportionate financial impact on small businesses. Based upon the fact that the proposed rules will not have a disproportionate financial impact on small businesses, the department has not taken steps to reduce the costs of the rule on small businesses as required by RCW 19.85.030(3).

Please contact Greg Nothstein if you have further questions regarding this analysis, (360) 902-6805.

A copy of the statement may be obtained by writing to Department of Labor and Industries, ATTN: Greg Nothstein, Economic Analyst, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-6805, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. Chapter 296-19A WAC constitutes significant legislative rules of the Department of Labor and Industries and will make significant amendments to the department's vocational rehabilitation regulatory program.

Hearing Location: Everett L&I Service Location, 729 100th Street S.E., Everett, WA 99208-3727, on June 14, 2000, at 1:30-4:30 p.m.; at the Tumwater L&I Service Location, 7273 Linderson Way S.W., Tumwater, WA 98501, on June 7, 2000, at 1:30-4:30 p.m.; and at the Spokane L&I Service Location, 901 North Monroe Street, Suite 100, Spokane, WA 99201-2149, on June 13, 2000, at 9 a.m.-noon.

Assistance for Persons with Disabilities: Contact Blake Maresh, by June 1, 2000, (360) 902-6564.

Submit Written Comments to: Blake Maresh, Senior Health Policy Analyst, fax (360) 902-4249, by June 21, 2000.

Date of Intended Adoption: July 22, 2000.

May 3, 2000
Gary Moore
Director

Chapter 296-19A WAC

VOCATIONAL REHABILITATION

DEFINITIONS

NEW SECTION

WAC 296-19A-010 Definitions. (1) What does it mean to say an injured worker is employable?

(a) "Employable" means having the skills and training that are commonly and currently necessary in the labor market to be gainfully employed on a reasonably continuous basis when considering the worker's:

- (i) The worker's age, education, and experience;
- (ii) The worker's preexisting physical and mental limitations; and
- (iii) The physical and mental limitations caused, at least in part, by the worker's industrial injury or occupational disease.

(b) Physical and/or mental conditions that arose after the industrial injury/occupational disease that were not caused or aggravated by the industrial injury/occupational disease are not considered in determining whether the worker is employable under the Industrial Insurance Act.

(c) If there are no physical or mental limitations caused by the worker's industrial injury/occupational disease, the worker cannot be found unemployable under the Industrial Insurance Act.

(2) What are vocational rehabilitation services? Vocational rehabilitation services are those provided by a vocational rehabilitation provider and include, but are not limited to, the following:

- (a) Gathering industrially injured or ill workers' work and/or education histories and physical capacities information;
- (b) Assessing industrially injured or ill workers' employability;
- (c) Developing, documenting, and writing vocational plans;
- (d) Monitoring injured workers' progress during training;
- (e) Writing progress reports;
- (f) Analyzing and documenting the transferable skills of the injured worker and writing transferable skills analyses;
- (g) Performing occupational research;
- (h) Conducting labor market surveys and writing labor market survey reports;
- (i) Conducting and writing job analyses;
- (j) Communicating with industrially injured or ill workers, employers, physicians and others;
- (k) Developing job modifications and work site modifications, as well as prejob accommodations, and writing reports for this work; and

(l) All work done to obtain any job with any employer for injured workers referred for vocational rehabilitation services.

(3) What is a vocational rehabilitation provider (provider)? A provider is any person, firm, partnership, corporation, or other entity that provides vocational rehabilitation

PROPOSED

services to industrially injured or ill workers. A provider must meet the qualifications listed in WAC 296-19A-210.

(4) **What is an injured worker's labor market?** It is the area in which a worker would seek gainful employment. The labor market must be within a reasonable commuting distance and be consistent with the industrially injured or ill worker's physical and mental capacities.

When a worker:	Then the department:
<ul style="list-style-type: none"> Relocates to a labor market other than at the time of injury and Returns to work and Suffers an aggravation of the work-related condition. 	Uses the labor market where the industrially injured or ill worker worked at the time of the aggravation. This applies whether the department closed and reopened the claim or whether the claim remained open during the period of aggravation.
<ul style="list-style-type: none"> Relocates after the industrial injury/illness or aggravation and Now lives in a labor market with more employment opportunities than where the industrially injured or ill worker worked at the time of injury. 	Uses the industrially injured or ill worker's current labor market. For example, an industrially injured or ill worker was injured in Forks but after the injury, moves to Tacoma. Provider would use Tacoma as the industrially injured or ill worker's labor market.
<ul style="list-style-type: none"> Relocates to a labor market other than at the time of injury or onset of illness and The industrial injury or occupational disease was a proximate cause of the move. 	Uses the injured or ill worker's current labor market. For example, an industrially injured or ill worker moves to a drier climate due to an accepted asthma condition. Provider would use the labor market in the drier climate.

(5) **What is a labor market survey (LMS)?** It is a survey of employers in an industrially injured or ill worker's labor market to obtain specific information (such as physical demands and qualifications) related to job possibilities.

(6) **What is a job analysis?** It is a description of the knowledge, skills, abilities, and physical requirements necessary for a worker to perform a job.

(7) **What is a transferable skill?** Transferable skills are any combination of learned behavior, education, training, work traits, and work-related skills that can be readily applied by the worker. They are skills that are interchangeable among different jobs and workplaces. Nonwork-related talents or skills that are both demonstrated and applicable may also be considered.

(8) **What is a transferable skills analysis?** It is a systematic study of the transferable skill or skills a worker has to see if that skill set makes him/her employable.

(9) **What are job modifications?** Job modifications are adjustments or alterations made to the way a job is performed

to accommodate the restrictions imposed by an industrial injury or occupational disease. Job modifications are used when an employer-employee relationship exists, and they may include worksite adjustment; job restructuring; and/or tools, equipment or appliances.

(10) **What are prejob accommodations?** Prejob accommodations are adjustments or alterations made to the way a job is performed to accommodate the restrictions imposed by an industrial injury or occupational disease. Accommodations are used when an industrially injured or ill worker is engaged in a vocational plan or in a job search, and they may include tools, equipment or appliances.

GENERAL INFORMATION

NEW SECTION

WAC 296-19A-020 **When may the department offer vocational rehabilitation services?** The department may, in its discretion, authorize vocational rehabilitation services that are necessary and likely to make the worker employable. In exercising its discretion the department considers, but is not limited to:

- (1) Whether the worker took advantage of and utilized vocational rehabilitation services offered in this or other claims;
- (2) The worker's ability and willingness to participate in and benefit from vocational services; and
- (3) The likelihood that the worker will be employable after the vocational services are completed.

NEW SECTION

WAC 296-19A-030 **What are the responsibilities of the parties?** All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:

- (1) The attending physician shall maintain open communication with the industrially injured or ill worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is possible to expedite the vocational rehabilitation process, including making an estimate of physical capacities or restrictions. The attending physician may review the vocational plan, and if the attending physician feels that the injured worker is not physically capable of carrying out the plan, or the plan is unnecessary, based on current medical findings, shall notify the referral source immediately of this opinion with the reasons for that opinion.
- (2) The claims unit within the department shall:
 - (a) Notify the employer of the referral to a vocational rehabilitation provider;
 - (b) Send the employer a copy of the closing report; and
 - (c) Give written notice to an injured worker if a complaint of noncooperation has been made.
- (3) The employer shall assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former gainful employment of the injured worker. Fur-

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ther, the employer will assist the vocational rehabilitation counselor and attending physician to determine whether or not a modified job could be made available for employment of the injured worker.

(4) The injured worker shall cooperate with all reasonable requests from all responsible individuals in determining disability, developing and implementing the rehabilitation process. Should the injured worker fail to be cooperative, the sanctions as set out in RCW 51.32.110 shall be applied.

(5) In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095 and the requirements as set out in this chapter.

NEW SECTION

WAC 296-19A-040 What vocational rehabilitation services require authorization? All vocational services must be preauthorized by the referral source. The referral source may make one or more of the following type of referrals: Early intervention; ability to work assessment ("AWA" or "assessment"); plan; and forensic services. Each referral is a separate authorization for vocational rehabilitation services. For example, when a vocational rehabilitation provider receives a referral for early intervention services, the provider may only provide the authorized early intervention services. No other services are authorized until the referral source makes another referral to the vocational rehabilitation provider.

DEPARTMENT VOCATIONAL REHABILITATION REFERRALS

NEW SECTION

WAC 296-19A-050 What are early intervention services? Early intervention services are intended to help an industrially injured or ill worker return to work, or continue to work, for the employer of injury or the current employer. These services include, but are not limited to, the following:

- (1) Discussing early return to work options with the employer, worker, and attending physician;
- (2) Identifying return to work goals and barriers that may interfere with or prevent the industrially injured or ill worker from returning or continuing to work;
- (3) Assisting employers with offers of employment;
- (4) Planning and working with the referral source on necessary job modifications and prejob accommodations;
- (5) Performing on-site and telephone job analyses; and
- (6) Assessing the industrially injured or ill worker's need for preferred worker status and obtaining a preferred worker card for the worker, if appropriate.

NEW SECTION

WAC 296-19A-060 What reports does the department require when early intervention services are provided at its request? (1) Progress reports. The vocational rehabilitation provider must submit a written progress report

to the department every thirty days from the date of the referral. The progress report must include the following:

(a) List of dates and summarized results of all contacts the provider had with the industrially injured or ill worker and employer of injury or current employer;

(b) Summary of all actions taken in the past thirty days, including progress on previously recommended actions;

(c) Identification and analysis of any barriers preventing completion of the referral; and

(d) Description of the specific actions the provider intends to take and the expected time frame to complete those actions.

(2) Closing reports. The provider must always submit an early intervention closing report at the conclusion of services. In the report the provider must include:

(a) Description of the industrially injured or ill worker's work history in detail;

(b) Summary of the industrially injured or ill worker's education, training, licenses, and certificates;

(c) A job analysis for the job of injury and any other return to work options;

(d) Description of the worker's medical status and physical capacities;

(e) The date the worker returned to work and the monthly salary or wage;

(f) Indication of which return to work priority relates to the situation;

(g) Documentation that no return to work options exist with the employer of injury or current employer, if applicable.

(3) The provider must notify the department orally and in writing within two working days after learning of an unsuccessful return to work by the injured worker.

(4) The provider must notify the department orally and in writing within two working days after learning of a return to work by the injured worker.

NEW SECTION

WAC 296-19A-070 What is an ability to work assessment? (1) An AWA is a written report used by the department to determine if an industrially injured or ill worker should receive vocational rehabilitation services. The AWA must include an evaluation of the industrially injured or ill worker's:

(a) Age, education and experience;

(b) Applicable transferable skills;

(c) Preexisting physical and mental conditions and the effect of those conditions on the worker's employability;

(d) Physical and mental conditions proximately caused by the worker's industrial injury or occupational disease and the effect of those conditions on the worker's employability;

(e) Wage at the time of injury;

(f) Work pattern;

(g) Significant barriers to employment;

(h) Applicable labor market; and

(i) Complete work history, in addition to information about education level, courses or transcripts, licenses, certifications or registrations that the worker may have obtained in the past.

PROPOSED

(2) The AWA must also include one of the following recommendations:

(a) Able to work: The injured worker is employable at gainful employment. The report must include:

(i) Whether the worker is employable with the employer of injury or current employer, or if not, a list of job possibilities for which the worker is qualified;

(ii) A job analysis; and

(iii) Labor market information supporting the provider's recommendation;

(b) Further services appropriate: Vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. The report must include:

(i) An analysis demonstrating why the worker is unlikely to return to work without vocational service;

(ii) The specific return to work possibilities investigated and the reasons why they were ruled out; and

(iii) Labor market information supporting the provider's recommendations; or

(c) Further services not appropriate: The injured worker is not likely to benefit from vocational services. The report must include:

(i) An analysis explaining why vocational services are not appropriate;

(ii) Any barriers that will interfere with the worker's return to work or make it unlikely the worker will benefit from vocational services;

(iii) If appropriate, labor market information supporting the provider's recommendations.

(3) The provider must immediately notify the department in writing if the worker is medically released to work without restrictions. The provider must attach documentation showing the worker was medically released to work without restrictions. The provider should not perform any other work on the AWA without the prior authorization of the referral source.

(4) The provider must immediately inform the department orally and in writing if the worker has returned to work. This report must include:

(a) A description of the job the worker returned to;

(b) The name of the employer;

(c) The date that the worker returned to work;

(d) The worker's monthly wages.

NEW SECTION

WAC 296-19A-080 How often must written progress reports be completed and submitted during assessment activities? The provider must submit a written progress report every thirty days from the date of the referral. The written progress report must include:

(1) A detailed explanation why the AWA was not completed as of the date of the report;

(2) A summary of all activities taken in the past thirty days, including progress on previously recommended actions;

(3) Identification and analysis of any barriers preventing completion of the referral; and

(4) A description of the specific actions the provider intends to take and the expected time frame to complete those actions.

NEW SECTION

WAC 296-19A-090 What are vocational plan development services? Vocational plan development services are authorized to obtain the vocational provider's assistance in producing a vocational plan for an industrially injured or ill worker. The provider will work with the industrially injured or ill worker in the development of the plan. Covered services include, but are not limited to, the following:

(1) Vocational counseling;

(2) Identifying training needs, resources, and expenses;

(3) Coordinating with medical providers to obtain physical capacities and restrictions information and release to participate in a vocational plan; and

(4) Vocational testing.

NEW SECTION

WAC 296-19A-100 What reports does the department require when vocational rehabilitation plan development services are provided at its request? (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department every thirty days from the date of the referral. The progress report must include the following:

(a) Description of the return to work goals explored, accepted or ruled out;

(b) Review of the return to work priorities being addressed;

(c) Summary of all actions taken in the past thirty days, including progress on previously recommended actions;

(d) Identification and analysis of any barriers preventing completion of the referral; and

(e) Description of the specific actions the provider intends to take and the expected time frame to complete those actions.

(2) Vocational plan. The provider must address the return to work priorities listed in RCW 51.32.095(2) in the plan and explain why each preceding priority would not help the industrially injured or ill worker return to work. The vocational plan must also include the following information:

(a) An assessment of the industrially injured or ill worker's skills and abilities considering the industrially injured or ill worker's physical capacities and mental status, aptitudes and transferable skills gained through prior work experience, education, training and avocation;

(b) The services necessary to enable the industrially injured or ill worker to become employable in the labor market;

(c) Labor market survey supportive of the industrially injured or ill worker's employability upon plan completion;

(d) Documentation of the time and costs required for completion of the plan;

(e) A direct comparison of the industrially injured or ill worker's skills, both existing and those to be acquired through

the plan, with potential types of employment to demonstrate a likelihood of plan success;

(f) A medically approved job analysis for the proposed retraining job goal;

(g) Any other information that may significantly affect the plan; and

(h) An agreement signed by the provider and industrially injured or ill worker that:

(i) Acknowledges that the provider and the industrially injured or ill worker have reviewed, understand and agree to the vocational plan; and

(ii) Sets forth the provider's and industrially injured or ill worker's responsibilities for the successful implementation and completion of the vocational plan.

The provider must use a form approved by, or substantially similar to a form used by, the department in order to document this agreement.

(3) Closing report. If the provider has to stop plan development before reaching a vocational goal, submit a plan development closing report. The report must include:

(a) A list of the reasons the provider cannot proceed with vocational plan development activities; and

(b) Supporting documentation, such as: Goals researched, job analyses developed, and/or labor market research conducted.

NEW SECTION

WAC 296-19A-110 What are vocational plan implementation and monitoring services? Vocational plan implementation and monitoring services are those services a vocational rehabilitation provider provides to assist an industrially injured or ill worker to successfully complete a vocational plan. These services may include, but are not limited to, the following:

(1) Maintain sufficient contact with the industrially injured or ill worker, trainer and medical providers to make sure the worker is successfully progressing in the vocational plan;

(2) Confirm that the industrially injured or ill worker has received all necessary equipment and supplies;

(3) Contact the industrially injured or ill worker and trainer at least every thirty days to identify potential problems;

(4) Notify the department if the plan needs to be interrupted;

(5) Notify the department when the industrially injured or ill worker completes the plan;

(6) Monitor the industrially injured or ill worker's progress and resolve any problems that might arise;

(7) Document the industrially injured or ill worker's acquisition of skills; and

(8) Notify the department if the plan needs to be terminated.

NEW SECTION

WAC 296-19A-120 What reports does the department require when vocational plan implementation and

monitoring services are provided at its request? (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department every thirty days from the date of the referral. The progress report must include the following:

(a) Review of the industrially injured or ill worker's compliance with the vocational plan;

(b) A list of the dates the provider contacted the industrially injured or ill worker and training site;

(c) Description of the skills the worker has acquired so far and a comparison with the vocational plan;

(d) Summary of all actions taken in the past thirty days, including progress on previously recommended actions;

(e) Identification and analysis of any barriers preventing completion of the referral;

(f) Statement of whether the industrially injured or ill worker will complete the plan by the target plan end date.

(2) Closing report. If the industrially injured or ill worker successfully completes the vocational plan, the closing report, at a minimum, must contain the following information:

(a) An assessment of the industrially injured or ill worker's employability status at the time of closure;

(b) An assessment of the skills acquired by the industrially injured or ill worker as compared to the vocational plan;

(c) A statement as to whether or not the industrially injured or ill worker has returned to gainful employment; and

(d) The barriers, if any, to the industrially injured or ill worker's return to gainful employment.

(3) If the industrially injured or ill worker does not successfully complete the vocational plan, the closing report, at a minimum, must contain the following information:

(a) Explain why the vocational plan cannot be completed;

(b) Assess the industrially injured or ill worker's employability status at the time the plan stopped;

(c) Assess what skills the industrially injured or ill worker acquired and compare them to the vocational plan;

(d) Indicate whether or not the industrially injured or ill worker has returned to work. If so, list the job title, employer, and monthly salary; and

(e) Describe any remaining barriers that may keep the industrially injured or ill worker from returning to work.

NEW SECTION

WAC 296-19A-130 What are forensic services? Vocational forensic services are authorized to obtain the vocational provider's assistance in reviewing the claim file and making recommendations to resolve vocational issues.

(1) The recommendations may include, but are not limited to:

(a) Vocational services are not appropriate. The vocational provider will provide the rationale for the recommendation.

(b) Vocational services are appropriate. The vocational provider will provide specific suggestions for the type of vocational services recommended.

(c) Able to work.

PROPOSED

(d) Further clarification of medical or vocational issues is needed. The vocational provider will identify issues impacting the vocational process and requiring clarification.

(2) Covered services include, but are not limited to:

(a) Reviewing medical and vocational records;

(b) Identifying barriers to employment and possibilities for resolving the barriers;

(c) Coordinating with providers to obtain physical, mental and vocational capacities and restrictions;

(d) Identifying training needs and resources.

Vocational recommendations must follow department guidelines and have supporting documentation attached.

VOCATIONAL REHABILITATION TOOLS

NEW SECTION

WAC 296-19A-140 What information must a provider include in a labor market survey? (1) The following information must be included in a labor market survey:

(a) The specific job title surveyed;

(b) If the provider completes a LMS on a referral, include a summary;

(c) Indicate in the summary whether the industrially injured or ill worker has the physical and mental/cognitive capacities to perform the job, based on either the industrially injured or ill worker's attending physician or the preponderance of medical information; and

(d) The LMS must list all employer contacts, positive and negative.

(2) A positive labor market exists if one of the following circumstances is present:

(a) If the provider performs a LMS to assess the industrially injured or ill worker's employability, it is considered positive if the LMS shows enough jobs to conclude the worker's lack of employment is not the consequence of his/her industrial injury; or

(b) If the provider performs a LMS for a vocational plan, it is considered positive if the LMS shows the proposed job goal exists in sufficient number to reasonably conclude that the worker will be employable at successful plan completion.

(3) The labor market survey report must include:

(a) The specific job title surveyed;

(b) All specific employer contacts, including their firm names, phone numbers, contact name and job title;

(c) Physical and mental/cognitive demands of the job in relation to the industrially injured or ill worker's physical and mental/cognitive capacities;

(d) Minimum hiring requirements and the skills and training commonly and currently necessary to be gainfully employed in the job;

(e) Work patterns;

(f) Number of positions per job title;

(g) Wage;

(h) Date of last hire;

(i) Number of current openings; and

(j) A summary of the labor market survey results and whether the survey is positive or negative for the recommended occupation or proposed vocational goal.

NEW SECTION

WAC 296-19A-170 What information must a provider include in a job analysis? When completing a job analysis, the vocational provider must:

(1) Include identifying information on each page. This information includes the worker's name and claim number, date of the job analysis, and job title and DOT/O*NET number;

(2) Note where the provider completed the job analysis. If the analysis is done on-site, include the employer name and employer contact person with phone number;

(3) List the tools and equipment required to do the job;

(4) Evaluate and describe the knowledge, skills and abilities required to perform the job;

(5) Evaluate and describe the physical demands and their frequency required to perform the job. This must include demands for sitting, standing, lifting, etc. The vocational provider should pay special attention to any job duties and physical demands that may be affected by the industrially injured or ill worker's condition;

(6) Describe any environmental hazards encountered on the job;

(7) Describe possible modifications to the job for employer job offers or job modifications;

(8) A section for medical approval, signature, and comments; and

(9) The signature of the author and date completed.

JOB MODIFICATION ASSISTANCE

NEW SECTION

WAC 296-19A-180 What job modification assistance benefits are available? As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32.250), the supervisor or supervisor's designee in his or her discretion may pay job modification costs. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund.

NEW SECTION

WAC 296-19A-190 How much is available for job modification assistance? An amount not to exceed five thousand dollars from the department is available per worker per modification. The employer may add to this amount with its own contribution.

NEW SECTION

WAC 296-19A-200 How does an employer apply for job modification assistance? (1) An employer requesting job modification assistance must submit to the department a job modification assistance application.

(2) The job modification assistance application shall include, but not be limited to:

(a) A document supporting the need for job modification;

(b) A description of the job modification; and

PROPOSED

(c) An itemized account of each expense to be incurred in the job modification. Job modification assistance applications shall be submitted on a form prescribed by the department.

(3) The supervisor or supervisor's designee shall accept, reject or modify the job modification application within thirty days of receipt. Notification of the supervisor's acceptance, rejection, or modification shall be in writing.

QUALIFICATIONS

NEW SECTION

WAC 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers? Provider community commentary, expert opinion and best practices suggest that there is a correlation between a higher quality level of vocational services and higher qualifications of vocational providers. To ensure the provision of the highest possible quality of vocational rehabilitation services, the department adopts the following qualification requirements:

(1) Vocational rehabilitation counselor (VRC).

(a) VRCs not registered with the department and applying for a provider number with the department effective on or after September 1, 2000, must meet the following minimum qualifications:

Education Masters Degree	Experience 1 year full-time industrial insurance experience	Certification and CRC or CDMS or ABVE
OR		
Bachelors Degree	2 years full-time industrial insurance experience	and CRC or CDMS

CRC = Certified Rehabilitation Counselor
 CDMS = Certified Disability Management Specialist
 ABVE = American Board of Vocational Experts

(b) VRCs registered with the department prior to September 1, 2000, will be required to apply for a provider number and will be given four years from September 1, 2000, to meet the above requirements.

(2) VRC supervisor.

(a) In order to supervise interns providing vocational services to industrially injured or ill workers beginning on or after September 1, 2000, the VRC/supervisor must provide proof of three years full-time experience working with Washington state injured workers.

(b) Supervisors registered with the department prior to September 1, 2000, will be required to apply for a provider number and will be given four years from September 1, 2000, to meet all VRC/supervisor requirements.

(3) Forensic services—In order to provide forensic services to the department on claims other than those for which the VRC provided the vocational rehabilitation services, a VRC must provide proof of three years full-time experience

working with Washington state industrially injured or ill workers.

(4) Intern.

(a) Interns not registered with the department and applying for a provider number with the department on or after September 1, 2000, must meet the following minimum qualifications:

Degree	Internship Length
Masters Degree in field acceptable to CRC or CDMS or ABVE	Equal to required experience to obtain CRC or CDMS or ABVE certification including at least 1 year working with industrially injured or ill workers.
OR	
Bachelors Degree in field acceptable by CDMS	Equal to required experience to obtain CDMS certification including at least 2 years working with industrially injured or ill workers.

(b) Interns must obtain one of the required VRC certifications within one year of completing their required internship.

(c) Interns registered with the department prior to September 1, 2000, will be required to apply for a provider number with the department and may work as an intern an additional four years from September 1, 2000, if necessary, to meet the new VRC requirements.

(5) Providers registered with the department prior to September 1, 2000, who do not meet the above qualification requirements within the four-year period will no longer be eligible to provide vocational services to industrially injured or ill workers and the department will terminate their provider number(s).

(6) Business requirements.

(a) Any provider who elects to operate as a vocational firm, partnership, corporation, or other entity must comply with all federal and state laws, regulations and other requirements with regard to business operations.

(b) Any provider who elects to operate as a vocational firm, partnership, corporation, or other entity must be covered by general liability insurance, automobile liability insurance, errors and omission/malpractice insurance, and industrial insurance if required by Title 51 RCW.

(c) Any provider who elects to operate as a vocational firm, partnership, corporation, or other entity must have services and facilities that provide injured workers a private and professionally suitable location in which to discuss vocational services issues.

(d) Any provider who elects to operate as a vocational firm, partnership, corporation or other entity must have telephone-answering capability during regular business hours, Monday through Friday.

(e) Any provider who elects to operate as a vocational firm, partnership, corporation or other entity must maintain equipment that can utilize the department's remote access system for transmitting vocational referrals.

PROPOSED

NEW SECTION

WAC 296-19A-220 Can a vocational provider deliver vocational rehabilitation services without meeting the above qualifications and receiving a provider number from the department? No. Only qualified vocational rehabilitation providers will be given provider numbers.

AUDITING AND OVERSIGHTNEW SECTION

WAC 296-19A-230 Why does the department audit vocational rehabilitation providers? The department audits providers to:

- (1) Ensure that the provider is providing services conforming to accepted standards of service;
- (2) Ensure compliance with the Revised Code of Washington, the Washington Administrative Code, and department policies governing vocational rehabilitation services.

NEW SECTION

WAC 296-19A-240 What authority does the department have to audit vocational rehabilitation providers? The department has the authority to:

- (1) Conduct audits of a provider, either for cause or at random;
- (2) Conduct audits at a provider's place of business; (3) Conduct audits away from a provider's place of business, using copies of all files and records supplied by the provider;
- (4) Require a provider to submit legible copies of all files and records requested for audit;
- (5) Inspect and audit all of the provider's vocational rehabilitation files and records relating to services delivered under Title 51 RCW;
- (6) Inspect and audit a provider's documentation supporting charges billed for vocational rehabilitation services delivered.

NEW SECTION

WAC 296-19A-250 How much notice is the department required to give a vocational rehabilitation provider prior to an audit? The department must give at least forty-eight hours written notice to a provider before starting an audit.

NEW SECTION

WAC 296-19A-260 What are the possible consequences for a provider that does not comply with the RCWs, WACs, or department policies? The department may order corrective action(s) when it determines that a provider is not in compliance with department statute, rule, or written department policy. Possible corrective actions include, but are not limited to:

- (1) Submission and implementation of a written corrective action by the provider showing how the provider will come into compliance;

(2) Recoupment of payments, plus interest, made to the provider;

(3) Requirement that the provider satisfactorily complete remedial education courses and/or other educational or training programs;

(4) Suspension or termination of the provider's ability to receive payment for vocational services rendered to industrially injured or ill workers under the Industrial Insurance Act;

(5) Rejection of a provider's application to provide vocational services to industrially injured or ill workers under the Industrial Insurance Act;

(6) Denial or rejection of a request for payment submitted by or on behalf of the provider;

(7) Placement of the provider on prepayment review status requiring the submission of supporting documents prior to payment.

NEW SECTION

WAC 296-19A-270 In what situation(s) can the department take corrective action(s)? (1) Reasons the department can order corrective actions against a vocational provider include, but are not limited to, the following:

(a) Commission of an act involving moral turpitude, dishonesty, or corruption relating to the provision of vocational services whether the act constitutes a crime or not;

(b) Misrepresentation or concealment of a material fact in obtaining registration or reinstatement of registration, a provider number, or in response to any request for information about service delivery made by the department;

(c) Provision of vocational services without being a registered vocational rehabilitation counselor/intern;

(d) Use of persons who are not registered vocational rehabilitation counselors/interns to deliver vocational services;

(e) Operation of a vocational firm, partnership, corporation, or other entity in violation of the business requirements set forth in RCW, WAC, or written department policy;

(f) Use of false, fraudulent, or misleading advertising;

(g) Commission of any incompetent or negligent action which presents the significant risk of resulting in harm to an industrially injured or ill worker, the referral source, or an employer;

(h) Submission of a false or misleading report or document as part of delivering vocational services;

(i) Failure to supervise a vocational intern in accordance with RCW, WAC, or written department policy;

(j) Failure to comply with any order issued by the department;

(k) Disclosure of confidential information on vocational services to a person who is not entitled to it;

(l) Charges an industrially injured or ill worker or employer a fee for delivering vocational services on a referral from the referral source; and

(m) Bills an industrially injured or ill worker or state fund employer for providing services under the Industrial Insurance Act.

(2) The department can take corrective action(s) for other violations of RCW, WAC, or written department policy not specifically mentioned above.

NEW SECTION

WAC 296-19A-280 What criteria does the department use to evaluate a vocational provider's performance? The department must make referrals for vocational services based on the vocational rehabilitation provider's performance. The performance measurement factors for vocational providers will include, but not be limited to:

- (1) Cost for services delivered;
- (2) Length of time taken to provide the services;
- (3) The outcome of the vocational services;
- (4) Complexity of cases referred; and
- (5) Whether the vocational services conformed with department rules and accepted standards of good practice.

NEW SECTION

WAC 296-19A-290 How does the department incorporate performance measurement into making referrals to providers? Based on WAC 296-19A-280, the department will generate periodic performance ratings for vocational providers. The performance ratings will be the method used for making referrals from the department to vocational providers based on quality and effectiveness.

NEW SECTION

WAC 296-19A-300 How does the department evaluate performance when a vocational provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers? (1) Several situations exist in which a vocational provider may not have a performance rating with the department or may not have sufficient experience with Washington industrially injured or ill workers covered by the department to establish a performance rating.

(2) Provider community commentary, expert opinion and best practices suggest that there is a correlation between a higher level of vocational services and higher qualifications of vocational providers. Based upon this information, the department concludes that referrals to providers who satisfy these minimum qualification criteria set forth in WAC 296-19A-210 (1)(a) and (2)(a), but who do not have a performance rating with the department, may be appropriate. The department will ensure that these providers are complying with department statutes, rules, and policies and furnishing a high level of service through close and continued monitoring. The department may consider making referrals to vocational providers, on a trial basis, for whom the department does not have performance rating data, under the following circumstances:

- (a) The provider fulfills the qualification requirements set forth in WAC 296-19A-210 (1)(a), (2)(a); and
- (b) The department may consider making referrals sufficient to develop a reliable performance rating.
- (3) If the department elects to refer and monitor a limited number of cases to the provider(s) in order to evaluate a provider's performance and develop performance rating, the

department makes no guarantee of future referrals to the provider.

NEW SECTION

WAC 296-19A-310 Are vocational providers entitled to referrals from the department? The department or self-insured employer refers industrially injured or ill workers for vocational rehabilitation services at their sole discretion. No provider is entitled to referrals from the referral source.

NEW SECTION

WAC 296-19A-320 What other requirements are providers required to follow? The rendering of vocational services to a worker who comes under the jurisdiction of the department constitutes acceptance of the provisions of Title 51 RCW, the department's rules and policies, and the department's fee schedule.

BILLING AND DOCUMENTATION SECTIONNEW SECTION

WAC 296-19A-330 How does a vocational rehabilitation provider receive payment for services? All providers must apply for and receive a provider number from the department in order to bill the department and get paid for providing vocational services to industrially injured or ill workers. More detailed billing instructions for vocational services are available from the department.

NEW SECTION

WAC 296-19A-340 What services will the department or self-insured employer not pay for? The following services are considered overhead and the department or self-insured employer will not pay for these services:

- (1) Administrative and supervisory salaries and related personnel expenses;
- (2) Office rent;
- (3) Depreciation;
- (4) Equipment purchase and rental;
- (5) Telephone expenses including long distance phone call charges;
- (6) Postage;
- (7) Shipping;
- (8) Expendable supplies;
- (9) Printing costs;
- (10) Copier costs;
- (11) Printing of fiche and department electronic files;
- (12) Maintenance and repair;
- (13) Taxes;
- (14) Automobile costs and maintenance;
- (15) Insurance;
- (16) Dues and subscriptions;
- (17) Vacation, sick leave, and other expenses of a similar nature;
- (18) Internal staffing time;
- (19) Filing of material in case files;

PROPOSED

- (20) Setting up files;
- (21) Activities associated with reports other than composing or dictating original draft of the report (e.g., editing, filing, distribution, revising, typing, and mailing);
- (22) Generating and keeping internal recordkeeping forms;
- (23) Time spent on any administrative and clerical activity, including typing, copying, mailing, distributing, filing, payroll, recordkeeping, delivering mail, picking up mail;
- (24) Activities associated with counselor training, general discussion regarding office procedures, internal case file reviews by supervisors, meetings, and seminars;
- (25) Unanswered phone calls; and
- (26) Any other item or service not specifically identified and separately billable.

NEW SECTION

WAC 296-19A-350 What are the requirements for case notes? Vocational providers must maintain case notes. Case notes must:

- (1) Include the first and last name of the industrially injured or ill worker being served and the worker's claim number at the top of each page;
- (2) Include the first and last name of the vocational rehabilitation provider providing each service documented on each page;
- (3) Be kept in a claimant file with the reports, medical information, correspondence, and other materials that they provide documentation for;
- (4) Testing and other records with special confidentiality requirements may be kept in separate files;
- (5) Be legible;
- (6) Be in chronological order;
- (7) Record the date each service was provided month/month/day/year year;
- (8) Include the amount of time, recorded in tenths of an hour, required to provide each service;
- (9) Describe each service sufficiently to allow the referral source to verify the reason, level, type, and outcome of each service provided and substantiate the charges billed for them.

NEW SECTION

WAC 296-19A-360 What are the requirements for bills submitted to the department? (1) Any bill a provider submits to the department must include the following information:

- (a) Worker's name;
- (b) Worker's claim number;
- (c) Vocational referral number;
- (d) Dates of service;
- (e) Place of service;
- (f) Type of service;
- (g) Appropriate procedure code(s);
- (h) Charge;
- (i) Units of service;
- (j) Total bill charge;

- (k) The name and the department-assigned provider ID of the counselor or intern rendering the services;
- (l) Provider number of the payee;
- (m) Date of billing;
- (n) Submission of any supporting documentation required under other sections of this chapter.

(2) Itemize the bills on department approved forms. A vocational rehabilitation provider may transmit the bills electronically if the provider uses department file format specifications. If the provider uses any of the electronic transfer options, the provider must follow department instructions for electronic billing.

(3) The provider must bill using procedure codes, fees, and methods provided by the department. The department will publish codes, fees, and procedures and provide this information to all vocational rehabilitation providers receiving department referrals. The department will establish fees at regular intervals.

(4) Document all billed charges and justify the type, level and extent of services in the case notes. A provider's billed charges must be consistent with the services provided. The department may reduce, deny, or recoup payment whenever case notes fail to document billed charges or services provided.

(5) It is the vocational rehabilitation provider's responsibility to make sure the charges billed are complete and accurate, even if a third party is actually performing the billing.

(6) The vocational rehabilitation provider is encouraged to bill every two weeks. The department must receive bills within one year of the date of service to be eligible for payment.

NEW SECTION

WAC 296-19A-370 What are the procedures for adjustments to provider bills? (1) The department or self-insurer may adjust payment of charges when appropriate. The department or self-insurer must provide a written explanation of why they adjusted a billing or line item of a bill when they make any adjustment. In cases where the department is the referral source, it will not give the provider a written explanation if the department made the adjustment solely to conform to its maximum allowable fees.

(2) The department or self-insurer must receive any inquiries about a bill adjustment within ninety days from the date of payment to be considered. All provider inquiries must be in the required format.

NEW SECTION

WAC 296-19A-380 What are the procedures for rebilling? (1) If a provider does not receive payment or notification from the department within one hundred twenty days, he or she may rebill for services.

(2) Rebills should be identical to the original bill: Same charges, codes, and billing date.

NEW SECTION

WAC 296-19A-390 What are the procedures for repayment of excess payment of charges? (1) When a vocational provider receives a payment to which that provider is not entitled, the provider must repay the excess amount, plus accrued interest, without regard to whether the excess payment occurred due to provider or department error or oversight.

(2) Interest accrues on excess payments at the rate of one percent per month or portion of a month beginning on the thirty-first day after payment was made. Where partial repayment on an excess payment is made, interest accrues on the remaining balance.

(3) The department reserves the option of either requesting the provider to remit the amount of excess payment and accrued interest to the department or offsetting excess payments and accrued interest against future payments due the provider.

NEW SECTION

WAC 296-19A-400 What records are vocational rehabilitation providers required to maintain? (1) A vocational rehabilitation provider must maintain adequate documentation in claimant-specific files to verify the level, type, and extent of the vocational rehabilitation services provided to and on behalf of industrially injured or ill workers.

(2) A vocational rehabilitation provider who requests payment from the referral source for vocational rehabilitation services must maintain all records necessary for the director's authorized auditors to audit the provision of services. Providers need to keep all records necessary to disclose the specific nature and extent of all services provided for an industrially injured or ill worker, along with the amounts billed to the department, for those services. Vocational providers need to securely maintain their records for at least five years from the last date of service provision.

NEW SECTION

WAC 296-19A-410 What is the purpose of the department's vocational dispute process? The purpose is to avoid delays in vocational rehabilitation services by resolving disputes between industrially injured or ill workers, employers and the referral source.

NEW SECTION

WAC 296-19A-420 Who can dispute a vocational determination? The following parties are authorized to dispute a vocational determination made by the referral source:

- (1) An industrially injured or ill worker;
- (2) An employer; or
- (3) The representative of an industrially injured or ill worker or employer.

NEW SECTION

WAC 296-19A-430 Can a vocational provider dispute a vocational determination? A vocational provider cannot dispute a vocational determination.

NEW SECTION

WAC 296-19A-440 What elements of a vocational determination may be disputed? A finding that an industrially injured or ill worker is eligible for vocational services, or a finding that he or she is ineligible for vocational services, may be disputed. An approved vocational plan may also be disputed.

NEW SECTION

WAC 296-19A-450 What are the time frames for filing a dispute of a vocational determination with the department? The department must receive the written dispute within twenty calendar days of the date of the vocational determination. The dispute must explain the reason(s) for the disagreement with the determination. The department may accept the dispute if it is not received within the twenty-day period if there is a demonstrated good cause for the delay.

NEW SECTION

WAC 296-19A-460 What part of the department is charged with reviewing vocational disputes? The vocational dispute resolution office (VDRO) consultant reviews disputes of vocational determinations and makes a recommendation to the director, who makes a final decision. Disputes should be sent to the director, in care of the VDRO.

NEW SECTION

WAC 296-19A-470 What is the process for review of a vocational dispute? VDRO will review the written dispute and issue an acceptance letter, which will be sent to all parties. If the department does not accept your dispute, the letter will explain the reason(s) for the rejection. A copy of this letter, along with the written dispute, will be sent to all involved parties.

The director, at his or her sole discretion, will initiate a review of an accepted dispute to determine further action. If necessary, and at the discretion of the director, VDRO staff will contact the parties to attempt to resolve the dispute.

If the dispute is not resolved, the director in his or her sole discretion will take other action that he or she considers appropriate to protect the rights of the parties. The director will promptly inform all parties, in writing, of what action is taken.

EFFECTIVE DATES**NEW SECTION**

WAC 296-19A-480 When must providers comply with these rules? (1) The following section of chapter 296-19A WAC becomes effective on September 1, 2000:

WAC 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?

(2) The following sections of chapter 296-15 WAC become effective on September 1, 2000:

(a) WAC 296-15-500 What vocational rehabilitation reports are required for self-insured employers?

(b) WAC 296-15-510 What is the process used for vocational rehabilitation with regard to self-insured employers?

(3) All remaining sections of chapter 296-19A WAC become effective on January 2, 2001.

NEW SECTION

WAC 296-15-500 What vocational rehabilitation reports are required for self-insured employers? The following reports are required from the self-insurer to be sent to the self-insurance section.

(1) Self-insured rehabilitation referral. A form submitted no later than after paying ninety continuous days of time loss after the initial filing or reopening of a claim. If more time is necessary, an extension may be requested on this form. The format for this form will be supplied by the department.

(2) Employability assessment report. If a vocational referral is not being made and an extension of time is not necessary, this form must be completed and submitted to the self-insured section no later than after paying ninety continuous days of time loss after the initial filing or reopening of a claim. The format for this form will be supplied by the department.

(3) A vocational rehabilitation plan shall be submitted to the self-insurance section by the self-insurer no later than ten calendar days after being signed by the injured worker, vocational rehabilitation provider and the employer. The plan will follow the criteria below:

(a) A vocational rehabilitation plan shall be approved by the referral source prior to its implementation. After the plan has been approved by the referral source, injured worker and vocational rehabilitation counselor, a copy of it shall be sent to all individuals with responsibilities under it. The plan shall contain the following:

(i) Assessment of the skills and abilities, based on the physical capacities and mental status, aptitudes, and transferable skills of the injured worker;

(ii) The services necessary to enable the injured worker to become employable at gainful employment;

(iii) Labor market information indicating the employability of the injured worker at plan completion;

(iv) An estimate of the cost and the time necessary for the completion of the plan;

(v) A direct comparison of the injured worker's skills with potential types of employment to demonstrate a likelihood of success;

(vi) If necessary, a job analysis of the injured worker's previous occupation, including earnings, may be included; and

(vii) Any other information that will significantly affect the plan.

(b) The following priorities shall be addressed and justification given to why each preceding priority was not used:

(i) Return to the previous job with the same employer;

(ii) Modification of the previous job with the same employer including transitional return to work;

(iii) A new job with the same employer in keeping with any limitations or restrictions;

Modification of a new job with the same employer including transitional return to work;

(iv) Modification of the previous job with a new employer;

(v) A new job with a new employer or self-employment based upon transferable skills;

(vi) Modification of a new job with a new employer;

A new job with a new employer or self-employment involving on-the-job training; and

(vii) Short-term retraining and job placement.

(c) Each plan shall be signed by the vocational rehabilitation counselor and the injured worker. The following statement shall be printed above the signatures:

I have read the above plan and understand its contents. By signing this plan I agree to faithfully execute my responsibilities described in it.

(4) Closing report. Upon completion of a formal program, the self-insurer will submit the closing report to the department. The closing report shall contain at least the following:

(a) Assessment of the injured worker's employability status at the time of completion of vocational services;

(b) Whether or not the injured worker has returned to work;

(c) Any remaining barriers to the injured worker becoming employable at gainful employment; and

(d) An ability to work summary may be substituted for a closing report.

(5) Rehabilitation outcome report. This form is to be submitted with the final self-insurer's report on occupational injury or disease (SIF-5) or, in the case of medical only claims, with the self-insurers accident report (SIF-2), which is submitted at the time of claim closure. The format for this form will be supplied by the department and applies to all claims where vocational rehabilitation services have been provided.

NEW SECTION

WAC 296-15-510 What is the process used for vocational rehabilitation with regard to self-insured employ-

ers? (1) No later than paying ninety continuous days of time loss following the initial filing or reopening of a claim, the self-insurer shall notify the self-insurance section as to whether or not vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. Each of these cases will be reviewed by the self-insurance section. The criteria outlined in RCW 51.32.095, WAC 296-19A-010 and department guidelines must be followed to determine employability. If the injured worker is determined employable, the self-insurer will submit an employability assessment form which contains objective reasons why the injured worker is employable. Within twenty calendar days of receipt of an employability assessment form, the supervisor's designee within the self-insurance section will inform the self-insurer and the injured worker as to whether or not self-insurers determination of employability is approved. If an employability determination cannot be made due to medical instability, the self-insured shall request an extension by notifying the self-insurance section of the injured worker's condition and when a determination can be made. If the request for extension is not approved, notice will be sent within fifteen calendar days of receipt.

(2) The supervisor's designee within the self-insurance section of the department will receive from the self-insurer the vocational rehabilitation plan signed by the injured worker and employer. Within ten calendar days of receipt of the vocational plan, the supervisor's designee will inform the self-insurer, the vocational rehabilitation counselor and the injured worker that the plan has been received. A review of the vocational rehabilitation plan by the supervisor's designee will be initiated upon request by the employer or the injured worker. Reasons for the review must be stated in writing. A request for a plan review must be made prior to completion or termination of the plan. If necessary, conflict resolution techniques, such as conferences and fact-finding, will be used in order to resolve problems with the plan in as fair and expedient manner as possible. The supervisor's designee shall notify the parties of the plan review results no later than sixty days from the date the request was received.

Disputes of the supervisor's designee's determination must be submitted to the director in accordance with WAC 296-19A-410 to 296-19A-470.

(3) Upon completion of the formal program, the self-insurer will submit to the self-insurance section a closing report. Within ten calendar days of receipt of the closing report, the supervisor's designee shall inform the injured worker and employer that vocational services have concluded.

(4) The self-insurer shall provide the self-insurance section with a rehabilitation outcome report on a form prescribed by the department. The rehabilitation outcome report shall be attached to the final self-insurer's report on occupational injury or disease (SIF-5) or, in the case of medical only claims, with the self-insurers accident report (SIF-2), which is submitted at the time of claim closure. A rehabilitation outcome report will be submitted on all claims where vocational rehabilitation services have been provided.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-18A-445 Self-insured reports.
- WAC 296-18A-500 Self-insurers.
- WAC 296-18A-510 Vocational rehabilitation counselor qualifications.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-18A-420 Definitions.
- WAC 296-18A-440 Reports.
- WAC 296-18A-450 Vocational rehabilitation plan.
- WAC 296-18A-460 Audits.
- WAC 296-18A-470 Disputes.
- WAC 296-18A-480 Responsibilities.
- WAC 296-18A-490 Billing for vocational services.
- WAC 296-18A-515 Period of registration.
- WAC 296-18A-520 Job modification assistance.

**WSR 00-10-107
PROPOSED RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Filed May 3, 2000, 11:20 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-04-070.

Title of Rule: Amendments to chapters 391-08, 391-25, 391-35, 391-45, 391-55, 391-65, and 391-95.

Purpose: To implement recent reorganization of agency staff; to allow for filing of documents by fax or e-mail; to standardize the location for filing of documents; and to streamline procedures for unfair labor practice and nonassociation cases.

Statutory Authority for Adoption: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050.

Statute Being Implemented: WAC 391-08-120 is RCW 34.05.010 (6) and (19); 391-08-310 is RCW 2.40.010, 5.56.010 and 34.05.446; 391-25-050 and 391-25-090 is RCW 28B.52.030, 34.05.413, 41.56.060, 41.56.070, 41.59.070 and 41.59.080; 391-25-230, 391-25-250 and 391-25-270 is RCW 28B.52.030, 41.56.060, 41.56.070, 41.59.070 and 41.59.080; 391-25-350 is RCW 28B.52.030, 34.05.437, 41.56.060, 41.56.070, 41.59.070 and 41.59.080; 391-25-590 is RCW 28B.52.030, 41.56.060 and 41.59.070; 391-25-650 is RCW

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41.56.070 and 41.59.070; 391-25-660 and 391-25-670 is RCW 34.05.464, 41.56.070 and 41.59.070; 391-35-030 is RCW 34.05.413, 41.56.060 and 41.59.080; 391-35-170 is RCW 34.05.437, 41.56.060 and 41.59.080; 391-35-210 and 391-35-250 is RCW 34.05.464, 41.56.060 and 41.59.080; 391-45-010 is RCW 28B.52.065, 41.56.040, 41.58.040, 41.59.060 and 53.18.015; 391-45-030 and 391-45-050 is RCW 28B.52.065, 34.05.413, 41.56.160 and 41.59.150; 391-45-070 is RCW 28B.52.073, 41.56.140, 41.56.150, 41.56.170, 41.59.140 and 53.18.015; 391-45-090 is RCW 28B.52.073, 41.56.140, 41.56.150, 41.59.140 and 53.18.015; 391-45-110 is RCW 28B.52.065, 28B.52.073, 34.05.419, 41.56.140, 41.56.150, and 41.59.140; 391-45-130, 391-45-190, 391-45-250 and 391-45-310 is RCW 28B.52.065, 41.56.160 and 41.59.150; 391-45-170 is RCW 28B.52.065, 34.05.434, 41.56.160 and 41.59.150; 391-45-210 is RCW 28B.52.073, 41.56.170, 41.59.150 and 53.18.015; 391-45-260 is RCW 34.05.431, 41.56.160 and 41.59.150; 391-45-290 is RCW 34.05.437, 41.56.160 and 41.59.150; 391-45-350 and 391-45-390 is RCW 28B.52.065, 34.05.464, 41.56.160 and 41.59.150; 391-45-410 is RCW 28B.52.073, 41.56.160, 41.59.150 and 53.18.015; 391-45-430 is RCW 41.56.160(3) and 41.59.150; 391-45-550 is RCW 28B.52.073, 41.56.030(4), 41.59.020(2) and 53.18.015; 391-45-552 and 391-55-350 is RCW 41.59.120; 391-65-070 is RCW 41.56.125; 391-95-010, 391-95-030, 391-95-050, 391-95-070 and 391-95-130 is RCW 28B.52.045, 41.56.122 and 41.59.100; 391-95-090 and 391-95-110 is RCW 28B.52.045, 34.05.413, 41.56.122 and 41.59.100; 391-95-150 is RCW 28B.52.045, 34.05.419, 41.56.122 and 41.59.100; 391-95-170 is RCW 28B.52.045, 34.05.434, 41.56.122 and 41.59.100; 391-95-190, 250 and 310 is RCW 28B.52.045, 41.56.122 and 41.59.100; 391-95-230 is RCW 28B.52.045, 34.05.437, 41.56.122 and 41.59.100; and 391-95-270 and 391-95-290 is RCW 28B.52.045, 34.05.464, 41.56.122 and 41.59.100.

Summary: Rule changes are proposed concerning filing and service of papers, notices of appearance, unfair labor practice complaints, and petitions for ruling on a nonassociation claim.

Reasons Supporting Proposal: To conform to Executive Order 97-02, including eliminating need for copies of filed documents, and requiring parties' representatives to file a notice of appearance unless information on the representative is already on file for the case.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark S. Downing, Rules Coordinator, 603 Evergreen Plaza, (360) 753-2955.

Name of Proponent: Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The agency is proposing that these rule changes be adopted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rule changes implement four new manager positions reporting to the executive director, authorizes them to assign cases, and to issue preliminary rulings and deficiency notices. Under proposed changes, executive director

will post a list containing the agency's street and mailing addresses, fax number, e-mail address and software supported by the agency for purposes of filing by e-mail attachment. Unfair labor practice rules are changed to codify the agency's deferral policy under *City of Yakima*, Decision 3564-A (PECB, 1991). Hearing rules are changed to define issues in dispute at the hearing by attaching a copy of preliminary ruling (rather than copy of complaint or petition).

Proposal Changes the Following Existing Rules: Examples of changes in the unfair labor practice rules include setting forth standards for the amendment of unfair labor practice complaints; requiring withdrawals of complaints to be in writing; limiting parties' abilities to vary a statute of limitations; clarifying standards for answers to complaints, including that counterclaims must be filed and processed as separate cases; and reinforcing that late answers will only be accepted for good cause. Proposed changes emphasize the impartial role of agency in unfair labor practice and nonassociation cases by stating that the parties are responsible for presentation of their own case, and have the burden of proof; or are responsible for presentation of their own defenses, and have the burden of proof as to any affirmative defenses.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Agency rules only affect public employees and unions representing public employees, and do not impose costs on profit-making businesses.

RCW 34.05.328 does not apply to this rule adoption. Agency rules are excepted by RCW 34.05.328 (5)(a)(i) from the provisions of RCW 34.05.328.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on June 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact James E. Lohr by June 6, 2000, (360) 586-7862.

Submit Written Comments to: Mark S. Downing, Rules Coordinator, P.O. Box 40919, Olympia, WA 98504-0919, fax (360) 586-7091, by June 6, 2000.

Date of Intended Adoption: June 13, 2000.

May 3, 2000

Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-08-001 Application and scope of chapter 391-08 WAC. Chapter 391-08 WAC has been added to the Washington Administrative Code by the public employment relations commission pursuant to the authority of section 12, chapter 288, Laws of 1975 1st ex. sess. (RCW 41.59.110); and sections 7, 14 and 20, chapter 296, Laws of 1975 1st ex. sess. (RCW 41.58.050, 28B.52.080 and 41.56.090(1); and section 7, chapter 296, Laws of 1975 1st ex. sess. (RCW 41.58.050)), respectively), to promulgate comprehensive and uniform rules for practice and procedure before the agency. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge ~~((governing the conduct of))~~ to regulate adjudicative proceedings under chapters 391-25, 391-35, 391-45 and 391-95 WAC, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-25-070, 391-25-090, 391-35-050, 391-45-050, and 391-95-110;

(b) WAC 10-08-050, which relates to ~~((procedures of the))~~ office of administrative hearings ~~((is))~~ procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC ~~((10-08-090, which is replaced by detailed requirements in WAC 391-08-180))~~ 10-08-083, which is replaced by detailed requirements in WAC 391-08-010;

(d) WAC 10-08-110, which is replaced by detailed requirements in WAC 391-08-120;

(e) WAC 10-08-120, which is replaced by detailed requirements in WAC 391-08-040, 391-08-300 and 391-08-310;

(f) WAC 10-08-140, which is limited by WAC 391-08-040, 391-08-300 and 391-08-310;

(g) WAC 10-08-150, which is limited by WAC 391-08-315;

(h) WAC 10-08-211, which is replaced by WAC 391-08-640 and detailed requirements in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, 391-25-670, 391-35-210, 391-35-250, 391-45-350, 391-45-390, 391-95-270, and 391-95-290;

(i) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-35-070, 391-35-080, 391-45-070, 391-45-090, 391-45-260, and 391-95-170; and

(j) WAC 10-08-250, 10-08-251, and 10-08-252 which are replaced by detailed requirements in WAC 391-08-520.

(2) Chapter 391-25 WAC, which regulates representation proceedings.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

In the event of a conflict between a general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-010 Appearance and practice before agency—Who may appear—Notice of appearance. (1) No person may appear in a representative capacity before the agency ~~((or its designated hearing officer))~~ other than the following:

~~((1))~~ (a) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

~~((2))~~ (b) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law;

~~((3))~~ (c) A bona fide officer, employee or other authorized representative of: ~~((a))~~ (i) Any employer subject to the jurisdiction of the agency, or ~~((b))~~ (ii) any labor or employee organization.

(2) Except where the information is already listed in the agency's docket records for the particular case, a person appearing in a representative capacity shall file and serve a notice of appearance listing the representative's name, address, telephone number, fax number, and e-mail address.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-08-120 Filing and service of papers.

FILING OF PAPERS ~~((FOR ADJUDICATIVE PROCEEDINGS))~~ WITH THE AGENCY

(1) ~~((Filing of papers with the agency for adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-25, 391-35, 391-45 and 391-95 WAC) shall be deemed complete only upon actual receipt of the original paper and any required copies during office hours at the agency office designated in this rule. Electronic telefacsimile transmissions shall not be accepted as filing for such papers, unless RCW 34.05.010(6) or WAC 10-08-110 is amended to permit filings by electronic telefacsimile transmission.~~

~~((a))~~ Petitions or complaints to initiate adjudicative proceedings shall be filed in the Olympia office;

~~((b))~~ Papers to be filed with the ~~((executive director or with the))~~ agency ~~((generally))~~ shall be filed ~~((in))~~ at the commission's Olympia office;

~~((c))~~ Papers to be filed with a presiding officer can be filed in the Olympia office or in the office of the presiding officer;

~~((d))~~ Papers to be filed with the commission, including any objections, notice of appeal or notice of cross appeal, shall be filed ~~in the Olympia office~~. The executive director shall post, and from time to time revise as appropriate, a list containing the street and mailing addresses for filing by actual delivery of papers, the telephone number for filing by electronic telefacsimile transmission (fax), and the electronic mail (e-mail) address and software supported by the agency for filing by e-mail attachment.

~~((SUBMISSION OF PAPERS FOR NONADJUDICATIVE PROCEEDINGS))~~

(2) ~~((Submission of papers to the agency for cases that are not adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-55 and 391-65~~

PROPOSED

WAC))) Papers may be filed by any of the following methods:

(a) FILING BY ACTUAL DELIVERY of papers to the agency (including filings delivered by United States mail) shall be subject to the following limitations:

(i) Only the original paper(s) shall be filed. No additional copies of papers are required.

(ii) The case number(s) shall be indicated on the front page of each document filed, except for petitions and complaints being filed to initiate proceedings before the agency.

(iii) Filing shall ((be deemed complete)) occur only upon actual receipt of the original paper ((and any required copy)) by the agency during office hours ((at the Olympia office or at the office of the agency staff member assigned to process the case. Papers may be submitted by electronic telefacsimile transmission in cases under this subsection, with)).

(iv) Papers delivered to or left at the agency office after the close of business will be deemed to be filed on the next business day the office is open.

(b) FILING BY FAX shall be subject to the following limitations:

((a) The maximum length of papers acceptable for submission by electronic telefacsimile transmission is ten pages;

(b) The party sending papers by electronic telefacsimile transmission is responsible for confirming that the material was complete and legible when received by the agency;

(c) An agency staff member processing the case may require mailing of the original papers to the agency;

(d) Electronic telefacsimile transmission)) (i) Parties shall only transmit one copy of the paper, accompanied by a cover sheet or form identifying the party filing the paper, the total number of pages in the fax transmission, and the name, address, telephone number and fax number of the person sending the fax.

(ii) The original paper filed by fax shall be mailed to the commission's Olympia office on the same day the fax is transmitted.

(iii) The case number(s) shall be indicated on the front page of each document filed by fax, except for petitions and complaints being filed to initiate proceedings before the agency.

(iv) Filing by fax shall occur only when a complete legible copy of the paper is received by the agency. If a fax is not received in legible form, it will be treated as if it had never been filed. A party attempting to file a paper by fax bears the risk that the paper will not be timely or legibly received, regardless of the cause.

(v) If receipt of a fax transmission commences after office hours, the paper will be deemed filed on the next business day the office is open.

(vi) Fax shall not be used to submit or revoke authorization cards for purposes of a showing of interest or cross-check under chapter 391-25 WAC.

(c) FILING BY E-MAIL ATTACHMENT shall be subject to the following limitations:

(i) Parties shall only transmit one copy of the paper, as an attachment to an e-mail message identifying the party filing the paper, the total number of pages in the attachment, the software used to prepare the attachment, and the name,

address, telephone number and e-mail address of the person sending the e-mail message.

(ii) The original paper filed by e-mail attachment shall be mailed to the commission's Olympia office on the same day the e-mail message and attachment are transmitted.

(iii) The case number(s) shall be indicated on the front page of each document filed by e-mail attachment, except for petitions and complaints being filed to initiate proceedings before the agency.

(iv) Filing by e-mail attachment shall occur only when a complete legible copy of the paper is received by the agency. If an e-mail attachment is not received in legible form, or cannot be opened with software on the list promulgated by the executive director under this section, it will be treated as if it had never been filed. A party attempting to file a paper by e-mail attachment bears the risk that the paper will not be timely or legibly received, regardless of the cause.

(v) If an e-mail transmission is received by the agency after office hours, the paper will be deemed filed on the next business day the office is open.

(vi) E-mail shall not be used to submit or revoke authorization cards for purposes of a showing of interest or cross-check under chapter 391-25 WAC.

SERVICE ON OTHER PARTIES

(3) A party which files ((or submits)) any papers ((to)) with the agency shall serve a copy of the papers upon all counsel and representatives of record((;)) and upon ((all)) unrepresented parties ((not represented by counsel)) or upon their agents designated by them or by law. Service shall be completed no later than the day of filing ((or submission under subsection (1) or (2) of this section)), by one of the following methods:

(a) Service may be made personally, and shall be regarded as completed when delivered in the manner provided in RCW 4.28.080;

(b) Service may be made by first class, registered, or certified mail, and shall be regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service may be made by ((telegraph or by)) commercial parcel delivery company, and shall be regarded as completed ((when deposited with a telegraph company or)) upon delivery to the parcel delivery company, properly addressed ((and)) with charges prepaid.

(d) Service may be made by ((electronic telefacsimile transmission)) fax, and shall be regarded as completed upon production by the ((telefacsimile device)) fax machine of confirmation of transmission, together with same day mailing of a copy of the papers, postage prepaid and properly addressed, to the person being served.

(e) Service may be made by e-mail attachment, and shall be regarded as completed upon transmission, together with same day mailing of a copy of the papers, postage prepaid and properly addressed, to the person being served.

PROOF OF SERVICE

(4) On the same day that service of any papers is completed under subsection (3) of this section, the person who completed the service shall:

(a) Obtain an acknowledgment of service from the person who accepted personal service; or

(b) Make a certificate stating that the person signing the certificate personally served the papers by delivering a copy at a date, time and place specified in the certificate to a person named in the certificate; or

(c) Make a certificate stating that the person signing the certificate completed service of the papers by:

(i) Mailing a copy under subsection (3)(b) of this section; or

(ii) Depositing a copy under subsection (3)(c) of this section with a ~~((telegraph or))~~ commercial parcel delivery company named in the certificate; or

(iii) Transmitting and mailing a copy under subsection (3)(d) ~~or (e)~~ of this section.

(5) Where the sufficiency of service is contested, an acknowledgment of service obtained under subsection (4)(a) of this section or a certificate of service made under subsection (4)(b) or (c) of this section shall constitute proof of service.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-08-180 Continuances. (1) Postponements, continuances, extensions of time, and adjournments may be ordered by the presiding officer(~~(:~~

~~(a)) on his or her own motion(~~(:~~~~

~~(b) With the consent of all parties; or~~

~~(c) On the timely oral or written request of any party showing good and sufficient cause)) or may be granted on timely request of any party, with notice to all other parties, if the party shows good cause.~~

(2) ~~((Before submitting a request for a continuance,)) A request for a continuance may be oral or written. The party seeking the continuance shall notify all other parties of the request(~~(, and shall attempt to obtain their consent)~~). The request for a continuance shall ~~((specify that)) state whether or not~~ all other parties ~~((either)) agree to ~~((or disagree on))~~ the continuance.~~~~

~~((a)) If all parties do not agree to ~~((a)) the~~ continuance ~~((requested before or after a hearing))~~, the presiding officer shall promptly schedule a prehearing conference to receive argument and to rule on the request.~~

~~((b) If all parties do not agree to a continuance requested during a hearing, the presiding officer shall receive argument and rule on the request:))~~

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-08-310 Subpoenas—Form—Issuance to parties. (1) Every subpoena shall:

(a) State the name of the agency as: State of Washington, public employment relations commission;

(b) State the title of the proceeding and case number; and

(c) Identify the party causing issuance of the subpoena.

(2) Every subpoena shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at the time and place set for the hearing, except no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the commission or any member of the agency staff in any proceeding before the agency.

(3) Subpoenas may be issued by the commission or its presiding officer:

(a) On the request of counsel or other representative authorized to practice before the agency; or

(b) On the request of a party not represented by counsel or other representative authorized to practice before the agency, but may then be conditioned upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

(4) Subpoenas may be issued by attorneys under the authority conferred upon them by RCW 34.05.446(1).

(5) A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy of the subpoena, or by leaving a copy of the subpoena at the place of his or her abode. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury.

(6) The party which issues or requests issuance of a subpoena shall pay the fees and allowances and the cost of producing records required to be produced by subpoena.

(a) Witness fees, mileage, and allowances for meals and lodging shall be at the rates and terms allowed by the superior court for Thurston County.

(b) Witnesses shall be entitled to payment in advance for their fees for one day's attendance, together with mileage for traveling to and returning from the place where they are required to attend, if their demand for payment is made to the officer or person serving the subpoena at the time of service.

(7) The presiding officer, upon motion made at or before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable or oppressive; or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(8) Subpoenas shall be enforced as provided in RCW 34.05.588(1).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-08-230

Summary judgment.

PROPOSED

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-050 Petition form—Number of copies—Filing—Service. Each petition shall be prepared on a form furnished by the commission or on a facsimile thereof (~~The original and one copy of the petition~~), and shall be filed at the commission's Olympia office, as required by WAC 391-08-120(1). The party filing the petition shall serve a copy on the employer and on each employee organization named in the petition as having an interest in the proceedings, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-090 Contents of petition filed by employer. (1) Where an employer has been presented with one or more demands for recognition of an exclusive bargaining representative of previously unrepresented employees, it may obtain a determination of the question concerning representation. A petition under this subsection shall contain all of the information required by WAC 391-25-070, except as follows:

(a) The petition shall contain a statement that the employer has been presented with a demand by an organization seeking recognition as the exclusive bargaining representative of the employees in the bargaining unit described in the petition.

(b) WAC 391-25-110 shall not be applicable to petitions filed under this subsection.

(c) The employer shall attach copies of any written demand(s) for recognition or other correspondence pertaining to the claimed question concerning representation.

(2) Where an employer has a good faith belief that a majority of its employees in an existing bargaining unit no longer desire to be represented by their incumbent exclusive bargaining representative, it may obtain a determination of the question concerning representation. A petition under this subsection shall contain all of the information required by WAC 391-25-070 except as follows:

(a) The employer shall attach affidavits and other documentation as may be available to it to demonstrate the existence of a good faith doubt concerning the representation of its employees.

(b) To constitute a basis for a good faith doubt under this paragraph, signature documents provided to the employer by employees must be in a form which would qualify as supporting evidence under WAC 391-25-110 if filed by the employees directly with the commission.

(3) (~~The original and one copy of~~) A petition under this section shall be filed at the commission's Olympia office, as required by WAC 391-08-120(1). The employer shall serve a copy on each employee organization named in the petition as having an interest in the proceedings, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-230 Election agreements. Where an employer and all other parties agree on a representation election, they may enter into an election agreement.

(1) An election agreement shall contain:

(a) The name and address of the employer and the name, address and telephone number of its principal representative;

(b) The names and addresses of all other parties participating in the election agreement and the names, addresses and telephone numbers of their principal representatives;

(c) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in that unit;

(d) A statement by the parties that no organization is known which is or may be entitled to intervene as an incumbent representative, or the incumbent representative is a party to the election agreement, or the incumbent representative has abandoned the unit as evidenced by documentation attached to the election agreement;

(e) A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to proceed to conduct an election and certify the results;

(f) A list, attached to the election agreement as an appendix, containing the names of the employees eligible to vote in the election and the eligibility cut-off date for the election. If the election is to be conducted by mail ballot, the list shall include the last known address of each of the employees eligible to vote. If no eligibility cut-off date is specified by the parties, the eligibility cut-off date shall be the date on which the election agreement is filed;

(g) The suggestions of the parties as to the arrangements for conducting the election; and

(h) The signatures and, if any, the titles of all parties or their representatives.

(2) (~~The original and one copy of the~~) An election agreement shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The election agreement shall remain posted for at least seven days after it is filed with the agency.

(3) Upon the filing of an election agreement conforming to the foregoing requirements and seeking an election in an appropriate bargaining unit, the executive director shall proceed to conduct an election.

(4) Objections to the election by a party to the election agreement shall be limited to matters relating to specific conduct affecting the results of the election.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-250 Cross-check agreements. Where only one organization is seeking certification as the represen-

tative of unrepresented employees, the employer and the organization may enter into a cross-check agreement.

(1) A cross-check agreement shall contain:

(a) The name and address of the employer and the name, address and telephone number of its principal representative;

(b) The name and address of the organization and the name, address and telephone number of its principal representative;

(c) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in that unit;

(d) A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to conduct and certify the results of a cross-check of individually signed and dated authorization cards or membership records submitted by the organization against the employment records of the employer;

(e) A list, attached to the cross-check agreement as an appendix, containing the names of the employees in the bargaining unit;

(f) The suggestions of the parties as to the arrangements for conducting the cross-check;

(g) The agreement of the parties to be bound by the results of the cross-check; and

(h) The signatures and, if any, the titles of the representatives of the parties.

(2) ~~((The original and one copy of the))~~ A cross-check agreement shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The cross-check agreement shall remain posted for at least seven days after it is filed with the agency.

(3) Upon the filing of a cross-check agreement conforming to the foregoing requirements and seeking a cross-check in an appropriate bargaining unit, the executive director shall proceed with the cross-check of records. The cross-check may be conducted at any time following the execution of a cross-check agreement; but no certification shall be issued until seven days have elapsed following the filing and posting of the cross-check agreement. Where a motion for intervention is timely filed and granted, no certification shall be issued on the basis of the cross-check.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-270 Supplemental agreements. Where the parties are able to agree generally on the matters to be set forth in an election agreement under WAC 391-25-230 or a cross-check agreement under WAC 391-25-250, but are unable to agree on limited issues concerning the definition of the bargaining unit or employee eligibility, they may expedite the determination of the question concerning representation while reserving their disagreement for subsequent determination by entering into a supplemental agreement under this rule together with an agreement under WAC 391-25-230 or 391-25-250.

(1) A supplemental agreement shall contain:

(a) The names of all parties to the election agreement or cross-check agreement and the case number of the proceedings;

(b) Identification of the employees or classifications as to which a dispute exists, together with the identification of the position taken by each party on the dispute;

(c) A statement by all parties requesting that employees affected by the supplemental agreement be permitted to vote by challenged ballot or be challenged for purposes of a cross-check, subject to a subsequent determination of the dispute; and that the certification of the results of the election or cross-check not be withheld pending the determination of the dispute unless the challenges are sufficient in number to affect the outcome; and

(d) The signatures and, if any, the titles, of the representatives of the parties.

(2) ~~((The original and one copy of the))~~ A supplemental agreement shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), together with the agreement filed under WAC 391-25-230 or 391-25-250, and copies shall be posted with such agreement.

(3) Upon the filing of a supplemental agreement, the executive director shall proceed with the determination of the question concerning representation. If the challenges are sufficient in number to affect the outcome, they shall be determined prior to the issuance of a certification. Otherwise, an interim certification shall be issued which shall be amended upon final disposition of the issues framed in the supplemental agreement.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-350 Hearings—Nature and scope. Hearings shall be public and shall be limited to matters concerning the determination of the existence of a question concerning representation, the appropriate bargaining unit and questions of eligibility. During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a clear and complete factual record upon which the commission and the executive director may discharge their duties under the pertinent statutes and these rules. Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing. ~~((A party which desires to have a brief or written argument considered shall file an original and one copy))~~ Any party shall be entitled, upon request made before the close of the hearing, to file a brief. The hearing officer may direct the filing of briefs as to any or all of the issues in a case. Arrangements and due dates for briefs shall be established by the hearing officer. Any brief shall be filed with the hearing officer as required by WAC 391-08-120(1), and ~~((shall serve))~~ copies shall be served on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-590 Filing and service of objections to improper conduct and interim orders. The due date for objections is seven days after the tally has been served under WAC 391-25-410 or under WAC 391-25-550, regardless of whether challenged ballots are sufficient in number to affect the results of the election. The time period for objections cannot be extended.

(1) Objections by the petitioner, the employer or any intervenor shall set forth, in separate numbered paragraphs:

(a) The specific conduct which the party filing the objection claims has improperly affected the results of the election; and/or

(b) The direction of election, direction of cross-check or other interim rulings which the objecting party desires to appeal to the commission.

(2) Objections by individual employees are limited to conduct or procedures which prevented them from casting a ballot.

(3) ~~((The original and three copies of the))~~ Any objections shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and the party filing the objections shall serve a copy on each of the other parties to the proceedings as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-650 Briefs and written arguments on objections. (1) The due date for any brief which the party filing an objection desires to have considered by the commission is fourteen days following the later of:

(a) The issuance of a transcript of a hearing held under WAC 391-25-630(2); or

(b) The filing of objections under WAC 391-25-590 (1)(b).

~~((The original and three copies of the))~~ Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(2) The due date for any responsive brief which other parties desire to have considered by the commission is fourteen days following the date on which that party is served with an appeal brief. ~~((The original and three copies of the))~~ Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(3) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-660 Appeals from orders and jurisdictional rulings. An order issued under WAC 391-25-390 or 391-25-510 and any rulings in the proceedings up to the issuance of the order, as well as rulings that the employer or employees are subject to the jurisdiction of the commission, may be appealed to the commission as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of issuance of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) ~~((The original and three copies of))~~ A party which desires to cite or reassert a document previously filed in the matter shall do so by reference to the document already on file, and shall not file or attach another copy of the document to papers filed regarding an appeal.

(5) A notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~((5))~~ (6) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. ~~((The original and three copies of the))~~ Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~((6))~~ (7) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. ~~((The original and three copies of the))~~ Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~((7))~~ (8) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-25-670 Commission action on objections and appeals. If there are objections under WAC 391-25-590 or an order is appealed under WAC 391-25-660, the entire record in the proceedings shall be ~~((transferred))~~ transmitted

to the commission members. The commission may request the parties to appear before it to make oral argument as to any or all of the issues in the matter. The commission shall determine the objections or appeal and any challenged ballots referred to the commission pursuant to WAC 391-25-510, and shall issue appropriate orders.

AMENDATORY SECTION (Amending WSR98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-35-030 Petition form—Number of copies—Filing—Service. Each petition for clarification of an existing bargaining unit shall be prepared on a form furnished by the commission or shall be prepared in conformance with WAC 391-35-050(~~(-The original and one copy of the petition)~~), and shall be filed at the commission's Olympia office, as required by WAC 391-08-120(1). If the petition is filed other than as a jointly filed petition, the party filing the petition shall serve a copy on the other party to the collective bargaining relationship in which the disagreement arises, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-35-170 Hearings—Nature and scope. Hearings shall be public and shall be limited to matters concerning the determination of the petition for clarification of an existing bargaining unit. During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a full and complete factual record upon which the commission and the executive director may discharge their duties under the pertinent statutes and these rules. Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing. (~~(A party which desires to have a brief or written argument considered shall file an original and one copy)~~) Any party shall be entitled, upon request made before the close of the hearing, to file a brief. The hearing officer may direct the filing of briefs as to any or all of the issues in a case. Arrangements and due dates for briefs shall be established by the hearing officer. Any brief shall be filed with the hearing officer as required by WAC 391-08-120(1), and (~~shall serve~~) copies shall be served on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-35-210 Appeals. An order issued under WAC 391-35-190 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of issuance of the order being

appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) (~~(The original and three copies of)~~) A party which desires to cite or reassert a document previously filed in the matter shall do so by reference to the document already on file, and shall not file or attach another copy of the document to papers filed regarding an appeal.

(5) A notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(~~((5))~~) (6) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. (~~(The original and three copies of the)~~) Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(~~((6))~~) (7) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. (~~(The original and three copies of the)~~) Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(~~((7))~~) (8) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-35-250 Commission action on appeals. If an order is appealed under WAC 391-35-210, the entire record in the proceedings shall be (~~(transferred)~~) transmitted to the commission members. The commission may request the parties to appear before it to make oral argument as to any or all of the issues in the matter. The commission shall determine the status of each position, classification or group covered by the appeal, and shall issue appropriate orders.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on complaints charging unfair

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labor practices. The provisions of this chapter should be read in conjunction with ~~((the provisions of))~~:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge ~~((governing the conduct of))~~ to regulate adjudicative proceedings under chapter ~~((391-45 WAC))~~ 34.05 RCW, except:

(a) WAC 10-08-035, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-45-050;

(b) WAC 10-08-050, which relates to ~~((procedures of the))~~ office of administrative hearings ~~((, and so is))~~ procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-45-350 and ~~((391-45-370))~~ 391-45-390; and

(d) WAC 10-08-230, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-45-070, 391-45-090, and 391-45-260.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which ~~((contains rules relating to))~~ regulates representation proceedings ~~((on petitions for investigation of questions concerning representation of employees))~~.

(4) Chapter 391-35 WAC, which ~~((contains rules relating to))~~ regulates unit clarification proceedings ~~((on petitions for clarification of existing bargaining units))~~.

(5) Chapter 391-55 WAC, which ~~((contains rules relating to))~~ regulates the resolution of impasses ~~((occurring))~~ in collective bargaining.

(6) Chapter 391-65 WAC, which ~~((contains rules relating to))~~ regulates grievance arbitration ~~((of grievance disputes arising out of the interpretation or application of a collective bargaining agreement))~~ and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which ~~((contains rules relating to determination of))~~ regulates union security ~~((disputes arising between employees and employee organizations certified or recognized as their bargaining representative))~~ non-association proceedings.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule~~((s))~~ numbered as follows:

(1) ~~((Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (Port employees) are set forth in WAC sec-~~

~~tions numbered one digit greater than the general rule on that subject matter.~~

~~((2)) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.~~

~~((3) Special provisions relating to chapter 28B.52 RCW (Professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.~~

~~((4)) ((2) Special provisions relating to chapter 49.08 RCW (Private sector employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.~~

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-010 Complaint charging unfair labor practices—Who may file. A complaint charging that ~~((any))~~ a person has engaged in or is engaging in an unfair labor practice ~~((, hereinafter referred to as a "complaint"))~~ may be filed by any employee, ~~((group of employees,))~~ employee organization, employer, or their agents.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-030 ((Form)) Complaint in writing—Number of copies—Filing—Service. ~~((Charges shall be in writing, in the form of a))~~ Each complaint ~~((of))~~ charging unfair labor practices ~~((The original and one copy))~~ shall be in writing, and shall be filed at the commission's Olympia office, as required by WAC 391-08-120(1). The party filing the complaint shall serve a copy on each party named as a respondent, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-050 Contents of complaint ((charging unfair labor practices)). Each complaint charging unfair labor practices shall contain, in separate numbered paragraphs:

(1) Information identifying the parties and (if known) their ~~((relationships))~~ representatives, including:

(a) The name ~~((and)),~~ address and telephone number of the employer, and the name, address ~~((and)),~~ telephone number, fax number, and e-mail address of ~~((the employer's))~~ its principal representative ~~((for the purposes of collective bargaining));~~

(b) The name ~~((and)),~~ address and telephone number of the entity (employer~~((s))~~) or employee organization ~~((or other person charged with engaging in, or having engaged in,))~~ accused of committing unfair labor practices ~~((hereinafter referred to as the))~~ (respondent), and ~~((, if known, the names, addresses and telephone numbers))~~ the name, address, telephone number, fax number, and e-mail address of ~~((the))~~ its principal representative ~~((s of the respondent));~~ and

(c) The name ~~((and))~~, address, telephone number, fax number, and e-mail address of the party filing the complaint ~~((hereinafter referred to as the))~~ (complainant), and the name, address ~~((and))~~, telephone number, fax number, and e-mail address of its principal representative.

(2) Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

(3) A statement of the remedy sought by the complainant.

(4) The name, signature and, if any, ~~((the))~~ title of the person filing the complaint, and the date of the signature.

(5) Information concerning the parties' relationships, including:

- (a) The employer's principal business;
- (b) Identification of the employer department or division in which the dispute arises;
- (c) The parties' contractual relationship, indicating that:
 - (i) The parties have never had a contract; or
 - (ii) A copy of the current (or most recent) ~~((applicable))~~ collective bargaining agreement is attached;
 - (d) The status of related grievance proceedings between the parties, indicating that:
 - (i) No grievance has been filed on the dispute involved; or
 - (ii) A grievance on the dispute is being processed under the parties' collective bargaining agreement; or
 - (iii) An arbitration award has been issued on a related grievance;
 - (e) ~~((The))~~ A description of the ~~((existing))~~ bargaining unit involved, specifying inclusions and exclusions; and
 - (f) The number of employees in the bargaining unit.

(6) Indication of the sections of the Revised Code of Washington (RCW) alleged to have been violated.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-070 Amendment. ~~((Any))~~ (1) A complaint may be amended upon motion made by the complainant ~~((to the executive director or the examiner prior to the transfer of the case to the commission)), if:~~

- (a) The proposed amendment only involves the same parties as the original complaint;
- (b) The proposed amendment is timely under any statutory limitation as to new facts;
- (c) The subject matter of the proposed amendment is germane to the subject matter of the complaint as originally filed or previously amended; and
- (d) Granting the amendment will not cause undue delay of the proceedings.

(2) Motions to amend complaints shall be subject to the following limitations:

(a) Prior to the appointment of an examiner, amendment shall be freely allowed upon motion to the agency official responsible for making preliminary rulings under WAC 391-45-110;

(b) After the appointment of an examiner but prior to the opening of an evidentiary hearing, amendment may be

allowed upon motion to the examiner and subject to due process requirements;

(c) After the opening of an evidentiary hearing, amendment may only be allowed to conform the pleadings to evidence received without objection, upon motion made prior to the close of the evidentiary hearing.

(3) Where a motion for amendment is denied, the proposed amendment shall be processed as a separate case.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-090 Withdrawal. ~~((Any))~~ (1) A complaint may be withdrawn by the complainant ~~((under such conditions as the executive director or the commission may impose)), by a written request filed before issuance of a decision by an examiner.~~

(2) A withdrawal "without prejudice" shall not vary any statutory time limitation for filing of unfair labor practice complaints, unless the parties file a written agreement for a different arrangement prior to the expiration of the applicable statutory period.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-110 Deficiency notice—Preliminary ruling ~~((by executive director))—Deferral to arbitration.~~ The executive director or a designated staff member shall determine whether the facts ~~((as))~~ alleged in the complaint may constitute an unfair labor practice within the meaning of the applicable statute.

(1) ~~((it is determined that))~~ the facts ~~((as))~~ alleged do not, as a matter of law, constitute a violation, ~~((the executive director shall issue and cause to be))~~ a deficiency notice shall be issued and served on all parties, identifying the defects and specifying a due date for the filing and service of an amended complaint. If the defects are not cured in a timely manner, an order ((of dismissal containing)) shall be issued and served, dismissing the defective allegation(s) and stating the reasons for that action. Unless appealed to the commission under WAC 391-45-350, an order of dismissal issued under this subsection shall be the final order of the agency on the defective allegation(s), with the same force and effect as if issued by the commission.

(2) ~~((the complaint is found to))~~ one or more allegations state a cause of action for unfair labor practice proceedings before the commission, ~~((the executive director shall set a period))~~ a preliminary ruling summarizing the allegation(s) shall be issued and served on all parties. The preliminary ruling shall establish the due date for the respondent to file its answer((, which shall be ten days or more following the issuance of the preliminary ruling)).

(3) The agency may defer the processing of allegations which state a cause of action under subsection (2) of this section, pending the outcome of related contractual dispute resolution procedures, but shall retain jurisdiction over those allegations.

(a) Deferral to arbitration may be ordered where:

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(i) Employer conduct alleged to constitute an unlawful unilateral change of employee wages, hours or working conditions is arguably protected or prohibited by a collective bargaining agreement in effect between the parties at the time of the alleged unilateral change:

(ii) The parties' collective bargaining agreement provides for final and binding arbitration of grievances concerning its interpretation or application; and

(iii) There are no procedural impediments to a determination on the merits of the contractual issue through proceedings under the contractual dispute resolution procedure.

(b) Processing of the unfair labor practice allegation under this chapter shall be resumed following issuance of an arbitration award or resolution of the grievance, and the contract interpretation made in the contractual proceedings shall be considered binding, except where:

(i) The contractual procedures were not conducted in a fair and orderly manner; or

(ii) The contractual procedures have reached a result which is repugnant to the purposes and policies of the applicable collective bargaining statute.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-130 Examiner—Who may act. The executive director or a designated staff member shall assign an examiner to conduct further proceedings in the matter, and shall notify the parties of that assignment. The examiner may be a member of the agency staff or any other individual designated by the commission or executive director. Upon notice to all parties, an examiner may be substituted for the examiner previously presiding.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-170 Notice of hearing. The examiner shall issue a notice of hearing and ~~((cause to be))~~ have it served on the parties ~~((a notice of hearing at a time and place specified therein))~~. Attached to the notice of hearing shall be a copy of the ~~((complaint as approved by the executive director))~~ preliminary ruling issued under WAC 391-45-110. ~~((Any such))~~ A notice of hearing may be amended or withdrawn before the close of the hearing.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-190 Answer—Filing and service. An answer to a complaint charging unfair labor practices shall be in writing. The respondent ~~((s))~~ shall ~~((on or before the date specified in the preliminary ruling or a notice of hearing))~~ file ~~((the original and one copy of))~~ its answer ~~((to the complaint))~~ as required by WAC 391-08-120(1), and shall serve a copy on the complainant, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-210 Answer—Contents ~~((and))~~—Amendment—Effect of failure to answer. (1) An answer filed by a respondent shall specifically admit, deny or explain each ~~((of the))~~ fact ~~((s))~~ alleged in the portions of a complaint ~~((, unless the respondent))~~ found to state a cause of action under WAC 391-45-110. A statement by a respondent that it is without knowledge of an alleged fact, ~~((in which case the respondent shall so state, such statement operating))~~ shall operate as a denial. ~~((The failure of))~~ An answer shall assert any affirmative defenses that are claimed to exist.

(2) Counterclaims by a respondent against a complainant shall be filed and processed as separate cases, subject to procedures for consolidation of proceedings.

(3) Motions to amend answers shall be acted upon by the examiner, subject to the following limitations:

(a) Amendment shall be allowed whenever a motion to amend the complaint has been granted;

(b) Amendment may be allowed prior to the opening of an evidentiary hearing, subject to due process requirements;

(c) After the opening of an evidentiary hearing, amendment may only be allowed to conform the pleadings to evidence received without objection, upon motion made prior to the close of the evidentiary hearing.

(4) If a respondent fails to file ~~((an))~~ a timely answer or ~~((the failure))~~ fails to specifically deny or explain ~~((in the answer))~~ a fact alleged in the complaint, the facts alleged in the complaint shall ~~((, except for good cause shown,))~~ be deemed to be ~~((an admission that the fact is))~~ admitted as true ~~((as alleged in the complaint))~~, and ~~((as a waiver of the respondent of))~~ the respondent shall be deemed to have waived its right to a hearing as to the facts so admitted. A motion for acceptance of an answer after its due date shall only be granted for good cause.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-250 Motion to make complaint more definite and ~~((certain))~~ detailed. ~~((If a))~~ The examiner may direct that the complaint be made more definite and detailed, upon motion of the respondent, if the examiner is satisfied that the complaint is ~~((alleged by a respondent to be))~~ so indefinite as to hamper the respondent in the preparation of its answer ~~((, such))~~.

(1) The respondent ~~((may,))~~ shall file its motion on or before the date specified for the filing of an answer ~~((, make a motion for an order that the complaint be made more definite and certain))~~. ~~((Such))~~ The motion shall be filed and served as required by WAC 391-08-120.

(2) The filing of ~~((such))~~ a motion ~~((will))~~ under this section shall extend the due date for the respondent's answer until ~~((such))~~ a date ~~((as))~~ set by the ~~((executive director or))~~ examiner ~~((may set))~~. ~~((The examiner may require the complainant to file and serve a statement supplying information necessary to make the complaint definite and certain.))~~

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-260 Settlement conference. ~~((1) Prior to hearing, the parties may be requested to participate in a settlement conference conducted by a member of the commission staff other than the assigned examiner.))~~ A settlement conference may be held under WAC 10-08-200(15), on the examiner's own motion or at the request of any party to the proceeding. Any settlement conference shall be held in advance of the scheduled hearing date. During ((the course of)) a settlement conference, the parties will be encouraged, on factual and legal grounds including precedent on the particular subject, to resolve the unfair labor practice dispute. Participation in ((the)) a settlement conference is voluntary((, and the refusal of)). Refusal by a party to participate shall not prejudice ((the nonparticipating)) that party in any manner.

~~((2) Whether or not a settlement conference has been held, the examiner may hold a prehearing conference to deal with procedural matters related to the hearing. The prehearing conference will be conducted pursuant to WAC 10-08-130. The parties are encouraged to reach binding stipulations on such matters during the course of the prehearing conference.))~~

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-270 Hearings—((Nature and scope))
Reopening of hearing. (1) Hearings shall be public, except where a protective order is issued under WAC 10-08-200(7), and shall be ((adversary in nature,)) limited to ((matters concerning the unfair labor practices alleged in)) the portions of a complaint found to state a cause of action under WAC 391-45-110.

(a) ~~The complainant shall ((prosecute its own complaint)) be responsible for the presentation of its case, and shall have the burden of proof. ((During the course of the hearing, the examiner may, upon motion by any party, or on his or her own motion, sequester witnesses. It shall be the duty of the examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice so as to obtain a clear and complete factual record on which the examiner and commission may discharge their duties under these rules: Provided, however, That such duty of the examiner shall not be construed as authorizing or requiring the examiner to undertake the responsibilities of the complainant with respect to the prosecution of its complaint or of))~~

(b) ~~The respondent ((with respect to the presentation of)) shall be responsible for the presentation of its defense, and shall have the burden of proof as to any affirmative defenses.~~

(c) ~~The examiner's authority under WAC 10-08-200 (8) and (9) shall not be construed as authorizing or requiring the examiner to undertake the responsibilities of the complainant or respondent under this subsection.~~

(2) ~~Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing.~~

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-290 Briefs ((and proposed findings)). Any party shall be entitled, upon request made before the close of the hearing, to file a brief ~~((or proposed findings of fact, conclusions of law and order, or both, at such time as may be fixed by the examiner)).~~ The examiner may direct the filing of briefs ~~((when he or she deems such filing warranted by the nature of the proceeding or of particular issues therein: A party which desires to have a brief or written argument considered shall file an original and one copy))~~ as to any or all of the issues in a case. Arrangements and due dates for briefs shall be established by the examiner. Any brief shall be filed with the examiner as required by WAC 391-08-120(1), and ((shall serve)) copies shall be served on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-310 Examiner decision. After the close of the hearing and the filing of all briefs, the examiner shall issue ~~((an order))~~ a decision containing findings of fact ~~((and)),~~ conclusions of law, and an order. Unless appealed to the commission under WAC 391-45-350, ~~((an order))~~ a decision issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-330 Withdrawal or modification of examiner decision. ~~((On the examiner's own motion or on the motion of any party,))~~ The examiner may set aside, modify, change or reverse any findings of fact, conclusions of law or order ~~((at any time within ten days following the issuance thereof)),~~ if any mistake is discovered ~~((therein: Provided, however, That))~~ in the decision.

(1) Action may be taken under this section on the examiner's own motion, or on a written motion filed and served by any party as required by WAC 391-08-120.

(2) Action may only be taken under this section within ten days following issuance of the decision.

(3) This section shall be inoperative after the filing of an appeal to the commission.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-350 Appeals. An order issued under WAC 391-45-110(1) or 391-45-310 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of issuance of the order being appealed. The time for filing a notice of appeal cannot be extended.

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(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) ~~((The original and three copies of))~~ A party which desires to cite or reassert a document previously filed in the matter shall do so by reference to the document already on file, and shall not file or attach another copy of the document to papers filed regarding an appeal.

(5) A notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~((5))~~ (6) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. ~~((The original and three copies of the))~~ Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~((6))~~ (7) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. ~~((The original and three copies of the))~~ Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~((7))~~ (8) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-390 Commission action on appeals. If an order is appealed under WAC 391-45-350, the entire record in the proceedings shall be ~~((transferred))~~ transmitted to the commission members. The commission may request the parties to appear before it to make oral argument as to any or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it, determine the appeal, and shall issue appropriate orders.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-410 Unfair labor practice remedies—Back pay. If an unfair labor practice is found to have been committed, the commission or ~~((its))~~ examiner shall issue a remedial order. In calculating back pay orders, the following shall apply:

(1) Individuals reinstated to employment with back pay shall have deducted from any amount due an amount equal to any earnings ~~((such))~~ the employee may have received during the period of the violation in substitution for the terminated employment, calculated on a quarterly basis.

(2) Individuals reinstated to employment with back pay shall have deducted from any amount due an amount equal to any unemployment compensation benefits ~~((such))~~ the employee may have received during the period of the violation, and the employer shall provide evidence to the commission that ~~((such))~~ the deducted amount has been repaid to the Washington state department of employment security as a credit to the benefit record of the employee.

(3) Money amounts due shall be subject to interest at the rate which would accrue on a civil judgment of the Washington state courts, from the date of the violation to the date of payment.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-45-430 Motion for temporary relief. In addition to the remedies available under WAC 391-45-410, ~~((any))~~ a complainant in an unfair labor practice proceeding may make a motion requesting that the commission seek appropriate temporary relief through the superior court, and all such motions shall be processed as provided in this section.

(1) When the complaint is filed, or as soon thereafter as facts giving rise to the request for temporary relief become known, the complainant shall file written notice of its intent to make a motion for temporary relief with the executive director as required by WAC 391-08-120(1), and shall serve a copy of ~~((such))~~ the notice on each of the other parties to the proceedings as required by WAC 391-08-120 (3) and (4).

(2) Upon the filing of a notice of intent to make a motion for temporary relief, ~~((the executive director shall expedite))~~ the processing of the matter shall be expedited under WAC 391-45-110.

(3) After a determination ~~((by the executive director))~~ that the complaint states a cause of action under WAC 391-45-110, the complainant may file and serve, as required by WAC 391-08-120, a motion for temporary relief together with affidavits as to the risk of irreparable harm and the adequacy of legal remedies.

(4) If there is a motion for temporary relief, the due date for counter-affidavits from other parties is seven days following the date on which that party is served with a motion for temporary relief. The counter-affidavits shall be filed and served as required by WAC 391-08-120.

(5) The executive director shall forward all ~~((such))~~ motions and affidavits to the commission, which shall determine whether an injunction pendente lite should be sought. In making ~~((such))~~ its determination, the commission shall adhere to the following policy:

"The name and authority of the public employment relations commission shall not be invoked in connection with a request for temporary relief prior to the completion of administrative proceedings under

WAC 391-45-010, et seq., unless it appears that one or more of the allegations in the complaint of unfair labor practices is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings."

(a) If the commission concludes that temporary relief should be sought, the executive director, acting in the name and on behalf of the commission and with the assistance of the attorney general, shall petition the superior court of the county in which the main office of the employer is located or wherein the person who is alleged to be engaging in unfair labor practices resides or transacts business for an injunction pendente lite.

(b) Whenever temporary relief has been procured, the complaint which has been the basis for ~~((such))~~ the temporary relief shall be heard expeditiously and the case shall be given priority over all other cases except cases of like character.

(c) A determination by the commission that temporary relief should not be sought at a particular time shall not bar renewal of the motion for temporary relief following the completion of administrative proceedings in which unfair labor practice violations have been found to exist.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-550 Collective bargaining—Policy. It is the policy of the commission to promote bilateral collective bargaining negotiations between employers and the exclusive representatives of their employees. ~~((Such))~~ Parties are encouraged to engage in free and open exchange of proposals and positions on all matters coming into the dispute between them. The commission deems the determination as to whether a particular subject is mandatory or nonmandatory to be a question of law and fact to be determined by the commission, and which is not subject to waiver by the parties by their action or inaction. It is the policy of the commission that a party which engages in collective bargaining with respect to ~~((any))~~ a particular issue does not and cannot ~~((thereby))~~ confer the status of a mandatory subject on a nonmandatory subject.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-552 Special provision—Educational employees. The obligation to bargain in good faith imposed upon an employer and the exclusive representative of its employees, respectively, by RCW 41.59.020(2) and 41.59.140 (1)(e) or (2)(c) includes:

(1) The obligation to submit, as to each subject for bargaining advanced by the party, a written statement of the language proposed for incorporation in or deletion from the collective bargaining agreement between the parties, together with a written or oral explanation or justification of ~~((such))~~ the proposals.

(2) The obligation to submit, as to each subject for bargaining advanced by the other party, at least one written response ~~((thereto))~~, together with a written or oral explanation of ~~((such))~~ the response ~~((—Provided, however, That))~~. However, a party which asserts in a written response that a subject for bargaining advanced by the other party is not a mandatory subject for collective bargaining may thereafter refuse to make further proposals as to ~~((such))~~ the subject or subjects for bargaining.

(3) The obligation to receive proposals from the other party as to all subjects for bargaining in dispute between the parties and, until a legal impasse has been reached, to refrain from demanding the removal of ~~((any such))~~ the subject from the bargaining table on the basis that it is not a mandatory subject for collective bargaining.

(4) The obligation to exhaust the mediation and fact finding procedure established pursuant to RCW 41.59.120 before implementing all or any part of a final offer in negotiations, except as provided in RCW 41.59.930.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-45-230 Amendment of answer.

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-55-030 Assignment of mediator. (1) Upon submission of a request ~~((for a mediator))~~ under WAC 391-55-010 or 391-55-020 (3)(a), ~~((the executive director shall appoint))~~ a member of the agency staff shall be assigned as mediator. If the parties have stipulated to the names of one or more persons who are acceptable to both parties as mediator, ~~((then the executive director shall consider))~~ their request shall be considered in making the assignment.

(2) Upon submission of a request for a list under WAC 391-55-020 (3)(b), names shall be referred and a grievance mediator shall be selected under WAC 391-55-120.

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-55-350 Educational employees—Responsibility of parties after fact finding. Within seven days after the findings and recommendations have been issued, the parties shall notify the commission and each other whether they accept the recommendations of the fact finder. If the recommendations of the fact finder are rejected by one or both parties and their further efforts do not result in an agreement, either party may request mediation pursuant to chapter 41.58 RCW and, upon the concurrence of the other party, the ~~((executive director))~~ agency shall assign a mediator.

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-65-070 Grievance arbitration—Appointment of staff arbitrator. Upon concurrence of the parties or upon the submission of a joint request, a member of the agency staff shall be assigned as grievance arbitrator. The parties shall not be permitted to select a grievance arbitrator from a list of agency staff members, or to exercise a right of rejection on appointments made ~~((by the executive director))~~ under this section; but may jointly express a preference for appointment of one or more staff members as their arbitrator, and ~~((the executive director))~~ their request shall ((consider their request)) be considered in making the assignment. Upon the submission of a request by one party for the appointment of a member of the agency staff as grievance arbitrator, the ~~((executive director))~~ agency shall determine whether the other party to the collective bargaining agreement concurs in the appointment of a staff arbitrator. ~~((Upon concurrence or upon the submission of a joint request, the executive director shall assign a member of the agency staff as grievance arbitrator.))~~ In the absence of concurrence, the ~~((executive director))~~ agency shall notify the requesting party of the lack of concurrence and shall close the case if concurrence is not provided within a reasonable time.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-95-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission ~~((relating to union security))~~ on disputes ((arising between employees and employee organizations certified or recognized as their bargaining representative)) concerning the right of nonassociation under the union security provisions of certain statutes. The provisions of this chapter should be read in conjunction with ~~((the provisions of))~~:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge ~~((governing the conduct of))~~ to regulate adjudicative proceedings under chapter ~~((391-95 WAC))~~ 34.05 RCW, except:

(a) WAC 10-08-035, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-95-110;

(b) WAC 10-08-050, which relates to ~~((procedures of the))~~ office of administrative hearings ~~((, and so is))~~ procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-95-270 and ~~((391-95-280))~~ 391-95-290; and

(d) WAC 10-08-230, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-95-170.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which ~~((contains rules relating to))~~ regulates representation proceedings ~~((on petitions~~

~~for investigation of questions concerning representation of employees))~~.

(4) Chapter 391-35 WAC, which ~~((contains rules relating to))~~ regulates unit clarification proceedings ~~((on petitions for clarification of an existing bargaining unit))~~.

(5) Chapter 391-45 WAC, which ~~((contains rules relating to))~~ regulates unfair labor practice proceedings ~~((on complaints charging unfair labor practices))~~.

(6) Chapter 391-55 WAC, which ~~((contains rules relating to))~~ regulates the resolution of impasses ~~((occurring))~~ in collective bargaining.

(7) Chapter 391-65 WAC, which ~~((contains rules relating to))~~ regulates grievance arbitration ~~((of grievance disputes arising out of the interpretation or application of a collective bargaining agreement))~~ and grievance mediation proceedings.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-010 Notice of union security~~((—))~~ obligation ~~((of exclusive bargaining representative)).~~ ~~((An exclusive bargaining representative which desires to enforce a union security provision contained in))~~ (1) Whenever a collective bargaining agreement negotiated under the provisions of chapter 28B.52, 41.56, or 41.59 RCW contains a union security provision, the exclusive bargaining representative shall provide each affected employee with a copy of the collective bargaining agreement ~~((containing the union security provision)),~~ and shall specifically advise each employee of his or her obligations under that agreement, including informing the employee of the amount owed, the method used to compute that amount, when such payments are to be made, and the effects of a failure to pay.

(2) Disputes concerning whether an employee is within the bargaining unit covered by a union security provision shall be resolved through unit clarification proceedings under chapter 391-35 WAC, and shall not be a subject of proceedings under this chapter.

(3) Disputes concerning interpretation or application of a union security provision shall be resolved through grievance arbitration or other procedures for interpretation or application of the collective bargaining agreement, and shall not be a subject of proceedings under this chapter.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-030 ~~((Union security—))~~ Assertion of right of nonassociation. An employee who ~~((asserts))~~ claims a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall ~~((notify))~~ provide written notice of that claim to the exclusive bargaining representative, ~~((in writing, of the claim of a right of nonassociation))~~ and shall, at the same time, provide the exclusive bargaining representative with the name(s) and address(es) of one or more nonreligious charitable organizations to which the employee is prepared to make alternative payments in lieu of the payments required by the union security provision.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-050 (~~Union security~~) **Response by exclusive bargaining representative.** Within sixty days after it is served with written notice of a claimed right of non-association under WAC 391-95-030, the exclusive bargaining representative shall (~~respond~~) provide a written response to the employee, (in writing, both as to) setting forth the position of the exclusive bargaining representative as to both:

(1) The eligibility of the employee to make alternative payments; and (~~as to~~)

(2) The acceptance or rejection of the charitable organization(s) suggested by the employee. (If a dispute exists concerning whether the employee is within a class of employees obligated under the terms of the union security provision, all such matters of contractual interpretation shall be resolved under such procedures as may be available for unit clarification or resolution of disputes concerning the interpretation or application of the collective bargaining agreement.)

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-95-070 (~~Union security~~) **Disputes resolved by commission.** (~~In the event of a disagreement between an employee and his or her~~) If the exclusive bargaining representative (as to):

(1) Disputes the eligibility of (such) the employee to make alternative payments; or (as to)

(2) Disputes the charitable organization which is to receive such payments; or

(3) Fails to make a timely response under WAC 391-95-050, either the employee or the exclusive bargaining representative may obtain a ruling from the commission (on the union security obligations of the employee).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-95-090 (~~Union security~~) **Petition ((form)) in writing—Number of copies—Filing—Service.** Each petition for a ruling on (~~union security obligations~~) a nonassociation claim shall be (prepared in conformance with WAC 391-95-110. The original and one copy of the petition) in writing, and shall be filed at the commission's Olympia office as required by WAC 391-08-120(1)(, and)). The party filing the petition shall serve a copy on the other party to the dispute and on the employer as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-95-110 (~~Union security~~) **Contents of petition.** Each petition for a ruling on a nonassociation claim shall contain, in separate numbered paragraphs:

(1) (~~Identification of~~) Information identifying the parties and (if known) their representatives, including:

(a) The name (~~and~~), address and telephone number of the employer, and the name, address (~~and~~), telephone number, fax number, and e-mail address of (~~the employer's~~) its principal representative (for the purposes of collective bargaining);

(b) The name, address and (~~affiliation, if any,~~) telephone number of the (exclusive representative) employee organization, and the name, address (and), telephone number, fax number, and e-mail address of its principal representative(~~, if any~~); and

(c) The name, address (~~and~~), telephone number, fax number, and e-mail address of the (~~affected~~) employee who has asserted a right of nonassociation, and the name, address (and), telephone number, fax number, and e-mail address of his or her representative.

(2) (~~Indication of~~) Indicate the matters in dispute as including:

(a) The eligibility of the employee to assert a right of nonassociation; and/or

(b) The designation of the charity (~~which is~~) to receive the alternative payments.

(3) (~~Indication of~~) Indicate whether the petition is filed on behalf of:

(a) The employee; or

(b) The employee organization.

(4) The name, signature and, if any, title of the person filing the petition, and the date of the signature.

(5) Information concerning the parties' relationships, including:

(a) The employer's principal business;

(b) A copy of the current (or most recent) (~~applicable~~) collective bargaining agreement; and

(c) (~~The~~) A description of the (existing) bargaining unit involved, specifying inclusions and exclusions(, and

~~(d) The approximate number of employees in the bargaining unit).~~

(6) (~~Indication of~~) Indicate whether the claimed right of nonassociation is based upon;

(a) Personal religious beliefs(,); or

(b) Upon the teachings of a church or religious body identified in the petition, including the name, address (and), telephone number, fax number, and e-mail address of ((a) its contact person.

(7) (~~Identification of~~) The name(s) of the charity or charities to which the petitioner proposes to (have receive) make alternative payments, including the name(s), address(es), (and) telephone number(s), fax number(s), and e-mail address(es) of ((a) its/their contact person(s).

(8) (~~Indication of~~) Indicate whether disputed funds are being held in escrow by the employer.

(9) Any other relevant facts.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-130 (~~Union security~~) **Escrow of disputed funds by employer.** Upon being served with a copy of a petition filed under WAC 391-95-070, the employer shall preserve the status quo by withholding and retaining the disputed dues for periods during the pendency of the proceed-

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ings before the commission. ~~((Said)) Funds held in escrow shall draw interest at the rate provided by commercial banks for regular passbook savings accounts. While the proceedings remain pending before the commission, the employer shall not honor or otherwise act upon any request for discharge or other action against the affected employee based on the employee's union security obligations. This ((provision)) section shall be applicable to employees covered by chapter 41.56 RCW only upon the employee submitting to the employer a signed authorization for the deduction and escrow of disputed funds.~~

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-95-150 ~~((Union security—Initial processing by executive director.))~~ **Deficiency notice—Preliminary ruling.** The executive director or a designated staff member shall determine whether the facts ~~((as))~~ alleged in the petition may constitute a basis for assertion of a right of nonassociation within the meaning of the applicable statute.

(1) ~~((it is determined that the claim does))~~ the facts alleged do not, as a matter of law, constitute a basis for assertion of a right of nonassociation, ~~((the executive director shall issue and cause to be))~~ a deficiency notice shall be issued and served on all parties, identifying the defects and specifying a due date for the filing and service of an amended petition. ~~(((If the defects are not cured in a timely manner, an order ((of dismissal containing)) shall be issued and served, dismissing the defective allegation(s) and stating the reasons for that action. Unless appealed to the commission under WAC 391-95-270, an order of dismissal issued under this subsection shall be the final order of the agency on the defective allegation(s), with the same force and effect as if issued by the commission.~~

(2) ~~((the petition is found to))~~ one or more allegations state a ~~((claim))~~ cause of action for nonassociation proceedings before the commission, ~~((the executive director shall assign the matter to an examiner and shall notify the parties of such assignment))~~ a preliminary ruling summarizing the allegation(s) shall be issued and served on all parties.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-95-170 ~~((Union security—Prehearing conference—))~~ **Notice of hearing.** ~~((There shall be issued and served on each of the parties to the dispute and on the employer))~~ The examiner shall issue a notice of hearing ~~((before an examiner at a time and place fixed therein. Any such))~~ and have it served on the employee and the exclusive bargaining representative. Attached to the notice of hearing shall be a copy of the preliminary ruling issued under WAC 391-95-150. A notice of hearing may be amended or withdrawn ~~((prior to))~~ before the close of the hearing. ~~((The examiner has discretion to conduct a prehearing conference to discuss with the parties all contested issues of fact, law, and procedure which may arise in union security cases. The prehearing conference will be conducted pursuant to WAC 10-08-130. The parties are encouraged to reach binding stip-~~

~~ulations on all remaining issues during the course of the pre-hearing conference.))~~

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-190 ~~((Union security—Hearings—Who shall conduct.))~~ **Examiner—Who may act.** ~~((Hearings))~~ The executive director or a designated staff member shall assign an examiner to conduct further proceedings in the matter, and shall notify the parties of that assignment. The examiner may be ~~((conducted by the commission, by the executive director, by))~~ a member of the agency staff or ~~((by))~~ any other individual designated by the commission or executive director ~~((as an examiner)).~~ ~~((At any time))~~ Upon notice to all parties, an examiner may be substituted for the examiner previously presiding.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-95-230 **Hearings—**~~((Nature and scope))~~ **Reopening of hearing.** (1) Hearings shall be public and shall be limited to ~~((matters concerning the determination of the eligibility of the employee to make alternative payments and the designation of an organization to receive such alternative payments. During the course of the hearing, the examiner may, upon motion by any party, or upon his or her own motion, sequester witnesses.))~~ the portions of a petition found to state a cause of action under WAC 391-95-150.

(2) The employee has the burden to make a factual showing, through testimony of witnesses and/or documentary evidence, of the legitimacy of his or her beliefs, as follows:

~~((+))~~ (a) In cases where the claim of a right of nonassociation is based on the teachings of a church or religious body, the claimant employee shall demonstrate:

~~((a))~~ (i) His or her bona fide religious objection to union membership; and

~~((b))~~ (ii) That the objection is based on a bona fide religious teaching of a church or religious body; and

~~((c))~~ (iii) That the claimant employee is a member of such church or religious body.

~~((2))~~ (b) In cases where the claim of a right of nonassociation is based on personally held religious beliefs, the claimant employee shall demonstrate:

~~((a))~~ (i) His or her bona fide religious objection to union membership; and

~~((b))~~ (ii) That the religious nature of the objection is genuine and in good faith.

(3) Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing.

(4) ~~((A))~~ Any party ~~((which desires to have))~~ shall be entitled, upon request made before the close of the hearing, to file a brief ~~((or written argument considered shall file an original and one copy)).~~ The examiner may direct the filing of briefs as to any or all of the issues in a case. Arrangements and due dates for briefs shall be established by the examiner. Any brief shall be filed with the examiner as required by

WAC 391-08-120(1), and ~~((shall serve))~~ copies shall be served on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-95-250 Examiner decision. After the close of the hearing and the filing of all briefs, the examiner shall issue ~~((an order))~~ a decision containing findings of fact ~~((and)),~~ conclusions of law, and an order. Unless appealed to the commission under WAC 391-95-270, ~~((an order))~~ a decision issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-95-260 Withdrawal or modification of examiner decision. ~~((On the examiner's own motion or on the motion of any party,))~~ The examiner may set aside, modify, change, or reverse any findings of fact, conclusions of law or order ~~((at any time within ten days following the issuance thereof)),~~ if any mistake is discovered ~~((therein: Provided, however, That))~~ in the decision.

(1) Action may be taken under this section on the examiner's own motion, or on a written motion filed and served by any party as required by WAC 391-08-120.

(2) Action may only be taken under this section within ten days following issuance of the decision.

(3) This section shall be inoperative after the filing of an appeal to the commission.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-95-270 Appeals. An order issued under WAC 391-95-150(1) or 391-95-250 and any rulings in the proceedings up to the issuance of the order~~((;))~~ may be appealed to the commission as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of issuance of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) ~~((The original and three copies of))~~ A party which desires to cite or reassert a document previously filed in the matter shall do so by reference to the document already on file, and shall not file or attach another copy of the document to papers filed regarding an appeal.

(5) A notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~((5))~~ (6) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. ~~((The original and three copies of the))~~ Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~((6))~~ (7) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. ~~((The original and three copies of the))~~ Any brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~((7))~~ (8) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 98-14-112, filed 7/1/98, effective 8/1/98)

WAC 391-95-290 Commission action on appeals. If an order is appealed under WAC 391-95-270, the entire record in the proceedings shall be ~~((transferred))~~ transmitted to the commission members. The commission may request the parties to appear before it to make oral argument as to any or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it, determine the appeal, and shall issue appropriate orders.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-310 Implementation. (1) Where alternative payments in lieu of payments under a union security agreement have been agreed upon by the parties or ordered by the commission~~((;))~~:

(a) The employer shall release any funds (together with accumulated interest) held in escrow under WAC 391-95-130 to the designated charitable organization; and

(b) The employee shall thereafter make payments and shall furnish written proof to the exclusive bargaining representative that such payments have been made to the designated charitable organization.

(2) Where the employee is found ineligible to make alternative payments~~((;))~~:

(a) The employer shall release any funds (together with accumulated interest) held in escrow under WAC 391-95-130 to the exclusive bargaining representative; and ~~((shall enforce the union security provision according to its terms.))~~

(b) The employer and the exclusive bargaining representative shall allow the affected employee a grace period of not

less than thirty days following the agreement or final order of the commission to correct any arrearages.

**WSR 00-10-117
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed May 3, 2000, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-24-129.

Title of Rule: Chapter 352-32 WAC, Public use of state park areas.

Purpose: Establishes the standards for public behavior, the conditions for public use, the restrictions and limitations on recreational activities and the services available at state park areas.

Statutory Authority for Adoption: Title 79A RCW.

Summary: These rules need to be reviewed in order to make editorial changes, updates, expansions for clarification and overall clean-up.

Reasons Supporting Proposal: Staff envision an annual review of this title and chapter in order to reduce the number of times it is open during the year.

Name of Agency Personnel Responsible for Drafting: Pam McConkey, Olympia, (360) 902-8595; Implementation: Rex Derr, Olympia, (360) 902-8594; and Enforcement: Washington State Parks and Recreation Commission, state-wide, (360) 902-8500.

Name of Proponent: Washington State Parks, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 352-32 WAC, Public use, was originally adopted in November 1970 in order to provide the general public with rules and guidelines in which to follow in order to obtain the most enjoyable experience while visiting in Washington state parks. This chapter also provides guidance and rules for park personnel to perform their duties.

Proposal Changes the Following Existing Rules: Some rule changes are being proposed in order to clarify restrictions and provide clearer guidance. Other proposed changes are being proposed in order to loosen current restrictions. Others are minor changes and additions viewed as "House-keeping," clarifying changes and streamlining rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This WAC amendment does not regulate or have economic impact through regulations on small businesses. There are no compliance costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the State Parks and Recreation Commission nor has the commission voluntarily applied those requirements.

Hearing Location: Spokane, Washington, the meeting site can be obtained by contacting eastern region office, (509) 662-0420, on June 9, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Harris by June 1, 2000, (509) 662-0420.

Submit Written Comments to: Pam McConkey, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 586-5875, by May 22, 2000.

Date of Intended Adoption: June 9, 2000.

May 2, 2000

Jim French

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 00-01-201, filed 12/22/99, effective 1/22/00)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW ((43.51.055)) 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for day-time vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

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"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for over-night.

"Group" shall mean 20 or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

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

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW ((43.51.170)) 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter. ~~((A typical radio controlled model aircraft weighs from five to ten pounds and has a wingspan of five to six feet, with the maximum size being approximately fifty pounds and a wingspan of ten feet.))~~

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

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"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW ((43.51.655)) 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW ((43.51.456)) 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 92-04-072, filed 2/4/92, effective 3/6/92)

WAC 352-32-011 Dress standards. (1) In order to identify temporary field operations personnel to the public for their safety and welfare, it is necessary for selected employees to furnish and wear apparel that will comply with a generally accepted dress standard common to the outdoor recreation industry.

(2) The apparel for male and female (~~(park aides))~~ temporary field operations personnel shall consist of (~~(tan))~~ agency approved long or short sleeve shirt/blouse and agency

supplied logos (~~(must be applied as directed))~~ as defined in the agency uniform manual.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-030 Camping. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping party may use any state park facility for residence purposes, as defined (WAC 352-32-010).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom no later than 1:00 p.m., if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping party for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping party must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee. An individual may register and hold a multiple campsite for occupancy on the same day by other camping parties. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping party shall be limited. Campers may stay ten consecutive nights in one park, after which the

camping party must vacate the site for three consecutive nights, April 1 through September 30, not to exceed thirty days in a forty-day time period. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights in one park, after which the camping party must vacate the ~~((site))~~ park for three consecutive nights, October 1 through March 31, not to exceed forty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) A maximum of eight people shall be permitted at a campsite overnight, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car and one recreational vehicle: Provided, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the ~~((designated or))~~ developed tent pad or designated area as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles may occupy a campsite.

(10) Water trail camping sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are not subject to the campsite capacity limitations as otherwise set forth in this section. Capacities for water trail camping sites may be established by the ranger on an individual basis and are subject to change based upon the impacts to the area. All persons using water trail camping sites shall have in their possession a valid annual water trail permit or have paid the required nightly fee.

(11) Overnight stays (bivouac) on technical rock climbing routes will be allowed as outlined in the park's site specific climbing management plan. All litter and human waste must be contained and disposed of properly.

(12) Emergency camping areas may be used only when all designated campsites are full and at the park ~~((manager's))~~ ranger's discretion. Persons using emergency areas must pay the ~~((primitive))~~ applicable campsite fee and must vacate the site when directed by the park ~~((manager))~~ ranger.

(13) Designated overflow camping areas may be used only when all designated campsites in a park are full and the demand for camping in the geographic area around the park appears to exceed available facilities. Persons using overflow camping areas must pay the ~~((primitive))~~ applicable campsite fee. ~~((If a nearby flush comfort station is available, persons using overflow camping areas must pay the standard campsite fee.))~~

(14) ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-040 Picnicking. Picnicking is permitted only in designated and marked picnicking areas, or in such other places within a state park area as designated by a ranger. ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-045 Reservations for use of designated group facilities. (1) All designated group facilities shall be reservable by groups as defined in WAC 352-32-010. ~~((A group is defined as 20 or more people engaged together and commonly in outdoor recreation at one park location.))~~

(2) All designated group facilities shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas. Groups making reservations shall be charged the applicable fee for a minimum of 20 people.

(3) Use of designated group facilities may be by reservation. Requests made at the park for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) Submittal of the group use permit request, payment of appropriate fees, which may include a nonrefundable reservation transaction fee, a first day/night use fee and a damage deposit are required for the use of these facilities. Fees are published by state parks. In those cases where the fee is submitted at a later date, it must be paid by certified check, ~~((bank money order,))~~ or ~~((postal))~~ money order. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) For overnight group use, parking will be in the provided, defined areas. If additional parking is required, it may be available in the park's extra vehicle parking facility following the payment of the appropriate extra vehicle parking fee.

(6) A damage deposit may be required by the park manager as part of the reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group facility. Deposits are published by state parks with the schedule of fees. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Facility reservations made at the park will be accepted for the calendar year, on or after the first working day in January of that calendar year. Reservations shall be made by a person of the age of majority, who must be in

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attendance during the group's activities. Reservations at the parks will be accepted in writing, in person, or by phone at the discretion of the park manager. In person and phone reservation requests shall only be accepted at the park during normal park operation hours. All reservation requests will be processed in order of arrival. Group facility areas not reserved are available on a first-come, first-serve basis.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

~~((10) Reservations placed through the central reservation system for individual overnight facilities and designated group facilities shall be made according to policies approved by the director.))~~

AMENDATORY SECTION (Amending WSR 96-02-015, filed 12/21/95, effective 1/21/96)

WAC 352-32-050 Park periods. (1) The director or designee shall establish for each state park area, according to existing conditions, times, and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the state park area affected and at the park office. No person shall enter or be present in a state park area after the posted closing time except:

- (a) Currently registered campers who are camping in a designated campsite or camping area;
- (b) Guests of a currently registered camper who may enter and remain until 10:00 p.m.;
- (c) Guests of a state park employee;
- (d) Technical rock climbers who bivouac on vertical climbing routes not otherwise closed to public use.

(2) ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-053 Park capacities. The director or designee may establish for each state park area according to facilities, design, and/or staffing levels, the number of individuals and/or vehicles allowed in any state park area or structure at any given time or period. No person shall enter in any state park area or facility or bring in or cause to be brought in any vehicle and/or persons which would exceed the capacity as established by the director or designee and when the individual is informed either by signs or by park staff that such capacity has been met and the park is full.

~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-056 Peace and quiet. To insure peace and quiet for visitors:

(1) No person shall conduct themselves so that park users are disturbed in their sleeping quarters or in campgrounds or park employees in their sleeping quarters between the quiet hours of 11:00 p.m. and 6:30 a.m.

(2) No person shall, at any time, use sound-emitting electronic equipment including electrical speakers, radios, phonographs, televisions, or other such equipment, at a volume which emits sound beyond the immediate individual camp or picnic site that may disturb other park users without specific permission of the area ranger.

(3) Engine driven electric generators may be operated only between the hours of 8:00 a.m. and 9:00 p.m.

(4) ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 96-01-078, filed 12/18/95, effective 1/18/96)

WAC 352-32-060 Pets. (1) All pets or domestic animals must be kept under physical control, on a leash no greater than eight feet in length, or otherwise physically restrained, ~~((and under control))~~ at all times while in a state park area.

(2) Pets and domestic animals may not be allowed to dig or otherwise disturb or damage the natural or cultural features of any state park area.

(3) In any state park area, pets or domestic animals, except for ~~((guide dogs))~~ assistance dogs for persons with disabilities, are not permitted on any designated swimming beach; within a natural area preserve; during the skiing season on any designated alpine ski site or cross country ski trail in which the track has been prepared, set, or groomed; or in any public building unless so posted.

(4) In any state park area, pets or domestic animals, except for ~~((guide dogs))~~ assistance dogs for persons with disabilities, may be prohibited for the protection of wildlife, sensitive natural systems, special cultural areas, or for other purposes, if approved by the director or designee and so posted.

(5) No person shall allow his/her pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his/her pet or domestic animal to bark or otherwise disturb the peace and tranquillity of the park.

(6) Any person bringing a pet or domestic animal into a state park area shall dispose of animal feces in a plastic or paper sack. The sack shall then be deposited in a solid waste container.

(7) ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

(8) This section shall not apply to the recreational use of horses, llamas, sled dogs, or similar animals as authorized by WAC 352-32-070.

AMENDATORY SECTION (Amending WSR 99-15-030, filed 7/13/99, effective 8/13/99)

WAC 352-32-070 Use of horses, llamas, sled dogs or similar animals for recreation. (1) No horses, llamas, sled dogs or similar animals used for recreation shall be permitted on trails in any state park area, except where designated and posted to specifically or conditionally permit such activity. The director or designee may open or close trails to such use. This decision shall include an evaluation of factors including, but not limited to, conflict with other park users, public safety, and damage to park resources and/or facilities. This evaluation shall include a reasonable effort to involve interested trail users of the park in question, including, at a minimum, one public meeting advertised and conducted in the region where the park is located. Trails designated open for such use may be temporarily closed by the park manager due to emergency health, safety, or resource protection considerations.

(2) No horses, llamas, sled dogs or similar animals used for recreation shall be permitted off trails in any state park area, except where authorized by the commission and posted to specifically or conditionally permit such activity.

(3) Horses, llamas, sled dogs or similar animals used for recreation shall not be permitted in any designated swimming areas, campgrounds - except designated horse- or pack-oriented camping areas - or picnic areas, nor within a natural area preserve.

(4) Horses, llamas, sled dogs or similar animals used for recreation shall not be permitted within natural areas or natural forest areas, except that relocation of existing equestrian or other similar trails into natural areas or natural forest areas may be permitted upon a finding by the director or designee that such relocation is for the purpose of reducing overall resource impacts to a state park area.

(5) No person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal, or damage park resources and/or facilities, and no person shall allow a horse or other animal to stand unattended or insecurely tied. Persons using horses or other animals for recreation shall obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of use.

(6) (~~Except as provided in WAC 352-32-310,)~~ Any person bringing a horse, llama, sled-dog or similar animal into a state park area shall clean-up and dispose of animal feces in parking lots, at trail heads and other central locations used by park visitors.

(7) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 99-15-030, filed 7/13/99, effective 8/13/99)

WAC 352-32-075 Use of nonmotorized cycles or similar devices. (1) Whenever used in this section, nonmotor-

ized cycle or similar device shall mean any wheeled, operator-propelled equipment that transports the operator on land, including cycles, roller blades and skateboards, but not including wheelchairs or other devices utilized by persons with disabilities.

(2) Operation of nonmotorized cycles or similar devices shall be permitted upon public roads in state park areas.

(3) No operation of nonmotorized cycles or similar devices shall be permitted on trails in any state park area, except where designated and posted to specifically or conditionally permit such activity, or as specified in (b) of this subsection.

(a) The director or designee may open or close trails to such use. This decision shall include an evaluation of factors including, but not limited to, the degree of conflict with other park users, public safety, and damage to park resources and/or facilities related to these devices. This evaluation shall include a reasonable effort to involve interested trail users of the park in question, including, at a minimum, one public meeting advertised and conducted in the region where the park is located.

(b) No existing trails open to use by nonmotorized cycles or similar devices prior to January 1, 1999, shall be closed to such use without an evaluation of use suitability following the criteria and process of (a) of this subsection; except for temporary closures by the park manager due to emergency health, safety, or resource protection considerations.

(4) No operation of nonmotorized cycles or similar devices shall be permitted off trails in any state park area, except where authorized by the commission and posted to specifically or conditionally permit such activity.

(5) Use of nonmotorized cycles or similar devices is prohibited in the following state park areas:

(a) Within designated natural areas, natural forest areas, or natural area preserves: Provided, That relocation of existing nonmotorized trails into natural areas or natural forest areas may be permitted upon a finding by the director or designee that such relocation is for the purpose of reducing overall resource impacts to a state park area.

(b) Upon designated special use trails such as interpretive or exercise trails.

(c) Upon docks, piers, floats, and connecting ramps.

(6) Persons operating such devices in state park areas shall:

(a) Obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of operation, designed to promote visitor health and safety.

(b) Restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of all other park visitors.

(c) Yield the right of way to pedestrians and animals.

(d) Dismount and walk in congested areas and posted walk zones.

(e) Slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other persons or animals.

(f) Display adequate lighting during hours of darkness.

(g) Use caution when approaching turns or areas of limited sight distance.

(h) Not disturb or harass wildlife.

(i) When on public roads within a state park area, operate in compliance with any additional requirements of RCW 46.61.750 through 46.61.850.

(7) The director or designee may designate trails for preferential use by cyclists and may specifically authorize use of any facilities for special cycling recreation events, excluding roads or trails specified in subsection (5) of this section.

(8) (~~Except as provided in WAC 352-32-310,~~) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-080 Swimming. (1) Swimming areas in state park areas are marked with buoys, log booms, or other markers, clearly designating the boundaries of such areas.

(2) Any person swimming outside the boundaries of a designated swimming area, or in any area not designated for swimming, or in any area, whether designated for swimming or not, where no lifeguard is present, shall do so at his or her own risk.

(3) All persons using any designated swimming area shall obey all posted beach rules and/or the instructions of lifeguards, rangers, or other state parks employees.

Children twelve years of age or younger, must be accompanied by a responsible adult while using the swim area.

(4) No person shall swim in any designated watercraft launching area.

(5) No person shall give or transmit a false signal or false alarm of drowning in any manner.

(6) Use of inflated mattresses, rubber rafts, rubber boats, inner tubes, or other objects, except U.S. Coast Guard approved life jackets, in state park areas for the purpose of buoyancy while swimming or playing in any designated swimming area is prohibited. Concessionaires are not permitted to rent or sell such floating devices within state parks without written approval of the commission.

(7) (~~Except as provided in WAC 352-32-310,~~) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-085 Technical rock climbing. (1) Whenever used in this section, technical rock climbing shall mean climbing while using such aids as pitons, carabiners or snap links, chalk, ropes, fixed or removable anchors, or other similar equipment. Technical rock climbing includes bouldering and free soloing (respectively low and high elevation climbing without ropes).

(2) Technical rock climbing will be allowed in state parks except it is:

(a) Not permitted in natural area preserves;

(b) Conditioned in heritage areas, natural areas and natural forest areas;

(c) Not permitted where the director or designee has closed the area pursuant to subsection (3) of this section;

(d) Limited in state park areas without climbing management plans pursuant to subsection (6) of this section to the use of routes with established fixed protection, new routes that do not use fixed protection, nor require gardening/cleaning with any type of cleaning tool;

(e) Not permitted in state park areas closed to public use.

(3) The director or designee may, permanently or for a specified period or periods of time, close any state park area to technical rock climbing if the director or designee concludes that a technical rock climbing closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources. Prior to closing any park or park area to technical rock climbing, the director or the designee shall hold a public meeting in the general area of the park or park area to be closed to technical rock climbing. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee determines that it is necessary to close a rock climbing area immediately to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff, or park resource, the director or designee may take emergency action to close a park area to rock climbing without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and hearing requirements of this subsection.

(4) The director or designee shall ensure that any park area closed to technical rock climbing pursuant to subsection (3) of this section is conspicuously posted as such at the entrance of said park area. Additionally, the director shall maintain a list of all parks and park areas closed to technical rock climbing pursuant to subsection (3) of this section.

(5) The director or designee shall establish a committee of technical rock climbers, to advise park staff on park management issues related to technical rock climbing for each state park area where deemed necessary by the agency.

(6) Each state park area with an established advisory committee of technical rock climbers will have a climbing management plan which will specify technical rock climbing rules concerning overnight stays on climbing routes, bolting, power drills, stabilization of holds, group size and activities, gardening/cleaning of routes pursuant to chapter 352-28 WAC and RCW (~~(43-51-180)~~) 79A.05.165, chalk, special use designations for climbing areas, protection of sensitive park resources, and other such issues required by the director or designee. Climbing management plans that relate to natural forest areas or heritage areas must be approved by the commission. The director or designee shall ensure that any technical rock climbing rules contained in a climbing management plan are conspicuously posted at the entrance of the affected park area.

(7) Bolting will be allowed as specified in climbing management plans.

(8) The use of power drills will be allowed only if the park climbing management plans specifically permit under specified conditions for bolt replacement and bolt installation on new routes. They are otherwise prohibited.

(9) The addition of holds onto the rock face by any means, including gluing, chipping, or bolting is prohibited.

(10) Except as provided in WAC 352-32-310, any violation of this section and rules contained in the park management plan and posted at the park is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-090 Games. Playing games in a manner and/or location which subjects people or personal property, the park resource or facilities to risk of injury or damage shall be prohibited. ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-100 Disrobing. (1) No person shall disrobe in public in any state park area.

(2) Clothing sufficient to conform to common standards shall be worn at all times.

(3) ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-110 Tents, etc., on beaches. No person shall erect, maintain, use, or occupy any temporary tent or shelter on any swimming beach in any state park area unless there is an unobstructed view through such tent or shelter from at least two sides: Provided, however, That nothing herein contained shall be construed to authorize camping except in designated areas. ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-120 Firearms and/or weapons. No person shall possess a firearm with a cartridge in any portion of the mechanism within any upland state park area, nor shall any person discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010, a firearm, bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state parks use. This WAC does not apply to ~~((on-duty law enforcement officers when work-~~

~~ing in the official capacity of their employing law enforcement agency)) general authority law enforcement officer as defined in RCW 10.93.020.~~

AMENDATORY SECTION (Amending WSR 98-23-063, filed 11/16/98, effective 1/1/99)

WAC 352-32-130 Aircraft. (1) No aircraft shall land on or take off from any body of water or land area in a state park area not specifically designated for landing aircraft. This provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations or fire fighting activities. It also does not apply in cases where the director or designee specifically authorizes such landings or take offs, in writing, associated with the operational, or administrative needs of the agency or state.

(2) Individuals who have complied with the registration process provided or who have obtained a special recreation event permit pursuant to WAC 352-32-047 may launch and land paragliders in state park areas specifically designated by the director or designee as available for paragliding. Prior to any such designation, the director or designee shall advertise and conduct a public meeting in the region where the park is located. The director or designee shall consider the potential impacts of paragliding in the proposed area, including but not limited to the following factors: The degree of conflict paragliding may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park designated for paragliding shall be conspicuously posted as such by the ~~((director))~~ agency.

(3) Individuals paragliding in state parks must:

(a) Comply with the registration process provided for such purposes;

(b) Observe all applicable laws and regulations;

(c) Never destroy or disturb park facilities, natural features, or historical or archeological resources;

(d) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities;

(e) Conduct themselves in compliance with the following basic safety regulations:

(i) Comply with specific site operational rules that are posted;

(ii) Fly in a manner consistent with the pilot rating held;

(iii) Preplanned landings should be made in areas no smaller than forty feet wide by one hundred feet long;

(iv) Make preflight checks of weather, equipment and site conditions;

(v) Observe all published traffic and right of way flight guidelines, including yielding right of way to all aircraft;

(vi) Wear protective clothing, headgear, Coast Guard approved flotation gear, reserve parachute, supplemental oxygen and communication equipment as appropriate for conditions;

(vii) Fly in a manner that does not create a hazard for other persons or property;

(viii) Fly only during daylight hours, or hours otherwise specified by posting at the site;

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(ix) Do not fly over congested areas of parks or open air assembly of persons;

(x) Fly only in designated areas of parks;

(xi) Fly with visual reference to the ground surface at all times.

(xii) Do not tether paraglider to the ground or other stable nonmovable object.

(f) Not fly while under the influence of alcohol or drugs.

(4) Individuals flying remote controlled aircraft (~~and helicopters~~) must do so only within ((the designated)) flying areas designated by the director or designee and only when following the remote controlled aircraft management plan approved by the director or designee and posted for that designated area.

~~(a) ((The director or designee may permanently, or for a specified period or periods of time, close any state park area to remote controlled aircraft flying if the director or designee concludes that a remote controlled aircraft flying closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources. Prior to closing any park or park area to remote controlled aircraft flying, the director or designee shall hold a public meeting near the state park area to be closed to remote controlled aircraft flying. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee or park manager determines that it is necessary to close a remote controlled aircraft flying area immediately to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff, or park resources, the director or designee or park manager may take emergency action to close a state park area to remote controlled aircraft flying without first complying with the publication and meeting requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and meeting requirements of this subsection. The director or designee shall ensure that any designated remote controlled aircraft flying area closed to remote controlled aircraft flying is conspicuously posted as such at the entrance of the affected park area.))~~ Prior to any such designation, the director or designee shall advise and conduct a public meeting in the region where the park is located. The director shall consider the potential impacts of remote controlled aircraft flying in the proposed area, including, but not limited to, the following factors: The degree of conflict remote controlled aircraft flying may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park area designated for remote controlled aircraft flying shall be conspicuously posted as such by the director or designee.

(b) The director or designee shall establish a committee of remote controlled aircraft flying to advise park staff on park management issues related to remote controlled aircraft flying for each state park area designated as a remote controlled aircraft flying site. ~~((The director or designee shall receive all appeals on denial of flying areas being created in specific parks:))~~

(c) Each state park area with an established advisory committee of remote controlled aircraft flyers will have an

approved management plan which will specify remote controlled aircraft flying rules concerning types of aircraft, flying hours, identified approved flying zones, identified runways for take-offs and landings, engine muffler requirements, use of and posting of radio frequency, fuel spills and clean-up. The director or designee shall ensure that any remote controlled aircraft flying rules contained in the remote controlled aircraft flying management plan are conspicuously posted at the entrance of the affected park area.

~~(d) The director or designee may permanently, or for a specified period or periods of time, close any designated flying area to remote controlled aircraft flying if the director or designee concludes that a remote controlled aircraft flying closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources. Prior to closing any designated flying area to remote controlled aircraft flying, the director or designee shall hold a public meeting near the state park area to be closed to remote controlled aircraft flying. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee or park manager determines that it is necessary to close a designated flying area immediately to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff, or park resources, the director or designee or park manager may take emergency action to close a state park area to remote controlled aircraft flying without first complying with the publication and meeting requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and meeting requirements of this subsection. The director or designee shall ensure that any designated flying area closed to remote controlled aircraft flying is conspicuously posted as such at the entrance of the affected park area.~~

(e) Except as provided in WAC 352-32-310, any violation of this section or failure to abide by a conspicuously posted remote controlled aircraft flying rule is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-150 Fishing. (1) For the purposes of this section, the following definition applies: Fish are defined as all marine and freshwater fish and shellfish species including all species of aquatic invertebrates.

(2) Except for those state park areas in which harvest has been prohibited pursuant to subsection (3), (4), or (5) of this section, all state park areas are open for the harvest of fish, subject to all laws, rules, and regulations of the state department of fish and wildlife relating to seasons, limits, and methods of harvest. The director or designee may develop or amend a memorandum of agreement with the state department of fish and wildlife to guide management of state park fishing areas.

(3) No person shall remove or cause to be removed any fish from any state park area except for food fish as defined by WAC 220-12-010, shellfish as defined by WAC 220-12-

020, and game fish as defined by RCW 77.08.020 and WAC 232-12-019.

(4) The commission may, after consultation with the state department of fish and wildlife and local tribes, close state park areas to the harvest of some or all species of fish. Such state park areas shall be conspicuously posted as closed to harvest.

(5) The director or designee may temporarily close any state park area to the harvest of some or all species of fish. Any such closure may be for only so long as is necessary to bring the issue before the commission at its next scheduled regular meeting. Such state park areas shall be conspicuously posted as closed to harvest.

(a) Prior to closing any park area pursuant to this subsection, the director or designee shall hold a public hearing in the general vicinity of the park area to be closed. Prior notice of the public hearing shall be published in a newspaper of general circulation in the vicinity.

(b) In the event the director or designee determines that an immediate harvest closure is necessary to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff or (~~commission property~~) park resources, the director or designee may take emergency action to close a park to the harvest of fish without first complying with the publication and hearing requirements of this subsection. Such emergency closures may be effective for only so long as is necessary for the director or designee to comply with the publication and hearing requirements of this subsection.

(6) A list of the state park areas closed pursuant to subsection (4) or (5) of this section shall be maintained by the director or designee and be available to the public upon request.

(7) No person shall harvest or possess any fish from within a state park area posted as closed to harvest pursuant to subsection (4) or (5) of this section, except as necessary for scientific research authorized in writing by state parks.

AMENDATORY SECTION (Amending Order 104, filed 4/27/88)

WAC 352-32-15001 Little Spokane River natural area—Prohibited uses. (1) The Little Spokane River Natural Area was established by the commission to conserve a unique natural environment in a nearly undeveloped state for passive low density outdoor recreation activities. To conserve the natural resources, scenic beauty and tranquility of the area, the following are prohibited within the Little Spokane River Natural Area:

- (a) Bicycles.
- (b) Camping.
- (c) Commercial development or activities.
- (d) Consumption of alcoholic beverages.
- (e) Fires or fireworks.
- (f) Horseback riding off trails designated for equestrian use.
- (g) Hunting.
- (h) Motorized boats, (~~jet-skis~~) personal watercraft, or boats propelled by means other than oars or paddles; use of canoes, rowboats, kayaks and rafts is specifically authorized.

(i) Pets including all dogs except (~~guide dogs~~) assistance dogs for persons with disabilities.

(j) Swimming, or use of innertubes, air mattresses or similar floatation devices.

(k) Travel by foot, skis or snowshoes off designated trails or outside designated corridors.

(2) This section does not apply to (~~commission~~) government employees, or their agents in the performance of their duties, or search and rescue, medical emergency response, law enforcement or fire fighting activities. (~~It also does not apply in cases where the director or designee specifically authorizes activities in writing associated with the operational or administrative needs of the agency or state.~~)

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-155 Lakes located wholly within state parks boundaries—Internal combustion engines prohibited. (1) In order to preserve the scenic quality, peace, and tranquility and to protect and preserve the wildlife on lakes lying wholly within state park boundaries, to increase visitor safety, and to limit the degradation of lake water quality, the use of internal combustion engines on lakes lying wholly within the boundaries of state park areas is prohibited except where listed in WAC 352-32-155(2) or when authorized in writing by the director.

(2) Lakes where internal combustion engines may be used are:

Horsethief Lake in Horsethief Lake State Park.

(3) This provision does not apply to government employees (~~(of the commission, other law enforcement officers or public agency representatives while engaged)~~), or their agents in the performance of their duties, or (~~to persons or groups participating in emergency or search and rescue operations~~) search and rescue, medical emergency response, law enforcement or fire fighting activities.

(4) (~~Except as provided in WAC 352-32-310;~~) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-157 Lakes located partially within state park boundaries—Internal combustion engines prohibited. (1) In order to preserve the scenic quality, peace and tranquility, and to protect and preserve wildlife, increase visitor safety, and to limit the degradation of lake water quality, the Washington state parks and recreation commission, in conjunction with the following ordinance(s), prohibits the use of internal combustion engines on the following lakes partially within park boundaries:

Cascade Lake at Moran State Park, San Juan county ordinance 10.16.030.

(2) This provision does not apply to government employees (~~(of the commission, other law enforcement officers or governmental agency representatives while engaged)~~), or their agents in the performance of their duties, (~~or to persons~~

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~~or groups participating in emergency)) or search and rescue ((operations)), medical emergency response, law enforcement or fire fighting activities.~~

~~(3) ((Except as provided in WAC 352-32-310,)) Any violation of this section is an infraction under chapter 7.84 RCW.~~

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-165 Public assemblies, meetings. (1) Public assemblies are permitted in state park areas on grounds which are open to the public generally, provided a permit therefor has been issued as herein provided.

(2) An application for such a permit may be submitted on such forms as may be provided by the commission, or in any written form so long as the permit application sets forth the following:

- (a) Name, address and phone number of the applicant;
- (b) Date, time, duration, nature and place of the proposed event, including a description or schedule of events and activities;
- (c) Estimate of the number of persons expected to attend including the basis for the estimate;
- (d) Special equipment, including temporary structures such as speakers' stands, platforms, lecterns, chairs, benches or the like, and any sound amplification equipment to be used in connection with the event;
- (e) Special facilities, including emergency first aid, additional sanitation and refuse collection facilities, to be used in connection with the event;
- (f) Crowd control to be provided by the event sponsor;
- (g) Designation of a responsible contact individual with whom park officials may coordinate event activities, plans and preparations.

(3) The equipment and facilities referenced in subsection (2)(d) and (e), of this section, are to be provided by the event sponsor, unless other mutually satisfactory arrangements are made to use locally available commission owned equipment and facilities.

(4) The applicant must supply satisfactory evidence of arrangements for such equipment, facilities, and crowd control.

(5) The applicant must submit a completed environmental checklist along with the application. Environmental checklists are available at libraries, city planning offices, state parks, and similar outlets. Upon request, the agency will assist the applicant in completing the environmental checklist and may be compensated in accordance with agency State Environmental Policy Act (SEPA) rules, WAC 197-11-914.

(6) ~~((It is recommended that))~~ Permit applications must be submitted at least ((thirty)) sixty days in advance of the proposed event so that the information supplied in the application may be verified and so that the agency can notify and coordinate action with officials of other jurisdictions and agencies responsible for health, safety and welfare. The sixty-day time limit is also necessary in order to comply with SEPA review requirements to identify any potential environmental impacts and mitigation. This requirement for an application to be filed sixty days prior to an event may be

waived in rare circumstances where arrangements can be made in a shorter time while still complying with all other requirements of this section.

~~(7) The permit application must be submitted along with a nonrefundable permit fee as published by state parks to the ((director of the)) Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, Washington 98504-2650. The director, or designee, may issue a permit consistent with the application, or otherwise modified in a manner which is acceptable to the applicant. ((The director will issue a permit on proper application unless:~~

~~(a))) The following criteria will be evaluated in considering a permit application:~~

~~(a) The ability of the applicant to finance, plan and manage the activity in accordance with sanitation, safety, medical care, fire control, security, crowd, noise, and traffic control requirements, and consistent with the protection of park resources and image;~~

~~(b) The extent to which the proposed activity, in both nature and timing, threatens interference with customary usage of the park by members of the public or interferes with the convenience of park neighbors and the general public;~~

~~(c) The experience of the applicant in performing similar activities in the past;~~

~~(d) Measures undertaken to mitigate any changes in customary park usage or damage to park resources caused by the activity.~~

~~(8) Following an evaluation of the above listed criteria, the director or designee will issue a permit unless:~~

~~(a) The application does not adequately address the evaluation criteria; or~~

~~(b) A prior application for the same time and place has been made which has been or will be granted; or~~

~~((b)) (c) The event will present a clear and present danger to the public health or safety; or~~

~~((c)) (d) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area ((applied for)) requested. In considering this, the director or designee shall take into account the potential for significant environmental impact.~~

~~((8) All permit applications shall be deemed granted if not denied or otherwise conditioned or limited as herein specified, and the applicant advised of such action by written notification mailed, first class postage prepaid, within ten days of receipt of the application.))~~

(9) The director or designee will acknowledge receipt of the permit application within ten days. The acknowledgement will estimate the timeline for processing the application based on the complexity of the requested use. The director or designee shall make the final ruling on the permit application as soon as possible but no later than ten days prior to the proposed event. The granting of this permit does not exempt the applicant from complying with other state, county or local permit requirements nor does it excuse compliance with the State Environmental Policy Act, where applicable. A threshold determination will be made by the agency to determine potential environmental impact. Applicants should be aware that timelines may exist under the State Environmental Policy Act and implementing

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regulations which are independent of this permit requirement.

~~((9))~~ (10) All permit denials will be in writing, will contain a statement of the specific reasons for the denial, and will advise the applicants of the right to request judicial review of the denial as provided in subsection ~~((4))~~ (12) of this section.

~~((10))~~ (11) A permit issued ~~((by the director))~~ may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the event is permitted.

~~((4))~~ (a) The commission may require applicants to arrange for general liability insurance to cover participants, and the state of Washington will be named as an additional insured.

(b) The commission may require the filing of a bond with satisfactory surety payable to the state, to cover costs such as restoration, rehabilitation and cleanup of the area used, and other costs resulting from the permittee activity. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

(12) Applicants whose permit application is denied may in writing request that the commission seek judicial review of the denial, in which event the commission shall timely seek a declaratory judgment pursuant to the Uniform Declaratory Judgment Act, chapter 7.24 RCW, and Superior Court Rule 57, in the superior court for Thurston County. Such requests shall be mailed, or otherwise delivered to the Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, Washington 98504-2650, within ten days from the date the application is denied.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-195 Solicitation. Except as may be otherwise allowed in connection with a permit issued under WAC 352-32-165 or 352-32-047, or a cooperative agreement pursuant to RCW ~~((43.51.060))~~ 79A.05.070(2), no person shall engage in solicitation, or sell or peddle any services, goods, wares, merchandise, liquids, or edibles for human consumption in any state park area, except by concession or permit granted by the commission. ~~((Except as provided in WAC 352-32-310;))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-200 Expulsion from state park areas. (1) In addition to the penalty provided in RCW ~~((43.51.180))~~ 79A.05.165, or any other existing or future law of the state of Washington, failure to comply with any section of this chapter, or of any other chapter of this title, or any other rule or regulation of the commission, or with any other federal, state, or local law, rule, or regulation applicable under the circumstances, shall subject the person so failing to comply to expulsion from any state park area, for a period of time no less than forty-eight hours.

(2) All drug or alcohol related misconduct for which a citation is issued shall additionally subject the individual to expulsion from all lands administered by the commission for the following periods:

(a) One incident shall result in a ~~((twenty-four))~~ forty-eight-hour expulsion.

(b) Two incidents shall result in a thirty-day expulsion.

(c) Three incidents shall result in a one-year expulsion.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-210 Consumption of alcohol in state park areas. (1) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park or state park area is prohibited except in the following designated areas and under the following circumstances in those state parks or state park areas not posted by the director or designee as closed to alcohol pursuant to subsection (4) of this section:

(a) In designated campsites or in other overnight accommodations, by registered occupants or their guests; provided ELC users obtain written permission through state parks application process;

(b) In designated picnic areas, which shall include those sites within state park areas where picnic tables, benches, fireplaces, and/or outdoor kitchens are available, even though not signed as designated picnic areas and public meeting rooms;

(c) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager; and

(d) In any building, facility or park area operated and maintained under a concession agreement, wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(2) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages is prohibited at the following locations:

(a) Dash Point State Park;

(b) Saltwater State Park;

Except in the following designated areas and under the following circumstances:

(i) In designated campsites, or in other overnight accommodations by registered occupants or their guests.

(ii) In any building, facility or park area operated and maintained under a concession agreement wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(iii) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager.

(3) The director or designee may, for a specified period or periods of time, close any state park or state park area to

alcohol if the director concludes that an alcohol closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or ~~((commission property))~~ park resources. The director or designee shall consider factors including but not limited to the effect or potential effect of alcohol on public and employee safety, park appearance, atmosphere, and noise levels, conflicts with other park uses or users, the demand for law enforcement, and the demand on agency staff. Prior to closing any park or park area to alcohol, the director or designee shall hold a public hearing in the general area of the park or park area to be closed to alcohol. Prior notice of the meeting shall be published in a newspaper of general circulation in the area. In the event the director or designee determines that an immediate alcohol closure is necessary to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff, or ~~((commission property))~~ park resources, the director or designee may take emergency action to close a park or park area to alcohol without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and hearing requirements of this subsection.

(4) The director or designee shall ensure that any park or park area closed to alcohol pursuant to subsection (3) of this section is conspicuously posted as such at the entrance to said park or park area. Additionally, the director or designee shall maintain for public distribution a current list of all parks and park areas closed to alcohol pursuant to subsection (3) of this section.

(5) Dispensing alcoholic beverages from containers larger than two gallons is prohibited in state park areas except when authorized in writing and in advance by the park manager.

(6) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW ~~((43.51.655))~~ 79A.05.605.

(7) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park is prohibited.

(8) ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-215 Compliance with signs. ~~((It shall be a civil infraction, under chapter 7.84 RCW, to fail to abide by a prominently posted restriction on the public use of park property.))~~ Failure to abide by a prominently posted restriction on the public use of park property is an infraction, under chapter 7.84 RCW, except as provided in WAC 352-32-310.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-230 Food and beverage containers on swimming beaches. (1) The use or possession of any food or

beverage container consisting wholly or in part of glass or metal is prohibited on any beach within any state park area, where such beach is designated as a swimming area, or where such beach is customarily and generally used as a swimming area by park patrons though not designated as such.

(2) The provisions of this rule shall not apply to any portion of the seashore conservation area as designated and established by RCW ~~((43.51.655))~~ 79A.05.605.

(3) ~~((Except as provided in WAC 352-32-310,))~~ Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 97-12-042, filed 6/2/97, effective 7/3/97)

WAC 352-32-235 Use of metal detectors in state parks. The use and operation of metal detectors, as well as the removal of small contemporary materials, is permitted within selected state parks as designated by the director or designee, in accordance with all commission direction on land management, and subject to the conditions and limitations specified.

(1) The use of metal detectors is permitted only within specified portions of approved state parks as posted for public reference. Metal detecting may be allowed in an approved campsite occupied by the registered detectorist and in unoccupied campsites within approved campgrounds.

(2) The use of metal detectors within a state park shall be limited to daylight hours that the park has posted as "open." No use shall be allowed during periods of seasonal or emergency park closure, except where otherwise posted.

(3) Any person wishing to use a metal detector shall so indicate to park personnel at the park where the use is to occur, by complying with the registration process provided for such purpose.

(4) Exceptional uses of metal detectors in state parks may be allowed through the issuance of a special recreation event application, available from the agency.

(5) This section does not apply to commission employees while engaged in the performance of their duties.

(6) Persons operating metal detectors in state parks and state park areas shall:

(a) Observe all laws and regulations.

(b) Never destroy or disturb park facilities, natural features, or historical or archeological resources. No item which is, or appears to be of historical or archaeological significance, ~~((remaining from either early pioneer activity or from a native American presence,))~~ may be removed from the site at which it was found. Any such find shall be immediately reported to park personnel, and the area in which the find occurred shall not be disturbed further.

(c) Limit digging implements to ice picks, screwdrivers and probes not to exceed two inches in width and sand scoops not to exceed six inches in width and eight inches in length, containing perforations no less than one-half inch in width, to be used only on sand surfaces. Any holes dug shall be limited to six inches maximum depth and shall be immediately refilled and the surface restored to its earlier condition.

(d) Properly dispose of all found or recovered trash and litter.

(e) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities. An operator shall not allow any emitted metal detector sound audible to other park users from the Friday before Memorial Day through Labor Day.

(7) (~~Except as provided in WAC 352-32-310,~~) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 00-01-201, filed 12/22/99, effective 1/22/00)

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees to a maximum of 50% below the published fee amounts in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director or designee may consider the following factors in temporarily establishing or discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities; and

Such other considerations as the director or designee deems appropriate. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services.

(1) The director or designee may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized (~~vehicle; primitive campsite~~) for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW ((43.51.052)) 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(9) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(10) Watercraft launch site permit fee - charged according to facilities provided. Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(11) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the (~~commis-~~

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tion)) director or designee. Permit must be displayed as instructed on permit backing;

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(13) Popular destination park - a surcharge will apply for use of standard or utility campsite located in a popular destination park during such periods as the director may specify;

(14) Water trail site permits -

(a) ~~For unlimited use within the calendar year, the annual fee ((to)) will be set by the director or designee after consultation with the water trail advisory committee((, based on a cumulative charge of \$1.00 per site available for public use at the start of the calendar year))~~;

(b) ~~For one day/night use within the calendar year, the annual fee ((to)) will be set by the director after consultation with the water trail advisory committee((, based on a cumulative charge of \$.35 per site available for public use at the start of the calendar year))~~;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

(15) ~~((A surcharge per collection))~~ In addition to the regular fee, a per night surcharge shall be ((assessed)) imposed for ((any staff collected fee at a)) failure to pay the self-registration overnight facility fee;

(16) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(17) Reservation transaction - fee will be charged as published by state parks;

(18) Moorage facilities - fee will be charged as published by state parks;

(19) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(20) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(21) Commercial recreation provider permit - ~~((effective January 1, 1998,))~~ a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(22) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(23) Special groomed trail permit - a state-wide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(24) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

(25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW ~~((43.51.055))~~ 79A.05.065, and have been residents of Washington state for at least one year shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder's camping party to free admission to any state park administered facility, free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in any campsite fees, moorage fees, or watertrail permit fees levied by the commission. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria shall be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW ~~((43.51.055))~~ 79A.05.065, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a five year disability pass at no charge and temporarily disabled persons who meet the eligibility requirements of RCW ~~((43.51.055))~~ 79A.05.065 and have been residents of Washington state for at least one year shall, upon application to the commission, receive a one year disability pass at no charge which entitles the holder's camping party to free admission to any state park administered facility, free use of trailer dump stations, watercraft launch sites, and

to a 50 percent reduction in any campsite fees, moorage fees, or watertrail permit fees levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW ((43.51.055)) 79A.05.065, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a lifetime disabled veteran pass at no charge which entitles the holder's camping party to free admission to any state park administered facility and to free use of any state park campsite, trailer dump station, watercraft launch site, moorage facility, water-trail permit, and reservation service.

(4) Applications for limited income senior citizen, disability, and disabled veteran passes shall be made on forms prescribed by the commission.

(5) Verification of age shall be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, or driver's license. Verification of residency shall be by original or copy of a Washington state driver's license, voter's registration card, or senior citizen property tax exemption.

(6) For pass holders who travel by car or recreational vehicle, camping party shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping party of a pass holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant, and the total number of guests of the holder do not exceed seven.

(7) For pass holders who travel by a mode of transportation other than car or recreational vehicle, camping party shall include the pass holder and up to seven guests who travel with the pass holder and use one campsite or portion of a designated group camping or emergency area.

(8) If the conditions of a pass holder change during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW ((43.51.055)) 79A.05.065 and WAC 352-32-251, the pass holder shall return a pass to the commission.

AMENDATORY SECTION (Amending WSR 95-22-067, filed 10/30/95, effective 1/1/96)

WAC 352-32-255 Self-registration. In those parks so posted by the commission, park visitors shall register for the use of facilities and shall pay the appropriate fee, on a self-registration basis, in accordance with all posted instructions. ((Except as provided in WAC 352-32-310,)) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 95-22-067, filed 10/30/95, effective 1/1/96)

WAC 352-32-280 Applicability of standard fees. The fees published by state parks pursuant to RCW ((43.41.060)) 79A.05.070(6), shall not apply in the following circumstances:

(1) Whenever fees are charged by a concessionaire pursuant to a valid concession agreement granted by the commission pursuant to RCW ((43.51.040)) 79A.05.030(5).

(2) Whenever fees are established pursuant to a development or management plan authorized or directed to be prepared by the legislature or state agency other than the commission, as, for example the Fort Worden State Park development and management plans.

(3) Whenever any law enforcement officer occupies a campsite if the following conditions are met.

(a) The law enforcement officer's authority is effective in the geographic area where the campsite is located.

(b) The park manager, or his representative, has determined that the officer's police powers may be useful in maintaining a peaceful environment in the park.

(c) The officer agrees to act in his official capacity if requested by park staff.

(4) Whenever any improvement club or voluntary association, or committees representing such clubs or associations, acting pursuant to the commission's permission granted pursuant to RCW ((43.51.130—43.51.160)) 79A.05.140 - 79A.05.155, utilizes any park facilities. Continuous occupancy of facilities by the same person or persons qualifying under this subsection shall be limited to 30 consecutive nights, unless otherwise approved by the director or designee.

(5) Whenever any individual, appointed by a court of law to perform work in a park in lieu of other sentencing, utilizes any park facilities.

(6) Whenever any individual utilizes any park facility in accordance with the terms of any contract, lease, or concession agreement, with the commission.

The limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

AMENDATORY SECTION (Amending WSR 95-22-067, filed 10/30/95, effective 1/1/96)

WAC 352-32-285 Applicability of standard fees to volunteers in parks. The fees published by state parks pursuant to RCW ((43.51.060)) 79A.05.070(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

(1) The park manager has determined that the personal service is desirable;

(2) The service performed does not replace or supplant that which would otherwise be performed by parks employees or contractors;

(3) The service performed is not one commonly performed by members of an organized trade union;

(4) The service performed does not result in any type of development which will necessarily create future operating costs to the commission;

(5) The volunteer shall perform personal services under the following provisions.

(a) At least four hours of service are provided per day; alternatively

(b) At least twenty-eight hours of service are provided per seven-day week, spread over at least five days.

(c) If more than four hours, but less than twenty-eight hours of volunteer service are provided during a seven-day week, a prorated waiver of fees equivalent to (b) of this subsection may be offered by the park manager.

(d) Volunteer time accumulated may not be carried forward for credit in subsequent weeks.

(e) The waiver of standard fees shall apply only at the park where such personal services were performed unless volunteer is participating in volunteer passport program.

The limit placed on any camper by WAC 352-32-030(7) shall not apply to persons qualifying under this section. Continuous occupancy of facilities by the same person or persons qualifying under this section shall be limited to thirty consecutive nights, unless otherwise approved by the director or designee.

This section does not expand or limit the provisions of RCW ((43.51.130 through 43.51.160)) 79A.05.140 through 79A.05.155.

AMENDATORY SECTION (Amending WSR 96-01-078, filed 12/18/95, effective 1/18/96)

WAC 352-32-290 Wood debris collection permit—

Fee. (1) As used in this section "wood debris" means down and dead tree material that may be removed without significantly adversely impacting the environment of the park at which it is located and that is surplus to the needs of such park.

(2) A person may collect and remove wood debris from a state park area only when a park ranger has issued the person a wood debris collection permit.

(3) A wood debris collection permit is valid only at the state park at which the permit is issued.

(4) Subject to availability, for each wood debris collection permit issued, a person may collect and remove from a state park area not more than five cords of wood debris. Wood debris may be collected only for personal firewood use and only from sites and during time periods designated by a park ranger.

(5) The nonrefundable fee for a wood debris collection permit shall be established by the director consistent with limitations identified in RCW 4.24.210, ((43.51.045)) 79A.05.035 and 43.52.065.

(6) This section shall be implemented in compliance with chapter 352-28 WAC.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-330 Commercial recreation providers—Permits. (1) Commercial recreation providers are required to register in order to engage in commercial recreational use of state parks. ((Effective January 1, 1998,)) Commercial recreation providers are required to register and possess a commercial recreation provider permit in order to engage in commercial recreational use of state parks. Registration for commercial recreation provider permits requires completion of application forms, providing proof of insurance and paying the appropriate fees. The commission shall

establish the permit and registration fees and the director shall set the amount of the fees.

(2) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

WSR 00-09-089
EXPEDITED ADOPTION
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed April 19, 2000, 8:43 a.m.]

Title of Rule: Family child day care minimum licensing requirements, chapter 388-155 WAC.

Purpose: To provide minimum licensing requirements for family child care homes. February 24, 2000, thirty-eight WACs of chapter 388-155 WAC were amended. All were changed, in compliance with the governor's order to simplify and clarify, to say "must" instead of "shall." This expedited adoption will change "shall" to "must" in the other WAC in chapter 388-155 WAC. This will create a smoother and clearer document. Add area code to WAC 388-155-270 (6)(c).

Other Identifying Information: Change "shall" to "must" in WAC 388-155-020, 388-155-040, 388-155-050, 388-155-060, 388-155-085, 388-155-090, 388-155-092, 388-155-093, 388-155-094, 388-155-095, 388-155-098, 388-155-160, 388-155-190, 388-155-330, 388-155-370, 388-155-380, 388-155-420, 388-155-480, 388-155-605, 388-155-610, 388-155-620, 388-155-630, 388-155-640, 388-155-650, 388-155-660, 388-155-670, 388-155-680; add area code in WAC 388-155-270 (6)(c) (inadvertently omitted).

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: WACs cited above will have the word "shall" changed to "must" throughout. This will make the intent more clear. Area code that was inadvertently omitted will be added.

Reasons Supporting Proposal: Governor's Initiative to clarify and simplify rules.

Name of Agency Personnel Responsible for Drafting: Leslie Edwards-Hill, 14th and Jefferson, Olympia, Washington 98504-5700, (360) 902-8041; Implementation and Enforcement: Office of Care Policy, 14th and Jefferson, Olympia, Washington 98504-5700, (360) 902-8041.

Name of Proponent: Office of Child Care Policy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The word "shall" will be changed to "must" throughout the text, which will clarify the intent of the rule. This is also in conformity with the clear rule writing style and principles. It will be easier for providers to understand that rules with "must" are mandatory. Area code that was omitted will be added so that providers can utilize the phone number.

Proposal Changes the Following Existing Rules: This changes existing rules by adding an area code which was omitted inadvertently in the adopted rules. The word "shall" will be changed to "must" throughout the text, which will clarify the intent of the rule.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR

THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Paige Wall, Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98503-5850, fax (360) 664-6185, AND RECEIVED BY July 5, 2000.

April 14, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-040 Local ordinances and codes. The department ((shall)) must issue or deny a license on the basis of the applicant's compliance with minimum licensing and procedural requirements. Local officials ((shall)) must be responsible for enforcing city ordinances and county codes, such as zoning and building regulations.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-050 Waivers. (1) In an individual case, the department, for good cause, may waive a specific requirement and may approve an alternate method of achieving the specific requirement's intent if the:

(a) Licensee or applicant submits to the department a written waiver request fully explaining the circumstances necessitating the waiver; and

(b) Department determines waiver approval will not jeopardize the safety or welfare of the child in care or detract from the quality of services the licensee delivers.

(2) The department may approve a waiver request only for a specific purpose or child and for a specific period of time not exceeding the expiration date of the license.

(3) The department may limit or restrict a license issued in conjunction with a waiver.

(4) The licensee ((shall)) must maintain on the premises a copy of the written waiver approval.

(5) The department's denial of a waiver request ((shall)) must not be subject to appeal under chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-060 Dual licensure. The department ((shall)) must not issue a family child care home license to the applicant having a foster family home license or other license involving full-time care or permit simultaneous care for the child and adult on the same premises. An exception may be granted if the applicant or licensee:

(1) Demonstrates evidence that care of one client category will not interfere with the quality of care provided to another category of clients;

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(2) Requests and obtains a waiver permitting dual licensure;

(3) Maintains the most stringent maximum capacity limitation for the client categories concerned; and

(4) Where the licensee desires to exceed the most stringent maximum capacity limitation, requests an additional waiver to subsection (3) above. This additional waiver request may be written on one form with the request for dual licensing.

AMENDATORY SECTION (Amending WSR 96-20-095, filed 10/1/96, effective 11/1/96)

WAC 388-155-085 Initial license. (1) The department may issue an initial license to an applicant not currently licensed to provide child day care when the applicant:

(a) Can demonstrate compliance with the rules contained in this chapter pertaining to the health and safety of the child in care; but

(b) Cannot demonstrate compliance with the rules pertaining to:

(i) Provider-child interactions,

(ii) Capacity,

(iii) Behavior management,

(iv) Activity and routines,

(v) Child records and information, and

(vi) Other rules requiring department observation of the applicant's ability to comply with rules.

(c) Can provide a plan, acceptable to the department, to comply with rules found in subsection (1)(b) of this section.

(2) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(3) The department ((~~shall~~)) must evaluate the applicant's ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(4) The department may issue a full license to the applicant demonstrating compliance with all rules contained in this chapter at any time during the period of initial licensure.

(5) The department ((~~shall~~)) must not issue a full license to the applicant who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.

AMENDATORY SECTION (Amending Order 3974, filed 4/26/96, effective 5/27/96)

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

(a) ((~~Shall~~)) must consider the persons' qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department ((~~shall~~)) must deny, suspend, revoke, or not renew the license of a person who:

(a) Has abused, neglected, or sexually exploited a child as those acts or omissions are defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal, department of health, or state auditor's office to inspect the premises; or

(g) Refuses to permit an authorized representative of the department, the department of health, or the state auditor's office access to records related to operation of the home or to interview an assistant or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the home is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the home is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the home;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department-requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department ((~~shall~~)) must not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to

warrant public trust and to operate the home in accordance with the rules of this chapter.

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

AMENDATORY SECTION (Amending WSR 96-20-095, filed 10/1/96, effective 11/1/96)

WAC 388-155-092 Civil penalties. (1) Before imposing a civil penalty, the department ((shall)) must provide written notification by personal service, including by the licensor, or certified mail which ((shall)) must include:

- (a) A description of the violation and citation of the applicable requirement or law;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance;
- (d) The maximum allowable penalty if timely compliance is not achieved;
- (e) The means to contact any technical assistance services provided by the department or others; and
- (f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) The length of time in which to comply ((shall)) must depend on:

- (a) The seriousness of the violation;
 - (b) The potential threat to the health, safety and welfare of children in care; or
 - (c) Previous opportunities to correct the deficiency.
- (3) The department may impose a civil penalty based on but not limited to these reasons:
- (a) The child care home has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or
 - (b) The child care home has previously been given notice of the same or similar type of violation of the same statute or rule; or
 - (c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.
- (4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) The civil fine ((shall)) must be payable twenty-eight days after receipt of the notice or later as specified by the department.

(6) The fine may be forgiven if the agency comes into compliance during the notification period.

(7) The center or person against whom the department assesses a civil fine has a right to an adjudicative proceeding as governed by RCW 43.20A.215.

AMENDATORY SECTION (Amending WSR 96-20-095, filed 10/1/96, effective 11/1/96)

WAC 388-155-093 Civil penalties—Amount of penalty. Whenever the department imposes a civil monetary penalty per WAC 388-155-092(3), the department ((shall)) must impose a penalty of seventy-five dollars per violation per day. The department may assess and collect the penalty with interest for each day of noncompliance.

AMENDATORY SECTION (Amending WSR 96-20-095, filed 10/1/96, effective 11/1/96)

WAC 388-155-094 Civil penalty—Posting of notice of penalty. (1) The licensee ((shall)) must post the final notice of a civil penalty in a conspicuous place in the facility.

(2) The notice ((shall)) must remain posted until payment is received by the department.

AMENDATORY SECTION (Amending WSR 96-20-095, filed 10/1/96, effective 11/1/96)

WAC 388-155-095 Civil penalties—Unlicensed programs. Where the department has determined that an agency is operating without a license, the department ((shall)) must send written notification by certified mail or other means showing proof of service. This notification ((shall)) must contain the following:

- (1) Advising the agency of the basis of determination of providing child care without a license and the need to be licensed by the department;
- (2) The citation of the applicable law;
- (3) The assessment of seventy-five dollars per day penalty for each day unlicensed care is provided. The fine would be effective and payable within thirty days of receipt of the notification;
- (4) How to contact the office of child care policy;
- (5) The need to submit an application to the office of child care policy within thirty days of receipt of the notification;
- (6) That the penalty may be forgiven if the agency submits an application within thirty days of the notification; and
- (7) The right of an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91)

WAC 388-155-160 Off-site trips. (1) The licensee may transport or permit the off-site travel of the child to attend school, participate in field trips, or engage in other off-site activities only with written parental consent.

(2) The parent's consent may be:

- (a) For a specific date and trip; or
- (b) A blanket authorization describing the full range of trips the child may take. In such case, the licensee ((shall)) must notify the parent in advance about the trip.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-190 Capacity. (1) The department ((shall)) **must** determine the maximum capacity of the family child care home based on the:

- (a) Licensee's experience and training;
- (b) Assistant's qualifications;
- (c) Number, ages, and characteristics of the children cared for;
- (d) Number and ages of the licensee's own children and other children residing in the home eleven years of age and under;
- (e) Usable indoor and outdoor space; and
- (f) Supply of toys and equipment.

(2) The department may license the family child care home according to the following table:

NUMBER OF PROVIDERS REQUIRED	AGE RANGE IN YEARS	MAXIMUM NUMBER OF CHILDREN UNDER TWO YEARS OF AGE	MAXIMUM NUMBER OF CHILDREN
(a) Licensee	Birth - 11	2	6
(b) Licensee with one year experience	2 - 11	None	8
(c) Licensee with one year experience	5 - 11	None	10
(d) Licensee with one year experience plus assistant	Birth - 11	4	9
(e) Licensee with two years' experience and one early childhood education (ECE) class	3 - 11	None	10
(f) Licensee with two years' experience and one ECE class plus assistant	Birth - 11	4	12

So that the:

- (a) Unassisted licensee may provide care for a maximum of six children, birth through eleven years of age, with two or fewer children under two years of age; or
- (b) Unassisted licensee with one year of experience operating a licensed family child care home or the equivalent experience may provide care for a maximum of eight children, two years through eleven years of age; or
- (c) Unassisted licensee with one year of experience operating a licensed family child care home or the equivalent experience may provide care for a maximum of ten children, five years through eleven years of age; or
- (d) Licensee with one year of experience as a licensed family child care home provider or the equivalent experience and an assistant may provide care for seven through nine children, birth through eleven years of age, with four or fewer children under two years of age; or

(e) Unassisted licensee with two years of experience operating a licensed family child care home or the equivalent experience and one class in ECE, or the equivalent education, may provide care for a maximum of ten children, three years through eleven years of age; or

(f) Licensee with two years of experience operating a licensed family child care home or the equivalent experience, one class in ECE or the equivalent education, and a qualified assistant may provide care for a maximum of twelve children, birth through eleven years of age, with four or fewer children under two years of age.

(3) The licensee ((shall)) **must** ensure an assistant is on the premises when:

- (a) Three or more children under two years of age are in care;
- (b) Seven or more children are in care and any child in care is under two years of age; or
- (c) More than ten children are in care.

(4) The department's determination of capacity shall include all children eleven years of age or under on the premises.

(5) The licensee ((shall)) **must** ensure the assistant is eighteen years of age or older when the assistant is solely responsible for the child in care.

AMENDATORY SECTION (Amending WSR 00-06-040, filed 2/28/00, effective 3/30/00)

WAC 388-155-270 Care of young children. (1) Diapering and toileting. The licensee must ensure:

- (a) The diaper-changing area is:
 - (i) Separate from food preparation areas; and
 - (ii) Easily accessible to a handwashing sink other than a sink used for food preparation;
 - (iii) Sanitized between use for different children; or
 - (iv) Protected by a disposable covering discarded after each use.
- (b) The diaper-changing area is impervious to moisture and washable.
- (2) The licensee must:
 - (a) Use a nonabsorbent pad large enough for the child's upper body and buttocks;
 - (b) Use reusable diapers, a commercial diaper service, or disposable diapers;
 - (c) Place soiled diapers without rinsing into a separate, cleanable, covered container provided with a waterproof liner before transporting to a laundry, parent, or acceptable disposal;
 - (d) Remove soiled diapers from the home daily or more often unless the licensee uses a commercial diaper service;
 - (e) Use disposable towels or clean, reusable towels laundered between use for different children for cleaning the child; and
 - (f) Wash hands after diapering the child or helping the child with toileting.
- (3) The licensee must:
 - (a) Consult with the child's parent regarding initiating toilet training;
 - (b) Locate potty chairs on washable, nonabsorbent surfaces in appropriate toileting area when in use; and

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(c) Sanitize toilet training equipment after each use.

(4) Feeding. The licensee and the infant's parent must agree on a schedule for feedings:

(a) The licensee or parent may provide the child's bottle feeding in the following manner:

(i) A filled bottle brought from home;

(ii) Whole milk or formula in ready-to-feed strength; or

(iii) Formula requiring no preparation other than dilution with water, mixed on the premises, following manufacturer's directions.

(b) The licensee must prepare the child's bottle and nipple in a sanitary manner in an area separate from the diapering area.

(c) The licensee must sanitize the child's bottle and nipple between uses.

(d) The licensee must label the bottle with the child's name and date prepared, if more than one bottle-fed child is in care.

(e) The licensee must refrigerate a filled bottle if the child does not consume the contents immediately and discard the bottle's contents if the child does not consume the contents within twelve hours.

(f) To ensure safety and promote nurturing, the licensee and assistant must:

(i) Hold the child in a semi-sitting position for feeding, if the child is unable to sit in a high chair, unless such is against medical advice;

(ii) Interact with the child;

(iii) Not prop a bottle;

(iv) Not give a bottle to the reclining child; and

(v) Take the bottle from the child when the child finishes feeding.

(g) The licensee must provide semi-solid food for the child, upon consultation with the parent, as recommended by the child's health care provider.

(5) Sleeping equipment. The licensee must furnish the child a single-level crib, infant bed, bassinet, or play pen for napping until such time the parent and licensee agree the child can safely use a mat, cot, or other approved sleep equipment.

(6) The licensee must ensure the young child has a sturdy crib, infant bed, bassinet, or play pen:

(a) Made of wood, metal, or plastic with secure latching devices; and

(b) Constructed with two and three-eighths inches or less space between vertical slats when the crib is used for a child six months of age or younger; and

(c) The licensee must follow the recommendations of the American Academy of Pediatrics (1-800-505-CRIB (~~1-800-505-CRIB~~)), placing infants on their backs each time for sleep. The provider may use a different sleep position if the parent requests it in writing.

(7) The licensee must ensure the child's crib mattress, infant bed, bassinet, or play pen mattress is:

(a) Snug fitting, preventing the infant from being caught between the mattress and crib side rails; and

(b) Waterproof, easily sanitized, and in good repair.

(8) Activities and equipment. The licensee must provide the young child a daily opportunity for:

(a) Large and small muscle development;

(b) Crawling and exploring;

(c) Sensory stimulation;

(d) Social interaction;

(e) Development of communication; and

(f) Learning self-help skills.

(9) The licensee must provide safe, noningestible, suitable toys and equipment for the young child's mental and physical development.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-330 Indoor play area. (1) The home's indoor premises (~~(shall)~~ **must**) contain adequate space for child play and sufficient space to house developmentally appropriate activities for the number and age range of children served. The licensee (~~(shall)~~ **must**) provide a minimum of thirty-five square feet of usable floor space per child, exclusive of a bathroom, hallway, and closet.

(2) The licensee may use and consider the napping area as child care space if mats and cots are removed when not in use. The licensee may consider the kitchen usable space if:

(a) Appliances and utensils do not create a safety hazard;

(b) Toxic or harmful substances are not accessible to the child;

(c) Food preparation and storage sanitation is maintained; and

(d) The space is used safely and appropriately as a child care activity area.

(3) The licensee may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided:

(a) The room is of sufficient size; and

(b) The room's use for one purpose does not interfere with use of the room for another purpose.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-370 Storage. (1) The licensee (~~(shall)~~ **must**) provide accessible individual space for the child to store clothes and personal possessions.

(2) The licensee (~~(shall)~~ **must**) provide sufficient space to store equipment, supplies, records, files, cots, mats, and bedding.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-380 Home atmosphere. (1) The licensee (~~(shall)~~ **must**) provide a cheerful learning environment for the child consistent with a family home environment by placing visually stimulating decorations, pictures, or other attractive materials at appropriate heights for the child.

(2) The licensee (~~(shall)~~ **must**) maintain a safe and developmentally appropriate noise level, without inhibiting normal ranges of expression by the child, so provider and child can be clearly heard and understood in normal conversation.

(3) The licensee ((shall)) must locate light fixtures and provide lighting intensities promoting good visibility and comfort for the child in care.

(4) The licensee ((shall)) must maintain the temperature within the home at:

(a) Sixty-eight degrees Fahrenheit or more during the child's waking hours; and

(b) Sixty degrees Fahrenheit or more during the child's napping or sleeping hours.

(5) The licensee ((shall)) must ventilate the home for the health and comfort of the child in care.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-420 Child abuse, neglect, and exploitation. The licensee and assistant ((shall)) must protect the child in care from child abuse, neglect, or exploitation as required under chapter 26.44 RCW.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-480 Reporting of death, injury, illness, epidemic, or child abuse. The licensee ((shall)) must report immediately:

(1) A death, serious injury requiring medical treatment, or illness requiring hospitalization of a child in care, by telephone and in writing, to the parent, licensor, and child's social worker, if any;

(2) An instance when the licensee or assistant has reason to suspect the occurrence of physical, sexual, or emotional child abuse, child neglect, or child exploitation, as required under chapter 26.44 RCW, by telephone, to child protective services or local law enforcement; or

(3) An occurrence of food poisoning or communicable disease, as required by the state board of health, by telephone, to the local public health department.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-605 Hazardous areas. Rooms or spaces containing a commercial-type kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, painting operation, or parking garage ((shall)) must be separated from the family child day care home or any exits by a fire wall.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-610 Single station smoke detectors. (1) Smoke detectors ((shall)) must be located in all sleeping and napping rooms in family child day care homes.

(2) In family child day care homes with more than one story, and in family child day care homes with basements, a smoke detector ((shall)) must be installed on each story and in the basement.

(3) In family child day care homes where a story or basement is split into two or more levels, the smoke detector ((shall)) must be installed in the upper level, except that when the lower level contains a sleeping or napping area, a smoke detector ((shall)) must be located on each level.

(4) When sleeping or napping rooms are on an upper level, the smoke detector ((shall)) must be placed on the ceiling of the upper level in close proximity to the stairway and in each sleeping/napping room.

(5) In a family child day care home where the ceiling height of a room open to the hallway serving sleeping or napping rooms exceeds that of the hallway by twenty-four inches or more, smoke detectors ((shall)) must be installed in both the hallway and the sleeping/napping room.

(6) Smoke detectors ((shall)) must sound an alarm audible in all areas of the building.

(7) In new construction, required smoke detectors ((shall)) must receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring ((shall)) must be permanent and without a disconnecting switch other than those required for overcurrent protection.

(8) Smoke detectors may be battery operated when installed in existing buildings or buildings without commercial power.

(9) Where battery operated smoke detectors are installed, at least one extra battery of the type and size specified for the battery operated smoke detector ((shall)) must be maintained upon the premises.

(10) Single station smoke detectors ((shall)) must be tested at monthly intervals or in a manner specified by the manufacturer. Records of such testing shall be maintained upon the premises.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-620 Alternate means of sounding a fire alarm. In addition to single station smoke detectors, family child day care homes ((shall)) must provide an alternate means for sounding a fire alarm. A police type whistle or similar device is adequate for meeting this requirement, provided that whatever method is selected is limited to an evacuation emergency only.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-630 Fire extinguisher. (1) At least one approved 2A, 10B:C rated fire extinguisher ((shall)) must be provided on each floor level occupied for day care use. Such extinguisher ((shall)) must be located in the area of the normal path of egress. The maximum travel distance to an extinguisher shall not exceed seventy-five feet.

(2) Fire extinguishers ((shall)) must be operationally ready for use at all times.

(3) Fire extinguisher ((shall)) must be kept on a shelf or mounted in the bracket provided for this purpose so that the top of the extinguisher is not more than five feet above the floor.

(4) The licensee ((~~shall~~)) must ensure that fire extinguishers receive annual maintenance certification by a firm specializing in and licensed to do such work. Maintenance means a thorough check of the extinguisher to include examination of:

- (a) Mechanical parts;
- (b) Extinguishing agent; and
- (c) Expelling means.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-640 Fire prevention. (1) The licensee ((~~shall~~)) must ensure that the local fire department is requested to visit the family child day care home to become familiar with the facility and to assist in planning evacuation or emergency procedures. Where a fire department does not provide this service, the licensee ((~~shall~~)) must document this contact.

(2) Furnace rooms ((~~shall~~)) must be maintained free of lint, grease and rubbish accumulations and other combustibles and suitably isolated, enclosed or protected.

(3) Flammable or combustible materials ((~~shall~~)) must be stored away from exits and in areas which are not accessible to children. Combustible rubbish shall not be allowed to accumulate and ((~~shall~~)) must be removed from the building or stored in closed, metal containers.

(4) The licensee ((~~shall~~)) must keep all areas used for child care clean and neat, making sure that all waste generated daily is removed from the building and disposed of in a safe manner outside the building. All containers used for the disposal of waste material ((~~shall~~)) must be of noncombustible materials with tops. Electrical motors shall be kept dust-free.

(5) Open-flame devices capable of igniting clothing ((~~shall~~)) must not be left on, unattended or used in a manner which could result in an accidental ignition of children's clothing. Candles ((~~shall~~)) must not be used.

(6) A flashlight ((~~shall~~)) must be available for use as an emergency power source.

(7) All electrical circuits, devices and appliances ((~~shall~~)) must be properly maintained. Circuits ((~~shall~~)) must not be overloaded. Extension cords and multi-plug adapters ((~~shall~~)) must not be used in lieu of permanent wiring and proper receptacles.

(8) The use of portable space heaters of any kind is prohibited.

(9) Approved numbers or addresses ((~~shall~~)) must be placed on all new and existing homes and in the driveway to the house when the house is not visible from the road. The numbers or address ((~~shall~~)) must be in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers ((~~shall~~)) must contrast with their background.

(10) Fireplaces, woodstoves, similar devices and their connections ((~~shall~~)) must be approved by the local building official. If the woodstove is used as a sole source of heat or is used during hours of operation, such devices ((~~shall~~)) must be cleaned, maintained and inspected on at least an annual basis by a person or firm specializing in such work and licensed.

Where open flames and/or hot surfaces are accessible, approved barriers ((~~shall~~)) must be erected to prevent children from coming in contact with the open flames and/or hot surfaces.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-650 Sprinkler system maintenance. Sprinkler systems, if installed, ((~~shall~~)) must be tested on an annual basis by a person or agency qualified by licensing. The results of the system test ((~~shall~~)) must be documented on forms provided by the licensor and maintained at the home for inspection by the licensor.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-660 Fire evacuation plan. Each home ((~~shall~~)) must develop written fire evacuation plans. The evacuation plan ((~~shall~~)) must include an evacuation floor plan, identifying exit doors and windows, that ((~~shall~~)) must be posted at a point clearly visible to the assistant and parents. Plans ((~~shall~~)) must include the following:

- (1) Action to be taken by the person discovering a fire;
- (2) Method to be used for sounding an alarm on the premises;
- (3) Action to be taken for evacuation of the building and assuring accountability of the children; and
- (4) Action to be taken pending arrival of the fire department.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-670 Fire evacuation drill. A fire evacuation drill ((~~shall~~)) must be conducted at least once each month. A written record, the fire safety record and evacuation plan, ((~~shall~~)) must be maintained and posted on the premises indicating the date, time and other required entries on the form. Such forms are available from the office of child care policy.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-680 Staff training. The licensee and each employee or assistant ((~~shall~~)) must be familiar with all elements of the fire evacuation plan and must be capable of accomplishing the following:

- (1) Operation of fire extinguisher installed on the premises.
- (2) Testing smoke detectors (single station types).
- (3) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards noted during the inspection. Such inspections should be conducted on a monthly basis and records kept on the premises for review by the licensor.must

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 00-10-038
EXPEDITED ADOPTION
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed April 25, 2000, 2:37 p.m.]

Title of Rule: Coastal commercial and personal use fishing rules.

Purpose: Amend coastal bottom fish rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Sets 2000 coastal bottomfish catch limits and reporting requirements.

Reasons Supporting Proposal: The coastal bottomfish limits are set upon recommendation of the Pacific Fisheries Management Council. These limits will allow for harvest of available surplus above broodstock requirements. The council has recommended both commercial and recreational limitations.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Coastal bottomfish limits are set in accordance with federal guidelines. Conservation of bottomfish (termed "groundfish" in the federal register) will require trip and cumulative limits. The department is requiring trawl logbook information to better monitor the fishery. Research-caught fish are exempted from the limits. This will promote data collection. Whiting processors are required to enter into an agreement with the department in order that they may receive unsorted catches. This will allow the department to accurately measure the by-catch and use proceeds from the by-catch sale for management.

Proposal Changes the Following Existing Rules: Changes annual bottomfish quota and reporting requirements.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Rules Coordinator,

Washington State Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY July 5, 2000.

April 25, 2000

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 98-121, filed 7/7/98, effective 8/7/98)

WAC 220-44-050 Coastal bottomfish catch limits. (1)

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 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes ((shown below for the species indicated. All weights are in round pounds:

(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. For B-platoon vessels (see (b) of this subsection) a calendar month is the 16th of the month through the 15th of the following month. B-platoon vessels may take the final two cumulative limits during the November 16-December 31 period with no restriction on the amount of the total which can be harvested in either calendar month. 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 month period, 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, except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two month cumulative periods for B-platoon vessels are January 16-March 15, March 16-May 15, May 16-July 15, July 16-September 15, September 16-November 15, and November 16-December 31. 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 except for vessels in the B-platoon during November 16-December 31, during which the two-month cumulative limit may be taken with no percentage restriction. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods begins on the 16th of the first month of the B-platoon two-month cumulative period as set out above through the 15th of the following month and the second calendar month begins on the 16th of the second month through the end of the two-month cumulative 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 fisher-~~

ies. 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 are not landed until after the beginning of the next two-month cumulative period.

(e) ~~Vessel trip.~~ A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(d) ~~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.

(e) ~~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 local time.

(f) ~~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.

(g) ~~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.

(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-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63:

(a) ~~Pacific Ocean perch.~~ Two-month cumulative limit of 8,000 pounds. No minimum size.

(b) ~~Widow rockfish.~~ Two-month cumulative limit of 25,000 pounds. No minimum size.

(c) ~~Shortbelly rockfish.~~ No maximum poundage. No minimum size.

(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.)—Two-month cumulative limit of 40,000 pounds, of which no more than 11,000 pounds may be yellowtail rockfish and no more than 15,000 pounds may be canary rockfish. No minimum size on any species in this category.

(f) ~~DTS Complex (sablefish, dover sole and thornyhead rockfish).~~ For the January-February two-month cumulative period, two-month cumulative limit of 59,000 pounds, of which not more than 40,000 pounds may be Dover sole; not more than 5,000 pounds may be sablefish for trawl vessels and not more than 1,500 pounds may be sablefish for non-trawl vessels; not more than 10,000 pounds may be longspine

thornyhead rockfish, and not more than 4,000 pounds may be shortspine thornyhead. Effective 12:01 a.m., March 1, two-month cumulative limit of 37,000 pounds, of which not more than 18,000 pounds may be Dover sole; not more than 5,000 pounds may be sablefish for trawl vessels and not more than 1,500 pounds may be sablefish for non-trawl vessels; not more than 10,000 pounds may be longspine thornyhead rockfish, and not more than 4,000 pounds may be shortspine thornyhead.

(g) ~~Sablefish.~~

(i) ~~Trawl vessels.~~ Not more than 500 pounds of sablefish per trip may be sablefish less than 22 inches total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(ii) ~~Non-trawl vessels.~~ Daily trip limit of 300 pounds not to exceed 1,500 pounds in any single calendar month. The 60 percent restriction does not apply to non-trawl vessel sablefish landings. No minimum size.

(h) ~~Pacific whiting.~~ Vessel trip limit of 10,000 pounds. No minimum size.

(i) ~~Lingcod.~~ Two-month cumulative limit of 1,000 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 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. It is lawful to land up to 100 pounds of lingcod under 24 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-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit or exceed fifty percent of a groundfish limited entry fishery two-month cumulative limit:

(a) ~~Sablefish.~~ Daily trip limit of 300 pounds (round weight) not to exceed 600 pounds in any two-month cumulative period. The 60 percent restriction does not apply to open access sablefish landings. No minimum size.

(b) ~~Rockfish.~~

Vessel trip limit of 10,000 pounds. Cumulative trip limit of 40,000 pounds except black rockfish and thornyhead rockfish.

(c) ~~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.

(d) ~~Lingcod.~~ Two-month cumulative limit of 1,000 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 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. The 60 percent restriction does not apply to open access lingcod landings.

(e) Thornyhead rockfish—Illegal to take, possess, transport or land thornyhead rockfish.

(4) It is unlawful for the operator of any vessel during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative limit, vessel trip limit, or a daily trip limit.

(5) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section must be retained aboard the landing vessel for 90 days after landing)) established by the Pacific Fisheries Management Council and published in the *Federal Register*, Volume 65, No. 2, beginning on page 221, published January 4, 2000. Therefore, persons must consult the federal regulations, which incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the exclusive economic zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottomfish into Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: Midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an exempted fishing permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

(4) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by the National Marine Fisheries Service through the department unless the original receiver

has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-44-080 Otter trawl logbook required. It shall be unlawful for any operator of otter trawl gear to fail to possess and maintain a "Washington-Oregon-California Trawl Logbook" while fishing in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, ((59A)) 59A-1, 59A-2, 59B, ((60A)) 60A-1, 60A-2, 61, 62 and 63. The logbook must be kept aboard the vessel while it is fishing in the above areas, or while having fish aboard that were caught in the above areas. The vessel operator must submit the completed logbook for inspection immediately upon request by authorized department ((of fisheries)) representatives. For each vessel trip, the operator shall record the vessel name and registration number, crew size, ((fuel used,)) departure and return date and time, ((general locality fished)) and buyers of fish landed. For each trawl tow conducted the vessel operator shall record the month and day, ((duration of tow, area)) time gear was set and retrieved, latitude and longitude fished, depth fished, net type, target species, and estimated weight of ((each)) species of fish retained. Species or species groups with trip or cumulative limits must be identified separately and cannot be recorded in combination with other species. The department's copies of completed log sheets must be submitted to the department for each month in which fishing activity occurs. The department's copies must be received within ten days following any calendar month in which fishing activity occurred, or within ten days following the termination of commercial fishing activity, whichever occurs first.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

- (1) Coastal (Catch Record Card Areas 1 through 4):
 - (a) Lingcod - ((2)) 1 fish minimum length 24 inches.
 - (b) Rockfish - 10 fish of which no more than 2 may be canary rockfish and no more than 2 may be yelloweye rockfish.
 - (c) Surfperch (excluding shiner perch) - 15 fish.
 - (d) Wolfeel - 2 fish east of the Bonilla-Tatoosh line.
 - (e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.
 - (f) All other species - no limit.
- (2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	((5)) 1 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	2 fish
Cabezon	2 fish
<u>Pacific hake</u>	<u>2 fish</u>

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	((5)) 1 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
<u>Pacific hake</u>	<u>2 fish</u>

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	((3)) 1 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
<u>Pacific hake</u>	<u>2 fish</u>

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

WAC 220-56-250 Lingcod—Areas and seasons. It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (a) Catch Record Card Areas 1 through 3 - ~~(open the entire year)~~ April 1 through September 30, (b) Catch Record Card Area 4 - April 16 through ~~(November)~~ September 30.

(2) Catch Record Card Areas 5 through 13 - May 1 through June 15.

WSR 00-10-052
EXPEDITED ADOPTION
DEPARTMENT OF ECOLOGY
 [Order 00-08—Filed April 27, 2000, 2:23 p.m.]

Title of Rule: Pollution prevention plans.

Purpose: This amendment is being proposed to correct errors in grammar and punctuation, and to clarify the language of the rule without changing its effect.

Statutory Authority for Adoption: Chapter 70.95C RCW.

Statute Being Implemented: Chapter 70.95C RCW.

Summary: This rule implements chapter 70.95C RCW, which encourages voluntary efforts to redesign industrial, commercial, production, and other processes to result in the reduction or elimination of hazardous waste by-products and to maximize the in-process reuse of reclamation of valuable spent material.

Reasons Supporting Proposal: To comply with executive order on regulatory improvement, this amendment is being proposed to correct errors in grammar and punctuation, and to clarify the language of the rule without changing its effect.

Name of Agency Personnel Responsible for Drafting: Kathy Carpenter, Headquarters, (360) 407-6216; Implementation and Enforcement: Greg Sorlie, Headquarters, (360) 407-6702.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements chapter 70.95C RCW, which encourages voluntary efforts to redesign industrial, commercial, production, and other processes to result in the reduction or elimination of hazardous waste by-products and to maximize the in-process reuse of reclamation of valuable spent material. This amendment will clarify the rule as required by Executive Order 97-02 on Regulatory Improvement.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING

EXPEDITED ADOPTION

AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY July 5, 2000.

April 27, 2000
Joe Williams
for Dan Silver
Deputy Director

Chapter 173-307 WAC

POLLUTION PREVENTION PLANS

AMENDATORY SECTION (Amending Order 91-35, filed 10/1/91, effective 11/1/91)

WAC 173-307-010 Purpose. This chapter implements chapter 70.95C RCW, an act relating to hazardous waste reduction. The act encourages voluntary efforts to redesign industrial, commercial, production, and other processes to result in the reduction or elimination of hazardous waste by-products and to maximize the in-process reuse or reclamation of valuable spent material. The act establishes a legislative policy to encourage reduction in the use of hazardous substances and reduction in the generation of hazardous waste whenever economically and technically practicable. It also adopts, as a policy goal for Washington state, the reduction of hazardous waste generation(;) through hazardous substance use reduction and waste reduction techniques(;) by fifty percent by 1995. Some individual facilities may have the ability to reduce the use of hazardous materials and the generation of hazardous wastes by far (~~greater~~) more than fifty percent while others may not be able to reduce by as much as fifty percent. Therefore, the fifty percent reduction goal is not applied as a regulatory requirement. The plans provided for in this chapter are intended to achieve, for each facility, the greatest reduction economically and technically practicable. The intent of the department of ecology is to provide technical assistance, to the greatest extent possible, to those required to prepare facility plans. The purpose of this chapter is to establish the specific elements (~~required to~~) that must be included in the documents required of hazardous waste generators and hazardous substance users under the act. The (~~regulation~~) rule also establishes completion dates and implements other requirements in the act. Copies of all rules(~~, regulations;~~) or statutes cited in this chapter are available from (~~the~~) Records Management, Department of Ecology, (~~Mailstop PV-11~~) P.O. Box 47600, Olympia, Washington 98504-~~(8711)~~7600.

AMENDATORY SECTION (Amending Order 91-35, filed 10/1/91, effective 11/1/91)

WAC 173-307-015 Applicability. (1) The requirements of WAC 173-307-010 through 173-307-140 apply to all hazardous substance users as defined in this chapter and to hazardous waste generators who generate more than two thousand six hundred forty pounds of hazardous waste per year, except for those facilities that are primarily treatment,

storage, and disposal facilities or recycling facilities. Used oil to be rerefined or burned for energy or heat recovery (~~shall~~) may not be used in the calculation of hazardous wastes generated for purposes of this (~~regulation~~) rule, and is not required to be addressed by plans prepared under this (~~regulation~~). ~~For purposes of this section, hazardous waste reported on the annual dangerous waste generator report as having been either recycled on-site or recycled for beneficial use off-site and/or amounts of hazardous substances introduced into a process and subsequently recycled for beneficial use, shall not be used in the calculation of hazardous waste generated~~)rule. For the purposes of this section, neither hazardous waste reported on the dangerous waste annual report as having been either recycled on-site or recycled for beneficial use off-site, nor amounts of hazardous substances introduced into a process and subsequently recycled for beneficial use may be used in the calculation of hazardous waste generated. A facility may petition the director to exclude hazardous wastes recycled for beneficial use even if they were not reported as such on the (~~annual~~) dangerous waste (~~generator~~) annual report. Documentation from the hazardous waste handling facility that the hazardous waste was recycled for beneficial use must be submitted along with the petition.

(2) Except as noted in subsection (3) of this section, each hazardous substance user and hazardous waste generator identified above (~~must~~) shall prepare one plan for each facility owned or operated.

(3) A person with multiple interrelated facilities where a significant majority of the processes are substantially similar, as defined in this chapter, may prepare a single plan covering one or more of those facilities.

(a) (~~A person desiring to submit a single plan under this provision must first submit to the director documentation that a significant majority of the processes at the facilities are substantially similar processes in order to obtain approval prior to plan development.~~) To obtain approval, a person desiring to submit a single plan under this provision shall submit documentation to the director that a significant majority of the processes at the facilities are substantially similar before developing a plan. This documentation must be submitted by May 1 of the year (~~prior to~~) before the plan due date.

(b) If a single plan is being prepared for two or more interrelated facilities with substantially similar processes, the sum total of the hazardous waste generated and the hazardous substances used by these facilities must be considered when applying any of the thresholds and/or percentages required by this chapter.

(c) In instances where a person has interrelated facilities without substantially similar processes, a single document may be prepared, but it must contain separate detailed plans for each facility.

(4) Facilities required by this chapter to prepare plans are also required to pay a hazardous waste fee, as described in chapter 173-305 WAC. The requirements of WAC 173-305-010 through 173-305-050 and 173-305-210 through 173-305-240 specifically apply.

AMENDATORY SECTION (Amending Order 91-35, filed 10/1/91, effective 11/1/91)

WAC 173-307-020 Definitions. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Closed-loop recycling" means that the entire process through completion of any reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance. Recycled materials are returned to the original process or processes.

(2) "Dangerous waste" means any discarded, useless, unwanted, or abandoned nonradioactive substances~~(;)~~ including, but not limited to, certain pesticides, or any residues or containers of ~~((such)) those~~ substances which are disposed of in such a quantity or concentration ~~((as to)) that would pose a substantial present or potential hazard to human health, wildlife, or the environment because ((such)) those wastes or constituents or combinations of ((such)) those wastes:~~

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

Dangerous wastes ~~((shall)) specifically includes those wastes designated as extremely hazardous by rules adopted ((pursuant to)) under chapter 70.105 RCW.~~

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology or the director's designee.

(5) "EPA/state dangerous waste identification number" means the number assigned by the EPA (Environmental Protection Agency) or by the department of ecology to each generator and/or transporter and each treatment, storage, and/or disposal facility.

(6) "Extremely hazardous waste" means any dangerous waste which, if disposed of at a disposal site in quantities that would present an extreme hazard to man or the environment:

(a) Will persist in a hazardous form for several years ~~((or more))~~ at a disposal site and which, in its persistent form:

(i) Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and

(ii) Is highly toxic to man and wildlife~~(; if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment))~~.

Extremely hazardous waste ~~((shall)) specifically includes those wastes designated as extremely hazardous by rules adopted ((pursuant to)) under chapter 70.105 RCW.~~

(7) "Facility" means any geographical area that has been assigned an EPA/state dangerous waste identification number. In the case of a hazardous substance user not having an EPA/state dangerous waste identification number, facility means all buildings, equipment, structures, and other stationary items located on a single site or on contiguous or adjacent sites and owned or operated by the same person.

(8) "Fee" means the annual hazardous waste fees imposed under RCW 70.95E.020 and 70.95E.030.

(9) "Generate" means any act or process ~~((which)) that produces hazardous waste or which first causes a hazardous waste to become subject to regulation.~~

(10) "Hazardous substance" means:

(a) Any hazardous substance listed as a hazardous substance as of the effective date of this section ~~((pursuant to)) in accordance with Section 313 of Title III of the Superfund Amendments and Reauthorization Act and any further updates((;))~~; and

(b) All ozone depleting compounds as defined by the Montreal Protocol of October 1987 and any further updates of the Montreal Protocol.

(11) "Hazardous substance use reduction" means the reduction, avoidance, or elimination of the use, toxicity, or production of hazardous substances without creating substantial new risks to human health or the environment. "Hazardous substance use reduction" includes proportionate changes in the usage of hazardous substances ~~((as the usage of a hazardous substance)) or the hazardous substances changes ((as)) that are a result of production changes or other business changes.~~

(12) "Hazardous substance user" means any facility required to report under Section 313 of Title III of the Superfund Amendments and Reauthorization Act, except for those facilities which only distribute or use fertilizers or pesticides intended for commercial agricultural applications.

Note: This definition refers to those SARA Title III, Section 313 reporters who must prepare a plan, whereas the definition of hazardous substance refers to the substances that must be addressed in the plan.

(13) "Hazardous waste" ~~((means and)) includes all dangerous and extremely hazardous wastes, but:~~

(a) Does not include radioactive wastes or a substance composed of both radioactive and hazardous components; and

(b) Does not include any hazardous waste generated as a result of a remedial action under state or federal law.

(14) "Hazardous waste generator" or "generator" means any person generating hazardous waste~~((s) which are)) that is subject to regulation by the department.~~

(15) "Hazardous waste reduction" means all in-facility practices that reduce, avoid, or eliminate the generation of hazardous waste~~((s)) or the toxicity of hazardous waste((s; prior to generation))~~, before the hazardous waste is generated, without creating substantial new risks to human health or the environment.

(16) "Interrelated facilities" means multiple facilities owned or operated by the same person.

(17) "Office" means the ~~((office of waste reduction)) hazardous waste and toxic reduction program.~~

(18) "Plan" means the plan provided for in RCW 70.95C.200.

(19) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government, including any agency or officer thereof, and any Indian tribe or authorized tribal ~~((organization)) government.~~

(20) "Process" means one or a number of steps (~~(which)~~) that produce((s)) an end product or service, or a component (~~(which is)~~) to be incorporated into an end product or service.

(21) "Product" means any hazardous substance or mixture containing hazardous substances (~~(which)~~) that is used by a facility in a production or service process. Metals or metal alloys used by the facility are not considered "products" if they do not become incorporated into the hazardous waste streams and have no known pathway for the release of metals to the environment, either at the facility or (~~(subsequent to))~~ after their use at the facility, such as from ultimate disposal by the consumer. Facilities will have to decide whether to group similar products (for example with different brand names) and list them as a single product. While some flexibility is left to the facility, products must be identified as a single product if they have a similar chemical composition and may be used interchangeably by the facility.

Note: The term "product" as defined here and used throughout this chapter is not to be confused with the term "end product," which specifically refers to the "output" of a production process.

(22) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include:

- Use constituting disposal;
- Incineration; or
- Use as a fuel.

(23) "Recycling" means reusing waste materials and extracting valuable materials from a waste stream. Recycling does not include burning for energy recovery.

Note: While burning for energy recovery may be preferable to disposal, burning for energy recovery does not count as recycling for the purpose of chapter 70.95C RCW.

(24) "Remedial action wastes" means hazardous wastes (~~(which)~~) that result from the cleanup of sites under state or federal hazardous waste laws.

(25) "Shifting of risks" means changing the character, location, or receptor of a toxic material without achieving a substantial reduction in the overall risk to health and safety or the environment.

(26) "Substantially similar processes" means processes that are essentially interchangeable, inasmuch as they use similar equipment and materials and produce similar products or services and generate similar wastes.

(27) "Treatment" means the physical, chemical, or biological processing of waste to render it completely innocuous, produce a recyclable by-product, reduce toxicity, or substantially reduce the volume of material (~~(requiring))~~ that requires disposal as described in the priorities established in RCW 70.105.150. Treatment does not include incineration.

(28) "Used oil" means:

(a) Lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine;

(b) Any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; and

(c) Any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser. "Used oil" does not include used oil to which hazardous wastes have been added.

AMENDATORY SECTION (Amending Order 91-35, filed 10/1/91, effective 11/1/91)

WAC 173-307-030 Plan requirements. This section establishes the specific elements required to be included in a plan. The purpose of a plan is to require serious consideration of ways in which processes and procedures may be modified to reduce dependence upon hazardous substances and/or the generation of hazardous wastes. All plans must consider opportunities based on the following priorities: Hazardous substance use reduction and hazardous waste reduction, recycling, and treatment. The plans shall consist of the following parts:

(1) Part one. Part one shall include:

(a) A written policy (~~(articulating))~~ expressing management and corporate support for the plan and a commitment to implement planned activities and achieve established goals.

(b) The plan scope and objectives.

(c) A description of the facility type, a description of product(~~(f))s((h))~~) made and/or services provided, and a statement or listing of the current level(~~(f))s((h))~~) of production or service activity in units of measure appropriate to the industry or activity;

(d) A general overview of the processes used in production or service activities (a schematic drawing may be included);

(e) A statement providing, for the last calendar year, the total pounds of extremely hazardous waste and total pounds of dangerous waste reported on Form 4, (~~(Generator Annual))~~ Dangerous Waste Annual Report, and, if applicable, the total pounds of toxic releases reported on Form R under SARA Title III, Section 313; and

(f) A description of current reduction, recycling, and treatment activities and documentation of hazardous substance use reduction and hazardous waste reduction efforts that were completed (~~(prior to))~~ before the first plan due date specified in WAC 173-307-050. Clearly separate the explanations of reduction activities from recycling and other management activities.

(2) Part two. Part two shall include an identification of hazardous substances used and hazardous wastes generated by the facility(~~(?));~~ a description of the facility processes(~~(?));~~ an identification of reduction, recycling, and treatment opportunities(~~(?));~~ an evaluation of those opportunities(~~(?));~~ a selection of proposed options(~~(?));~~ a policy to prevent shifting of risks(~~(?));~~ performance goals(~~(?));~~ and an implementation schedule. Specifically, Part two shall include:

(a) An identification of products containing hazardous substances used and hazardous wastes generated. This (~~(if to))~~ must be based on actual usage and generation during the most recent calendar year for which records are available.

This task can be accomplished by choosing one of two approaches. The approaches are identified as the "pounds approach" and the "percentage approach." Look at the following descriptions and requirements of each of these and determine which one you wish to use.

(i) "Pounds approach."

This approach requires you to identify the types and amounts, in either weight or volume, of hazardous waste generated and products containing hazardous substances used up to these threshold levels:

(A) All dangerous waste streams five hundred pounds or greater, any smaller dangerous waste streams ~~((which))~~ that individually represent~~((s))~~ ten percent or more of the total annual hazardous wastes, and all extremely hazardous waste streams subject to regulation by the department. If this combination equals less than ninety percent of the total hazardous wastes generated, then additional dangerous wastes generated at the facility ~~((shall))~~ must be included until ninety percent of the total is reached; and

(B) Each product used ~~((which))~~ that contains a total of fifty percent or more of any combination of hazardous substances if one thousand pounds or more was used; each product used ~~((which))~~ that contains a total of between twenty-five percent and forty-nine percent of hazardous substances if four thousand pounds or more was used; and each product used ~~((which))~~ that contains a total of between ten and twenty-four percent of hazardous substances if ten thousand pounds or more was used. Any product ~~((which))~~ that contains less than ten percent of any hazardous substances ~~((need))~~ is not required to be included in the list regardless of the amount of the product used.

(C) Office products and products ~~((which))~~ that are used at the facility for nonprocess routine janitorial or grounds maintenance related activities may be excluded from this list.

(D) Hazardous substances used and hazardous wastes generated in laboratory research need not be listed. Note: See ~~((Part two,))~~ (2)(k) of this subsection for discussion on this issue.

(ii) "Percentage approach."

This approach requires you to identify the types and amounts, in either weight or volume, of hazardous waste generated and products containing hazardous substances used up to these threshold levels:

(A) All extremely hazardous waste and enough additional dangerous waste to reach ninety percent of all the hazardous waste generated; and

(B) Ninety percent of all the products used ~~((which))~~ that contain hazardous substances. ~~((This selection of products))~~ The person making this list should attempt to include those ~~((that))~~ products which contain the highest concentrations of hazardous substances and the most toxic hazardous substances.

(C) Office products and products ~~((which))~~ that are used at the facility for nonprocess routine janitorial or grounds maintenance related activities may be excluded from this list.

(D) Hazardous substances used and hazardous wastes generated in laboratory research ~~((need))~~ are not required to be listed. Note: See ~~((Part two,))~~ (2)(k) of this subsection for discussion on this issue.

(iii) Determinations of whether these quantities are met or exceeded for either approach ~~((shall))~~ must be based on the best available information. This information may be included or referenced in the plan. Available information may include any or all of the following as necessary to determine quantities of hazardous substances contained in products ~~((;))~~ ; Information available from material safety data sheets, information furnished upon request from manufacturers or suppliers of hazardous substances or products containing hazardous substances, information obtained from the department, and information otherwise known by the facility owner or operator.

An explanation of the procedures used to determine that the thresholds were met or exceeded must be included in this section of the plan.

(iv) The above thresholds ~~((shall))~~ must only be used for plans required to be completed ~~((prior to))~~ before September 2, 1996. Plans or plan updates completed from that date on ~~((must))~~ shall identify the types and amounts, in either weight or volume, of hazardous waste generated and hazardous substances used up to the following threshold levels;

(A) The "pounds approach" ~~((can))~~ may only be used for identifying hazardous waste after September 2, 1996. This approach ~~((cannot))~~ may not be used for products containing hazardous substances. The thresholds for hazardous waste are:

All dangerous waste streams five hundred pounds or greater, any smaller dangerous waste streams ~~((which))~~ that individually represent~~((s))~~ ten percent or more of the total annual hazardous wastes, and all extremely hazardous waste streams subject to regulation by the department. If this combination equals less than ninety-five percent of the total hazardous wastes generated, then additional dangerous wastes generated at the facility ~~((shall))~~ must be included until ninety-five percent of the total is reached.

(B) The "percentage approach" remains an optional approach for hazardous waste, but it is the only approach that ~~((can))~~ may be used for products. The thresholds for this approach are:

All extremely hazardous waste and enough additional dangerous waste to reach ninety-five percent of all the hazardous waste generated; and

Ninety-five percent of all the products used ~~((which))~~ that contain hazardous substances.

(C) The exemptions in ~~((subitems))~~ (j)(C) and (D) ~~((of item (ii)))~~ of this ~~((subdivision))~~ subsection remain in effect.

(b) A detailed description of each process in the facility that generates hazardous waste or uses products containing hazardous substances as identified in the chosen approach in (a) of this subsection. This description may include a schematic drawing.

(c) For the hazardous waste and products containing hazardous substances identified in (a) of this subsection within each of the processes identified in (b) of this subsection, an identification, based on thorough research, of all reasonable opportunities for further hazardous substance use reduction, hazardous waste reduction, recycling, and treatment. Thorough research ~~((shall))~~ must include, at a minimum, a review of literature commonly available to that industry or trade. The full range of potentially feasible opportunities ~~((is to))~~ must

be identified without regard to possible impediments to implementing the opportunities. In identifying opportunities, consideration ~~((shall))~~ must be given to alternative approaches which, in the judgment of the facility management, satisfy the same demand for end products or services but use substantially less hazardous substances or result in the generation of substantially less hazardous waste;

(d) An evaluation of the identified opportunities. Opportunities ~~((shall))~~ must be grouped by priority and evaluated according to these priorities. The priorities are, in descending order: Hazardous substance use and hazardous waste reduction; recycling; and, treatment. Opportunities of a lower priority ~~((shall))~~ must be given consideration only after a determination is made that the higher priority opportunities are inappropriate due to impediments to their implementation. Impediments that ~~((shall be))~~ are considered acceptable include, but are not limited to: (i) Adverse impacts on product quality, legal or contractual obligations~~((:));~~; (ii) economic and technical practicality~~((:));~~; (iii) safety considerations~~((:));~~; and (iv) the creation of substantial new risks to human health or the environment.

Except with respect to the use and distribution of fertilizers or pesticides intended for commercial agricultural applications, the evaluation of hazardous waste reduction opportunities must include an evaluation of hazardous substance use reduction opportunities for those hazardous substances which subsequently result in hazardous waste streams as well as an evaluation of other opportunities for the reduction of hazardous waste.

The evaluation required under this subsection shall include: (i) ~~An~~ economic analysis~~((:));~~; (ii) a technical evaluation~~((:));~~; (iii) an identification of whether, and if so how, the identified opportunity would result in a shifting of risk~~((:));~~ from one part of a process, environmental medium, or product to another; and (iv) an identification of all impediments to implementing the opportunities. The economic analysis shall seek to identify the total costs associated with the current hazardous substance use and hazardous waste generation, management and disposal, compared with comparable costs associated with implementing the alternatives.

Evaluation of each opportunity may be considered complete when enough information is available to select or reject the opportunity for implementation. For opportunities rejected, the reason~~((:));~~ or reasons for rejecting them ~~((shall))~~ must be stated.

(e) A selection of opportunities to be implemented in accordance with the evaluation conducted in (d) of this subsection. For each selected opportunity, the process~~((es))~~ it affects ~~((shall))~~ must be identified, and estimates of the amount, by weight, of the reduction of hazardous substances or products containing hazardous substances and hazardous waste reduction ~~((which))~~ that would be achieved through implementation ~~((shall))~~ must be stated, ~~((as well as))~~ and the amount of hazardous wastes recycled or treated as a result of implementation ~~((shall))~~ must be included;

(f) A written policy stating that in implementing the selected options whenever technically and economically practicable, risks will not be shifted from one part of a process, environmental medium, or product to another;

(g) Specific performance goals in each of the following categories, expressed in numeric terms:

(i) Hazardous substances or products containing hazardous substances to be reduced or eliminated from use;

(ii) Hazardous wastes to be reduced or eliminated through hazardous waste reduction techniques;

(iii) Materials or hazardous wastes to be recycled; and

(iv) Hazardous wastes to be treated.

If the establishment of numeric performance goals is not practicable, the performance goals shall include a clearly stated list of objectives designed to lead to the establishment of numeric goals as soon as is practicable. Goals ~~((shall))~~ must be set for a five-year period from the first reporting date (see (h) of this subsection regarding implementation activities that will take longer than five years);

(h) A five-year implementation schedule, which shall display planned implementation activities for each of the five calendar years following completion of the plan. Information to be provided shall include, but is not limited to, the opportunities (or phases of opportunities) being implemented and related milestones. Where complete implementation of a selected opportunity will take longer than five years, the schedule shall contain relevant milestones within a five-year period and an estimated date of completion. The schedule may be in table form and organized by opportunities within processes, if desired.

(i) A description of how those hazardous wastes that are not recycled or treated and the residues from recycling and treatment processes are managed may be included in the plan.

(j) Documentation of any research conducted in fulfillment of any of the above subdivisions of this subsection ~~((shall))~~ must be available to the department upon request.

(k) For research laboratories, the plan may include, in lieu of all the detailed requirements of this subsection, a description of policies and procedures to be followed by laboratory personnel regarding the use of hazardous substances and the generation of hazardous wastes through laboratory research. These policies and procedures must be consistent with the waste reduction priorities as defined in this chapter.

(3) Part three. Part three shall provide a financial description of the plan, which shall identify costs and benefits realized from implementing selected opportunities to the extent reasonably possible. Part three shall also include a description of accounting systems ~~((which))~~ that will be used to identify hazardous substance use and hazardous waste management costs. Liability, compliance, and oversight costs must be components of these accounting systems.

(4) Part four. Part four of the plan shall include a description of personnel training and employee involvement programs. Each facility required to write a plan is encouraged to advise its employees of the planning process and solicit comments or suggestions from its employees on hazardous substance use and waste reduction opportunities.

AMENDATORY SECTION (Amending Order 91-35, filed 10/1/91, effective 11/1/91)

WAC 173-307-040 Executive summary. Upon completion of a plan, the owner, chief executive officer, or other person with the authority to commit management to the plan,

such as a facility manager, shall sign and submit an executive summary of the plan to the department. This summary ~~((shall))~~ must be available from the department for public inspection upon request. The facility may ~~((elect))~~ choose to submit the complete plan to the department rather than prepare an executive summary. In that event, the complete plan ~~((shall))~~ must also be available for public inspection.

Executive summaries shall include the following information from the plan:

(1) A written policy ~~((articulating))~~ expressing management and corporate support for the plan and a commitment to implement planned activities and achieve established goals(-);

(2) The plan scope and objectives(-);

(3) A description of the facility type and a summary of product~~((s))~~ made and/or services provided(-);

(4) A list of the type and amount of each hazardous waste and products containing hazardous substances as identified in WAC 173-307-030 (2)(a)(-);

(5) A brief description of each process in the facility that generates hazardous waste or uses products containing hazardous substances as listed in subdivision (d)(-);

(6) A description of current reduction, recycling, and treatment activities, and documentation of hazardous substance use reduction and hazardous waste reduction activities completed before the first reporting date specified in WAC 173-307-050(-);

(7) A summary of all further hazardous substance use reduction, hazardous waste reduction, recycling, and treatment opportunities identified. Opportunities ~~((shall))~~ must be identified first for hazardous substance use reduction and hazardous waste reduction, secondly for recycling, and lastly for treatment. A statement of the reason~~((s))~~ or reasons for rejecting any opportunity from further consideration and a summary of all identified impediments to implementing opportunities ~~((shall))~~ must be included(-);

(8) A description of the opportunities selected to be implemented, process~~((s))~~ or processes affected, and estimated reductions to be achieved(-);

(9) Specific performance goals, expressed in numeric terms for each of the categories listed below (assumptions on changing production or service activity levels during the period covered by the plan must be described):

(a) Hazardous substances to be reduced or eliminated from use;

(b) Hazardous wastes to be reduced or eliminated through waste reduction techniques;

(c) Materials or hazardous wastes to be recycled; and

(d) Hazardous wastes to be treated.

If the establishment of numeric performance goals is not practicable, the performance goals shall include a clearly stated list of objectives designed to lead to the establishment of numeric goals as soon as is practicable. Goals ~~((shall))~~ must be set for a five-year period from the first reporting date(-);

(10) The five-year implementation schedule identified in WAC 173-307-030 (2)(h), which shall display planned implementation activities for each of the five calendar years following completion of the plan(-);

(11) A summary of costs and benefits realized from implementing selected opportunities(-);

(12) For research labs, the executive summary may include, in lieu of all the detailed requirements of this section, a description of policies and procedures to be followed by laboratory personnel regarding the use of hazardous substances and the generation of hazardous waste through laboratory research. These policies and procedures must be consistent with the waste reduction priorities as defined in this chapter.

AMENDATORY SECTION (Amending Order 90-57, filed 4/1/91, effective 5/2/91)

WAC 173-307-050 Due dates. Plans ~~((shall))~~ must be completed and executive summaries must be submitted in accordance with the following schedule:

(1) Hazardous waste generators who generated more than fifty thousand pounds of hazardous waste in calendar year 1991 and hazardous substance users who were required to report in 1991, by September 1, 1992;

(2) Hazardous waste generators who generated between seven thousand and fifty thousand pounds of hazardous waste in calendar year 1992 and hazardous substance users who were required to report for the first time in 1992, by September 1, 1993;

(3) Hazardous waste generators who generated between two thousand six hundred forty and seven thousand pounds of hazardous waste in 1993 and hazardous substance users who were required to report for the first time in 1993, by September 1, 1994;

(4) Hazardous waste generators who have not been required to complete a plan ~~((on or prior to))~~ on or before September 1, 1994, ~~((must))~~ shall complete a plan by September 1 of the year following the first year that they generate more than two thousand six hundred forty pounds of hazardous waste; and

(5) Hazardous substance users who have not been required to complete a plan ~~((on or prior to))~~ on or before September 1, 1994, ~~((must))~~ shall complete a plan by September 1 of the year following the first year that they are required to report under Section 313 of Title III of the Superfund Amendments and Reauthorization Act.

AMENDATORY SECTION (Amending Order 91-35, filed 10/1/91, effective 11/1/91)

WAC 173-307-060 Plan availability. Plans developed under chapter 173-307 WAC ~~((shall))~~ must be kept at the facility and made available for review to authorized representatives of the department. The plan is not a public record under the public disclosure laws of the state of Washington contained in chapter 42.17 RCW, unless submitted in lieu of an executive summary as provided for in WAC 173-307-040.

AMENDATORY SECTION (Amending Order 91-35, filed 10/1/91, effective 11/1/91)

WAC 173-307-070 Plan amendments and updates.

(1) A plan must be kept reasonably current and may be

amended in response to changes in facility operations, substances used, or wastes generated.

(a) Users or generators shall notify the department of an amended plan and submit amendments to their plan or executive summary, whichever was originally submitted, including an identification of which sections ~~((are being))~~ have been amended. The implementation schedule of the amended plan and/or new executive summary ~~((shall))~~ must be within the original five-year timeline initiated by completion of the original plan.

(b) Even if a plan is amended, a five-year plan update will still be required five years from completion of the first plan, or from the last five-year update.

(2) Every five years, each plan ~~((shall))~~ must be updated, and the plan or a new executive summary ~~((shall))~~ must be submitted to the department. A plan update shall conform to the requirements for preparing reduction plans as specified in this chapter.

AMENDATORY SECTION (Amending Order 91-35, filed 10/1/91, effective 11/1/91)

WAC 173-307-080 Progress reports. Progress reports ~~((shall))~~ must be submitted to the department annually on September 1 ~~((following))~~ after the due date of the plan. The purpose of the progress report is to provide information on quantities of hazardous waste and hazardous substances or products containing hazardous substances reduced in the prior twelve-month period.

(1) Progress reports shall include a discussion of:

(a) Performance goals. If numeric performance goals were listed in the plan, progress toward achieving these goals ~~((shall))~~ must be discussed. If numeric performance goals were not listed in the plan, progress made toward establishing numeric goals ~~((shall be discussed, and also progress made towards achieving the goals as stated in the plan))~~ and progress made toward achieving the goals as stated in the plan must be discussed. This discussion shall include:

(i) A description of reduction, recycling, and treatment opportunities ~~((which))~~ that were implemented.

(ii) A description of the process~~((es))~~ or processes impacted by each opportunity.

(iii) A description of the quantities, by weight, of hazardous substances or products containing hazardous substances reduced and hazardous waste reduced by each option. Estimation techniques, and any assumptions used ~~((shall))~~ must be described. Quantities reduced must be displayed in relation to changing production levels. The description shall also include a statement of the level of production or service activity in relation to the level of production or service activity stated in the plan at the time the plan was prepared.

Note: Factors not resulting in actual reductions, such as new estimating techniques, delistings of substances or hazardous wastes, and reclassifications of waste management techniques cannot be counted or claimed as reductions.

(iv) If measurement or estimation techniques are changed from the prior reports in such a way that reductions are not additive for the five-year planning period, a method-

ology for converting prior reported reductions must be described and recalculations must be provided.

(b) Problems encountered in the implementation process. Problems ~~((shall))~~ must be clearly identified and must include a discussion of steps taken or proposed to resolve problems. An update on problems reported in previous progress reports ~~((shall))~~ must be included.

(2) Upon the request of two or more users or generators belonging to similar industrial classifications, the department may aggregate data contained in their annual progress reports for the purpose of developing a public record.

AMENDATORY SECTION (Amending Order 90-57, filed 4/1/91, effective 5/2/91)

WAC 173-307-090 Review process. A user or generator required to prepare a plan shall permit the director ~~((or a representative of the director))~~ to review the plan to determine its adequacy.

(1) The department may review a plan, executive summary, or an annual progress report to determine whether the ~~((plan, executive summary, or annual progress report))~~ document is adequate and shall base its determination solely on whether the ~~((plan, executive summary, or annual progress report))~~ document is complete and prepared in accordance with the provisions of this chapter and the requirements of chapter 70.95C RCW.

(2) If a hazardous substance user or hazardous waste generator fails to complete an adequate plan, executive summary, or annual progress report, the department shall notify the user or generator of the inadequacy, identifying specific deficiencies. For the purposes of this section, a deficiency may include failure to develop a plan, failure to submit an executive summary, or failure to submit an annual progress report. The department shall specify a reasonable time frame, of not less than ninety days, within which the user or generator shall complete a modified plan, executive summary, or annual progress report addressing the specified deficiencies.

(3) If the department determines that a modified plan, executive summary, or annual progress report is inadequate, the department may, within its discretion, either require further modification or enter an order ~~((pursuant to))~~ under WAC 173-307-100.

AMENDATORY SECTION (Amending Order 90-57, filed 4/1/91, effective 5/2/91)

WAC 173-307-100 Penalties. (1) If, after having received a list of specified deficiencies from the department, a hazardous substance user or hazardous waste generator required to prepare a plan fails to complete modification of a plan, executive summary, or annual progress report within the time period specified by the department, the department may enter an order ~~((pursuant to))~~ under chapter 34.05 RCW finding the user or generator not in compliance with the requirements of RCW 70.95C.200. When the order is final, the department shall notify the department of revenue to charge a penalty fee. The penalty fee ~~((shall))~~ must be the greater of one thousand dollars or three times the amount of the user's or generator's previous year's fee, in addition to the

current year's fee. If no fee was assessed the previous year, the penalty ~~((shall))~~ must be the greater of one thousand dollars or three times the amount of the current year's fee. The penalty assessed under this subsection ~~((shall))~~ must be collected each year after the year for which the penalty was assessed until an adequate plan, executive summary, or annual progress report is completed.

(2) If a hazardous substance user or hazardous waste generator required to prepare a plan fails to complete an adequate plan, executive summary, or annual progress report after the department has levied against the user or generator the penalty provided for in subsection (1) of this section, the user or generator ~~((shall))~~ must be required to pay a surcharge to the department whenever the user or generator disposes of a hazardous waste at any hazardous waste incinerator or hazardous waste landfill facility located in Washington state, until ~~((a plan, executive summary, or annual progress report))~~ the required document is completed and determined to be adequate by the department. The surcharge ~~((shall))~~ must be equal to three times the fee charged for disposal. The department shall furnish the incinerator and landfill facilities in Washington state with a list of Environmental Protection Agency/state identification numbers of the hazardous waste generators that are not in compliance with the requirements of RCW 70.95C.200.

AMENDATORY SECTION (Amending Order 90-57, filed 4/1/91, effective 5/2/91)

WAC 173-307-110 Appeals. A user or generator may appeal ~~((from))~~ a department order or a surcharge under RCW 70.95C.220 to the pollution control hearings board ~~((pursuant to))~~ under chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order 90-57, filed 4/1/91, effective 5/2/91)

WAC 173-307-130 Public disclosure. (1) The department shall make available for public inspection any executive summary or annual progress report submitted to the department. Any hazardous substance user or hazardous waste generator required to prepare an executive summary or annual progress report, who believes that disclosure of any information contained in the executive summary or annual progress report may adversely affect the competitive position of the user or generator, may request the department ~~((pursuant to))~~ under RCW 43.21A.160 to delete from the public record those portions of the executive summary or annual progress report that may affect the user's or generator's competitive position. The department ~~((shall))~~ may not disclose any information contained in an executive summary or annual progress report pending a determination of whether the department will delete any information contained in the report from the public record. This determination will be made within sixty days following a request for public inspection.

(2) Any ten persons residing within ten miles of a hazardous substance user or hazardous waste generator required to prepare a plan may file with the department a petition requesting the department to examine a plan to determine its

adequacy. The department shall report its determination of adequacy to the petitioners and to the user or generator within a reasonable time. The department may deny a petition if the department has, within the previous year, determined the plan of the user or generator named in the petition to be adequate.

AMENDATORY SECTION (Amending Order 90-57, filed 4/1/91, effective 5/2/91)

WAC 173-307-140 Records. The department shall maintain a record of each plan, executive summary, or annual progress report it reviews, and a list of all plans, executive summaries, or annual progress reports the department has determined to be inadequate, including descriptions of corrective actions taken. This information ~~((shall))~~ must be made available to the public.

WSR 00-10-053

EXPEDITED ADOPTION

DEPARTMENT OF ECOLOGY

[Order 99-16—Filed April 27, 2000, 2:26 p.m.]

Title of Rule: Hazardous waste fee regulation, chapter 173-305 WAC.

Purpose: This amendment is being proposed to make the rule consistent with chapter 70.95E RCW, to correct errors in grammar, punctuation, make agency address changes, and to clarify the language of the rule without changing its effect.

Statutory Authority for Adoption: Chapter 70.95E RCW.

Statute Being Implemented: Chapter 70.95E RCW.

Summary: This rule implements the provisions of chapter 70.95E RCW, which establishes a means for funding technical assistance and compliance education assistance to hazardous substance users and waste generators in this state.

Reasons Supporting Proposal: This amendment is being proposed to make the rule consistent with chapter 70.95E RCW, to correct errors in grammar, punctuation, make agency address changes, and to clarify the language of the rule without changing its effect.

Name of Agency Personnel Responsible for Drafting: Kathy Carpenter, Headquarters, (360) 407-6216; Implementation and Enforcement: Bob Lemcke, Headquarters, (360) 407-6730.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments to this rule are intended to make housekeeping changes in text for clarification purposes. It also makes the changes shown below to bring the rule up-to-date with existing laws.

Proposal Changes the Following Existing Rules: This rule deletes the definitions for "known generators" and "potential generators" and replaces it with "hazardous waste generators."

This rule also removes the involvement of the Department of Revenue in collecting fees.

These changes were prompted by amendments to chapter 70.95E RCW that were made by sections 1, 3 and 4, chapter 207, Laws of 1995.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY July 5, 2000.

April 27, 2000

Joe Williams

for Dan Silver

Deputy Director

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-010 Purpose. This rule implements the provisions of chapter 70.95E RCW, establishing a means for funding technical assistance and compliance education assistance to hazardous substance users and waste generators in this state. Technical assistance includes, but is not limited to, assistance in the preparation of plans and review of plans and related documents. The purpose of this chapter is to describe the methods by which the department of ecology will assess certain fees, to whom fees will be assessed, the amount of ~~((such))~~ those fees, provisions for exemption from and enforcement of fee assessments, responsibilities of the department ~~((s))~~ of ecology ~~((and revenue))~~, and procedures for adjusting the fees. Copies of all rules ~~((, regulations, or))~~ and statutes cited in this chapter are available from ~~((the))~~ Records Management, Department of Ecology, ~~((Mailstop PV-11))~~ P.O. Box 47600, Olympia, WA, 98504-~~((8711))~~ 7600.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-015 Applicability. The requirements of WAC 173-305-010 through 173-305-120 apply to all persons who are ~~((known or potential))~~ hazardous waste generators, including state and local entities as well as instrumentalities of the United States. The requirements of WAC 173-305-010 through 173-305-050 and 173-305-210 through 173-305-240 apply to all persons required to prepare plans under RCW 70.95C.200.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-020 Definitions. Any terms not specifically defined in this section ~~((shall))~~, for the purposes of this chapter, have the same meaning as given in WAC 173-303-040. The following terms are defined for the purposes of this chapter:

(1) "Additional fee" means the annual fee imposed under chapter 70.95E RCW against hazardous generators and hazardous substance users required to prepare plans;

(2) "Base fee" means the annual fee imposed under chapter 70.95E RCW against ~~((known and potential generators of))~~ hazardous waste generators doing business in the state of Washington;

(3) "Business activities" means activities of any person who is "engaging in business" as the term is defined in chapter ~~((s))~~ 82.04 ~~((and 82.16))~~ RCW. Specifically, "engaging in business" means commencing, conducting, or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidates thereof hold themselves out to the public as conducting such business;

(4) "Dangerous waste" means any discarded, useless, unwanted, or abandoned nonradioactive substances ~~((;))~~ including, but not limited to, certain pesticides, or any residues or containers of ~~((such))~~ those kinds of substances ~~((which))~~ that are disposed of in ~~((such))~~ a quantity or concentration ~~((as to))~~ that would pose a substantial present or potential hazard to human health, wildlife, or the environment because ~~((such))~~ those wastes or constituents or combinations of ~~((such))~~ those kinds of wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

"Dangerous wastes" ~~((shall))~~ specifically includes those wastes designated as dangerous by chapter 173-303 WAC;

(5) "Department" means the department of ecology;

(6) "Emissions" means the substances released to the environment ~~((which))~~ that must be reported under toxic chemical release reporting, 40 CFR Part 372;

(7) "EPA/state identification number" means the number assigned by the environmental protection agency (EPA) or by the department of ecology to each generator ~~((and/or transporter and treatment, storage, and/or disposal facility))~~ or transporter or both, and to each treatment facility, or storage facility, or disposal facility, or a treatment, storage, and disposal facility;

(8) "Extremely hazardous waste" means any dangerous waste ~~((which))~~ that:

(a) Will persist in a hazardous form for several years ~~((or more))~~ at a disposal site and which, in its persistent form:

(i) Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and

(ii) Is highly toxic to man and wildlife;

(b) If disposed of at a disposal site in ~~((such))~~ quantities ~~((as))~~ that would present an extreme hazard to man or the environment.

"Extremely hazardous waste" ~~((shall))~~ specifically includes those wastes designated as extremely hazardous by chapter 173-303 WAC;

(9) "Facility" means any geographical area that has been assigned an EPA/state identification number or in the case of a hazardous substance user, means all buildings, equipment, structures, and other stationary items located on a single site or on contiguous or adjacent sites and owned or operated by the same person;

(10) "Generate" means any act or process ~~((which))~~ that produces hazardous waste or first causes a hazardous waste to become subject to regulation;

(11) "Hazardous waste" ~~((means and))~~ includes all dangerous and extremely hazardous wastes but, for the purposes of this chapter, excludes all radioactive wastes or substances composed of both radioactive and hazardous components;

(12) "Hazardous waste generator" means all persons whose primary business activities are identified by the department to generate any quantity of hazardous waste in the calendar year for which the fee is imposed.

(13) "Interrelated facility" means multiple facilities owned or operated by the same person;

~~("Known generators" means persons that have notified the department, have received an EPA/state identification number and generate quantities of hazardous waste regulated under chapter 70.105 RCW.)~~

(14) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal ~~((organization))~~ government;

(15) "Plan" means the plan provided for in RCW 70.95C.200;

~~("Potential generators" means all persons whose primary business activities are identified by the department to be likely to generate any quantity of hazardous wastes.)~~

(16) "Price deflator" means the United States Department of Commerce Bureau of Economic Analysis, "Implicit price deflator for gross national product~~((=))~~ for ~~((=))~~ government purchases of goods and services~~((=))~~ for ~~((=))~~ state and local government."

(17) "Primary business activity" means a business activity ~~((which))~~ that accounts for more than fifty percent of a business' total gross receipts or in the case of more than two business activities, the activity which has the largest gross receipts. Where a business engages in multiple activities and one or more of those activities generate hazardous waste, the gross receipts from all waste generating activities will be combined to determine their ratio to the total gross receipts of the business.

(18) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include:

- (a) Use constituting disposal;
- (b) Incineration; or

(c) Use as a fuel.

(19) "Substantially similar processes" means processes that are essentially interchangeable, inasmuch as they use similar equipment and materials and produce similar products or services and generate similar wastes.

(20) "Waste generation site" means any geographical area that has been assigned an EPA/state identification number.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-040 Adjustment of fees. On an annual basis, the department shall adjust the fees provided for by this chapter, including the maximum annual fee and the maximum total fees, by conducting the calculation in subsection (1) of this section and taking the actions set forth in subsection (2) of this section:

(1) In November of each year, the base fee and the additional fee, or the fees as subsequently adjusted by this section, ~~((shall))~~ must be multiplied by a factor equal to the most current quarterly "price deflator" available, and divided by the "price deflator" used in the numerator the previous year. However, the "price deflator" used in the denominator for the first adjustment ~~((shall))~~ must be divided by the second quarter "price deflator" for 1990.

(2) Each year by March 1, the schedule, as adjusted in subsection (1) of this section, will be published. The department will round the published fees to the nearest dollar.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-050 General administrative provisions. With the exception of RCW 82.32.050 and 82.32.090, the review provisions contained in chapter 82.32 RCW, ((except RCW 82.32.050 and 82.32.090,)) apply to the collection and enforcement of fees imposed ((pursuant to)) under this chapter. Requests for administrative review should be directed to the ((Department of Revenue, Taxpayer Accounts Administration, Mailstop AX-02, Olympia, Washington 98504-0090)) State of Washington, Department of Ecology, P.O. Box 34050, Seattle, WA 98124-1050. The review provisions of chapter 43.21B RCW do not apply to the administration of these fees.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-110 Fees. (1) The fee imposed is a thirty-five dollar (or as adjusted by WAC 173-305-040) annual fee payable by ~~((known and potential))~~ hazardous waste generators ~~((of hazardous waste))~~. The fee for the 1990 fee period ~~((shall be))~~ is due on October 1, 1990, for any ~~((known or potential))~~ hazardous waste generator operating in Washington after March 22, 1990. The fee for the 1991 calendar year, and the 1990 fee period for any ~~((known or potential))~~ hazardous waste generator who began business after October 1, 1990, ~~((shall be))~~ is due February 28, 1992. The annual fee for calendar year 1992 and each calendar year

thereafter (~~(shall be)~~) is due on (~~(February 28)~~) July 1 of the next succeeding year.

~~((2) The department will determine known generators based on the most current verified information available to the department.~~

~~(3) The department has determined potential generators to be those persons engaged in any of the following primary business activities:)~~

Table 1

Primary Business Activities of Potential Generators

~~((Primary business activities, Description))~~

Soil preparation services: Includes establishments primarily engaged in application of fertilizer, seed bed preparation, and other services for improving the soil for crop planting such as weed control.

Crop protecting services: Includes establishments primarily engaged in performing crop protecting services such as disease, weed, and insect control.

Metal mining: Includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals. These ores are valued chiefly for the metals contained, to be recovered for use as such or as constituents of alloys, chemicals, pigments, or other products. It also includes mills (~~(which)~~) that crush, grind, wash, dry, sinter, calcine, or leach ore, or perform gravity separation or flotation operations.

General building contractors: Includes general contractors and operative builders primarily engaged in the construction of nonresidential buildings.

Heavy construction, excluding buildings: Includes general contractors primarily engaged in heavy construction other than building, such as highways and streets, bridges, sewers, railroads, irrigation products, flood control products, and marine construction(~~(-and)~~). It also includes special trade contractors primarily engaged in activities of a type that are clearly specialized to (~~(such)~~) that type of heavy construction and are not normally performed on buildings or building-related projects.

Painting: Includes special trade contractors primarily engaged in painting.

Floor laying and other floor work, not elsewhere classified: Includes special trade contractors primarily engaged in the installation of asphalt tile, linoleum, and resilient flooring, in laying, scraping, and finishing parquet and other hardwood flooring.

Beverages: Includes establishments primarily engaged in manufacturing:

- Malt beverages or malt byproducts; (~~(manufacturing)~~)
- Wines, brandy, and brandy spirits including the blending of wines; (~~(manufacturing)~~)
- Alcoholic liquors by distillation or by mixing liquors and other ingredients; (~~(manufacturing)~~)
- Soft drinks and carbonated waters; and (~~(manufacturing)~~)

• Flavoring extracts, syrups, powders, and related products.

Textile mill products: Includes establishments primarily engaged in performing any of the following operations: (~~(1)~~)

- Preparation of fiber and subsequent manufacturing of yarn, thread, braids, (~~(twice)~~) twine, and cordage; (~~(2)~~)
- Manufacturing broadwoven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from (~~(yard)~~) yarn; (~~(3)~~)
- Dyeing and finishing fiber, yarn, fabrics, and knit apparel; (~~(4)~~)
- Coating, waterproofing, or otherwise treating fabrics; (~~(5)~~)
- The integrated manufacture of knit apparel and other finished articles from yarn; and (~~(6)~~)
- The manufacture of felt goods, lace goods, nonwoven fabrics, and miscellaneous textiles.

Sawmills and planing mills, general: Includes establishments primarily engaged in:

- Sawing rough lumber and timber from logs and bolts, or resawing cants and flitches into lumber, including box lumber and softwood cut stock;
- Planing mills combined with sawmills; and
- Separately operated planing mills (~~(which)~~) that are engaged primarily in producing surfaced lumber and standard workings or patterns of lumber. This industry includes establishments primarily engaged in sawing lath and railroad ties and in producing tobacco hogshead stock, wood chips, and snow fence lath.

Hardwood dimension and flooring mills: Includes establishments primarily engaged in manufacturing:

- Hardwood dimension lumber and workings therefrom; (~~(and)~~)
- Other hardwood dimension, semifabricated or ready for assembly;
- Hardwood flooring; and
- Wood frames for household furniture.

Millwork: Includes establishments primarily engaged in manufacturing fabricated wood millwork, including wood millwork covered with materials such as metal and plastics. Planing mills primarily engaged in producing millwork are included in this industry.

Wood kitchen cabinets: Includes establishments primarily engaged in manufacturing wood kitchen cabinets and wood bathroom vanities, generally for permanent installation.

Hardwood veneer and plywood: Includes establishments primarily engaged in producing commercial hardwood veneer and those primarily engaged in manufacturing commercial plywood or prefinished hardwood plywood. This includes nonwood backed or faced veneer and nonwood faced plywood.

Softwood veneer and plywood: Includes establishments primarily engaged in producing commercial softwood veneer

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and plywood, from veneer produced in the same establishment or from purchased veneer.

Wood preserving: Includes establishments primarily engaged in treating wood, sawed or planed in other establishments, with creosote or other preservatives to prevent decay and to protect against fire and insects. This industry also includes the cutting, treating, and selling of poles, posts and piling, but establishments primarily engaged in manufacturing other wood products, which they may also treat with preservatives, are not included.

Reconstituted wood products: Includes establishments primarily engaged in manufacturing reconstituted wood products. Important products of this industry are hardboard, particleboard, insulation board, medium density fiberboard, waferboard, and oriented strandboard.

Wood products, not elsewhere classified: Includes establishments primarily engaged in manufacturing wood products, not elsewhere classified, and products from rattan, reed, splint, straw, veneer, veneer strips, wicker, and willow.

Furniture and fixtures: Includes establishments primarily engaged in manufacturing household, office, public building, and restaurant furniture; and office and store fixtures.

Paper and allied products: Includes establishments primarily engaged in the manufacture of:

- Pulp from wood and other cellulose fibers, and from rags; ~~((the manufacture of))~~
- Paper and paperboard; and ~~((the manufacture of))~~
- Paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes, and envelopes.

Also included are establishments primarily engaged in manufacturing bags of plastics film and sheet.

Printing and publishing: Includes establishments primarily engaged in printing by one or more common ~~((processes))~~ process, such as letterpress; lithography (including offset), gravure, or screen; and those establishments which perform services for the printing trade, such as bookbinding and plate-making ~~((and))~~. It also includes establishments engaged in publishing newspapers, books, and periodicals.

Chemicals and allied products: Includes establishments primarily engaged in producing basic chemicals, and establishments manufacturing products by predominantly chemical processes.

Petroleum refining and related industries: Includes establishments primarily engaged in petroleum refining, manufacturing paving and roofing materials, and compounding lubricating oils and greases from purchased materials.

Rubber and miscellaneous plastic products: Includes establishments primarily engaged in manufacturing products from plastics resins and from natural, synthetic, or reclaimed rubber, gutta percha, balata, or butta siak.

Stone, clay, and glass products: Includes establishments primarily engaged in manufacturing flat glass and other glass

products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand.

Primary metal industries: Includes establishments primarily engaged in:

- Smelting and refining ferrous and nonferrous metals from ore, pig, or scrap; ~~((it))~~
- Rolling, drawing, and alloying metals; ~~((it))~~
- Manufacturing castings and other basic metal products; and ~~((it))~~
- Manufacturing nails, spikes, and insulated wire and cable.

This group includes the production of coke.

Fabricated metal products: Includes establishments primarily engaged in fabricating ferrous and nonferrous metal products, such as:

- Metal cans,
- Tinware,
- Handtools,
- Cutlery,
- General hardware,
- Nonelectric heating apparatus,
- Fabricated structural metal products,
- Metal forgings,
- Metal stampings,
- Ordnance (except vehicles and guided missiles), and
- A variety of metal and wire products~~((;))~~ not elsewhere classified.

Industrial and commercial machinery and computer equipment: Includes establishments primarily engaged in manufacturing industrial and commercial machinery and equipment and computers.

Electronic and other electrical equipment and components, except computer equipment: Includes establishments primarily engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy. Included ~~((are))~~ is the manufacturing of:

- Electricity distribution equipment;
- Electrical industrial apparatus;
- Household appliances;
- Electrical lighting and ~~((writing))~~ wiring equipment;
- Radio and television receiving equipment;
- Communications equipment;
- Electronic components and accessories; and
- Other electrical equipment and supplies.

Transportation equipment: Includes establishments primarily engaged in manufacturing equipment for transportation of passengers and cargo by land, air, and water. Important products produced by establishments classified in this major group include motor vehicles, aircraft, guided missiles, and space vehicles, ships, boats, railroad equipment, and miscellaneous transportation equipment, such as motorcycles, bicycles, and snowmobiles.

Instruments; measuring, analyzing, and controlling photographic, medical, and optical goods; watches and clocks: Includes establishments primarily engaged in manufacturing:

- Instruments (including professional and scientific) for measuring, testing, analyzing, and controlling, and their associated sensors and accessories;

- Optical instruments and lenses;

- Surveying and drafting instruments;

- Hydrological, hydrographic, meteorological, and geophysical equipment;

- Search, detection, navigation, and guidance systems and equipment;

- Surgical, medical, and dental instruments, equipment, and supplies;

- Ophthalmic goods;

- Photographic equipment and supplies; and

- Watches and clocks.

Jewelry, silverware, and plated ware: Includes establishments primarily engaged in manufacturing:

- Jewelry and other articles made of precious metals with or without stones; ~~((and includes manufacturing))~~

- Flatware, hollowware, ecclesiastical ware, trophies, trays, and related products made of:

- Sterling silver; ~~((ef))~~

- Metal plated with silver, gold, or other metal; ~~((ef))~~

- Nickel silver; ~~((ef))~~

- Pewter; or ~~((ef))~~

- Stainless steel.

Toys and sporting goods: Includes establishments primarily engaged in manufacturing: Sporting and athletic goods such as fishing tackle, golf and tennis goods, skis and skiing equipment.

Signs and advertising specialties: Includes establishments primarily engaged in manufacturing electrical, mechanical, cutout, or plate signs and advertising displays, including neon signs, and advertising specialties.

Railroad transportation: Includes establishments furnishing transportation by line-haul railroad, and switching and terminal establishments.

Local and interurban passenger transit: Includes establishments primarily engaged in furnishing local and suburban passenger transportation.

Water transportation: Includes establishments primarily engaged in freight and passenger transportation on the open seas or inland waters, and establishments furnishing ~~((such))~~ incidental services such as lighterage, towing, and canal operation. This major group also includes excursion boats, sightseeing boats, and water taxis.

Transportation by air: Includes establishments primarily engaged in furnishing domestic and foreign transportation by air and also those operating airports and flying fields and furnishing terminal services.

Electric services: Includes establishments primarily engaged in the generation, transmission, ~~((and))~~ or distribution, or a combination thereof, of electric energy for sale.

Combination electric and gas, and other utility services: Includes establishments providing electric or gas services in combination with other services.

Sanitary services: Includes:

- Establishments primarily engaged in the collection and disposal of wastes conducted through a sewer system; and ~~((includes))~~

- Establishments primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of ~~((such))~~ those kinds of materials.

Motor vehicles, parts, and supplies: Includes establishments primarily engaged in the:

- Wholesale distribution of new and used passenger automobiles, trucks, trailers, and other motor vehicles, including motorcycles, motor homes, and snowmobiles; ~~((the))~~

- Wholesale distribution of motor vehicle supplies, accessories, tools, and equipment except tires ~~((;))~~ and new motor vehicle parts; ~~((the))~~

- Distribution at wholesale or retail of used motor vehicle parts and those primarily engaged in dismantling motor vehicles for the purpose of selling parts.

Electrical apparatus and equipment, wiring supplies, and construction materials: Includes establishments primarily engaged in the wholesale distribution of:

- Electrical power equipment for the generation, transmission, distribution, or control of electric energy;

- Electrical construction materials for outside power transmission lines and for electrical systems; and

- Electric light fixtures and bulbs.

Machinery, equipment, and supplies: Includes establishments primarily engaged in the:

- Wholesale distribution of construction or mining cranes, excavating machinery and equipment, power shovels, road construction and maintenance machinery, tractor-mounting equipment and other specialized machinery and equipment used in the construction, mining, and logging industries;

- Distribution of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm or the lawn or garden; ~~((and))~~

- Distribution of dairy and other livestock equipment; and

- Wholesale distribution of industrial machinery and equipment.

Miscellaneous durable goods: Includes establishments primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials.

Chemicals and allied products: Includes establishments primarily engaged in the wholesale distribution of:

- Plastics materials, and of unsupported plastics film, sheets, sheeting, rods, tubes, and other basic forms and shapes; (~~whole distribution of~~)
- Chemicals and allied products, such as acids, industrial and heavy chemicals, dye stuffs, industrial salts, rosin, and turpentine.

Petroleum and petroleum products: Includes establishments primarily engaged in the wholesale distribution of:

- Crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities; (~~wholesale distribution of~~)
- Petroleum and petroleum products, except those with bulk liquid storage facilities.

Included are packaged and bottled petroleum products distributors, truck jobbers, and others marketing petroleum and its products at wholesale, but without bulk liquid storage facilities.

Farm supplies: Includes establishments primarily engaged in the wholesale distribution of fertilizers, agricultural chemicals, and pesticides.

New and used car dealers: Includes establishments primarily engaged in the retail sale of new automobiles or new and used automobiles. These establishments frequently maintain repair departments and carry stocks of replacement parts, tires, batteries, and automotive accessories.

Gasoline service stations: Includes gasoline service stations primarily engaged in selling gasoline and lubricating oils.

Laundry, cleaning, and garment services: Includes establishments primarily engaged in:

- Operating mechanical laundries with steam or other power;
- Linen supply;
- Coin-operated laundries and dry-cleaning;
- Dry-cleaning plants, except rug cleaning;
- Carpet and upholstery cleaning; and
- Industrial launderers.

Establishments that solely operate coin-operated washing machines and dryers and establishments that solely clean carpets or rugs are not included.

Disinfecting and pest control services: Includes establishments primarily engaged in disinfecting dwellings and other buildings, and in termite, insect, rodent, and other pest control, generally in dwellings or other buildings.

Truck rental and leasing, without drivers: Includes establishments primarily engaged in short-term rental or extended-term leasing of trucks, truck tractors, or semitrailers without drivers.

Automotive repair shops: Includes establishments primarily engaged in the:

- Repair of automotive tops, bodies, and interiors, or automotive painting and refinishing;

- Customizing automobiles, trucks, and vans except on a (~~factor~~) factory basis; (~~the~~)

- Installation, repair, or sale and installation of automotive exhaust systems; (~~the~~)

- Repairing and retreading of automotive tires;

- Installation, repair, or sales and installation of automotive transmissions;

- General automotive repair;

- Specialized automotive repair, such as fuel service (carburetor repair), brake relining, front end and wheel alignment, and radiator repair.

Miscellaneous repair shops and related services: Includes establishments primarily engaged in:

- General repair work by welding, including automotive welding;

- Rewinding armatures and rebuilding or repairing electric motors;

- Specialized repair services, such as bicycle repair, leather goods repair;

- Lock and gun repair, including the making of lock parts or gun parts to individual order;

- Musical instrument repair;

- Septic tank cleaning;

- Farm machinery repair;

- Furnace cleaning;

- Motorcycle repair;

- Tank truck cleaning;

- Taxidermists;

- Tractor repair; and

- Typewriter repair.

Hospitals: Includes establishments primarily engaged in providing:

- Diagnostic services, extensive medical treatment including surgical services, and other hospital services, as well as continuous nursing services; (~~providing~~)

- General medical and surgical services and other hospital services; (~~providing~~)

- Diagnostic medical services and inpatient treatment for the mentally ill; (~~providing~~)

- Diagnostic services, treatment, and other hospital services for specialized categories of patients, except mental.

Medical laboratories: Includes establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician.

Colleges, universities, professional schools, and junior colleges: Colleges, universities, and professional schools furnishing academic courses and granting academic degrees; or junior colleges and technical institutes furnishing academic, or academic and technical, courses, and granting associate academic degrees, certificates, or diplomas.

Research and testing services: Includes establishments primarily engaged in:

- Commercial physical and biological research and development on a contract or fee basis; or

- Performing noncommercial research into and dissemination of, information for public health, education, or general welfare; or

- Providing testing services.

Environmental quality: Government establishments primarily engaged in:

- Regulation, planning, protection and conservation of air and water resources;

- Solid waste management;

- Water and air pollution control and prevention;

- Flood control;

- Drainage development, and consumption of water resources;

- Coordination of these activities at intergovernmental levels;

- Research necessary for air pollution abatement and control and conservation of water resources; ~~(and)~~

- Government establishments primarily engaged in regulation, supervision and control of land use, including recreational areas;

- Conservation and preservation of natural resources;

- Control of wind and water erosion; ~~(and)~~

- The administration and protection of publicly and privately owned forest lands, including pest control~~(-);~~

- Planning, management, regulation, and conservation of game, fish, and wildlife populations, including wildlife management areas and field stations; and

- Other matters relating to the protection of fish, game, and wildlife.

Establishments ~~(which)~~ that only provide information and education services to others are not included.

National security: Includes establishments of the armed forces, including the National Guard, primarily engaged in national security and related activities.

~~((4) A potential generator shall be exempt from the fee if the potential generator is entitled to the exemption in RCW 82.04.300 in the current calendar year.)~~ (2) A hazardous waste generator must be exempt from the fee imposed under this section if the value of products, gross proceeds of sales, or gross income of the business, from all business activities of the hazardous waste generator, is less than twelve thousand dollars in the current calendar year.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-120 Responsibilities of the department~~(s)~~ of ecology ~~(and revenue)~~. (1) The legislature has provided that the primary responsibilities of the department of ecology are:

~~(a) To provide ~~(the department of revenue with)~~ a list of ~~(known)~~ hazardous waste generators and to determine the primary business activities of ~~(potential)~~ hazardous waste generators.~~

~~((2) The legislature has provided that the primary responsibility of the department of revenue is) (b) To collect the fees from ~~(known and potential)~~ hazardous waste gener-~~

ators as identified in ~~((subsection (1) of this section))~~ (a) of this subsection.

~~((3))~~ (2) The department of ecology will periodically amend the list of primary business activities of ~~(potential)~~ hazardous waste generators by reviewing the most current verified information that is available to the department.

PART C

~~((ADDITIONAL))~~ **HAZARDOUS WASTE PLANNING FEE**

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-210 Imposition of fee. (1) The fee is imposed on hazardous waste generators and hazardous substance users required to prepare plans under RCW 70.95E.030. The department may waive the fee for individual facilities when the amount owed is less than the estimated cost of collection. This provision does not waive the requirement to prepare a plan.

(2) The department will determine who, specifically ~~((has)), is required~~ to pay the fee each year and the amount of the fee based on the most current verified information available to the department. Note: Information collected on toxic emissions will not be verified.

(3) The total fees collected under RCW 70.95E.030 ~~((shall)) may~~ not exceed the department's cost of implementing RCW 70.95C.200.

(4) A person ~~((that)) who~~ develops a plan covering more than one interrelated facility as provided for in RCW 70.95C.200 ~~((shall)) must~~ be assessed fees only for the number of plans prepared. In instances where a person has interrelated facilities without substantially similar processes, a single document may be prepared for the convenience of management but the document must contain separate detailed plans for each facility. In these cases, each detailed plan within the document ~~((shall)) must~~ be assessed a fee.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-220 ~~((Additional)) Hazardous waste planning fee.~~ (1) The department shall calculate the adjusted fees, annual fee, and maximum total fees using the formula in subsection (3) of this section. The formula uses a risk factor of one for dangerous waste and emissions, and a multiplication factor of ten for extremely hazardous waste. For purposes of this section, hazardous waste reported on the annual dangerous waste generator report as having been either recycled on-site or recycled for beneficial use off-site, including initial amounts of hazardous substances introduced into a process and subsequently recycled for beneficial use, ~~((shall)) may~~ not be used in the calculation of hazardous waste generated. A facility may petition the director to exclude hazardous wastes recycled for beneficial use even if they were not reported as such on the annual dangerous waste generator report. Documentation from the hazardous waste

handling facility that the hazardous waste was recycled for beneficial use must be submitted along with the petition.

(2) Fees in subsection (3) of this section are based on the following definitions:

(Note: The terms "dangerous waste" and "extremely hazardous waste" as used in this subsection ~~((utilize))~~ use the same basic definition as in WAC 173-305-020, but are modified as follows for the fee calculation only.)

Dangerous waste is the number of pounds of dangerous waste reported ~~((which is))~~ that are not recycled for beneficial use, calculated so that wastewater discharged under permit by rule ~~((pursuant to))~~ under WAC 173-303-802 is excluded.

Emissions is the number of pounds of emission reported under Toxic Chemical Release Reporting, 40 CFR Part 372, by a company. If emissions are reported in ranges, the middle value of the reported range will be used in the calculation.

Extremely hazardous waste is the number of pounds of extremely hazardous waste reported ~~((which is))~~ that are not recycled for beneficial use, calculated so that wastewater discharged under permit by rule ~~((pursuant to))~~ under WAC 173-303-802 is excluded.

The ~~((priced))~~ price deflator is the "Implicit price deflator for gross national product⁽⁼⁾ for ⁽⁼⁾government purchases of goods and services⁽⁼⁾ for ⁽⁼⁾state and local government."

The total risk pounds for a facility or set of interrelated facilities is equal to ten times the number of pounds of extremely hazardous waste generated, plus the number of pounds of dangerous waste generated, plus the number of pounds of emission reported by that facility.

(3) The annual fee for a facility or set of interrelated facilities ~~((shall be))~~ is equal to the rate per risk pound times the total risk pounds. The rate for the risk pounds ~~((shall))~~ must be calculated by the department so that the maximum total fee in (a) of this subsection can be obtained. The annual fee for each facility or set of interrelated facilities ~~((shall be))~~ is subject to the limitations in (b) and (c) of this subsection.

(a) The maximum total fees collected ~~((shall))~~ must be determined based on the maximum total fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment ~~((shall be))~~ is the second quarter price deflator for 1990. The maximum total fees for 1990 ~~((shall))~~ must be one million dollars.

(b) The maximum fee for any facility or interrelated facility ~~((shall))~~ must be determined based on the maximum total fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment ~~((shall be))~~ is the second quarter price deflator for 1990. The maximum annual fee for 1990 ~~((shall))~~ must be ten thousand dollars.

(c) The maximum annual fee for a generator ~~((that))~~ who generates between two thousand six hundred forty and four thousand pounds of dangerous and extremely hazardous waste ~~((shall))~~ must be determined based on the maximum total annual fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used

in the numerator for the previous year. The price deflator used in the denominator for the first adjustment ~~((shall be))~~ is the second quarter price deflator for 1990. The maximum annual fee for 1990 ~~((shall))~~ must be fifty dollars.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-230 Due dates. (1) Fees imposed by RCW 70.95E.030 ~~((shall be))~~ are first due on July 1, 1991, for facilities that are required to prepare plans in 1992, on July 1, 1992, for facilities that are required to prepare plans in 1993, and on July 1, 1993, for facilities that are required to prepare plans in 1994. Fees for facilities that are required to prepare plans following 1994 ~~((shall be))~~ are first due on July 1 of the year following the first year that they generate more than two thousand six hundred forty pounds of hazardous waste and/or are required to report under Section 313 of Title III of the Superfund Amendments and Reauthorization Act.

(2) If a facility pays a fee in anticipation of preparing a plan the following year, and circumstances change so that the facility is no longer required to prepare a plan, the facility may request, by letter, a refund of the fee from the department ~~((and;)).~~ Upon verification of the information submitted, ~~((it shall be granted. This request is made by letter to the department))~~ the department shall grant the refund.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-240 Responsibilities of the department(s) of ecology ~~((and revenue)).~~ (1) The legislature has provided that the primary responsibility of the department of ecology is to ~~((provide the department of revenue by April 30 of each year with))~~ develop, by April 30 of each year, a list of persons subject to the fee and the amount of their fee. The fees ~~((shall))~~ must be calculated based on the formulas in WAC 173-305-220(3).

(2) The department of ecology shall collect the fees and subtract any overpayment of the fee in the previous year from the fee for the current year. The department shall also subtract any interest accrued on an overpayment from the fee for the current year if the overpayment was made due to an error which was the responsibility of the department or an overestimate of rate per risk pound for the prior year.

(3) If there are resubmissions of hazardous waste annual reports ~~((and/))~~ or toxic release inventory reports, or both, the department shall add any underpayment of the fee in previous years to the fee for the current year.

~~((4) The legislature has provided that the primary responsibility of the department of revenue is to collect the fees from those identified in subsection (1) of this section.))~~

EXPEDITED ADOPTION

WSR 00-10-054

EXPEDITED ADOPTION

DEPARTMENT OF ECOLOGY

[Order 00-09—Filed April 27, 2000, 2:28 p.m.]

Title of Rule: Chapter 173-240 WAC, Submission of plans and reports for construction of wastewater facilities.

Purpose: The purpose of this chapter is to implement RCW 90.48.110. The department interprets "plans and specifications" as mentioned in RCW 90.48.110 as including "engineering reports," "plans and specifications," and "general sewer plans," all as defined in WAC 173-240-020. This chapter also includes provisions for review and approval of proposed methods of operation and maintenance.

Statutory Authority for Adoption: Chapter 90.48 RCW.

Statute Being Implemented: RCW 90.48.110.

Summary: This amendment is being proposed to correct errors in grammar and punctuation, and to clarify the language of the rule without changing its effect.

Reasons Supporting Proposal: To comply with executive order on regulatory improvement, this amendment is being proposed to correct errors in grammar and punctuation, and to clarify the language of the rule without [changing its effect].

Name of Agency Personnel Responsible for Drafting: Kathy Carpenter, Headquarters, Olympia, (360) 407-6216; Implementation and Enforcement: Megan White, Headquarters, Olympia, (360) 407-6405.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this chapter is to implement RCW 90.48.110. The department interprets "plans and specifications" as mentioned in RCW 90.48.110 as including "engineering reports," "plans and specifications," and "general sewer plans," all as defined in WAC 173-240-020. This chapter also includes provisions for review and approval of proposed methods of operation and maintenance.

This amendment will correct errors in grammar and punctuation, and clarify the language of the rule without changing its effect.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600,

Olympia, WA 98504-7600, AND RECEIVED BY July 5, 2000.

April 27, 2000
Joe Williams
for Dan Silver
Deputy Director

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-020 Definitions. (1) "Approval" means written approval.

(2) "Construction quality assurance plan" means a plan describing the methods by which the professional engineer in responsible charge of inspection of the project will determine that the facilities were constructed without significant change from the department approved plans and specifications.

(3) "Department" means the Washington state department of ecology.

(4) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with ~~((such))~~ the groundwater infiltration or surface waters ~~((as))~~ that may be present.

(5) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with ~~((such))~~ the industrial waste ~~((as))~~ that may be present. In the case of subsurface sewage treatment and disposal, the term is restricted to mean those facilities treating and disposing of domestic wastewater only from:

(a) A septic tank system with subsurface sewage treatment and disposal and an ultimate design capacity exceeding fourteen thousand five hundred gallons per day at any common point; or

(b) A mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity exceeding three thousand five hundred gallons per day at any common point.

Where the proposed system ~~((utilizing))~~ using subsurface disposal has received a state construction grant or a federal construction grant under the Federal Water Pollution Control Act as amended, such a system is a "domestic wastewater facility" regardless of size.

(6) "Engineering report" means a document ~~((which))~~ that thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report shall contain the appropriate information required in WAC 173-240-060 or 173-240-130. In the case of a domestic wastewater facility project, the report describes the recommended financing method.

The facility plan described in federal regulation 40 CFR 35 is an "engineering report." This federal regulation describes the Environmental Protection Agency's municipal wastewater construction grants program.

(7) "General sewer plan" means the:

(a) Sewerage general plan adopted by counties under chapter 36.94 RCW; or

(b) Comprehensive plan for a system of sewers adopted by sewer districts under chapter 56.08 RCW; or

(c) Plan for a system of sewerage adopted by cities under chapter 35.67 RCW; or

(d) Comprehensive plan for a system of sewers adopted by water districts under chapter 57.08 RCW; or

(e) Plan for sewer systems adopted by public utility districts under chapter 54.16 RCW and by port districts under chapter 53.08 RCW.

(f) The "general sewer plan" is a comprehensive plan for a system of sewers adopted by a local government entity. The plan includes the items specified in each respective statute. It includes the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, local service areas and a general description of the collection system to serve those areas. The plan also includes preliminary engineering in adequate detail to assure technical feasibility, provides for the method of distributing the cost and expense of the sewer system, and indicates the financial feasibility of plan implementation.

(8) "Industrial wastewater" means the water or liquid (~~carried~~) that carries waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated stormwater and also leachate from solid waste facilities.

(9) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of industrial wastewater.

(10) "Owner" means the state, county, city, town, federal agency, corporation, firm, company, institution, person or persons, or any other entity owning a domestic or industrial wastewater facility.

(11) "Plans and specifications" means the detailed drawings and specifications used in the construction or modification of domestic or industrial wastewater facilities. Except as otherwise allowed, plans and specifications are preceded by an approved engineering report. For some industrial facilities final conceptual drawings for all or parts of the system may be substituted for plans and specifications with the permission of the department.

(12) "Sewerage system" means a system of sewers and appurtenances for the collection, transportation, pumping, treatment and disposal of domestic wastewater together with (~~such~~) industrial waste (~~as~~) that may be present. By definition a sewerage system is a "domestic wastewater facility."

(13) "Sewer line extension" (~~shall~~) means any pipe added or connected to an existing sewerage system, together with any pump stations: Provided, That the term does not include gravity side sewers (~~which~~) that connect individual building or dwelling units to the sewer system when these side sewers are less than one hundred fifty feet in length and not over six inches in diameter.

(14) "Subsurface sewage treatment and disposal" means the physical, chemical, or bacteriological treatment and disposal of domestic wastewater within the soil profile by place-

ment beneath the soil surface in trenches, beds, seepage pits, mounds, or fills.

(15) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, ground waters, salt waters, and all other waters and watercourses within the jurisdiction of the state of Washington.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-030 Submission of plans and reports.

(1) (~~Prior to the construction or modification of~~) Before constructing or modifying domestic wastewater facilities, engineering reports and plans and specifications for the project (~~shall~~) must be submitted to and approved by the department, except as noted in WAC 173-240-030(5).

(2) All reports and plans and specifications (~~shall~~) must be submitted by the owner or (~~his~~) the owner's authorized representative consistent with a compliance schedule issued by the department or at least sixty days (~~prior to~~) before the time approval is desired.

(3) Construction or modification of domestic wastewater facilities shall conform to the following schedule of tasks unless otherwise modified by these (~~regulations~~) rules:

- (a) Submission and approval of engineering report;
- (b) Submission and approval of plans and specifications;
- (c) Submission and approval of construction quality assurance plan;
- (d) Submission and approval of draft operation and maintenance manual;
- (e) Declaration of completion of construction by the project engineer; and
- (f) Submission of complete operation and maintenance manual.

(4) Where two or more years has lapsed since approval of the engineering report or plans and specifications and construction has not begun, it may be necessary to update that document to reflect changed conditions such as: Water quality, services availability, regulatory requirements, or engineering technology.

(5) If the local government entity has received department approval of a general sewer plan and standard design criteria, engineering reports and plans and specifications for sewer line extensions, including pump stations, (~~need~~) are not required to be submitted for approval. In this case the entity need only provide a description of the project and written assurance that the extension is in conformance with the general sewer plan. However, in the following situations specific department approval is necessary for sewer line extensions (~~prior to~~) before construction:

- (a) The proposed sewers, or pump stations involve installation of overflows or bypasses; or
- (b) The proposed sewers, pump or lift stations discharge to an overloaded treatment, collection, or disposal facility.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-035 Restrictions—Subsurface disposal systems. (~~(+)~~) Domestic wastewater facilities (~~utiliz-~~

EXPEDITED ADOPTION

~~ing~~) using subsurface sewage treatment and disposal, as defined in WAC 173-240-020(5), are prohibited except under those extraordinary circumstances where no other reasonable alternatives exist and: Providing that

~~((2))~~ (1) The facility is owned, operated, and maintained by a public entity, except as noted in WAC 173-240-104; and

~~((3))~~ (2) Adequate facility construction oversight is provided by the public entity; and

~~((4))~~ (3) The proposed project is consistent with local health and land use ~~((regulations))~~ rules; and

~~((5))~~ (4) Loading rates do not exceed 1,570 gallons per day per acre of gross land area in medium sands or finer grained soils and ~~((shall))~~ may not exceed 900 gallons per day per acre of gross land in coarser grained soils or other soils where conditions ~~((are such that))~~ do not provide for adequate treatment ~~((is not provided))~~. For the purposes of this section gross land area is defined as the contiguous land area of a proposed development ~~((which))~~ that might include the centerline of adjoining road or street right-of-ways.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-040 Review standards. (1) The department will review general sewer plans, engineering reports, plans and specifications, and operation and maintenance manuals for domestic wastewater facilities to ~~((ascertain that))~~ determine whether the proposed facilities will be designed, constructed, operated, and maintained to meet effluent limitations and other requirements of an NPDES or state waste discharge permit, if applicable, and to meet the policies and requirements of chapters 90.48 and 90.54 RCW pertaining to prevention and control of pollution of waters of the state.

(2) In addition to the above, the department will review documents submitted ~~((pursuant to))~~ under this chapter to ~~((ascertain that))~~ determine whether they are reasonably consistent with the appropriate sections of the state of Washington, "Criteria for sewage works design." Additional references may include, but are not limited to, the following:

(a) Manuals of Practice, Water Pollution Control Federation.

(b) Manuals of Engineering Practice, American Society of Civil Engineering.

(c) Standard Specifications for Municipal Public Works Construction, American Public Works Association.

(d) Considerations for Preparation of Operation and Maintenance Manuals, United States Environmental Protection Agency.

(e) Process Design Manuals, United States Environmental Protection Agency.

(f) Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability, United States Environmental Protection Agency.

(g) Design Manual: Onsite Wastewater Treatment and Disposal Systems, U.S.E.P.A. October 1980.

(h) Guidelines for Larger On-Site Sewage Disposal Systems, Washington State Department of Social and Health Services and Department of Ecology.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-050 General sewer plan. (1) All general sewer plans required of any governmental agency ~~((prior to))~~ before providing sewer service are "plans" within the requirements of RCW 90.48.110. Three copies of the proposed general sewer plan and each amendment to it ~~((shall))~~ must be submitted to and approved by the department ~~((prior to its implementation))~~ before implementing the plan.

(2) The general sewer plan ~~((shall))~~ must be sufficiently complete so that engineering reports can be developed from it without substantial alterations of concept and basic considerations.

(3) The general sewer plan shall include the following information together with any other relevant data as requested by the department. To satisfy the requirements of the local government jurisdiction, additional information may be necessary.

(a) The purpose and need for the proposed plan.

(b) A discussion of who will own, operate, and maintain the system~~((s))~~.

(c) The existing and proposed service boundaries.

(d) Layout map including the following:

(i) Boundaries. The boundary lines of the municipality or special district to be sewer, including a vicinity map;

(ii) Existing sewers. The location, size, slope, capacity, direction of flow of all existing trunk sewers, and the boundaries of the areas served by each;

(iii) Proposed sewers. The location, size, slope, capacity, direction of flow of all proposed trunk sewers, and the boundaries of the areas to be served by each;

(iv) Existing and proposed pump stations and force mains. The location of all existing and proposed pumping stations and force mains, designated to distinguish between those existing and proposed;

(v) Topography and elevations. Topography showing pertinent ground elevations and surface drainage ~~((shall))~~ must be ~~((shown))~~ included, as well as proposed and existing streets;

(vi) Streams, lakes, and other bodies of water. The location and direction of flow of major streams, the high and low elevations of water surfaces at sewer outlets, and controlled overflows, if any. All existing and potential discharge locations should be noted; and

(vii) Water systems. The location of wells or other sources of water supply, water storage reservoirs and treatment plants, and water transmission facilities.

(e) The population trend as indicated by available records, and the estimated future population for the stated design period. Briefly describe the method used to determine future population trends and the concurrence of any applicable local or regional planning agencies.

(f) Any existing domestic ~~((and))~~ or industrial wastewater facilities within twenty miles of the general plan area and within the same topographical drainage basin containing the general plan area.

(g) A discussion of any infiltration and inflow problems~~((Also))~~ and a discussion of actions ~~((which))~~ that will alleviate these problems in the future.

(h) A statement regarding provisions for treatment and discussion of the adequacy of ~~((such))~~ the treatment.

(i) List of all establishments producing industrial wastewater, the quantity of wastewater and periods of production, and the character of ~~((such))~~ the industrial wastewater insofar as it may affect the sewer system or treatment plant. Consideration ~~((shall))~~ must be given to future industrial expansion.

(j) Discussion of the location of all existing private and public wells, or other sources of water supply, and distribution structures as they are related to both existing and proposed domestic wastewater treatment facilities.

(k) Discussion of the various alternatives evaluated, and a determination of the alternative chosen, if applicable.

(l) A discussion, including a table, ~~((which))~~ that shows the cost per service in terms of both debt service and operation and maintenance costs, of all facilities (existing and proposed) during the planning period.

(m) A statement regarding compliance with any adopted water quality management plan ~~((pursuant to))~~ under the Federal Water Pollution Control Act as amended.

(n) A statement regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-060 Engineering report. (1) The engineering report for a domestic wastewater facility shall include each appropriate (as determined by the department) item required in WAC 173-240-050 for general sewer plans unless an up-to-date general sewer plan is on file with the department. Normally, an engineering report is not required for sewer line extensions or pump stations. See WAC 173-240-020(13) and 173-240-030(5). The facility plan described in federal ~~((regulation))~~ rule 40 CFR 35 is an "engineering report."

(2) The engineering report ~~((shall))~~ must be sufficiently complete so that plans and specifications can be developed from it without substantial changes. Three copies of the report ~~((shall))~~ must be submitted to the department for approval, ~~((excepting))~~ except as waived under WAC 173-240-030(5).

(3) The engineering report shall include the following information together with any other relevant data as requested by the department:

(a) The name, address, and telephone number of the owner of the proposed facilities, and ~~((his))~~ the owner's authorized representative.

(b) A project description ~~((including))~~ that includes a location map and a map of the present and proposed service area.

(c) A statement of the present and expected future quantity and quality of wastewater, including any industrial wastes ~~((which))~~ that may be present or expected in the sewer system.

(d) The degree of treatment required based upon applicable permits and ~~((regulations))~~ rules, the receiving body of water, the amount and strength of wastewater to be treated, and other influencing factors.

(e) A description of the receiving water, applicable water quality standards, and how water quality standards will be met outside ~~((of))~~ any applicable dilution zone.

(f) The type of treatment process proposed, based upon the character of the wastewater to be handled, the method of disposal, the degree of treatment required, and a discussion of the alternatives evaluated and the reasons they are unacceptable.

(g) The basic design data and sizing calculations of each unit of the treatment works. Expected efficiencies of each unit and also of the entire plant, and character of effluent anticipated.

(h) Discussion of the various sites available and the advantages and disadvantages of the site ~~((s))~~ or sites recommended. The proximity of residences or developed areas to any treatment works. The relationship of the twenty-five-year and one hundred-year flood to the treatment plant site and the various plant units.

(i) A flow diagram ~~((showing))~~ that shows general layout of the various units, the location of the effluent discharge, and a hydraulic profile of the system that is the subject of the engineering report and any hydraulically related portions.

(j) A discussion of infiltration and inflow problems, overflows and bypasses, and proposed corrections and controls.

(k) A discussion of any special provisions for treating industrial wastes, including any pretreatment requirements for significant industrial sources.

(l) Detailed outfall analysis or other disposal method selected.

(m) A discussion of the method of final sludge disposal and any alternatives considered.

(n) Provision for future needs.

(o) Staffing and testing requirements for the facilities.

(p) An estimate of the costs and expenses of the proposed facilities and the method of assessing costs and expenses. The total amount shall include both capital costs and also operation and maintenance costs for the life of the project, and ~~((shall))~~ must be presented in terms of total annual cost and present worth.

(q) A statement regarding compliance with any applicable state or local water quality management plan or any ~~((such))~~ plan adopted ~~((pursuant to))~~ under the Federal Water Pollution Control Act as amended.

(r) A statement regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

(4) The engineering report for projects ~~((utilizing))~~ that use land application, including seepage lagoons, irrigation, and subsurface disposal, shall include information on the following together with appropriate parts of subsection (3) of this section, as determined by the department:

(a) Soils and their permeability;

(b) Geohydrologic evaluation of ~~((such))~~ factors such as:

(i) Depth to ground water and ground water movement during different times of the year;

(ii) Water balance analysis of the proposed discharge area;

(iii) Overall effects of the proposed facility upon the ground water in conjunction with any other land application facilities that may be present;

- (c) Availability of public sewers;
- (d) Reserve areas for additional subsurface disposal.

(5) The engineering report for projects funded by the Environmental Protection Agency shall, in addition to the requirements of subsection (3) or (4) of this section, follow EPA facility plan guidelines contained in the EPA publication, "Guidance for Preparing a Facility Plan" (MCD-46), and shall indicate how the special requirements contained in 40 CFR 35.719-1 will be met.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-070 Plans and specifications. (1) The plans and specifications for a domestic wastewater facility are the detailed construction documents by which the owner or his or her contractor bid and construct the facility. The content and format of the plans and specifications ~~((shall))~~ must be as stated in the state of Washington, "Criteria for sewage works design," and shall include a ~~((listing))~~ list of the facility design criteria and a plan for interim operation of facilities during construction.

(2) Plans and specifications for sewer line extensions shall include, as a separate report, an analysis of the existing collection and treatment system's ability to transport and treat additional flow and loading.

(3) Two copies of the plans and specifications ~~((shall))~~ must be submitted to the department for approval ~~((prior to start of))~~ before starting construction, ~~((excepting))~~ except as waived under WAC 173-240-030(5).

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-075 Construction quality assurance plan. (1) ~~((Prior to))~~ Before construction a detailed plan must be submitted to the department ~~((showing))~~ that shows how adequate and competent construction inspection will be provided.

(2) The construction quality assurance plan shall include a:

(a) Construction schedule with a summary of planned construction activities, their sequence, interrelationships, durations, and terminations.

(b) Description of the construction management organization, management procedures, lines of communication, and responsibility.

(c) Description of anticipated quality control testing ~~((including))~~ that includes type of test, frequency, and who will perform the tests.

(d) Description of the change order process ~~((including))~~ that includes who will initiate change orders, as well as who will review, negotiate, and approve change orders.

(e) Description of the technical records handling methodology ~~((including))~~ that includes where plans and specifications, as-built drawings, field orders, and change orders will be kept.

(f) Description of the construction inspection program ~~((including))~~ that includes inspection responsibility, anticipated inspection frequency, deficiency resolution, and inspector qualifications.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-080 Operation and maintenance manual. (1) The proposed method of operation and maintenance of the domestic wastewater facility ~~((shall))~~ must be stated in the engineering report or plans and specifications and must be approved by the department. The statement ~~((shall))~~ must be a discussion of who will own, operate, and maintain the facility and what the staffing and testing requirements are. The owner shall follow the approved method of operation after the facility is constructed, unless changes have been approved by the department.

(2) In those cases where the facility includes mechanical components, a detailed operation and maintenance manual ~~((shall))~~ must be prepared ~~((prior to completion of))~~ before completing the construction. The purpose of the manual is to present technical guidance and regulatory requirements to the operator to enhance operation under both normal and emergency conditions. Two copies of the manual ~~((shall))~~ must be submitted to the department for approval ~~((prior to completion of))~~ before completing the construction.

(3) In order to assure proper operation during construction and timely review and approval of the final operation and maintenance manual, a draft manual ~~((shall))~~ must be submitted in the early stages of the construction of a facility. In addition, manufacturer's information on equipment must be available to the plant operator ~~((prior to))~~ before unit start-up.

(4) The operation and maintenance manual shall include the following list of topics. For those projects funded by the Environmental Protection Agency the manual shall also follow the requirements of the EPA publication, "Considerations for Preparation of Operation and Maintenance Manuals."

(a) The assignment of managerial and operational responsibilities ~~((to include))~~, including plant classification and classification of required operators.

(b) A description of plant type, flow pattern, operation, and efficiency expected.

(c) The principal design criteria.

(d) A process description of each plant unit, including function, relationship to other plant units, and schematic diagrams.

(e) A discussion of the detailed operation of each unit and description of various controls, recommended settings, fail-safe features, etc.

(f) A discussion of how the treatment facilities are to be operated during anticipated maintenance procedures, and under less than design loading conditions, if applicable, such as initial loading on a system designed for substantial growth.

(g) A section on laboratory procedures, including sampling techniques, monitoring requirements, and sample analysis.

(h) Recordkeeping procedures and sample forms to be used.

EXPEDITED ADOPTION

(i) A maintenance schedule (~~incorporating~~) that incorporates manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage.

(j) A section on safety.

(k) A section (~~stating~~) that lists the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

(l) Emergency plans and procedures.

(5) In those cases where the facility does not include mechanical components, an operation and maintenance manual, which may be less detailed than that described in subsection (4) of this section, (~~shall~~) must be submitted to the department for approval (~~prior to completion of~~) before completing construction. The manual shall fully describe the treatment and disposal system and outline routine maintenance procedures needed for proper operation of the system.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-090 Declaration of construction completion. (1) Within thirty days (~~following~~) after acceptance by the owner of the construction or modification of a domestic wastewater facility, the professional engineer in responsible charge of inspection of the project shall submit to the department

(a) one complete set of record drawings or as-builts

(b) a declaration stating the facilities were constructed in accordance with the provisions of the construction quality assurance plan and without significant change from the department approved plans and specifications.

(2) The declaration will be furnished by the department and will be the same form as WAC 173-240-095, declaration of construction of water pollution control facilities. The submission of the declaration is not necessary for sewer line extensions where the local government entity has received approval of a general sewer plan and standard design criteria.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-095 Form—Declaration of construction of water pollution control facilities.

DECLARATION OF CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES

Instructions:

A. Upon completion, and (~~prior to the use of~~) before using any project or portions thereof, a professional engineer shall complete and sign this form, declaring that the project was constructed in accordance with the provisions of the construction quality assurance plan and with the plans and specifications and major change orders approved by the department of ecology.

B. If a project is being completed in phased construction, a map (~~shall~~) must be attached showing that portion of the project to which the declaration applies. A declara-

tion of construction must be submitted for each phase of a project as it is completed. Additional declaration forms are available upon request from the department of ecology offices listed below.

NAME AND BRIEF DESCRIPTION OF PROJECT:
.....
.....
NAME OF OWNER DOE PROJECT NO.
ADDRESS DATE PROJECT OR
PHASE COMPLETED
CITY STATE ZIP
DOE PLAN AND
SPECIFICATION
APPROVAL DATE

I hereby declare that I am the project engineer of the above identified project and that (~~said~~) the project was reviewed and observed by me or my authorized agent in accordance with the provisions of the construction quality assurance plan. I further declare that (~~said~~) the project was, to the best of my knowledge and information, constructed and completed in accordance with the plans and specification and major change orders approved by the department of ecology and as shown on the owner's "as-built" plans.

..... SEAL
Signature of Professional Engineer
OF
DATE ENGINEER

Please return completed form to the department of ecology office checked below.

- SW Regional Office
Department of Ecology
~~((Mail stop LU-11
7272 Cleanwater Lane))~~
P.O. Box 47600
Olympia, WA 98504-7600
- Central Regional Office
Department of Ecology
~~((3601 W. Washington))~~
15 W. Yakima Ave., Suite
200
Yakima, WA ((98903))
98902-3401
- NW Regional Office
Department of Ecology
~~((4350 150th Ave. NE
Redmond, WA 98052))~~
3190 160th Ave. S.E.
Bellevue, WA 98008-5452
~~((Municipal Division))~~
Water Quality Program
- Eastern Regional Office
Department of Ecology
~~((East 103 Indiana Ave.))~~
N. 4601 Monroe, Ste. 100
Spokane, WA ((99207))
99205-1295
- Department of Ecology
~~((PV-11))~~ P.O. Box 47600
Olympia, WA ((98503))
98504-7600

EXPEDITED ADOPTION

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-100 Requirement for certified operator. Each owner of a domestic wastewater treatment facility is required by chapter 70.95B RCW to have an operator, certified by the state, in responsible charge of the day to day operation of the facility. This requirement does not apply to a septic tank (~~(utilizing)~~) using subsurface disposal. The certification procedures are set forth in chapter 173-230 WAC.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-104 Ownership and operation and maintenance. (1) ~~((Domestic sewage facilities will not be approved unless ownership and responsibility for operation and maintenance is by a public entity except as provided in subsections (2) and (3) of this section.))~~ Except as provided in subsections (2) and (3) of this section, domestic sewage facilities will not be approved unless ownership and responsibility for operation and maintenance is by a public entity. If a waste discharge permit is required it must be issued to the public entity. Nothing ~~((herein))~~ in this rule precludes a public entity from contracting operation and maintenance of domestic sewage facilities.

(2) Ownership by nonpublic entities may be approved if the department determines ~~((such))~~ the ownership is in the public interest~~((:));~~ Provided, That there is an enforceable contract, approved by the department, between the nonpublic entity and a public entity with an approved sewer general plan ~~((which))~~ that will assure immediate assumption of the system under the following conditions:

(a) Treatment efficiency is unsatisfactory either as a result of plant capacity or physical operation; or

(b) If such an assumption is necessary for the implementation of a general sewer plan.

(3) The following domestic wastewater facilities would not require public entity ownership, operation, and maintenance:

(a) Those facilities existing or approved for construction as of the effective date of this section, until such a time ~~((as))~~ the facility is expanded to accommodate additional development.

(b) Those facilities ~~((that))~~ which serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered commercial establishments for the purpose of this section.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-110 Submission of plans and reports.

(1) ~~((Prior to the construction or modification of))~~ Before constructing or modifying industrial wastewater facilities, engineering reports and plans and specifications for the

project ~~((shall))~~ must be submitted to and approved by the department.

(2) All engineering reports and plans and specifications should be submitted by the owner consistent with a compliance schedule issued by the department or at least thirty days ~~((prior to))~~ before the time approval is desired. The department will generally review and either approve (or conditionally approve), comment on, or disapprove ~~((such))~~ those plans and reports within the thirty-day period unless circumstances prevent, in which case the owner will be notified and informed of the reason for the delay.

(3) Construction or modification of industrial wastewater facilities shall conform to the following schedule of tasks unless waived in accordance with subsection (5).

(a) Submission and approval of an engineering report;

(b) Submission and approval of plans and specifications;

(c) Submission of an operation and maintenance manual.

(4) Where two or more years has elapsed since approval of the engineering report or plans and specifications, it may be necessary to update that document to reflect changed water quality conditions, regulatory requirements, or engineering technology.

(5) Upon request by the owner, the department may waive the requirement for a three step submission of documents for industrial facilities. In such a case the department will require instead conceptual plans ~~((which))~~ that also include the appropriate (as determined by the department) information from the engineering report and an operation and maintenance manual.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-120 Review standards. The department will review engineering reports, plans and specifications, and operation and maintenance manuals for industrial wastewater facilities to ~~((ascertain that))~~;

(1) Determine whether the proposed facilities will be designed, constructed, operated and maintained to meet effluent limitations and other requirements of an NPDES or state waste discharge permit, if applicable~~((:));~~ and

(2) To meet the policies and requirements of chapters 90.48 and 90.54 RCW pertaining to prevention and control of pollution of waters of the state~~((:));~~ and ~~((will be))~~

(3) To determine whether the facility will be designed, constructed, and operated consistent with good engineering practices.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-130 Engineering report. (1) The engineering report for an industrial wastewater facility ~~((shall))~~ must be sufficiently complete so that plans and specifications can be developed from it without substantial changes. Two copies of the report ~~((shall))~~ must be submitted to the department for approval.

(2) The engineering report shall include the following information together with any other relevant data as requested by the department:

- (a) Type of industry or business((-);
- (b) The kind and quantity of finished product((-);
- (c) The quantity and quality of water used by the industry and a description of how it is consumed or disposed of, including:
 - (i) The quantity and quality of all process wastewater and method of disposal;
 - (ii) The quantity of domestic wastewater and how it is disposed of;
 - (iii) The quantity and quality of noncontact cooling water (including air conditioning) and how it is disposed of; and
 - (iv) The quantity of water consumed or lost to evaporation.
- (d) The amount and kind of chemicals used in the treatment process, if any((-);
- (e) The basic design data and sizing calculations of the treatment units((-);
- (f) A discussion of the suitability of the proposed site for the facility((-);
- (g) A description of the treatment process and operation, including a flow diagram((-);
- (h) All necessary maps and layout sketches((-);
- (i) Provisions for bypass, if any((-);
- (j) Physical provision for oil and hazardous material spill control (~~and~~) or accidental discharge prevention((-) or both;
- (k) Results to be expected from the treatment process including the predicted wastewater characteristics, as shown in the waste discharge permit, where applicable((-);
- (l) A description of the receiving water, location of the point of discharge, applicable water quality standards, and how water quality standards will be met outside of any applicable dilution zone((-);
- (m) Detailed outfall analysis((-);
- (n) The relationship to existing treatment facilities, if any((-);
- (o) Where discharge is to a municipal sewerage system, a discussion of that system's ability to transport and treat the proposed industrial waste discharge without exceeding the municipality's allocated industrial capacity. Also, a discussion on the effects of the proposed industrial discharge on the use or disposal of municipal sludge (~~utilization or disposal~~);
- (p) Where discharge is through land application, including seepage lagoons, irrigation, and subsurface disposal, a geohydrologic evaluation of (~~such~~) factors such as:
 - (i) Depth to ground water and ground water movement during different times of the year;
 - (ii) Water balance analysis of the proposed discharge area;
 - (iii) Overall effects of the proposed facility upon the ground water in conjunction with any other land application facilities that may be present((-);
- (q) A statement((-) expressing sound engineering justification through the use of pilot plant data, results from other similar installations, (~~and~~) or scientific evidence from the literature, or both, that the effluent from the proposed facility will meet applicable permit effluent limitations (~~and~~) or pretreatment standards((-) or both;

(r) A discussion of the method of final sludge disposal selected and any alternatives considered with reasons for rejection((-);

(s) A statement (~~as to~~) regarding who will own, operate, and maintain the system after construction((-);

(t) A statement regarding compliance with any state or local water quality management plan or any (~~such~~) plan adopted (~~pursuant to~~) under the Federal Water Pollution Control Act as amended((-);

(u) Provisions for any committed future plans((-);

(v) A discussion of the various alternatives evaluated, if any, and reasons they are unacceptable((-);

(w) A timetable for final design and construction((-);

(x) A statement regarding compliance with the State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), if applicable((-);

(y) Additional items to be included in an engineering report for a solid waste leachate treatment system are:

(i) A vicinity map and also a site map (~~which~~) that shows topography, location of utilities, and location of the leachate collection network, treatment systems, and disposal;

(ii) Discussion of the solid waste site, working areas, soil profile, rainfall data, and ground water movement and usage;

(iii) A statement of the capital costs and the annual operation and maintenance costs;

(iv) A description of all sources of water supply within two thousand feet of the proposed disposal site. Particular attention should be given to showing impact on usable or potentially usable aquifers.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-140 Plans and specifications. (1) Upon request of the owner the department may, at its discretion, allow submission of conceptual plans for industrial facilities, as noted in WAC 173-240-110(5). Two copies of the plans and specifications (~~shall~~) must be submitted to the department for approval (~~prior to~~) before the start of construction.

(2) The plans and specifications shall include the following information together with any other relevant data as requested by the department:

(a) Repeat presentation of the basic engineering design criteria from the engineering report.

(b) If there are any deviations from the concepts of the engineering report, an explanation of the changes (~~to~~) that includes as much detail as would have been provided in an engineering report.

(c) The plan and section drawings of major components, such as the treatment units, pump stations, flow measuring devices, sludge handling equipment, and influent and effluent piping. Foundations (~~and~~) or soil preparation or both should be shown for major structures.

(d) A general site drawing (~~showing~~) that shows the location with respect to the entire plant site and a detailed site drawing (~~showing~~) that shows the component siting.

(e) A schematic drawing (~~showing~~) that shows flows (~~to~~) that include: In plant collection, and wastewater pumping, treatment, and discharge.

(f) A hydraulic profile (~~(showing)~~) that shows head under maximum flows. This requirement may be waived where the three step submission of documents has been waived (~~(pursuant to)~~) under WAC 173-240-110(5).

(g) Instrumentation, controls, and sampling schematics.

(h) General operating procedures, such as startup, shut-down, spills, etc.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-150 Operation and maintenance manual. (1) A detailed operation and maintenance manual (~~(shall)~~) must be prepared for an industrial wastewater facility (~~(which)~~) that includes mechanical components (~~(prior to the completion of)~~) before completing the construction. The manual is to be submitted to the department for review and approval. The purpose of the manual is to present technical guidance and regulatory requirements to the operator to enhance operation under both normal and emergency conditions.

(2) The operation and maintenance manual shall include the following (~~(list of)~~) topics:

(a) The names and phone numbers of the responsible individuals.

(b) A description of plant type, flow pattern, operation, and efficiency expected.

(c) The principal design criteria.

(d) A process description of each plant unit, (~~(including)~~) that includes function, relationship to other plant units, and schematic diagrams.

(e) An explanation of the operational objectives for the various wastewater parameters, (~~(i.e.)~~) such as sludge age, settleability, etc.

(f) A discussion of the detailed operation of each unit and a description of various controls, recommended settings, fail-safe features, etc.

(g) A discussion of how the facilities are to be operated during anticipated startups and shutdowns, maintenance procedures, and less than design loading conditions, so as to maintain efficient treatment.

(h) A section on laboratory procedures (~~(including)~~) that includes sampling techniques, monitoring requirements, and sample analysis.

(i) Recordkeeping procedures and sample forms to be used.

(j) A maintenance schedule (~~(incorporating)~~) that incorporates manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage.

(k) A section on safety.

(l) A section (~~(containing)~~) that contains the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

(m) Emergency plans and procedures.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-160 Requirement for professional engineer. (1) All required engineering reports, and plans and specifications for the construction or modification of wastewater facilities (~~(shall)~~) must be prepared under the supervision of a professional engineer licensed in accordance with chapter 18.43 RCW. All copies of these documents submitted to the department for review shall bear the seal of the professional engineer under whose supervision they have been prepared.

(2) Upon request of the owner, the department may waive the above requirement for construction or modification at industrial wastewater facilities.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-170 Right of inspection. (~~(Pursuant to)~~) Under RCW 90.48.090, the department or its authorized representative (~~(shall have)~~) has the right to enter at all reasonable times in or upon any property, public or private, for the purposes of inspection or investigation relating to the pollution or possible pollution of the waters of the state, including the inspection of construction activities related to domestic or industrial wastewater facilities.

AMENDATORY SECTION (Amending Order DE 83-30, filed 11/16/83)

WAC 173-240-180 Approval of construction changes. All wastewater facilities subject to the provisions of this (~~(regulation shall)~~) rule must be constructed in accordance with the plans and specifications approved by the department. Any contemplated changes during construction, which are significant deviations from the approved plans, (~~(shall)~~) must first be submitted to the department for approval.

**WSR 00-08-007
PERMANENT RULES
YAKIMA REGIONAL
CLEAN AIR AUTHORITY**

[Filed March 23, 2000, 8:47 a.m., effective May 1, 2000]

Date of Adoption: March 8, 2000.

Purpose: To enable the authority to assist the citizens, jurisdictions, and businesses of Yakima County to restore and maintain air quality which conforms to applicable air quality standards with minimal community disruption.

Citation of Existing Rules Affected by this Order: Repealing Restated Regulation I of the Yakima County Clean Air Authority.

Statutory Authority for Adoption: Chapter 70.94 RCW. Adopted under notice filed as WSR 00-02-034 on December 29, 1999.

Changes Other than Editing from Proposed to Adopted Version: The enclosed public comment, staff response and changes, and the staff comments responses and changes documents show all the changes made in the text from the text printed in the February 16, 2000 WSR. These changes are all considered nonsubstantive by the authority, board, and legal counsel.

PUBLIC COMMENTS, STAFF RESPONSES, AND CHANGES TO DRAFT REGULATION 1 OF THE YRCAA

Received through the Local Adoption Hearing on March 8, 2000

Editorial Changes and Staff Comments and Changes other Documents

Section/ Sub. No. & Page No.	Person Making the Comment		No.	Comment/Concern	Staff Response	Changes in the Regulation Text
	Name/ Organization	Date				
General Comments						
—	Raymond L. Paoella, City of Yakima	03/03/00 Letter	0006	Multiple versions of Regulation 1 have been circulated.	See 03/08/00 Exec. Memo., ¶ 1.	No changes made in the regulation.
—	Raymond L. Paoella, City of Yakima	03/03/00 Letter	0007	State Register notice contains errors or is lacking in detail.	See 03/08/00 Exec. Memo., ¶ 2.	No changes made in the regulation.
—	Raymond L. Paoella, City of Yakima	03/03/00 Letter	0008	Contradictions in stated purpose of the regulation and statements by the APCO.	See 03/08/00 Exec. Memo., ¶ 3.	No changes made in the regulation.
—	Raymond L. Paoella, City of Yakima	03/03/00 Letter	0009	Requests cancellation of the public hearing and refile the regulation.	See 03/08/00 Exec. Memo., ¶ 4.	No changes made in the regulation.
—	Mary Place, Board Member	03/08/00 Oral	0011	Concerned about the meaning of the cross references to the 1995 Regulation at the start of various sections or subsections.	Explained that these were included to assist reviewers and they will be deleted in the clean text format after adoption.	No changes made in the legislative text format version.
—	Judith Boekholder, Council Member, City of Toppenish	03/08/00, Oral	0024	I represent the Yakima Valley Mayor's Assoc. I concur with the City of Yakima comments, and I am pleased to see how those have been resolved.	See comments 0012 through 0023.	No changes made in the regulation.
3.03, 3.08, 3.01C1d, & 3.01C3	Judith Boekholder, Council Member, City of Toppenish	03/08/00, Oral	0027	I notice that there were some editorial changes in outdoor burning, dust control, and odor subsections. I hope they have been cleared with the effected organizations.	We worked through all the differences with the Fire Chiefs Assoc.. We did what we could legally do to oblige the dairy industry, but we were not able to all that they requested. We have done extensive work on dust issues in the past with the CWHBA, the construction industry, and the ag industry.	No changes made in the regulation.

PERMANENT

Section/ Sub. No. & Page No.	Person Making the Comment		No.	Comment/Concern	Staff Response	Changes in the Regulation Text
	Name/ Organization	Date				
—	Judith Boekholder, Council Member, City of Toppenish	03/08/00, Oral	0029	Concerned about the March 8, 2000 version of regulation and the limited circulation it was given. Also, which version is being adopted?	Prior to the public hearing, it was explained that the March 8, 2000 version was prepared to show the Board and a few other people the nonsubstantive editorial and clarity text changes being proposed to the Board by the Authority and the public if they adopt the Jan. 5, 2000 version and approved the changes.	No change made or required in the regulation by this comment.
—	Steve George, Hop Growers of WA	03/08/00, Oral	0030	The public comments and the staff responses made at the adoption hearing today need to be incorporated into the record.	This is the reason that the hearing is being recorded. The tapes will be transcribed and the public comments and staff responses entered into public comment response file.	No change made or required in the regulation by this comment.
Article 1						
1.03A11, 1 - 1	Mary Place, Board Member	03/08/00 Oral	0010	The name Yakama Indian Nation should be Yakama Nation because this now the official name used by the Nation.	Agree.	Text changed to read "... Yakama Nation...".
1.03C	Clarence Barnett, City of Yakima	03/08/00 Written	0012	Staff Responses and Changes on Oct. 27, 1999 version indicated that this text would be changed, but the change has not been made.	This is true. Board agrees to the change.	Text changed to read "Ensuring compliance with all air quality rules and standards, permits, and programs".
1.06D1b	Clarence Barnett, City of Yakima	03/08/00 Written	0013	Objected strongly to text. He believes the source should have the sole right to determine confidentiality of records.	Staff explained that EPA insists that the Authority have the ability to make decisions about confidentiality of records.	Board, staff, and city agreed to change the text to read "Subject to review by the authority; then".
Article 2						
2.01C	Clarence Barnett, City of Yakima	03/08/00 Written	0014	Objected to the Authority having the right to enter private property to conduct studies.	RCW 70.94.200 authorizes entry for investigations, but doesn't speak to studies. Board agreed to drop the word "studies" in the text.	Changed to read "The APCO may make reasonable investigations or inspections".
2.01C1	Clarence Barnett, City of Yakima	03/08/00 Written	0014	Objected to the Authority having the right to enter private property to conduct studies.	RCW 70.94.200 authorizes entry for investigations, but doesn't speak to studies. Board agreed to drop the word "studies" in the text.	Changed to read "To investigate or inspect conditions for ...".
2.01C2	Clarence Barnett, City of Yakima	03/08/00 Written	0014	Objected to the Authority having the right to enter private property to conduct studies.	RCW 70.94.200 authorizes entry for investigations, but doesn't speak to studies. Board agreed to drop the word "studies" in the text.	Changed to read "These investigations or inspections shall be limited ...".

PERMANENT

Section/ Sub. No. & Page No.	Person Making the Comment		No.	Comment/Concern	Staff Response	Changes in the Regulation Text
	Name/ Organization	Date				
2.01C2d&e	Douglas W. Rich, Chair, Bus. WG	02/17/00, Letter	0001	"In the matter of Section 2.01C2d&e -Investigations of Permitted Sources:, we have earlier commented that we saw the language as proper for regular industrial and commercial sources, but potentially invasive for individual citizens at their residences."	RCW 70.94.200 denies the right of the APCO to enter nonmultiple unit private dwellings housing two families or less. In all other situations this part of WCAA permits the APCO to enter property or buildings to conduct an investigation under WCAA . Both DOE and EPA view, an entry requirement for private property which might be different from industrial / commercial property as a reduction in the WCAA requirements, and they will not support it.	None change required or made.
2.01C2d&e	Douglas W. Rich, Chair, Bus. WG	02/17/00, Letter	0002	The Authority has stated it is policy to obtain an inspection warrant if entry is refused by the occupant of the property, and coercive tactics would not be used to gain entry.	The Compliance and Enforcement Program Inspection Manual states that an inspector will use legal remedies to gain access if entry is denied to a property.	This has been discussed , and agreed that the proper place for this is in a policy manual and not the regulation. No change made in the regulation.
2.05C	Judith Boekholder, Council Member, City of Toppenish	03/08/00, Oral	0025	Would like more information in this subsection to explain how an appeal can be filed.	The appeal process is very complex with appeals being heard by the APCO, Board, or the Pollution Control Hearings Board. In addition there are different appeal procedures for different types of permits or violations. The Authority will be prepare a policy document explaining the appeal process.	No changes made in the regulation.
Article 3						
3.01B, 3 -5	Clarence Barnett, City of Yakima	03/08/00, Written	0015	The proposed regulation reads that "when multiple standards exist all standards will apply". This would not be possible when there are conflicting emissions standards. Requested the deletion of subsection 3.01B.	Past reviews and discussions with EPA about multiple emission standards have shown that they are very insistent that all standards apply, and the text can not be limited to the most stringent standard.	Board approved changing the second sentence to clarify this issue: "When multiple standards exist all applicable standards will apply" by add the word "applicable".
3.01C1d, 3 -6	Clarence Barnett, City of Yakima	03/08/00, Written	0016	The terms "odor" and "reasonable minimum" are nebulous and without standard. Significant time and funds will be spent attempting to define an odor or "reasonable minimum" in a given case. Subsection 3.01C1d should be deleted, as it is a	These terms are not defined in either Chap. 70.94 RCW or WAC 173-400-030. RCW 70.94.640 does deal with agricultural odors, and the text is repeated in subsection 3.01C3a. In both cases odors are not defined, but the law and	Board decided to make no change in this subsection.

PERMANENT

Section/ Sub. No. & Page No.	Person Making the Comment		No.	Comment/Concern	Staff Response	Changes in the Regulation Text
	Name/ Organization	Date				
				nuisance already covered under state law in Chap. 7.48 RCW.	regulation define management practices which will avoid an odor violation. The text in sub. 3.01C1d is very similar to WAC 173-400-040 (4), and it is needed to inform the public about the legal obligation for odors and to deal with nuisance complaints about odors. The evaluation of odors is very subjective, but there is no other alternative at present.	
3.03D1b, 3 - 23	Clarence Barnett, City of Yakima	03/08/00, Written	0017	This subsection contains language prohibiting the burning of "hailed materials" transported from an area prohibited for outdoor burning. This is ambiguous as to the purpose and it should be deleted.	This subsection is included to prevent the transport of some types of outdoor burning material from an area where it is prohibited and burning in another area where it is not prohibited, and transferring the pollution from one area to another. It is very similar to the text in WAC173-425-040 (2).	Board decided to leave the text as is.
3.03D1b, 3 - 23	Clarence Barnett, City of Yakima	03/08/00, Written	0017	This subsection contains language prohibiting the burning of "hailed materials" transported from an area prohibited for outdoor burning. This is ambiguous as to the purpose and it should be deleted.	This subsection is included to prevent the transport of some types of outdoor burning material from an area where it is prohibited and burning in another area where it is not prohibited, and transferring the pollution from one area to another. It is very similar to the text in WAC173-425-040 (2).	Board decided to leave the text as is.
3.03J4a 63 - 27	Clarence Barnett, City of Yakima	03/08/00, Written	0018	This subsection refers to the permittee agreeing to allow the APCO to enter his / her property to conduct an investigation. This language needs to be clarified to state that all such investigations shall be in accordance with all applicable laws with respect to private property.	The subsection states "... as defined in subsection 2.01C" which defines the requirements for entry to private property for any inspection or investigation conducted by the Authority. Therefore, additional text is not needed.	Board agreed to no change in the text.

PERMANENT

Section/ Sub. No. & Page No.	Person Making the Comment		No.	Comment/Concern	Staff Response	Changes in the Regulation Text
	Name/ Organization	Date				
3.03H, 3-26	Paul Carr, DOE	02/18/00, E-mail	0003	Suggest the term "waiver" be changed to "specific exemption" to clarify the intent of use. DOE is still concerned about the potential for abuse / over-use of this subsection. The variance procedure in state law is a better approach for inclusion in the SIP.	We agree to the change in terms from "waiver" to "specific exemption". We do not agree that the variance process in subsection 3.00D and WCAA is effective for dealing with the varying conditions and short duration of impacts resulting from changed conditions during the administration of this section. This is what this subsection is intended to address. We concede that this subsection may need to be changed at the time of SIP adoption, but we believe that it is important to have in the local regulations.	Changed subsection 3.03H to read: SPECIFIC EXEMPTIONS. The APCO (<i>App. B</i>) may grant a written specific exemption for a subsection if the specific exemption will: <ol style="list-style-type: none"> 1. Create no more air pollution than the requirements of the subsection; and 2. Create no adverse environmental, health, or public safety effects:. 3. The document granting the specific exemption must contain: <ol style="list-style-type: none"> a. The conditions of the specific exemption b. A duration of no more than 30 consecutive days; and c. The signature of the owner or operator of the property indicating agreement to the conditions of the specific exemption. 4. Specific exemptions will not be extended.
3.03J1, 3-27	Paul, Carr, DOE	02/18/00, E-mail	0004	Add the text in subsection 3.03J1c to 3.03J1 to amplify the requirements for an individual permit.	This is not needed. The conditions to quality for individual permitting are all listed in 3.03J1a→e, and changing the location of the text will accomplish nothing.	None.
3.03J2, 3-27	Paul, Carr, DOE	02/18/00 and 02/25/00, E-Mail	0005	Impose a seasonal limitation on annual residential and agricultural burning permits by inserting the following text "...the authority believes that burning can be conducted on a limited basis during those times and seasons of the year when there is minimum impact on air quality, and";...	We do not agree that imposing a seasonal limitation during March thru Oct. will reduce outdoor and agricultural burning emissions. In fact it could tend to create problems if all the burning occurs at specific times with unfavorable atmospheric conditions for ventilation. Therefore, we prefer to allow a maximum window for burning with the only limitations being those in the regulation and the state fire code. We have considered some form of limitation on types of outdoor and agricultural burning between Nov. and Feb., but that will not be considered for rule making until the PM ₁₀ maintenance plan is drafted.	None. We believed the proposed changes would be substantive and could not be adopted without refiling the regulation because they impose additional conditions on the regulated public.

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Section/ Sub. No. & Page No.	Person Making the Comment		No.	Comment/Concern	Staff Response	Changes in the Regulation Text
	Name/ Organization	Date				
3.03, tables 1, 2, & 3, 3 - 29 → 34	Clarence Barnett, City of Yakima	03/08/00, Written	0023	Requests exemptions for flag disposal burning similar to home barbecues with the ability to dispose of unserviceable flags at night, at locations inside the urban growth areas, using a small amount of kerosene for ignition of the fire, without a permit, and without notification to the Authority or neighbors.	Home barbecues are a form of recreational burning, and flag disposal ceremonial fires are included in the WAC and regulation definitions of recreational fires. Previous editions of the regulation included flag disposal burning as a form of recreational burning. This received strong objections from the American Legion, and all references to flag disposal burning were removed in this version of the regulation. The WAC and regulation definitions of ceremonial fires includes only Native American ceremonial fires. EPA is very insistent that no changes be made in the definitions of terms from those in the CFR, RCW, or WAC. So by default flag disposal burning becomes a type of "other recreational burning", and is subject to the requirements of Lines 5 & 5.2 in tables 3.03 1 → 3. Continued to the next page.	Board decided that the pollution and nuisances from this type of burning is very minor, and no changes should be made in the regulation text specifically for flag disposal burning. Flag disposal by burning will be handled as a policy matter.
3.03, tables 1, 2, & 3, 3 - 29 → 34	Clarence Barnett, City of Yakima	03/08/00, written	0023 Cont.	Requests exemptions for flag disposal burning similar to home barbecues with the ability to dispose of unserviceable flags at night, at locations inside the urban growth areas, using a small amount of kerosene for ignition of the fire, without a permit, and without notification to the Authority or neighbors. Cont'd.	In tables 3.03 - 1 → 3 other recreational fires are prohibited inside the urban growth areas, are permitted after sunset, may not burn prohibited materials, do not require a permit, and have no notification requirements. Past statements by the Authority in the Jan. 5, '00 Staff Response and Changes on the Oct. 27th Version and at the local adoption hearing that flag disposal burning would be a type of other outdoor burning were incorrect. This is because ceremonial fires are included in the definition of recreational burning.	Board decided that the pollution and nuisances from this type of burning is very minor, and no changes should be made in the regulation text specifically for flag disposal burning. Flag disposal by burning will be handled as a policy matter.
3.03, tables 1, 2, & 3, 3 - 29 → 34	Judith Boekholder, Council Member, City of Toppenish	03/08/00, Oral	0028	Shares Clarence Barnett's concerns about flag disposal burning, and is pleased to see a solution.	See comment no. 0023.	See comment no. 0023.

Section/ Sub. No. & Page No.	Person Making the Comment		No.	Comment/Concern	Staff Response	Changes in the Regulation Text
	Name/ Organization	Date				
3.09A&B, 3 -62	Clarence Barnett, City of Yakima	03/08/00, Written	0019	These subsections are reserved for later use, the text is not needed, and it should be removed.	Agree. Any text that is needed will be adopted in a future amendment, but the section is being reserved for mobile source emissions.	Deleted subsections 3.09 A & B, and inserted "Reserved for later use after the section title.
3.10, 3 -62	Clarence Barnett, City of Yakima	03/08/00, Written	0020	This section is reserved for later use, it contains no text, and it should be removed.	The only text is the section number, section title, and "Reserved for later use". This is needed for the general structure of the regulation.	No change made.
Article 4						
				None		
Article 5						
5.02D	Dan Simmons, Mayor, City of Zillah	03/08/00, Oral	0029	Concern about the size of the maximum civil penalty, and that the fines and penalty schedule and the penalty worksheets are not in the regulation.	In a previous version of the draft regulation, the Authority made the decision to remove the fines and penalty worksheets and schedules and keep them in a policy document. A general explanation was made of the fines and penalties policy process.	No change made in the regulation.
Appendices						
App. F, F -1	Clarence Barnett, City of Yakima	03/08/00, Written	0022	This appendix is reserved for later use, it contains no text, and it should be removed.	The only text is the appendix letter, and "Reserved for later use". This is needed for the general structure of the regulation.	No change made.
App. J, J -1	Clarence Barnett, City of Yakima	03/08/00, written	0021	This appendix is reserved for later use, it contains no text, and it should be removed.	The only text is the appendix letter, appendix title, and "Reserved for later use". This is needed for the general structure of the regulation.	No change made.

STAFF COMMENTS, RESPONSES, AND CHANGES TO DRAFT REGULATION 1 OF THE YRCAA

Corrections Submitted to the Code Reviser are in *Italic Type* and Substantive changes are in **Bold Type**
 Editorial Changes and Public Comments with the Staff Responses and Changes are in Other Documents

Section/ Sub. No. & Page No.	Person Making the Comment		Comment No.	Comment/Concern	Staff Response	Changes in the Regulation Text Approved by the Board
	Name/ Organization	Date				
General Comments						
				None		
Article 1						
				None		
Article 2						
				None		

PERMANENT

Section/ Sub. No. & Page No.	Person Making the Comment		Comment No.	Comment/Concern	Staff Response	Changes in the Regulation Text Approved by the Board
	Name/ Organization	Date				
Article 3						
3.03C, 3-21	Charlie Stansel, YRCAA	02/22/00	0003	See Public Comment No. 0003 by Paul Carr, DOE.	Changed term "waiver" to "spe- cific exemption" in section 3.03.	Changed last part of 2nd line to read "... unless granted a limited or specific exemption by the APCO".
3.03, table-2 footnotes	Charlie Stansel, YRCAA	01/10/00	—	The terms "yes" and "no" in this table are undefined.	Text added to clarify the meanings.	Added the following: Yes - The authority is delegated responsi- bility for this type of burning, a burn- ing permit is required, or this type of burning may be delegated to another agency or business. No - The authority is not delegated responsibility for this type of burning, or this type of burning may not be dele- gated to another agency or business.
3.04A , C, & D, 3 - 45 & 46	Charlie Stansel, YRCAA	12/23/99	—	Portions of the subsec- tions contain text with both underlining and strikeouts.	This was caused by changes in software programs which inserted incorrect underlining codes.	<i>Underling corrected and Correction pages 3 - 45 and 46 and letter prepared on Dec. 23, '99.</i>
3 - 46, 3.04D5	Charlie Stansel, YRCAA	01/10/00	—	The first two lines of subsection 3.04D5 were accidentally omit- ted when the Dec. 23, 1999 Correction Page was printed.	Submitted a cor- rected page to the Code Reviser and add the text back into the regulation.	Added the following text: 5. Existing Uncertified Wood Heater. Owners of uncertified wood heaters installed prior to January 1, 1992 may continue to use these devices at the " .
3 - 54, 3.07F1	Gary Pruitt, YRCAA	01/11/00	—	Grammar is incorrect.	See changes.	Changed to read to correct grammar: Survey Requirements. Before doing any renovation or demolition an asbes- tos survey(*) must be performed by an AHERA building inspector (*) except renovation of for an owner-occupied, single-family residences. (*)
3 - 56, 3.07I2j	Gary Pruitt, YRCAA	01/11/00	—	Verb "be" is incorrect and the word "slide" is misspelled.	See changes.	Edited to read: "Do not drop, throw, slide, or otherwise damage ACM waste containers; and " .
3 - 62, 3.08B4i9)	Gary Pruitt, YRCAA	01/11/00	—	The sentence structure is awkward.	See changes. No changes made in 3.08B4i9)a) →d).	Changed to read: "An operation and maintenance plan which also includes BMPs for;"
3 - 64	Gary Pruitt, YRCAA	01/11/00	—	The word "which" was omitted from the text.	See changes.	Changed to read: Any bypass of con- trol apparatus (App. A) which was ...".
Article 4						
4.01 D2, 4 - 1	Charlie Stansel, YRCAA	02/16/00	—	Page citation in the 2nd line is incorrect.	Agree.	Changed to read: "(pg. 4-1)".
4.01D4, 4 - 1	Gary Pruitt, YRCAA	12/29/99	—	The exemptions in 4.01D4 are not consis- tent with WAC 173- 491-040.	These need to be changed with the corrected text pub- lished in the State Register because the changes could be viewed as substan- tive without publi- cation in the State Register.	Subsection 4.01D4 split into 4.01d4a→c to describe the exemptions. Correction pages 4 - 1 through 4 - 4 and letter prepared on Dec. 29, '99.
4.02E1b, 4 - 9	Gary Pruitt, YRCAA	02/09/00	—	Wrong verb used.	Changed "shall" to "must" in the new test.	Changed to read "After the request for additional information, the applicant must provide ...".
Article 5						
				None		

PERMANENT

Section/ Sub. No. & Page No.	Person Making the Comment		Comment No.	Comment/Concern	Staff Response	Changes in the Regulation Text Approved by the Board
	Name/ Organization	Date				
Appendix A						
Boiler, A -3	Richard Yanez, YRCAA	01/12/00	—	Definition of boiler is inappropriate because it does not include gas or oil fired boilers.	Remove the definition and use the common industry understanding for the term.	Definition removed form Appendix A.
New Source, A -12, Sub. 1	Gary Pruitt, YRCAA	02/09/00	—	The word "such" makes awkward reading is not needed.	Agree.	Strikeout the word "such" in the 2nd line of subsection 1.
Nuisance, A -13, 2nd line	Gary Pruitt, YRCAA	02/09/00	—	The definitions is too limiting by reading "... use and enjoyment...".	Agree.	Changed to read "... use or enjoyment ...".
Other Outdoor Burning, A -13	Gary Pruitt, YRCAA	10/99	—	Regulation should compare references to the proposed revision of Chap. 173-425 WAC because the timing of the adoption of this is uncertain.	Change WAC citation to the existing Chap. 173-425 WAC.	Changed to read "Any type of outdoor burning not specified in WAC 173-425-020 ...".
Owner or Operator, A -14	Gary Pruitt, YRCAA	01/13/00	—	The definition limits the term to only pollutants with a NAAQS and thus exempts the definition from many other pollutants.	The definition is not needed for the administration of the regulation. Industry practice and dictionaries define these terms.	Remove the entire definition from the regulation.
Significant, A -16	Charlie Stansel, YRCAA	03/02/00	—	40 CFR 52.21 (b)(23)(i) includes the metric wt. / yr. for municipal waste combustor metals.	True.	Add the following after 15 TPY "or 14 megagrams/yr" for municipal waste combustor metals.
Solid Fuel Burning Device, A -17	Gary Pruitt, YRCAA	02/09/00	—	Second sentence does not read correctly with "...private residence for commercial...".	Agree.	Strikeout the "f" in for, so it reads "...private residence or commercial...".
Solid Fuel Burning Device, A -17	Gary Pruitt, YRCAA	02/09/00	—	Last sentence should read "In regulation the phrase ...".	Agree.	Changed the word "term" to "phrase".
Threshold Level, A -18	Gary Pruitt, YRCAA	02/09/00	—	Change the word "applicable" to "specific".	Agree.	Change made.
Volatile Organic Compound, A -19, Sub. 1	Gary Pruitt, YRCAA	02/09/00	—	The word "than" in the 1st line is not needed.	Agree	Strikeout the word, and change to read "Any organic compound except the following...".
Appendix B						
				None		
Appendix C						
Entire appendix	Charlie Stansel	02/11/00	—	This list needs to be correct with the regulation as adopted.	Agree.	This appendix has been extensively rewritten to facilitate easy access to information in the regulation. Additional editing will be needed to produce the final copy.
Appendix D						
				None		

PERMANENT

Section/ Sub. No. & Page No.	Person Making the Comment		Comment No.	Comment/Concern	Staff Response	Changes in the Regulation Text Approved by the Board
	Name/ Organization	Date				
Appendix E						
Section 1.03, E - 1	Gary Pruitt, YRCAA	02/09/00	—	Appendix reference in the Proposed and Com- ments columns for the legal land descriptions is wrong.	Agree.	Changed "App. K" to "App. H" in both columns.
Section 9.02, E - 10	Charlie Stansel, YRCAA	01/13/00	—	Proposed subsection number is wrong and lacking a reference to App. D.	See changes.	Changed to read "3.04E1 & App. D".
Appendix F						
				None		
Appendix G						
				None		
Appendix H						
				None		
Appendix I						
I - 4	Charlie Stansel, YRCAA	02/25/00	—	Map boundary for the CO nonattainment area on the south side of the area does not agree with the app. H, and the 40 CFR 81.348 description.	True. The south boundary between So. 1st and So. 16th St. is incorrectly shown on W. Wash- ington Ave. when it should be on W. Mead Ave.	Change CO Nonattainment Area map on page I-4.
Appendix J						
				None		
Appendix K						
				None		
Appendix L						
				None		

PERMANENT

STAFF EDITORIAL CHANGES MADE IN DRAFT REGULATION 1 OF THE YRCAA
Public and Staff Comments, Staff Responses, and Regulation Changes are in Other Documents

Page No.	Subsection		Person Making the Comment		Change
	No.	Line in Subsection	Name/Organization	Date	
Cover Pages					
All	Header	—	Charlie Stansel, YRCAA	01/07/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
Unnumbered	—	1st on page.	Charlie Stansel, YRCAA	01/07/00	Changed to read "Adopted this 8 th day of March, "...
Unnumbered	Adoption History Table	1st row	Charlie Stansel, YRCAA	01/07/00	Added "March 8, 2000" as the adopted date and "May 1, 2000" as the effective date.

Page No.	Subsection		Person Making the Comment		Change
	No.	Line in Subsection	Name/Organization	Date	
Article 1					
All	Header	---	Charlie Stansel, YRCAA	01/07/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
1 - 1	1.02	2nd	Charlie Stansel, YRCAA	03/07/00	Delete "1999" in the title of the regulation.
1 - 1	1.02	3rd	Charlie Stansel, YRCAA	02/11/00	Deleted an unneeded space between the " and the word regulation.
1 - 2	1.03G	1st	Gary Pruitt, YRCAA	01/07/00	Delete extra space between the words "business" and "and".
1 - 2	1.04	3rd	Charlie Stansel, YRCAA	03/07/00	Change the term "waiver" to "specific exemption" to agree with the change in subsection 3.03H.
1 - 4	1.06A	2nd	Gary Pruitt, YRCAA	01/07/00	Changed the word "availability" to "available".
1 - 4	1.06D1a	3rd	Gary Pruitt, YRCAA	01/07/00	Deleted extra space between the words "adverse" and "affect" and changed the word "affect" to "effect".
	1.07B1	Last	Charlie Stansel, YRCAA	03/10/00	Remove comma at the end of the subsection and replace with "...; or".
	1.07B2	Last	Charlie Stansel, YRCAA	03/07/00	Delete comma at the end of sentence and replace with a period.
1 - 6	1.09	2nd	Gary Pruitt, YRCAA	01/07/00	Inserted the word "of" between "as" and "the".
Article 2					
All	Header	---	Charlie Stansel, YRCAA	01/07/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
2 - 2	2.01F1	2nd	Gary Pruitt, YRCAA	01/07/00	Deleted an extra space between the words "regulatory" and "or".
2 - 2	2.01G	3rd	Gary Pruitt, YRCAA	01/07/00	Deleted an extra space between the words "these" and "regulations".
2 - 3	2.03	3rd	Gary Pruitt, YRCAA	01/07/00	Correct the spelling of the word implements by deleting the second "l".

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Page No.	Subsection		Person Making the Comment		Change
	No.	Line in Subsection	Name/Organization	Date	
Article 3					
All	Header	—	Charlie Stansel, YRCAA	01/07/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
3 - 4	3.00D5b1)	1st	Gary Pruitt, YRCAA	01/07/99	Added one space between "1)" and "Will".
3 - 5	3.00E1	2nd	Gary Pruitt, YRCAA	01/07/00	Deleted an extra space between "(App. A)" and "to".
3 - 5	3.01C1	1st	Charlie Stansel, YRCAA	02/11/00	Make subsection no. and title bold face type.
3 - 8	3.01C2c2)	1st	Gary Pruitt, YRCAA	01/07/00	Inserted an "a" before the word "source".
3 - 9	3.01D3	1st	Gary Pruitt, YRCAA	01/07/00	The "3" is in bold type face.
3 - 13	3.02D1	1st	Gary Pruitt, YRACC	01/07/00	Add a second space following "Purpose".
3 - 13	3.02D2	1st	Gary Pruitt, YRACC	01/07/00	Add a second space following "Applicability".
3 - 13	3.02D3	1st	Charlie Stansel, YRCAA	01/07/00	Delete an extra space following "Requirements".
3 - 14	3.02, table 3.02-1	Rows 3 → 5	Charlie Stansel, YRCAA	01/07/00	Change to 10 pt. type.
3 - 15	3.02, table 3.02-2	Row 2	Charlie Stansel, YRCAA	01/07/00	Changed to 10 pt. type.
3 - 15	3.02, table 3.02-2	—	Charlie Stansel, YRCAA	01/07/00	Add top border to the box for the table, and correct the line weights.
3 - 21	3.03C1	1st	Gary Pruitt, YRCAA	01/07/00	Add a second space following "Prohibitions".
3 - 23 & 24	3.03D	All	Charlie Stansel, YRCAA	03/15/00	Correct tabbing for the subsection.
3 - 25	3.03E3	1st	Gary Pruitt, YRCAA	01/07/00	Misnumbered. Subsection number changed to 3.03E5.
3 - 25	3.03G2a	1st	Gary Pruitt, YRCAA	01/07/00	Delete an extra space between "when" and "a".
3 - 26	3.03H	All	Charlie Stansel, YRCAA	03/15/00	Correct tabbing for the subsection.
3 - 26	3.03I	All	Charlie Stansel, YRCAA	03/15/00	Correct tabbing for the subsection.
3 - 26 → 28	3.03J	All	Charlie Stansel, YRCAA	03/15/00	Correct tabbing for the subsection.
3 - 27	3.03J1b	1st	Gary Pruitt, YRCAA	01/07/00	Delete the word "a".
3 - 29	3.03, table 3.03-1	—	Charlie Stansel, YRCAA	01/10/00	Change line weight to the same for all lines in the table.
3 - 29	3.03, table 3.03-1	2.4 and 2.5	Charlie Stansel, YRCAA	02/23/00	Correct table row spacing so the correct text lines up with lines 2.4 and 2.5.
3 - 33	3.03, table 3.03-3	Line 15	Charlie Stansel, YRCAA	02/25/00	Correct the spelling of the word "annual".
3 - 37	3.03, GRP 3.03-2, subsection A	2nd	Gary Pruitt, YRCAA	01/10/00	Remove extra period at the end of the sentence.

PERMANENT

Page No.	Subsection		Person Making the Comment		Change
	No.	Line in Subsection	Name/Organization	Date	
3 - 46	3.04C1b1)&2)	1st in both	Gary Pruitt, YRCAA	01/10/00	Set spacing between subsection number and text to be consistent with rest of the regulation.
3 - 46	3.04D	All	Charlie Stansel, YRCAA	03/15/00	Correct tabbing of the subsection.
3 - 46	3.04D3	1st	Charlie Stansel, YRCAA	02/22/00	Remove underlining under the word "Cookstoves" in the subsection title, and leave the strikeout through the word.
3 - 46	3.04D5	1st	Gary Pruitt, YRCAA	01/10/00	Correct the spelling of the word "heaters".
3 - 47	3.04E	All	Charlie Stansel, YRCAA	03/15/00	Correct tabbing of the subsection.
3 - 47	3.05A	All	Charlie Stansel, YRCAA	03/15/00	Correct tabbing of the subsection.
3 - 50	3.05, table 3.05-2	Row 3	Gary Pruitt, YRCAA	01/10/00	Correct tabbing for Fire Training Fires.
3 - 54	3.07F2c	2nd	Gary Pruitt, YRCAA	01/10/00	Delete second period at end of sentence.
3 - 55	3.07H1b	1st	Gary Pruitt, YRCAA	01/10/00	Delete extra space between "an" and "unaltered".
3 - 56	3.07H31)→3)	—	Charlie Stansel, YRCAA	01/11/00	Corrected subsection numbering to 3.07H3a→c.
3 - 56	3.07H33)a)&b)	—	Charlie Stansel, YRCAA	01/11/00	Corrected subsection numbering to 3.07H3c1)&2)
3 - 56	3.07H3c2) formerly 3.07H33)b)	2nd	Gary Pruitt, YRCAA	01/11/00	Change the word demolitions to demolition.
3 - 56	3.07I2i3)	1st	Charlie Stansel, YRCAA	03/15/00	Put a period at the end of this subsection.
3 - 58	3.07I3	1st	Gary Pruitt, YRCAA	01/11/00	Insert one additional space after subsection title.
3 - 59	3.08A3c1)	2nd	Gary Pruitt, YRCAA	01/11/00	Change the word "or" to "of" to give the correct meaning to the subsection.
3 - 59 →61	3.08A4d→i	—	Charlie Stansel, YRCAA	03/15/00	Renumbered to 3.08A4c→h to correct a numbering error.
3 - 61	3.08B3c	2nd	Gary Pruitt, YRCAA	01/11/00	Put a period at the end of the subsection following the word "loses".
3 - 61 & 62	3.08B4d→i	—	Charlie Stansel, YRCAA	03/15/00	Renumbered to 3.08B4b→g to correct a numbering error, and put a period at the end of 3.08B4b (formerly 3.08B4d).
3 - 61	3.08B4h1) renumbered to 3.08B4f1)	1st	Gary Pruitt, YRCAA	01/11/00	Delete the word "of" between the words "more" and "cattle".

Page No.	Subsection		Person Making the Comment		Change
	No.	Line in Subsection	Name/Organization	Date	
3 - 62	3.11	Section Title	Charlie Stansel, YRCAA	01/11/00	Removed underlining for the word "Special" in the Title.
3 - 65	3.11D4c	2nd	Charlie Stansel, YRCAA	01/11/00	Remove underlining for the word "such".
3 - 65	3.11E2b1)	1st	Gary Pruitt, YRCAA	01/11/00	Insert second space after subsection title.
Article 4					
All	Header	—	Charlie Stansel, YRCAA	01/11/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
4 - 1	4.01D3	1st	Charlie Stansel, YRCAA	02/16/00	Changed to word "Pollutants" to "Pollutant" in the subsection title.
4 - 4	4.01F2c2)	1st	Gary Pruitt, YRCAA	01/11/00	Changed the word "inventory" to "inventories".
4 - 4	4.01F3b	2nd	Gary Pruitt, YRCAA	01/11/00	Delete space after the word "apparatus".
4 - 5	4.01G	2nd	Gary Pruitt, YRCAA	02/09/00	Strikeout the word "in" before "Article XIII, Section 13.01".
4 - 9	4.02E4b	1st	Gary Pruitt, YRCAA	02/09/00	Replace ";" with a "." at the end of the subsection.
Article 5					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
5 - 2	5.02C	1st	Charlie Stansel, YRCAA	03/02/00	Changed "C" to "c" in "Chap. 70.94 RCW to agree with rule format.
5 - 3	5.02D1	2nd & 3rd	Charlie Stansel, YRCAA	03/02/00	Changed "Chap." to "chap." and "Chapter" to "chap." to agree with rule format.
Appendix A					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
A - 1	Actual Emissions	2nd	Gary Pruitt, YRCAA	02/09/00	Change the word "emission" to "emissions".
A - 5	Emission Reduction Credit (ERC)	2nd	Charlie Stansel, YRCAA	03/02/00	Changed WAC 173-400-131 from italic to regular type face.
A - 7	Furnace	6th	Gary Pruitt, YRCAA	02/09/00	Changed the word "form" to "from" to correct spelling.
A - 8	Hour	1st	Charlie Stansel, YRCAA	03/02/00	Add a "(" before WAC 173-435-020 (4)).
A - 9	Major Modification, subsection 5a	4th	Gary Pruitt, YRCAA	02/09/00	Inserted a space between "CFR" and "51".

PERMANENT

Page No.	Subsection		Person Making the Comment		Change
	No.	Line in Subsection	Name/Organization	Date	
A - 10	Major Stationary Source, ¶5s	1st	Charlie Stansel, YRCAA	03/02/00	Delete an extra space before the "s".
A - 16	Significant, Total Reduced Sulfur	—	Gary Pruitt, YRCAA	02/09/00	Changed "TSR" to correct abbreviation "TRS".
A - 18	State Implementation Plan	2nd	Gary Pruitt, YRCAA	02/09/00	Insert the verb "be" before "submitted to ecology...".
A - 16	Significant	—	Charlie Stansel, YRCAA	01/13/00	Align emission rate numbers and column title.
A - 19	Unclassifiable	2nd & 3rd	Charlie Stansel, YRCAA	02/14/00	Correct tabbing.
Appendix B					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
Appendix C					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
Appendix D					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
D - 3	Notes	—	Charlie Stansel, YRCAA	01/13/00	Insert a tab to the left of the "Notes" to align it with "Footnotes".
Appendix E					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
Appendix F					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
F - 1	Appendix Title	—	Charlie Stansel, YRCAA	01/13/00	Changed from "Fee Schedules" to "(Reserved for Later Use)" because this appendix is not used in the adopted regulation.
F - 1 → 6	Entire appendix	—	Charlie Stansel, YRCAA	01/13/00	Deleted the entire appendix because it is not used in the adopted regulation.

PERMANENT

Page No.	Subsection		Person Making the Comment		Change
	No.	Line in Subsection	Name/Organization	Date	
Appendix G					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
Appendix H					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
Appendix I					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
Appendix J					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
Appendix K					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000".
K - 3	A8bb & dd	All lines	Charlie Stansel, YRCAA	02/09/00	Align left hand margin of text with the rest of the text in this subsection.
K - 4	A8gg & hh	All lines	Charlie Stansel, YRCAA	02/09/00	Align left hand margin of text with the rest of the text in this subsection.
K - 10	B1b, Table K-2	Table headings	Gary Pruitt, YRCAA	02/09/00	Make text bold face type to be consistent with other table headings.
K - 10	Table K - 2	2nd row	Charlie Stansel, YRCAA	01/13/00	Turn off table border under the number "0.0007700" for Acrylamide.
Appendix L					
All	Header	—	Charlie Stansel, YRCAA	01/13/00	Changed to read "REGULATION 1 OF THE YRCAA, Adopted March 8, 2000."
L - 1	Footer	—	Charlie Stansel, YRCCA	02/09/00	Manually type the page number "L - 1" at the bottom of the page.

PERMANENT

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 34, Amended 0, Repealed 48.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 34, Amended 0, Repealed 48.

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: May 1, 2000.

March 21, 2000

Les Ornelas

Air Pollution Control Officer

**RESTATED REGULATION 1
OF THE**

**YAKIMA COUNTY REGIONAL CLEAN AIR AUTHORITY
YAKIMA, WASHINGTON 98901**

**Adopted this 8th day of March, 2000 by the
Board of Directors, Yakima Regional Clean Air Authority
Yakima, Washington**

Chairperson

Member

Member

Member

Member

ADOPTION HISTORY
REGULATION 1 OF THE YAKIMA REGIONAL
CLEAN AIR AUTHORITY

Amend. No.	Dates		Action	Sections
	Adopted	Effective		
N/A	March 8, 2000	May 1, 2000	Adoption of Regulation 1	All
1				
2				
3				

ARTICLE 1 - GENERAL ADMINISTRATIVE PROVISIONS

1.01 NAME OF AUTHORITY (New section)

This agency is known as the Yakima Regional Clean Air Authority, and in this regulation it is referred to as the "authority".

1.02 SHORT TITLE (1.02)

These rules and This body of regulations shall is be known and cited as the "Restated Regulation 1 of the Yakima (County) Regional Clean Air Authority" and from this section forward it will be referred to as the "regulations".

PERMANENT

1.03 POLICY

This section implements Washington Clean Air Act (WCAA) by doing the following:

A. PUBLIC POLICY. (1.01) It is declared to be the public policy of the Yakima County Clean Air Authority to secure and maintain Securing and maintaining such levels of air quality as that will:

1. Protect human health and safety;
2. Prevent injury to plant and animal life and property;
3. Foster the comfort and convenience of the inhabitants of Yakima County;
4. Promote the economic and social development; of Yakima County;
5. Facilitate the enjoyment of the natural attractions therein;
6. Prevent or minimize the transfer of air pollution (App. A) to other resources;
7. Ensure equity and consistency with the FCAA (App. B) and WCAA (App. B);
8. Educate and inform the citizens of Yakima Co. on air quality matters;
9. Maintain accurate and current policies, regulations, and rules;
10. Perform administrative actions in a timely and effective manner; and
11. Therein, and further to Cooperate with the local governments, the Yakima Nation, organizations or citizens on air quality matters in achieving the policy objectives as set forth herein throughout the whole of Yakima County.

B. PROCEDURES AND STANDARDS. Controlling air pollution through procedures, standards, permits, and programs.

C. COMPLIANCE WITH ADOPTED STANDARDS. Ensuring compliance with all air quality rules and standards, permits, and programs.

D. COOPERATION AND COORDINATION. Cooperating and coordinating with federal, state, county, local, and tribal governments; governmental agencies; organizations; businesses; and the public in all matters related to air pollution characterization, measurement, and control.

E. STRATEGIC PLANNING. Developing strategies to avoid, reduce, or prevent air pollution through:

1. Innovative solutions;
2. Early planning; and
3. The integration of air pollution control in the work of other agencies and businesses.

F. GUIDELINES. Preparing guidelines which interpret, implement, and enforce these regulations.

G. BUSINESS ASSISTANCE POLICY. Providing reasonable business and technical assistance to the community.

H. STATE ENVIRONMENTAL POLICY ACT (SEPA). Fully complying with all the requirements of the SEPA (App. B) and holding other agencies, businesses, and individuals accountable for decisions within the jurisdiction of the authority.

I. STATE IMPLEMENTATION PLAN (SIP). Fully complying with the SIP (App. B). Changes in the SIP will be implemented through general rules or regulatory orders.

1.04 CAUSING OR PERMITTING AIR POLLUTION UNLAWFUL—EXCEPTION GENERAL APPLICABILITY (2.01)

Except where specified in a variance permit, as provided herein, it shall be unlawful for any person to cause air pollution or permit it to be caused in violation of these rules and Regulations:

All activities, persons, and businesses under the jurisdiction of this authority are subject to all provisions of these regulations except as described in a variance issued under subsection 3.00D (pg. 3-xx), a specific exemption granted under subsection 3.03H (pg. 3-xx), or granted exemptions from specific subsections. Implementation of these regulations may be through permits or orders that provide for equal or greater effectiveness in minimizing the effects of an existing or potential source of air pollution.

1.05 ROLES AND RESPONSIBILITIES

A. THE AUTHORITY. The authority is a municipal corporation with the rights described in WCAA (App. B) and exercising jurisdiction within Yakima County, WA.

B. THE BOARD OF DIRECTORS. The governing body of the authority is the board of directors. The board has the power to:

1. Adopt, amend and repeal its own rules and regulations in accordance with RCW 42.30, Open Public Meeting Act and RCW 34.05, Administrative Procedure Act;
2. Hold hearings relating to any aspect related to the administration of WCAA and other applicable law;
3. Issue any orders necessary to carry out the functions of WCAA and enforce them by all appropriate administrative and judicial proceedings;
4. Require access to records, books, files and other information specific to the control, recovery or release of air pollutants into the atmosphere;
5. Obtain necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;
6. Prepare and develop comprehensive plans for the prevention, abatement and control of air pollution;
7. Encourage voluntary cooperation by persons or affected groups to achieve the purposes of the state and federal laws and regulations;
8. Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control;
9. Collect and disseminate information and conduct educational and training programs relating to air pollution;
10. Consult, cooperate, or contract with other agencies, departments, educational institutions, governments, and interested persons or groups; and
11. Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out the functions of WCAA and other applicable laws.

C. THE AIR POLLUTION CONTROL OFFICER. (2.02 A) The air pollution control officer (APCO) is appointed by the

~~board. The Control Officer shall APCO observe and enforces state and federal laws, orders, ordinances, resolutions or rules and regulations of the authority pertaining to the control and prevention of air pollution.~~

~~**D. ADVISORY COUNCIL.** (2.05) The board of the Authority may in its discretion appoint an advisory council to advise and consult with the board and with the Control Officer APCO in effectuating implementing the purposes of these regulations. The board may submit to the advisory council recommendations for the adoption or modification of regulations or emission standards or other matters that it considers appropriate, but shall not be required to do so.~~

1.06 RECORDS

~~**A. PURPOSE.** To define the policy for protecting records and making them available to the public.~~

~~**B. APPLICATION.** To provide access to any information available under federal or state law concerning the business of the authority. The provisions of this section shall be interpreted to assure continuing public confidence in the authority.~~

~~C. PUBLIC RECORDS.~~

~~**1. Availability.** All public records of the authority are available for public inspection and copying during normal working hours at the office of the authority.~~

~~**2. Legal Exemptions.** Availability of public records is subject to exemptions and requirements of RCW 42.17.310 and RCW 70.94.205.~~

~~**3. Process.** All requests for records shall be processed according to RCW 42.17 and the current fee schedule.~~

~~D. CONFIDENTIAL RECORDS.~~ (2.04)

~~**1. Availability.** Whenever the authority obtains any records or other information, other than ambient air quality data or emission data, are furnished to or obtained by the Yakima County Clean Air Authority under this regulation which:~~

~~a. The owners or operators certify in writing that the information relates to unique processes or production or the release of the information will likely have an adverse effect on the competitive position of the source; and~~

~~b. Subject to review by the authority; then~~

~~c. relates to processes or production unique to the owner or operator, or is likely to (adversely) affect the competitive position of such owner or operator (of said processes or production,) and the owner or operator of such processes or production so certifies, such records or The information shall be is only for the confidential use of the Board authority.~~

~~**2. Summaries for Publication.** Nothing herein shall be construed to prevent The authority may use of records or confidential information by the Board in to compile or publishing analyses or summaries relating to the general condition of the outdoor atmosphere; if:~~

~~a. provided, that such The analyses or summaries do not reveal any information otherwise confidential under the provisions of this subsection; and~~

~~b. provided further, that The emission data furnished given to or obtained by the Board shall be the authority is correlated with applicable emission limitations and other control~~

~~measures and shall be available for public inspection during normal business hours at the office of the Board authority.~~

1.07 GENERAL PROVISIONS

~~**A. COMPLIANCE.** Failure to comply with any of the following is a violation of this regulation, and may result in either civil or criminal penalties:~~

~~1. FCAA (App. B).~~

~~2. WCAA (App. B).~~

~~3. CFR issued by EPA.~~

~~4. WAC issued by ecology.~~

~~5. Any section, subsection, or appendix of this regulation.~~

~~6. Any permit requirement, or~~

~~7. Any order or approval issued by the authority.~~

~~**B. FALSE OR MISLEADING INFORMATION.** No person shall:~~

~~**1. Statements.** (2.03A) willfully make a false or misleading statement to the Board as to any matter within the jurisdiction of the Board. (WAC 173-400-105(7)) Make any false materials statement, representation or certification in any form, notice or report required under this regulation, resolution, permit or order of the authority or by WCAA (App. A); or~~

~~**2. Monitoring Devices.** (WAC 173-400-105(8)) Render inaccurate any monitoring device or method required under this regulation, resolution, permit or order of the authority or by WCAA (App. A).~~

~~**C. ALTERED DOCUMENTS.** (2.03 B) No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate, or other paper issued by the authority if the purpose of such reproduction or alteration is to which evades or violates or aids the evasion or violation of any provision of this regulation or any other law.~~

~~**D. AVAILABILITY OF ORDERS.** (2.03C) Any order or registration certificate required to be obtained by this regulation, shall be available on the premises designated on the order or certificate.~~

~~**E. POSTING OF NOTICES.** (2.03D) In the event that the authority requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice posted by the authority unless authorized to do so by the board.~~

~~**PRIMA FACIE EVIDENCE.** (5.02B) It shall be prima facie evidence that the person who owns or controls property on which outdoor burning occurs has allowed or caused such open fire.~~

~~**F. SEVERABILITY.** (8.05) If (any phrase, clause, subsection, or) a section of this regulation (shall be) is declared unconstitutional or the application of a section is held invalid, (by any court of competent jurisdiction to any person shall be conclusively presumed that the Board of Directors would have enacted this Regulation without the phrase, clause, subsection, or section so held unconstitutional or invalid and) the remainder of the regulation shall not be affected as a result of said part being held unconstitutional or invalid, nor shall that provision be affected by other persons or circumstances.~~

G. WAIVER. (5.12C) Nothing in this regulation shall be construed ~~is intended~~ to impair any cause of action or legal remedy ~~therefore of~~ by a person or the public, ~~for or~~ the injury or damage arising from the emission ~~from of~~ any air contaminant in such place, manner or concentration as to constitute air pollution or a common-law nuisance.

H. REVISIONS. The board may elect to open the entire regulation, an article, individual sections, specific subsections, or appendices for future revision at any time without opening the remainder of the regulation.

I. DISCLAIMER. Nothing in this regulation relieves a person (App. A) from the obligation to comply with laws, regulations, and standards of state or federal agencies.

I. DEFINITIONS, ACRONYMS, AND ABBREVIATIONS.

1. Commonly Used Definitions. The definitions of terms and phrases used in more than one section of the regulation are located in appendix A, and they are identified in the text with (App. A) following the term. When a definition is copied or abstracted from another source, the source is identified.

2. Commonly Used Acronyms and Abbreviations. Commonly used acronyms and abbreviations are defined in appendix B, and they are identified in the text with (App. B).

3. Specific Definitions. The definitions of terms and phrases used in only one section of the regulation are located in the beginning of the section, and they are identified in text with a (*) following the term.

4. Part of the Regulation. The definitions of terms, phrases, acronyms, and abbreviations are an integral part of this regulation.

1.08 EFFECTIVE DATE. (New Section) These regulations are effective May 1, 2000.

1.09 REVOCATIONS. (New Section) The following are revoked or replaced by sections of this regulation as of the effective date of the regulation:

A. Restated Regulation 1 of the Yakima County Clean Air Authority with the following effective dates:

1. November 18, 1993.
2. January 13, 1994.
3. June 20, 1994.
4. October 20, 1994.
5. December 15, 1995.

B. Board Resolutions. None

C. Board Decisions. None.

ARTICLE 2 - GENERAL REGULATIONS

2.01 AIR POLLUTION CONTROL OFFICER - POWERS AND DUTIES

A. POWERS AND DUTIES. The board shall appoint an air pollution control officer (APCO) competent in the field of air pollution control whose responsibility shall be to implement these regulations in a manner consistent with:

1. Applicable federal and state laws and regulations;
 2. County and/or city municipal ordinances where they are at least as stringent and effective as those of the authority;
- and

~~3. The air pollution control officer and assistants, in the performance of their duties, shall in all respects be subject to the direction of the board and take no action that has been prohibited by the board. (2.02E) Policies and directives of the board unless specifically limited elsewhere in this regulation or by other laws or regulations.~~

B. DELEGATED AUTHORITY. When the term "APCO" is used in this regulation, it also applies to any authorized representative of the authority conducting official business for the APCO (App. B) and the authority.

~~C. INVESTIGATIONS. (2.02B) The control officer APCO or his duly authorized agent may make any reasonable investigations or inspections, or study which is necessary for the purpose of to enforce this regulation or any amendment, hereto or controlling or reducing the amount of or kind of air contaminant. The Control Officer shall be required to maintain appropriate records and prepare periodic reports to the Board.~~

1. Purpose of Investigations. (2.02C) For the purpose of To investigating, or inspect or study conditions for specific to the control, recovery or release of air contaminants pollutants into the atmosphere.

2. Scope of Investigations. These investigations or inspections shall be limited to investigating and/or enforcing the following:

- a. Bona fide complaints about an alleged violation of this regulation, an amendment, or revision;
 - b. An alleged or actual violation of this regulation, an amendment, or revision;
 - c. An alleged or actual violation of a federal or state law or regulation enforced by the authority;
 - d. Any permit, order, or condition of approval issued by the authority;
 - e. Periodic testing and inspection of any source (app. A);
- or
- f. Any records, files, or other information that relate to subsection 2.01C1 (pg. 2-1).

~~3. Entry for Investigations. (2.02C)~~

- a. ~~The control officer or his duly authorized representative, shall have the power to enter any private or public property at reasonable times;~~
- b. ~~Non-multiple unit private dwellings housing two (2) families or less may not to be entered without the permission of the occupant(s) of dwelling(s).~~
- e. ~~No person shall refuse entry or access to the control officer.~~

~~4. Obstruction of an Investigation. Nor shall any person obstruct, hamper or interfere with such inspection, or study.~~

D. RIGHT TO OBTAIN SAMPLES. (2.02D)

1. Notification of Owner or Lessee. If, during the course of an inspection, the APCO a(n) authorized employee of the Authority, during the course of an inspection, desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, ~~he~~ the APCO shall notify the owner or lessee of the time and place of obtaining a sample.

2. Owner/Operator Sampling.

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a. ~~So The owner or operator lessee has the opportunity to may take a similar sample at the same time, and place, and method as the sample taken by the APCO authority.~~

b. ~~As an alternative the owner or operator may request a representative portion of the sample taken by the APCO.~~

c. ~~The representative sample shall not be provided to the owner or operator if the actions needed to obtain the representative sample can compromise the ability of the APCO to obtain an accurate sample.~~

3. Receipt for Sample. ~~If requested the APCO authorized employee of the Authority shall give a receipt to the owner or lessee operator for the sample obtained.~~

E. MAINTAIN RECORDS, (2.02B) ~~The APCO shall maintain appropriate records and prepare periodic reports to the board.~~

F. SIGNING AUTHORITY. ~~The APCO is authorized by the board to take the following actions for the authority:~~

1. ~~To sign official complaints, issue notices of violations, impose penalties, issue permits, sign regulatory or approval orders, sign contracts, and administrative correspondence.~~

2. ~~To approve SEPA (App. B) documents as the Responsible Official.~~

3. ~~To apply to any court for necessary orders.~~

G. LEGAL ACTION. ~~When the board approves, the APCO may commence legal action. Nothing in this regulation may be construed to limit the APCO from using any other legal means to enforce the provisions of these regulations.~~

2.02 AUTHORITY TO COLLECT FEES

A. LEGAL AUTHORITY. ~~WCAA (App. B) authorizes the authority to assess fees and recover costs for permits, registrations, and professional services.~~

B. CHARGES. ~~Charges include but are not limited to the following:~~

1. ~~Reimbursement of authority staff time for review of complex projects or lengthy enforcement actions;~~

2. ~~Costs incurred by the authority for the implementation of the air operating permit program as defined in WAC 173-401-905 and WAC 173-401-940(1).~~

3. ~~Reimbursement of authority staff time for costs to prepare notices of construction and initial SM (App. A & B) regulatory orders;~~

4. ~~Reimbursement to a minimum of 50% of the cost for annual registrations including periodic inspections;~~

5. ~~Charges from Ecology (App. B) for state level support and oversight work; and~~

6. ~~Appropriate charges incurred by other agencies and requested to be collected shall be billed as part of a penalty.~~

C. REFUNDS.

1. ~~The following fees are non-refundable:~~

a. ~~Actual costs incurred by the authority.~~

b. ~~Application fees.~~

2. ~~Fees collected in excess of actual costs will be refunded without interest.~~

3. ~~Fees collected in error will be refunded with interest.~~

D. FEES.

1. Adoption of Fee Schedules. ~~Fee schedules shall be adopted by board resolution under the authority of RCW 42.30 at any time after receiving public comment.~~

2. Availability of Fee Schedules and Related Information. ~~(13.05D) The workload analysis budget and fee allocations schedule and billing rate schedule for reimbursable fees shall be made available upon request. Any proposed revisions to the annual fee schedule shall be presented to the board for adoption after public notice has been given.~~

2.03 ADOPTION OF APPLICABLE STATE AND FEDERAL REGULATIONS

~~The Yakima County Clean Air authority hereby adopts by reference and incorporates herein, as if specifically set forth herein; all of the terms and provisions of implements and enforces the following The Yakima County Clean Air authority hereby adopts by reference and incorporates herein, (as if specifically set forth herein,) all of the terms and provisions of the as identified below: (Washington) State administrative codes WAC (App. B) and code of federal regulations CFR (App. B) as identified below, except as the same may be less stringent than the provisions of this regulation of the Yakima County Clean Air Authority.~~

A. STATE REGULATIONS. (12.01)

~~Chapter 173-400 WAC General Regulations for Air Pollution Sources;~~

~~Chapter 173-401 WAC Operating Permit Regulation;~~

~~Chapter 173-420 WAC Conformity of Transportation Activities to Air Quality Implementation Plans;~~

~~Chapter 173-425 WAC Open Burning;~~

~~Chapter 173-430 WAC Agricultural Burning;~~

~~Chapter 173-433 WAC Solid Fuel Burning Device Standards;~~

~~Chapter 173-434 WAC Solid Waste Incinerator Facilities;~~

~~Chapter 173-435 WAC Emergency Episode Plans;~~

~~Chapter 173-450 WAC Establishing Requirements for the Receipt of Financial Aid;~~

~~Chapter 173-460 WAC Controls for New Sources of Toxic Air Pollutants;~~

~~Chapter 173-470 WAC Ambient Air Quality Standards For Particulate Matter;~~

~~Chapter 173-474 WAC Ambient Air Quality Standards for Sulphur Oxides Standards;~~

~~Chapter 173-475 WAC Photochemical Oxidant, Hydrocarbons, Nitrogen Dioxide (Ambient Standards) Ambient Air Quality Standards for Carbon Monoxide, Ozone, and Nitrogen Dioxide;~~

~~Chapter 173-481 WAC Ambient Air Quality and Environmental Standards for Fluorides.~~

~~Chapter 173-490 WAC Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC);~~

~~Chapter 173-491 WAC Emission Standards and Controls for Sources Emitting Gasoline Vapors;~~

~~Chapter 173-806 WAC Model Ordinance; and~~

~~Chapter 197-11 WAC SEPA (App. B) Rules.~~

B. FEDERAL REGULATIONS. (12.02)

40 CFR Part 50 National Primary and Secondary Ambient Air Quality Standards;

40 CFR Part 51 Requirements for Preparation, Adoption, and Submittal of Implementation Plans;

40 CFR Part 52 Approval and Promulgation of Implementation Plans;

Subpart A General Provisions; and

Subpart WW Washington;

40 CFR Part 58 Ambient Air Quality Surveillance;

40 CFR Part 60 (New Source Performance) Standards of Performance for New Stationary Sources ((NSPS));

40 CFR Part 61 National Emissions Standards for Hazardous Air Pollutants (NESHAPS);

40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants for Source Categories;

40 CFR Part 64 Compliance Assurance Monitoring;

40 CFR Part 68 Chemical Accident Prevention Provisions;

40 CFR Part 70 State Operating Permit Programs;

40 CFR Part 82 Protection of Stratospheric Ozone.;

40 CFR Part 503, Standards for the Use or Disposal of Sewage Sludge;

Subpart A, General Provisions;

Subpart E, Incineration; and

40 CFR Part 763 Asbestos Model Accreditation Plan.

2.04 PUBLIC PARTICIPATION. (WAC 173-400-171)

A. PURPOSE. To involve the public prior to making decisions.

B. APPLICABILITY. This section applies to the following actions or situations:

1. NSR (App. B) applications for a new or modified source or emissions unit if the application proposes a significant (App. A) net increase in emissions of any pollutant regulated by state or federal law or regulations; source would cause an annual increase of:

a. Five tons per year of lead; or

b. Ten tons per year of any other air contaminant for which the ambient air quality standards have been established;

2. Any application or proposed action requiring a public hearing under the PSD (App. A) of ecology;

3. An order to determine RACT (App. B);

4. An order to establish a compliance schedule or a variance;

5. Establishment or disestablishment of a nonattainment area, or the changing of the boundaries of a nonattainment area;

6. An order to demonstrate the creditable height of a stack (App. A) which exceeds the GEP (App. A) formula height and 213 ft. (App. B) or 65 m (App. B) by the use of a fluid model or a field study. The purpose of the demonstration is to establish emission limitations;

7. An order to authorize a bubble (App. A);

8. A NSR application or order to establish an ERC (App. A);

9. An order which establishes voluntary limits for the potential to emit for a source;

10. An application or action where there is a substantial public interest as determined by the APCO (App. B);

11. When required by federal or state law or regulation;

12. Changes to the SIP (App. B);

13. Substantive changes to regulations;

14. Draft air operating permits;

15. SEPA (App. B) determinations; and/or

16. Additional or special public participation requirements for air operating permit sources as directed by chap. 173-401 WAC, Part IX.

C. EARLY REVIEW. An early review of any action referenced in subsection 2.04B (pg. 2-xx) may be initiated by either the authority or the public by a written request.

1. Purpose. Provides a forum for dialogue at early stages of authority decision making.

2. Methods of Review.

a. Public meetings or workshops;

b. Advisory committees;

c. Peer review groups;

d. Discussion groups; or

e. Public hearings.

D. PUBLIC NOTICE PROCESS. (4.02H) The following is the public notice process:

H. Public Notice.

1. Notice of Construction applications shall be subject to public notice under the following conditions:

a. If otherwise required by state or federal laws or regulations; or

b. If the proposed source would cause an annual increase of ten tons of any air contaminant for which the ambient air quality standards have been established; or

c. If the Yakima County Clean Air Authority determines that such public comment would be appropriate.

2. Within fifteen days of receipt of a complete application for a Notice of Construction the Authority shall determine whether public notice is required, and if so it shall publish notice to the public of an opportunity to submit written comments during a thirty (30) day period. Such public notice shall contain the following information:

a. The name and address of the owner;

b. A brief description of the proposed construction;

c. The location at which a copy of the preliminary determination and a summary of the information considered in making such preliminary determination are available to the public;

1. Public Notice Is Issued.

a. After all information required by the authority is available; and

b. All preliminary determinations are made.

2. Who Pays For Public Notice. The owner or applicant pays the cost of providing public notice.

3. Content.

a. Publication in a Newspaper. Notices are published in a newspaper with a general circulation in the affected area, and they contain:

1) A brief description of the proposal;

2) The location of the documents available for public inspection;

3) The 30 day period for submitting written comments to the authority; and

4) The public hearing dates and locations if hearings are required.

b. Information Available for Public Inspection:

1) Nonconfidential information submitted by the applicant as defined in subsection 1.06D (pg. 1-xx);

2) Applicable preliminary determinations;

3) Analysis of the effects of implementing the proposed action on the ambient air quality;

4) Proposed decision by the APCO (App. B); and

5) Other relevant information.

c. Copies of the Public Notice.

1) Are sent to EPA (App. B) and ecology (App. B), for any application or action.

2) Are sent to the local offices of ecology or other local air authorities if the application or action could effect the ambient air quality in their jurisdictional area.

4. Public Comments.

a. Information for making public comments shall be available at the office of the authority and one public location in the area affected by the proposed action.

b. Public comments are received during the published period.

c. If a public hearing is held, the public comment period will extend through the hearing date and the period specified by the notice.

5. Public Hearings.

a. Interested persons may request a public hearing in writing within the 30 day public comment period.

b. The authority must respond to all requests.

c. The authority decides whether to hold a public hearing.

d. The time and place of the hearing(s) are published in a newspaper with general circulation in the area. The method and content of the notice will comply with subsection 2.04D3a (pg. 2-xx).

6. Response to Public Comment. The authority shall provide a written response to the public comments.

2.05 APPEALS

A. PURPOSE. To define the local policy for appeals of decisions by the APCO (App. B) or board.

B. APPLICABILITY. Any final written decision, order, penalty, fee, permit action, or resolution made by the APCO or board may be appealed.

C. PROCESS.

1. General Direction. The specific details for appeals are in chap 34.04 RCW, chap. 34.05 RCW, chap. 43.21 RCW, chap. 70.94 RCW, WAC 173-400-250, and WAC 173-401-735.

2. Agricultural Odors. See subsection 3.01C3a4) (pg. 3-xx) for an appeal involving agricultural odors.

3. Mutual Settlement. (3.04) Nothing in this article shall prevent the Control Officer APCO or board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

4. Finality. (3.02) Any order issued by the Board or Control Officer shall become final, unless such order is

appealed to the Pollution Control Hearings board, as provided in RCW 43.21B.

5. Status During Appeal. (3.03) Any order of the Control Officer or Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing, the Superior Court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

ARTICLE 3 - RULES

3.00 GENERAL RULES

A. PURPOSE. To define rules of a general nature.

B. APPLICABILITY. Applies to the rules in articles 3 and

4.

C. EXEMPTIONS. None.

D. VARIANCES. (7.01 & RCW 70.94.181)

A. Any person who owns or is in control of any plant, building, structure, establishment, process or equipment, may apply to the Board for a variance from the provisions of these Regulations governing the quality, nature, duration or extent of discharge of air contaminants in accordance with the provisions of RCW 70.94.181. The application shall be accompanied by such information and data as the Board may require. The Board may grant such variance, but only after public hearing or due notice if the Board finds that:

1. The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and

2. Compliance with the rules and regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

3. Provided, however, that the Board will not grant variances to state rules unless the same have been approved by the Washington State Department of Ecology prior to being issued by the Yakima County Clean Air Authority.

4. Total time period for a variance and a renewal of such variance shall not exceed one year.

B. No variance shall be granted pursuant to this section until the Board has considered the relative interest of the applicant, other owners of property likely to be affected by the emissions, and the general public.

C. Any variance or renewal thereof shall be granted within the requirements of subsection A and for time periods and under conditions consistent with the reasons therefore, and within the following limitations:

1. If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternative measures that the Department of Ecology or Board may prescribe.

1. If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time, as in the view of the Depart-

ment of Ecology or Board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

2. If the variance is granted on the ground that it is justified to relieve or prevent hardships of a kind, other than that provided for in Subsections 7.01 (A)(1), (2), and (3), it shall be for not more than one (1) year.

D. If renewal is made to the Board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon the receipt of the application for renewal the Board shall give public notice of such application in accordance with the rules and regulations of the Board.

E. A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for variance or renewal of a variance by the Board, may obtain judicial review thereof under the provisions of Chapter 34.05 of RCW as now or hereafter amended.

F. Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the applications of the emergency provisions and procedures of RCW 70.94.710 through 70.94.730 to any person or their property.

G. An application for variance or for the renewal thereof submitted to the Department of Ecology or Board pursuant to this section, shall be approved or disapproved by the Board within sixty (60) days of receipt, unless the applicant and the Board agree to a continuance

1. Purpose. To provide a process for obtaining relief from these regulations.

2. Applicability. Any person (App. A) who is subject to these regulations.

3. Requests for Variances or Renewals.

a. General Process.

1) Petitioner submits the written application and documentation to the APCO (App. B);

2) APCO reviews the application and submits it to the board with a recommendation;

3) Board makes a decision or recommendation to ecology.

a) If the requested variance is to an authority rule which is not duplicated in the SIP (App. B) or the WAC (App. B), the decision is made by the board.

b) If the requested variance is to a state rule, the application is referred to ecology (App. B) with a recommendation, and ecology approves the request. If approved, ecology will send the request to EPA (App. B) with a recommendation for final approval and inclusion in the SIP (App. B) (7.01A3); and

4) The variance is granted by the authority after the final approval.

b. Application. The following information is required in the application:

1) Specific regulation from which relief is requested;

2) Detailed explanation that justifies relief from compliance with the regulation;

3) Plans to bring the source into compliance with the regulation prior to the expiration of the variance;

4) Air pollution source, equipment, and control apparatus (App. A) subject to the variance;

5) Any equipment connected to, serving, or served by the air pollution source, equipment, and control apparatus subject to the variance;

6) Plot plan showing the distance and height of buildings within 200 feet or other distance specified by the APCO from the location of the contaminant source; and

7) Estimated amount that the emissions will exceed standards as a result of the variance.

c. Additional Documentation.

1) Any additional information required by the APCO.

2) Any information volunteered by the petitioner.

d. Review Criteria. (7.01B) Before granting a variance, the board must consider the interests of:

1) The applicant;

2) Owners of adjacent property likely to be affected by the variance; and

3) The general public.

e. Review Period. (7.01 G) Any application for variance or renewal must be approved or disapproved by the board within 60 days of receipt unless the applicant and the board agree to a continuance.

f. Public Involvement. Shall be done as required in section 2.04 (pg. 2-xx).

4. Conditions for Granting a Variance. (7.01A1&2)

a. The emissions proposed do not endanger public health, safety, or the environment;

b. The emissions from the source proposing the variance either singularly or in combination with other sources in the vicinity will not cause a violation of a NAAQS (App. B) or a PSD (App. B) increment; and

c. Compliance with the rules or regulations without a variance would produce serious hardship without equal or greater public benefits.

5. Limitations for Granting a Variance or Renewal. (7.01C)

a. No Practicable Technology Available.

1) Adequate prevention, abatement or control of the pollution is not available;

2) The variance is granted only until the necessary technology for prevention, abatement or control becomes available.

3) When the control technology becomes reasonably available:

a) The variance may be rescinded; and

b) Ecology or the board may prescribe alternate measures.

b. Compliance with Requirements will be Difficult.

1) Will require taking measures which are extensive or costly;

2) Must be accomplished over a long time period;

3) The variance must be granted for a reasonable time to complete the required measures;

4) The variance must contain a schedule for completing the measures in a timely manner; and

5) Must include conditions requiring adherence to the schedule.

6. Expiration. (7.01A4) Variances and renewals shall expire one year or less after the issuance, or sooner if;

a. The conditions of the variance or renewal are fulfilled;
or

b. Replaced by a new law or regulation.

7. Renewals (7.01D & RCW 70.94.181(1)) Any variance may be renewed for the same terms, conditions, and period as when the variance was granted up to one year from the initial issuance of the variance.

a. Application for Renewal. (7.01D) Must be submitted at least 60 days prior to the expiration of the variance. Immediately upon the receipt of the application the board must give public notice of the application.

b. The process for the renewal will follow subsection 3.00E3 (pg. 3-xx).

c. Renewals After Complaints Concerning Variances. (7.01D & RCW 70.94.181(1)) If ecology or the board receives a complaint about the variance, a renewal must not be granted until the board issues a notice and holds a public hearing on the complaint. Based upon results of the public hearing, the board will grant a renewal if it finds the renewal is justified.

d. Applications for renewals beyond one year must apply for a new variance.

8. Judicial Review. (7.01 E) A variance or its renewal is not the right of the applicant or holder, but is granted at the discretion of the board. Any applicant who is adversely affected by the denial or the conditions of a variance or its renewal may obtain judicial review under the provisions of Chap. 34.05 of RCW.

9. Emergency Provisions. (7.01F) Nothing in this section or any variance or renewal granted under this section is construed to limit the applications of the emergency provisions and procedures of air pollution episodes as described in WCAA (App. B).

E. OPERATION AND MAINTENANCE.

1. Purpose. To define operation and maintenance standards for all process and control apparatus (App. A) to prevent avoidable emissions.

2. Applicability. Any person or emission unit which is subject to these regulations.

3. Exemption. Process or control apparatus which is out of service.

4. Requirement. The owner or operator of an air pollution source shall:

a. Operate and maintain all process and control apparatus, which has the potential to allow emissions, according to the specifications and recommendations of the manufacturer;

b. Maintain this equipment in good repair and working condition;

c. Operate this equipment to minimize emissions; and

d. Keep a current copy of the manufacturer's manuals and specifications on the site and available for inspection by the APCO (App. B).

3.01 EMISSION STANDARDS

A. PURPOSE. To control and prevent air pollution.

B. APPLICABILITY. (5.06) To all sources and emissions units, are required to meet the emission standards of this chapter. Where When multiple an emission standards listed exist, in another chapter is applicable to a specific emissions unit, such all applicable standards will apply, take precedent over a general emission standard listed in this chapter.

C. GENERAL EMISSION STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS. All sources are required to comply with the general emission standards. The measurable emission standards cited in this section are listed in app. D with the test methods and compliance assurance requirements. Exemptions are listed in subsection 3.01C3 (pg. 3-xx).

1. Prohibitions. (5.06)

a. Visible Emissions. (5.06, 5.07A, & 5.09B) No person shall cause or permit visible emissions (App. A) plume from any emissions unit that exceeds twenty percent (20%) opacity for three minutes in any one hour period except:

1) (5.06A1 & 5.09B1) When the emissions occur due to soot blowing/and grate cleaning from hog fuel boilers, and the operator can demonstrate that the emissions will not exceed twenty percent (20%) opacity (App. A) for more than fifteen (15) minutes in any eight (8) consecutive hours. The intent of this provision is to permit allow 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 must be advised of the schedule.

2) (5.06A2) When the owner or operator of the source supplies valid data to show that the opacity exceeds twenty percent (20%) as the result of only uncombined water the presence of condensed water droplets, as determined by a certified opacity reader. The concentration of particulate matter as shown by a source test approved by the Authority must be less than one-tenth (0.1) grains per dry standard cubic foot. For combustion emissions the exhaust gas volume shall be corrected to seven percent (7%) oxygen.

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

4) When an alternate opacity limit has been established as authorized by WCAA (App. B).

5) (5.06A3) As provided for in WAC 173-433-110 "Opacity Standards For Solid Fuel Burning Devices". The opacity standard for wood heaters is in subsection 3.04E1(a) (pg. 3-xx).

b. Particulate Matter.

1) Preventing Particulate Matter from becoming airborne. (5.06B). No person shall cause or allow permit the emission of particulate matter PM (App. A) from any source which is transported or becomes deposited beyond the source property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use or and enjoyment of another the property upon which the material was transported or deposited.

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2) (5.12A) No person shall cause or, let, allow, permit or suffer particulate matter PM to be stored, handled, or transported without taking reasonable precautions to prevent the release of air pollutants.

c. Reasonable Precautions. (5.12B) No person shall cause or, let, allow, permit, or suffer a building or its appurtenances or road to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent the release of air pollutants.

d. Odors. (5.06D) Any person who shall causes or allows the generation of any odor from any source which may unreasonably interfere with an the adjoining property owner's use or and enjoyment of another his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

e. Air contaminants or water vapor Detrimental Emissions to persons or property. (5.06 E) No person shall cause or allow an permit the emission of any air contaminant or water vapor from any source, including any air contaminant whose emission is not otherwise prohibited by this Regulation, if the air contaminant or water vapor causes detrimental to the health, safety, or welfare of any person; or causes damage to the property or business of another person.

f. Sulfur Dioxide (SO₂) (App. B) (5.06 F)

1) (5.06 F1) No person shall cause or permit the emission of a gas containing sulfur dioxide SO₂ in excess of 1,000 parts per million (ppm). (App. B).

2) (5.06 F2) All concentrations of sulfur dioxide SO₂ referred to above are by volume, dry standard conditions (App. A) and For combustion emissions the exhaust gas volume shall be corrected to seven percent (7%) oxygen O₂ (App. B) and based on the average of any period of sixty 60 consecutive minutes.

3) When the owner or operator of a source emitting SO₂ supplies emission data and demonstrates there is no feasible method of reducing the concentration to < 1,000 ppm and the state and federal ambient air quality standards for SO₂ will not be exceeded, the authority may require:

a) Specific ambient air monitoring stations to be established, operated, and maintained by owner or operator at mutually approved locations;

b) The sampling results shall be available upon request; and

c) A monthly summary shall be submitted to the authority.

g. Concealment and Masking. (5.06G) No person shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant pollutant which would otherwise violate any requirements provisions of this regulation chapter.

h. Sale or Installation of Air Pollution Source. (5.06I) No person shall hereafter sell or install within the jurisdiction of the Yakima County Clean Air Authority any continuous, stationary an air contaminant pollution source in which the air contaminant emitted therefrom cannot be restricted to not capable of meeting the standards of this regulation as set forth in Sections 5.06(A) and 5.08.

2. Requirements.

a. Two or More Emission Units. (5.06) 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.

b. Reasonably Available Control Technology (RACT) (App. A). (5.06, 5.09B2, & 5.09H) Further, All emissions sources and units are required to use reasonably available control technology (RACT).

3) This which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC.

4) Where current controls are determined to be less than RACT, the authority shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the source or sources for installation of RACT.

c. Fugitive Dust Sources. (5.06H) No person shall cause or permit material handling without taking reasonable precautions to prevent the release of contaminants to the ambient air. (5.06C)

1) (5.06H1) The owner or operator of a source of fugitive dust must shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

2) (5.06 H. 2) The owner(s) or operator(s) of any existing a source(s) of fugitive dust that has been identified as a significant contributor to a Category-I PM₁₀ or PM_{2.5} nonattainment area, shall be required to must use reasonably available control technology RACT to control emissions. Significance will be determined by the definition found in 40 CFR Part 51, Appendix S, as amended July 1, 1990 subsection 4.02G2g (pg. 4-xx) and table 4.02-2 (pg. 4-xx).

3) Specific dust control requirements are in section 3.08 (pg. 3-xx).

d. Opacity Measurement. (5.06J) The density or opacity of an air contaminant shall emission must be measured at the point of its emission, except When the point of emission cannot be readily observed it may be measured at an observable point on a plume nearest the point of emission.

e. Maintenance and Operation. As required in subsection 3.00E (pg. 3-xx).

f. Compliance Testing. As required in subsection 3.11E2 (pg. 3-xx).

g. Inspection. As authorized in subsection 5.00C (pg. 5-xx).

h. Permitting. Owners or operators of sources may be required to obtain permits from the authority under sections 4.04 (pg. 4-xx) or 4.05 (pg. 4-xx).

3. Exemptions.

a. Odors Caused by Agricultural Activities (App. A) Using Good Agricultural Practices (App. A) (RCW 70.94.640).

1) These odors are exempted from this regulation unless there is a substantial adverse effect on public health.

2) In determining good agricultural practices the authority shall consult with a recognized third-party expert prior to issuing a NOV (App. B).

3) A NOV issued under this subsection shall include a statement that the activity:

- a) Is inconsistent with good agricultural practices; or
- b) Has odors that have a substantial adverse impact on public health.

4) In an appeal to the pollution control hearings board or superior court, the authority shall prove the activity:

- a) Is inconsistent with good agricultural practices; or
- b) Has odors that have a substantial adverse impact on public health.

5) When a parcel of land is sold from contiguous agricultural land for residential purposes, this exemption does not apply.

b. NH₃ (App. B) Emissions from Fertilizer. (RCW 70.94.645) NH₃ emissions from the storage, distribution, transport, or application of a NH₃ fertilizer for agricultural or silvicultural uses are exempted from regulation.

D. MINIMUM ADDITIONAL EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES (App. A) (5.07)
These standards are in addition to the general standard in subsection 3.01C (pg. 3-xx).

1. Particulate Matter.

a. Sources Burning Wood Derived Fuels. (5.09B1) The emission of PM from a unit combusting wood derived fuels for the production of steam must not exceed 0.46 gram per dscm (App. B) (0.2 grain per dscf (App. B)).

b. All Other Sources. The emission of PM must not exceed 0.23 gram per dscm (0.1 grain per dscf).

c. Measurement. The concentration of PM will be measured as specified in app. D (pg. D-xx)

2. Incineration Sources. (App. A)

3. Total Unburned Hydrocarbons Volatile Organic Compounds (VOCs). (5.07B) For all Incinerator sources, no person shall cause or permit emissions in excess of 100 ppm. This of total unburned hydrocarbons as must be measured by as specified in app. D (pg. D-2).

a. Hours of Operation. (5.07B) Incinerators shall will be operated only during daylight hours (App. A) unless written permission to operate at other times is obtained received from the authority.

b. Large Incinerators. (5.07D) All incinerators designed to burn twelve tons per day of materials shall be are subject to the standards set forth in chap. 173-434 WAC if they are:

1) Designed to burn ≥(App. B) 12 tons per day of materials; and

2) Constructed after January 1, 1985.

E. MINIMUM EMISSION ADDITIONAL STANDARDS FOR GENERAL PROCESS SOURCES. (App. A)

1. These standards are in addition to the general standard in subsection 3.01C (pg. 3-xx).

2. (5.07E & 5.08) No person shall cause or permit emissions in excess of Section 5.08. General Process Units are required to meet all applicable provisions of Section 5.06. No person shall cause or permit the emissions of particulate matter from any general process operation in excess of one

tenth (0.10) grains per standard cubic foot of dry exhaust gas as tested by: The emission standard and test for PM will be measured as specified in app. D (pg. D-2).

F. MINIMUM EMISSION ADDITIONAL STANDARDS OR PROCEDURES FOR CERTAIN SOURCE CATEGORIES (5.09 & WAC 173-400-070)
The authority finds that reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the minimum allowable standards for sources within the categories listed, and Except as specifically provided in this Section, such sources shall be required to meet the provisions of Section 5.06, Section 5.07, and Section 5.08. These standards are in addition to the standards in subsection 3.01C, D, or E (pgs. 3-xx to yy).

1. Hogged Fuel Boilers. (5.09B)

(5.09 B1) No person shall operate a hogged fuel boiler that will cause or permit an emission for more than three (3) minutes in any one (1) hour of an air contaminant from any source which, at the emission point or within a reasonable distance of the emission point, exceeds twenty percent (20%) opacity or which causes an emission of particulate matter in excess of one fifth (0.20) grains per standard dry cubic foot. Particulate matter emissions shall be measured by EPA Method 5 or approved procedures contained in "Source Test Manual Procedure for Compliance Testing", State of Washington Department of Ecology on file at the Authority or Ecology. Provided that emissions may exceed twenty percent opacity (20%) for up to fifteen (15) consecutive minutes once in any eight (8) hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and the authority shall be notified of the schedule or any changes.

(5.09B2) All hogged fuel boilers shall utilize Reasonably Available Control Technology and shall be maintained and operated to minimize emissions.

(5.09B3) The visible and particulate emission standards and tests are in app. D. The authority may establish additional requirements for hogged fuel boilers located in or proposed for location in sensitive areas which can be implemented through permitting or enforcement actions. These additional requirements may include, but shall not be limited to:

a. (5.09B3a) A requirement to meet additional provisions of subsection 5.07 3.01D (pg. 3-xx);

b. (5.09B3b) A requirement to utilize Best Available Control Technology BACT (App. B); or

c. (5.09B3c) A requirement to reduce or eliminate emissions if the authority establishes that such emissions unreasonably interfere with the use or enjoyment of the property of others or if such reductions or eliminations are necessary to meet ambient air quality standards.

2. Orchard Heating.

a. (5.09C&C1) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited; and

b. (5.09C2) It shall be is unlawful to burn any material or operate any orchard heating device that causes visible emissions exceeding twenty percent (20%) opacity, except during

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the first thirty (30) minutes after such device or material is ignited. The visible emission standard and test is in app. D (pg. D-1).

3. Grain Elevators. (5.09 D2) The authority may establish additional requirements for grain elevators. These requirements may include, but shall not be limited to a requirement to meet the provisions of Section 5.06 and Section 5.08 standards of subsection 3.01E. (5.09D1) Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of Section 5.06, B, C, D, and E.

4. Catalytic Cracking Units. (5.09G)

a. Existing Units. (5.09G1) All existing catalytic cracking units shall meet all provisions of Sections 5.06 (B), (C), (D), (E) and (G) and:

1) No person shall cause or permit the emission for more than three (3) minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity. The visible emission standard is in app. D (pg. D-2).

2) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter of standard conditions (0.20 grains dscf) of exhaust gas. The PM emission standard is in app. D (pg. D-2).

b. All New Catalytic Cracking Units. (5.09G2) shall meet all provisions of WAC 173-400-115. The maximum visible emission is the opacity standard in subsection 3.01C1a (pg. 3-xx) and app. D (pg. D-2) or a lower standard established during a NSR (App. B).

5. Sulfuric Acid Plants (H₂SO₄). No person will cause to be discharged into the atmosphere from a H₂SO₄ plant, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as 100% H₂SO₄.

6. Sewage Sludge Incinerators. See subsection 2.03B (pg. 2-xx) for the standards.

7. Asbestos. (5.09E) No person shall remove or otherwise disturb asbestos, to the extent that asbestos fibers may become airborne, without notifying the Authority ten (10) business days prior to removal. If removal is necessary due to an emergency, the ten-day waiting period may be waived by the Authority.

1. Private Residents.

Private homeowners, when removing friable asbestos materials from their normally occupied or will be normally occupied homes, may be required to remove the asbestos materials according to the National Emission Standard for Hazardous Air Pollutants (NESHAPS) as set forth in Title 40 Code of Federal Regulations part 61, as the same now exists or may be amended. Removal and disposal of non-friable asbestos materials shall be conducted in accordance with practices and procedures approved by the Authority.

2. Small Quantity Asbestos Material.

Asbestos Materials in quantities less than 160 square feet or 260 linear feet must be removed and disposed of according to practices and procedures approved by the Authority.

3. Commercial, Industrial or other sources.

No person shall demolish any commercial, institutional, or industrial building, or any residential facility constructed to house four (4) or more families without first performing a thorough inspection, to be conducted by a qualified expert to determine the quantities and types of asbestos materials present. If it is determined that such building contains asbestos, no person shall commence the demolition of such facility without complying with the requirements of NESHAPS, the Federal Rule stated in E (1) above.

4. Fees or Administrative Charges.

Fees associated with this subsection (5.09(E)) shall be in accordance with Article XIII, Section 13.04 of this regulation.

8. Wigwam Burners. (5.09F)

a. All wigwam burners shall meet all provisions of Section 5.06 (B), (C), (D), (E), (F) and (G).

b. All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent over fire air system, an adequate under fire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by Ecology or the Authority.

e. It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in Section 5.06 and Section 5.07, except operating hours.

d. Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:

i. A requirement to meet all provisions of in Section 5.06 and Section 5.07. Wigwam burners will be considered to be in compliance if they meet the requirements contained in Section 5.06(A). An exception is made for a startup period not to exceed thirty (30) minutes in any eight (8) consecutive hours.

ii. A requirement to apply BACT.

iii. A requirement to reduce or eliminate emissions if Ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

9. Asphalt Batch Plants. (5.09A)

a. All batch plants shall meet all requirements of Title 40 CFR 60.90 Subpart I, "Standards of Performance for Hot Mix Asphalt Facilities".

b. Asphalt batch plants shall utilize Best Available Control Technology and shall be maintained and operated to minimize emissions.

10. Other Wood Waste Burners. (5.09H) Wood waste burners not specifically provided for in this section shall meet all provision of Section 5.06. Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

3.02 STANDARDS FOR SOURCES OF HAZARDOUS AIR POLLUTANTS. (WAC 173-400-075 & Chap. 173-460 WAC) (New Section)

A. PURPOSE. To control and prevent emissions of hazardous air pollutants.

B. APPLICABILITY. Applies to the owners or operators of any stationary source subject to the requirements of 40 CFR Parts 61 and 63.

C. REFERENCES.

1. Subsection 2.03B references 40 CFR Parts 61 and 63 and WAC 173-400-075 as applicable.

2. Hazardous air pollutants (HAP) are listed in app. L.

3. Toxic air pollutants (TAP) are listed in app. K, para. B.

D. EMISSION STANDARDS FOR PERCHLOROETHYLENE (PCE) DRY CLEANERS. (WAC 173-400-075(6))

1. Purpose. To define specific standards for dry cleaners using the solvent PCE (App. B) which supplement 40 CFR Part 63, Subpart M, National Perchloroethylene Emission Standards for Dry Cleaning Facilities.

2. Applicability. Any dry cleaning operations that uses PCE.

3. Requirements. The quantity of PCE used annually determines the source category, venting, and leak inspection frequency requirements.

a. Source Categories. Are shown in tables 3.02-1.

Table 3.02-1 PCE Dry Cleaner Source Categories

Applicability	Small Area Sources (a)	Large Area Sources (b)	Major Area Sources (c)
Dry cleaning Facilities with	<u>Purchasing less than</u>	<u>Purchasing between:</u>	<u>Purchasing more than</u>
(1) Only Dry-to-Dry Machines	140 gallons PCE/yr	140-2,100 gallons PCE/yr	2,100 gallons PCE/yr
(2) Only Transfer Machines	200 gallons PCE/yr	200-1,800 gallons PCE/yr	1,800 gallons PCE/yr
(3) Both Dry-to-Dry & Transfer Machines	140 gallons PCE/yr	140-1,800 gallons PCE/yr	1,800 gallons PCE/yr

b. Change in PCE Consumption. If there is an increase or decrease in the amount of PCE used that changes the source category, the owner or operator of the source must notify the authority within 180 days.

c. Venting and Leak Inspection. The requirements are shown in table 3.02-2. During the inspection the systems must be operating. An inspection must include an examination of the following system components:

1) Hose and pipe connections, fittings, couplings, and valves;

- 2) Door gaskets and seatings;
- 3) Filter gaskets and seatings;
- 4) Pumps;
- 5) Solvent tanks and containers;
- 6) Water separators;
- 7) Muck cookers;
- 8) Stills;
- 9) Exhaust dampers;
- 10) Diverter valves; and
- 11) Cartridge filter housings.

Table 3.02-2 PCE Dry Cleaner Venting and Leak Inspection Requirements.

Requirement	Small Area Sources (a)	Large Area Sources (b)	Major Area Sources (c)
<u>Air-PCE Vapor Venting System</u>			
(1) <u>Installed on or before Sept. 21, 1993.</u>	No requirement	Through a refrigerated condenser.	Through a refrigerated condenser.
(2) <u>Installed after Sept. 21, 1993.</u>	Thru a refrigerated condenser.	Through a refrigerated condenser.	Through a refrigerated condenser followed by a small carbon adsorber.
(3) <u>PCE Leak Inspection Frequency</u>	Every other week.	Weekly	Weekly

PERMANENT

d. Registration is required as specified in section 4.01 (pg. 4-xx).

e. Operation and Maintenance.

1) As required by subsection 3.00E (pg. 3-xx); and

2) Close the door of each dry cleaning machine except when transferring articles to or from the machine.

f. Leak Repair.

1) Leaks must be repaired within 24 hours of detection unless repair parts can not be ordered;

2) Repair parts must be ordered within two working days of detecting the leak; and

3) Repair parts must be installed within 5 working days after receiving them.

g. Storage of PCE.

1) Store all PCE and wastes containing PCE in a closed container; and

2) Drain cartridge filters in the housing or other sealed container for at least 24 hours before discarding the cartridges.

h. Recordkeeping Requirements. The following requirements are in addition to the requirements in section 3.11 (pg. 3-xx). Documents and records must be kept on-site at the dry cleaning facility for at least:

1) As long as the PCE dry cleaning and process vent or control systems are in operation;

a) Design specifications and operating manuals;

b) Maintenance plans;

c) Design specifications and operating manuals for any modifications to these systems.

2) Five years after the close of the business year.

a) A record of dates and results of all monitoring, inspections, and repairs of the PCE dry cleaning system.

b) A record of the amount of PCE purchased each month including the receipts for the PCE purchases.

c) A record of the amount of PCE used for each machine during the previous 12 months.

d) A record of the total weight of articles cleaned for each machine during the same 12 month period used in subsection 3.02D3h (2)(c) (pg. 3-xx).

e) If a refrigerated condenser is used on a dry-to-dry machine, dryer, or reclaimer, a weekly record of the air temperatures measured at the outlet of the refrigerated condenser during the cool-down period to verify compliance with subsection 3.02D3i (pg. 3-xx).

f) If a refrigerated condenser is used on a washer, a weekly record of the differences between the air temperatures measured at the inlet and outlet of the refrigerated condenser to verify compliance with subsection 3.02D3i (pg. 3-xx).

g) If a carbon adsorber is used on a dry cleaning system, a weekly record of measuring the concentration of outlet PCE to verify compliance with subsection 3.02D3j (pg. 3-xx).

i. Requirements for Refrigerated Condensers.

1) Have temperature sensors permanently installed prior to September 23, 1996, if the PCE dry cleaning system was built prior to December 9, 1991;

2) Have permanently installed temperature sensors that have a working range between 32°F and 120°F (App. B) (0°C and 49°C (App. B)), can be seen at all times, and be accurate to within 2° F or 1.1°C.

3) Have an air temperature at the outlet of the refrigerated condenser installed on a dry-to-dry machine, dryer or reclaimer ≤ 45°F (7°C) during the cool-down period;

4) Have a difference in the air temperatures between the inlet and outlet of a refrigerated condenser installed on a washer ≥ 20°F (11°C).

5) Provide a valving system which prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machines is open; and

6) Must not release the air-PCE-vapor stream into the atmosphere while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened.

j. Requirements for Carbon Adsorbers. Must meet all of the following requirements:

1) Have PCE measurements at the exhaust of the carbon adsorber ≤ 100 ppm (App. B); and

2) Weekly measure and record the concentration of PCE at the outlet of the carbon adsorber using a colorimetric detector tube that is accurate to within 25 ppm.

3) Begun monitoring temperature sensors by September 23, 1996, if the PCE dry cleaning system was installed prior to December 9, 1991.

4. Additional Requirements for Major Area Sources.

a. If a dry cleaning system is located at a source which emits 10 tons or more of PCE annually, the source must meet additional requirements in 40 CFR Part 63, Subpart M; and

b. Must comply with sections 4.04 (pg. 4-xx) or 4.05 (pg. 4-xx).

5. A new source must continue to use BACT (App. B) after the requirements of subsection 4.02G2 (pg. 4-xx) are met.

SECTION 5.01 - 3.03 OUTDOOR BURNING AND AGRICULTURAL BURNING

Outdoor burning in Yakima County shall, unless specifically exempted in Section 5.03(D), be conducted only by permit issued by the local responsible jurisdiction and shall be subject to the limitations set forth herein.

A. The issuance of outdoor burning permits for the following activities shall be governed by the Authority, local city, town or fire protection district in which such fire or fires are being conducted:

1. Residential Burning;

2. Outdoor burning of less than 500 tons of residue of natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects.

3. Agricultural burning as defined in WAC 173-430-030.

B. The issuance of permits for the following outdoor burning shall be governed by the Washington State Department of Natural Resources or by federal authorities for lands under federal control:

1. Abating of forest fire hazard;

2. Prevention of fire hazard;

3. Instruction of public officials in the method of forest fire fighting;

4. Any silviculture operation to improve the forest lands of the state;

5. All silvicultural burning used to promote regeneration of rare and endangered plants found within natural area pre-

erves, as identified under Chapter 79.70 RCW or used to maintain fire dependent ecosystems for rare plants or animals within the state, federal and private natural park area preserves, natural resource conservation areas, parks and other wildlife areas.

C. Except as set forth in subsection 5.03(D) hereof, all other outdoor burning will be governed by permits issued by the Yakima County Clean Air Authority.

D. Except as set forth in subsection 5.03(D) hereof, it is a violation of these Regulations for any person to conduct outdoor burning without obtaining a permit from the responsible jurisdiction as set forth above.

E. Any person requesting a permit from a local responsible jurisdiction, such as local city, town, fire protection district, conservation district or the Authority, for an outdoor burning permit shall pay a fee as governed by the fee schedule of that agency then in effect. The fee schedule in effect for the Yakima County Clean Air Authority is as shown in Article XIII, Section 13.03 of this regulation.

SECTION 5.02 — REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING

A. The Regulations in this Section are applicable to all outdoor burning whether conducted under the jurisdiction of the Yakima County Clean Air Authority, local cities, towns, fire protection districts or conservation districts, or the Department of Natural Resources.

1. It shall be unlawful for any person to ignite, cause or permit to be ignited or to suffer, allow or maintain any outdoor burning within the jurisdiction of any of the above authorities as provided in Section 5.01 and in addition thereto, it shall be unlawful and not within any of the exemptions of subsection 5.03(D) and Section 5.04 for any person to ignite, cause or permit or suffer to be ignited or allow or maintaining any outdoor burning within any of the jurisdictions described above as follows:

a. Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal, or any substance other than natural vegetation that normally emits dense smoke or obnoxious odors.

b. During any forecast, alert, warning or emergency condition as defined in RCW 70.94.715.

c. During any impaired air quality condition as defined in RCW 70.94.473.

B. It shall be prima facie evidence that the person who owns or controls property on which outdoor burning occurs has allowed or caused such open fire.

SECTION 5.03 — REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING WITHIN THE JURISDICTION OF THE YAKIMA COUNTY CLEAN AIR AUTHORITY, LOCAL CITIES, TOWNS, FIRE PROTECTION DISTRICTS AND CONSERVATION DISTRICTS

A. The Yakima County Clean Air Authority finds that it is consistent with its policy of reducing outdoor burning to the greatest extent possible to prohibit outdoor burning in

certain areas subject to the exceptions as set forth in subsection 5.03(D) hereof.

B. Except as set forth in subsection 5.03(D) hereof, no outdoor burning shall be allowed in any area of Yakima County, Washington which exceeds federal or state ambient air quality standards for pollutants emitted by outdoor burning which includes the Yakima Urban Area and the city limits of the city of Selah, Washington.

C. Except as provided in subsection 5.03(D) hereof, outdoor burning shall not be allowed in any urban growth area as defined in RCW 36.70(a).030 and RCW 36.70(a).110, or in any city in the Authority's jurisdiction having a population greater than 10,000 persons if:

1. Such areas threaten to exceed state or federal air quality standards, and;

2. Alternative disposal practices consisting of a good solid waste management plan are reasonably available or practices eliminating production of organic refuse are reasonably available.

D. Outdoor burning shall be allowed without permit for:

1. Small outdoor fires on an occasional basis for ceremonial, religious, or cooking purposes or like social purposes;

2. Fires from barbecues, flares, torches, gas burners, incense burners and insect pots.

3. Structure fires for instruction in methods of fire fighting, conducted by fire districts or city fire department or any government controlled fire fighting agency, and outside any urban growth area as defined in RCW 36.70(a).030 and RCW 36.70(a).110, if all of the following conditions are met:

a. The fire conforms with any other permits, licenses, or approvals that are required;

b. The fire is not located in an area that is declared to be in an air pollution episode or any state of an impaired air quality as defined in RCW 70.94.715 and 70.94.473;

c. Nuisance laws are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property;

d. Notice of the fire is provided to the owners of property adjoining the property where the fire will occur, to the persons who potentially will be impacted by the fire;

e. Each structure that is proposed to be set on fire must be identified specifically as a structure to be set on fire. Each other structure on the same parcel of property that is not proposed to be set on fire must be identified specifically as a structure that is not proposed to be set on fire; and

f. Before setting a structure on fire, a good faith inspection is conducted to determine if materials containing asbestos are present, the inspection is documented in writing and forwarded to the Authority, and asbestos that is found is removed prior to the burning.

SECTION 5.04 — REGULATIONS APPLICABLE TO PERMITS ISSUED BY THE YAKIMA COUNTY CLEAN AIR AUTHORITY FOR ALL OTHER OUTDOOR BURNING

A. Outdoor burning permits will be issued by the Yakima County Clean Air Authority pursuant to restrictions and limitations on outdoor burning as set forth in these Regulations as follows:

1. Except as set forth in Section 5.03(D) hereof, agricultural burning to control diseases and insects or developments of physiological conditions conducive to increase crop yield:

a. All applications for permits to set fire for such agricultural burning shall be acted upon by the Authority within seven (7) days from the date such application is filed.

b. When burning is necessary to control disease or insect infestation and alternative methods are not available and the Yakima County Agricultural Extension Agency so certifies:

2. Except as set forth in Section 5.03(D) hereof, instruction in methods of fire fighting conducted by fire districts or city fire departments or any government controlled fire fighting agency:

B. Permits issued for burning under this Section shall be drafted to minimize emissions, including denial of permission to burn during periods of adverse meteorological conditions:

C. All permits issued by the Authority will contain conditions to insure that public interest in air, water and land pollution and safety to life and property is fully considered and will be designed to minimize air pollution as practicable.

D. All applications for permits must demonstrate that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life and property and no other reasonable alternative (as defined in the WAC 173-425) is available to successfully carry out the enterprise in which the applicant is engaged.

SECTION 5.05 — ADDITIONAL RESTRICTIONS ON OUTDOOR BURNING

All outdoor burning conducted pursuant to this Regulation shall be conducted between the hours of sunrise and sunset, except that burning for pest or disease control or for land clearing purposes, and of which the combustible material consists primarily of wood more than twelve (12) inches in diameter, may be conducted after sunset, but such fires shall not be ignited or fed after 12:00 noon on any day they are ignited. For the purpose of this provision a fire shall be deemed to be out and extinguished when there is not a visible flame coming from the fire.

A. No open burning shall be conducted when the Control Officer, acting on guidelines for air quality control which are hereafter established by the Board, has prohibited such burning by a curtailment call or Ecology has declared an Air Pollution Episode:

1. Any person or entity responsible for an open fire shall immediately proceed to extinguish such fire to prevent visible smoke when notified of the existence of an air pollution episode by any of the means set forth hereafter. Notice will be deemed sufficient to the public for all purposes of these Regulations after three (3) hours have elapsed from the time such notice has been delivered to and published by a newspaper of general circulation in the area where such limitation applies, or has been delivered to and broadcasted by a radio or television station serving the area, for a small fire and ten (10) hours for the remaining fires.

B. Any person responsible for fires set in accordance with this Section must abide by all rules and procedures set by other agencies having any jurisdiction over the practice of open burning.

A. PURPOSE. To reduce and control outdoor and agricultural burning (*App. A*) and the resulting air pollution. (*Chaps. 173-425 & 173-430 WAC*)

B. APPLICABILITY. (5.01B) Applies to all outdoor and agricultural burning on private, county, state, and federal land unless exempted or another public agency has an effective program in place for the control of outdoor and agricultural burning, and the program has been delegated in accordance with subsection 3.03I (pg. 3-xx).

1. This section applies to burning requiring a written permit, a general rule permit, or exempted from permitting.

2. The agricultural burning portions of this section apply only to agricultural operations (*App. A*) and government agencies with burning requirements related to agriculture.

3. Fire fighting training fires are a type of outdoor burning, and subsections 3.03C (pg. 3-xx) and 3.03D (pg. 3-xx) are applicable unless modified or granted a limited exemption in another subsection.

4. This section is not applicable to fire training at enclosed fire training facilities that are permitted under section 4.02 (pg. 4-xx).

5. This section does not apply to silvicultural burning (*App. A*) which is regulated by WCAA (*App. B*), chap. 332-24 WAC, and the Washington state smoke management plan.

C. GENERAL PROVISIONS FOR ALL BURNING. The following applies to all outdoor and agricultural burning unless granted a limited or specific exemption by the APCO (*App. B*). The limited exemptions granted for various types of burning are shown in table 3.03-1 and the footnotes:

1. Prohibitions. Burning is prohibited in the following areas and conditions:

a. Woodsmoke Control Zone (*App. A*). Prohibited during burn bans (*App. A*). The area is described in app. H (pg. H-1).

b. Other Areas. Prohibited during a burn ban in any other geographic area designated by the board.

c. Urban Growth Areas (*App. A*) (5.03C). Prohibited after December 31, 2000, and sooner if a reasonable alternate (*App. A*) disposal method exists for:

1) County-designated urban growth areas; and
2) Cities having a population greater than 10,000 people: (5.03C)

3) Except urban growth areas for cities which have a population less than 5,000 people that are neither within nor contiguous with a nonattainment or former nonattainment area, outdoor burning is prohibited after December 31, 2006.

d. (5.03 B) Yakima urban area as described in app. H (pg. H-2), the city of Selah, and the city of Sunnyside.

e. Burn Ignition. If an individual permit is required in tables 3.03-1 or 2 for any type of outdoor or agricultural burning, the fire shall not be ignited without first obtaining the permit.

f. Hours of Burning. (5.05) All burning shall be conducted during daylight hours (*App. A*).

g. Burning Without a Permit or Limited Exemption. (5.01) Burning is not allowed without an individual, annual, or general rule permit unless granted a limited exemption in tables 3.03-1 or 2 and the footnotes for the tables.

2. Requirements. (5.05)

a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.

b. Demonstration of No Reasonable Alternative. (App. A) (5.04D) Anyone applying for a permit must demonstrate that there is no reasonable alternate for:

- 1) Safeguarding the environment; and
- 2) Economic viability.

c. Minimize Adverse Effects. All permits issued by the authority will must contain requirements to insure that public interest in air, water and land pollution and safety to life and property is fully considered and will must be designed to minimize air pollution as practicable. (5.04C) ~~Permits shall be drafted to minimize emissions. This includes the denial of permission to burn during periods of adverse meteorological conditions.~~ (5.04B)

d. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.

e. Cessation of Burning. (5.05A)

1) During Burn Bans. (5.02A1b&c) No open burning shall may be done when the APCO (App. B) has declared an impaired air quality condition or ecology (App. B) has declared an air pollution episode as described in section 3.05 (pg. 3-xx).

2) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must immediately start extinguishing the fire.

3) Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations.

4) Lapse Time to Legally Extinguish Fires During Burn Bans.

a) Land clearing, storm and flood debris, and orchard removal burns shall be extinguished within eight hours of notification of a burn ban.

b) All other burns shall be extinguished within three hours of the notification.

f. Extinguished Fire. (5.05) A fire shall be considered extinguished when there is no visible flame or smoke coming from the fire, and the burned material can be handled with bare hands.

g. Additional Requirements. Additional requirements for various types of burning are listed in subsections 3.03D2 (pg. 3-xx), 3.03E (pg. 3-xx), 3.03F2 (pg. 3-xx), and the footnotes for tables 3.03-1 and 2.

h. Requirements of Other Agencies. (5.05B) Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor and agricultural burning.

D. SPECIFIC PROVISIONS FOR OUTDOOR BURNING.**1. Prohibitions.**

a. Materials. (WAC 173-425-040) (5.02A1a) Materials prohibited from burning:

- 1) Garbage,
- 2) Dead animals, or parts of dead animals,
- 3) Asphalt,

4) Petroleum products,

5) Paints,

6) Rubber products,

7) Plastics,

8) Paper other than what is necessary to start a fire,

9) Cardboard,

10) Treated wood,

11) Construction/demolition debris,

12) Metal, or

13) Any substance that normally emits toxic emissions, dense smoke, or obnoxious odors when burned other than natural vegetation.

b. Hauled Material. Other than firewood (App. A) for use in wood heaters (App. A), ceremonial fires, or recreational fires (App. A), material transported from an area prohibited for outdoor burning may not be burned in another area.

2. Requirements.a. All Outdoor Burning.

1) When the burn is primarily wood > (App. B) 12 in. dia., the burn must not be ignited or fed after 12:00 noon on the day ignited.

2) Except for ceremonial, residential, tumbleweed, and recreational burning not included in general rule permits, the person doing the burning shall inform the authority of the location, quantity and type of material to burn, and duration for the burn prior to setting the fire.

b. Residential Burning.

1) Must be located on a non-combustible surface not less than 50 feet from buildings, fences, other combustible materials, and other fires.

2) Burn one pile at a time.

3) Pile size must be < (App. B) 4ft. x 4ft. x 3ft. high.

c. Storm and Flood Debris Burning.

1) Material proposed for burning was deposited by a storm that resulted in a declared emergency by a governmental authority.

2) The permit shall contain a time period for the burning.

3) The maximum time limit for this type of burning is two years after the event that deposited the debris.

4) The following variables shall be considered in determining an appropriate maximum time limit after the flood event:

a) Size of the material and the amount of drying time needed to create good burning conditions with lower emissions; and

b) Time of year that the storm event occurred.

E. ADDITIONAL SPECIFIC PROVISIONS FOR FIRE FIGHTING TRAINING FIRES.

1. Applicability. Subsection 3.03E (pg. 3-xx) is applicable to any fire department, business, or organization (App. A) using fire fighting training fires or any business using a fire to demonstrate fire equipment.

2. Requirements for All Training Fires.

a. Must comply with any other permits, licenses, or approvals that are required;

b. Must not be located in an area that is declared to be in an air pollution episode or impaired air quality condition;

c. Nuisance (App. A) laws are applicable to the fire, including nuisances related to the unreasonable interference

with the enjoyment of life and property and the depositing of particulate matter or ash on other property; and

d. Notify the authority of the type and location of each fire prior to starting the training fire.

3. Additional Requirements for Structural or Natural Vegetation Training Fires. (5.03D3)

a. These types of training fires are not allowed for a business demonstrating fire equipment.

b. Notice of the fire is provided to the owners of property adjoining the property, and to the persons who potentially will be impacted;

c. On each parcel of land where an exercise is planned each structure to be burned or not burned must be identified to the authority, and;

d. A good faith inspection survey according to subsection 3.07F (pg. 3-xx) is must be conducted to determine if materials containing asbestos are present in the structures, the inspection is must be documented in writing and forwarded to the authority, and asbestos that is found is must be removed prior to the burning.

4. Additional Requirements for Aircraft Crash Rescue Fire Training.

a. Participants in these training fires must be limited to fire fighters who provide support to an airport which is:

1) Certified by the FAA (App. B); or

2) Operated to support military or governmental aviation.

b. Number of training fires allowed per year without a permit is the minimum number required by FAA or other federal safety requirements.

c. The facility must use current technology and be operated in a manner that will minimize the release of air pollutants during the fire training.

d. Prior to the initial training exercise, written approval must be obtained from the authority.

5. Permitting and Limited Exemptions. The types of permits required and limited exemptions granted are shown in table 3.03-1.

F. SPECIFIC PROVISIONS FOR AGRICULTURAL BURNING.

1. Prohibitions. No additional prohibitions.

2. Requirements.

a. A farmer must show that the burning is a BMP (App. B), or necessary to a successful operation; and there is no reasonably available practical alternative.

b. Burning is limited to natural vegetation.

c. Natural vegetation intended for agricultural burning may be transported to a stockpile site for drying and future burning providing there is no prohibition for burning at the stockpile site.

d. Burning must be done only when the wind will take the smoke away from roads, homes, population centers, and other public areas.

e. Prior to igniting a burn, the farmer must provide the authority with the location, size, and type of material for each burn.

f. Farmers who fail to report burns may have an annual permit canceled.

G. LIMITED EXEMPTIONS.

1. All Burning.

a. Individual Permit Required. The specific exemptions will be established in the permit after discussing the burn, the prohibitions, and the requirements with the proponent.

b. General Rule Permits and Permits Not Required. Limited exemptions are identified in subsections 3.03G2&3 (pg. 3-xx), table 3.03-1, the footnotes for these tables, and general rule permits located at the end of this section.

2. Outdoor Burning.

a. Diseased animals may be burned when a health officer orders the burning of all or part of the animal or other infected material to stop the spread of a disease infestation.

b. Dangerous materials may be burned when a fire protection authority orders the burning of dangerous materials because there is no approved alternative method of disposal.

3. Agricultural Burning. All exemptions are identified elsewhere.

H. SPECIFIC EXEMPTIONS. The APCO (App. B) may grant a written specific exemption for a subsection if the specific exemption will:

1. Create no more air pollution than the requirements of the subsection; and

2. Create no adverse environmental, health, or public safety effects;.

3. The document granting the specific exemption must contain:

a. The conditions of the specific exemption

b. A duration of no more than 30 consecutive days; and

c. The signature of the owner or operator of the property indicating agreement to the conditions of the specific exemption.

4. Specific exemptions will not be extended.

I. PROGRAM DELEGATIONS. Table 3.03-2 shows which types of agencies or businesses the authority may use to implement outdoor and agricultural burning programs if the co-operating agency/business complies with this subsection.

1. Permitting by Other Agencies. A local, county, state, or federal agency may qualify for a residential and recreational outdoor burning permit program if:

a. The agency agrees to accept all of the outdoor burning program available for permitting as shown in table 3.03-2;

b. The agency enters into a written agreement with the authority to adopt and enforce the regulations of the authority;

c. The authority finds that agency program is as or more effective;

d. The agency provides annual reports by Feb. 1st of each year which describe:

1) Total number of permits issued;

2) Total number of complaints received;

3) Total number of NOV (App. B) issued;

4) Total number of penalties issued;

5) Total dollar receipts;

6) Suggestions for improvement of the program in the future; and

7) An estimate of the total amount of material burned.

2. Issuing Agents.

a. Local, county, state, or federal governmental agencies or businesses may be delegated the authority to issue residential burning permits after signing a written agreement defining the administrative procedures for the issuance of permits.

b. The compliance and enforcement responsibility for these permits remains with the authority.

c. Violations or non-performance of the agreement may result in the cancellation of the vending agreement or a citation issued under article 5.

I. PERMITTING BY THE AUTHORITY. The authority shall use individual, annual, or general rule permits to authorize all forms of burning which require permits.

1. Individual Permits. Written or verbal individual permits shall be used when:

a. Permits are required by law or regulation;

b. The permits are needed for specific burning events;

c. The authority believes the proposed burn needs specific requirements or prohibitions that are not available from an annual or general rule permit;

d. The proposed burn can not meet all of the conditions of an annual or general rule permit, or

e. The permit fee is based on the specific conditions of the burn.

2. Annual Permits. Written annual permits shall be used when:

a. Permits are required by law or regulation;

b. All the requirements for burning during the year can be identified in the permit; and

c. The same annual permit fee is charged for all similar permits.

3. General Rule Permits. General rule permits are appropriated when an individual or annual permit is not required, but the authority believes some controls are needed to minimize air pollution.

a. General rule permits have no fees.

b. A person using a general rule permit must comply with all conditions of the permit or obtain an individual or annual permit.

c. The following general rule permits are adopted and included in the regulation:

1) General Rule Permit No. 3.03 - 1, Structural Fire Training Outside of Urban Growth Areas (pg. 3-xx);

2) General Rule Permit No. 3.03 - 2, Wildland Training Fires (pg. 3-xx);

3) General Rule Permit No. 3.03 - 3, Flammable Liquid or Gas Training Fires (pg. 3-xx);

4) General Rule Permit No. 3.03 - 4, Other Training Fires (pg. 3-xx); and

5) General Rule Permit No. 3.03 - 5, Large Recreational Fires (pg. 3-xx);

4. Specific Permit Conditions. Special permit conditions may be added to a written or general rule permit to include additional requirements beyond the requirements of section 3.03. They may include any of the following:

a. All Burning.

1) Restricting the hours of burning;

2) Restricting burning to a defined season;

3) Restricting the size of fires;

4) Imposing requirements for good combustion practice;
or

5) Restricting burning to specified weather conditions.

6) The permittee agrees to allow the APCO to enter his/her property to conduct an investigation as defined in subsection 2.01C (pg. 2-xx).

b. Agricultural Burning.

1) Requiring the use of all or part of the agricultural burning BMPs established by the ag task force (App. A).

2) Encouraging the use of locally approved BMPs for specific crops.

5. Permit Duration.

a. Annual permits expire Dec. 31st of the current calendar year.

b. General rule permits adopted into the regulation have an indefinite duration. These remain available for use until rescinded or modified by the regulation adoption process.

c. All other permits expire 30 days maximum from the date of issuance unless approved for an alternate duration.

d. Permits other than annual permits may be extended for an additional 30 days for due cause by the APCO.

6. Permit Conditions Added after Issuance. If additional limitations are needed to prevent air pollution and/or protect property, health, safety, and comfort of persons from the effects of burning:

a. The authority shall amend an individual or annual permit; and

b. The authority must notify the permittee or responsible person of the limitations.

c. Any limitation imposed will become a condition of the permit.

7. Permit Application Process. Permit applications are available from the authority during normal working hours. The application may be submitted in person or by mail, and it must be accompanied by the application fee when one is required.

K. FEES (5.01 E)

1. Any person requesting granted an individual permit from a local responsible jurisdiction, such as local city, town, fire protection district, conservation district or the authority, for an outdoor burning permit, shall pay a fee as shown in governed by the current fee schedule of that agency adopted by the board, then in effect. The fee schedules in effect for the Yakima County Clean Air Authority is as shown in Article XIII, Section 13.03.

2. General rule permits have no fees.

3. Annual agricultural burning permit fees are non-refundable unless the permittee can establish and the authority agrees that the following events happened:

a. The permitted agricultural burning did not occur;

b. The need for the burning was replaced by another treatment; and

c. The burning will not occur in the future.

Table 3.03-1 Limited Exemptions, Types of Permitting, and Specific Requirements for All Types of Burning.

See footnotes at the end of the table.

Type of Burning	Type of Burning Permit Required a	Types of Burning Where Limited Exemptions are Granted		
		Prohibited Areas Sub 3.03C1 b	Hours of Burning Sub 3.03C1f c	Prohibited Materials Sub 3.03D1a & F2b d
Outdoor Burning				
1. Ceremonial fires	Individual	1/	1/	No
2. Fire fighting training fires	Individual GRP No. 3.03 - 1 GRP No. 3.03 - 2 GRP No. 3.03 - 3 GRP No. 3.03 - 4 N/A	Yes	Yes	2/
2.1 Structural training fires		Yes	Yes	2/
2.11 Inside an urban growth area		Yes	Yes	No
2.12 Outside an urban growth area		Yes	Yes	2/
2.2 Wildland training fires		Yes	Yes	2/
2.3 Flammable liquid or gas training fires		Yes	Yes	Yes
2.4 Other training fires		Yes		
2.5 Aircraft crash rescue training fires		Yes		Yes
3. Land clearing fires	Individual	No	1/	No
4. Rare & endangered plant regeneration fires.	Individual	1/	1/	No
5. Recreational fires	GRP No. 3.03 - 5 None None	3/ No 5/	4/ Yes Yes	No
5.1 Large recreational fires				
5.2 Other recreational fires				
5.3 Home barbecues				
6. Residential	Annual	No	No	No
7. Silvicultural	N/A	N/A	N/A	N/A
8. Storm or flood debris	Individual	1/	1/	No
9. Tumbleweed	None	No	No	No
10. Weed abatement	Individual	1/	No	No
11. Other outdoor burning 6/	Individual	1/	1/	1/
Agricultural Burning				
12. Fence rows and windblown vegetation	None, 7/	No	8/	No
13. Irrigation or drainage ditches	None, 7/	No	8/	No
14. Orchard management	None, 7/ Individual	No	8/ 1/	No
14.1 Orchard prunings				
14.2 Orchard removal				
15. Annual agricultural burning	Annual	No	No, 8/	No
16. Other agricultural burning 9/	Individual	1/	8/	1/
Training Fires Not Considered Outdoor Burning				
17. Fires conducted inside a fire training facility subject to a NSR approval order	None	N/A	N/A	N/A

Footnotes for table 3.03-1:

Yes - Limited exemption is granted.

No - Limited exemption is not granted

None - No permit is required

Individual - Individual permit required for a specific burn.

N/A - Not Applicable because the authority does not regulate this type of burning

GRP - General Rule Permit.

Annual - Annual residential or agricultural burning permit.

1/ Shall be identified in the permit issued by the authority.

2/ The burning of prohibited materials is limited to those materials and quantities needed for effective training.

3/ Nonprofit organizations are granted a limited exemption. There is no exemption for other groups or persons.

4/ A limited exemption for the hours of burning is granted, but the fire must be extinguished within three hours after the end of the event or use.

5/ Fueled only with charcoal, LP gas, natural gas, pellets, or natural fuels.

6/ Includes any type of outdoor burning not included in the table.

7/ Incidental quantities without permitting.

8/ When night burning is accepted by the ag task force (App. A) as a BMP (App. B).

9/ Includes any type of agricultural burning not included in the table

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Table 3.03-2 Forms of Delegation for All Types of Burning.

See footnotes at the end of the table.

Type of Burning	Permitting Information				
	Delegated to the Authority a	Type of Burning Permit Required b	Form of Delegation from the Authority		
			Retained by the Authority c	Permitting Program Available d	Permit Vending e
Outdoor Burning					
1. Ceremonial fires	Yes	Individual	No	Yes	No
2. Fire fighting training fires	Yes	Individual GRP No. 3.03 - 1 GRP No. 3.03 - 2 GRP No. 3.03 - 3 GRP No. 3.03 - 4 None	Yes	No	No
2.1 Structural training fires					
2.11 Inside urban growth areas					
2.12 Outside urban growth areas					
2.2 Wildland training fires					
2.3 Flammable liquid or gas training fires					
2.4 Other training fires					
2.5 Aircraft crash rescue training fires					
3. Land clearing	Yes	Individual	Yes	No	No
4. Rare & endangered plant regeneration fires	Yes	Individual	Yes	No	No
5. Recreational fires	Yes	GRP No. 3.03 - 5 None None	Yes	No	No
5.1 Large recreational fires					
5.2 Other recreational fires					
5.3 Home barbecues					
6. Residential	Yes	Annual	No	Yes	Yes
7. Silvicultural	No	N/A	N/A	N/A	N/A
8. Storm or flood debris	Yes	Individual	Yes	No	No
9. Tumbleweed	Yes	None. 1/	No	Yes	No
10. Weed abatement	Yes	Individual	No	Yes	No
11 Other outdoor burning 2/	Yes	Individual	Yes	No	No
Agricultural Burning					
12. Fence rows and windblown vegetation	Yes	None. 3/	Yes	No	No
13. Irrigation or drainage ditches	Yes	None. 3/	Yes	No	No
14. Orchard management	Yes	None. 3/ Individual	Yes	No	No
14.1 Orchard prunings					
14.2 Orchard removal					
15. Annual agricultural burning	Yes	Annual	Yes	No	No
16. Other agricultural burning 4/	Yes	Yes	Yes	No	No
Training Fires Not Considered Outdoor Burning					
17. Fires conducted inside a fire training facility subject to a NSR approval order	Yes	None	Yes	No	No

Footnotes for table 3.03-2:

Yes - The authority is delegated responsibility for this type of burning. a burning permit is required, or this type of burning may be delegated to another agency or business.

No - The authority is not delegated responsibility for this type of burning, or this type of burning may be delegated to another agency or business.

None - No permit is required

Individual - Individual permit required for a specific burn.

N/A - Not Applicable because the authority does not regulate this type of burning

GRP - General Rule Permit.

Annual - Annual residential or agricultural burning permit.

1/ Applies when only tumbleweeds are burned in the fire.

2/ Includes any type of outdoor burning not included in the table.

3/ Incidental quantities without permitting.

4/ Includes any type of agricultural burning not included in the table.

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Table 3.03-3 Notification Requirements Before Burning

See footnotes at the end of the table

Type of Burning	Type of Burning Permit Required a	Prior Notification Required Before Igniting the Fire	
		Authority b	Neighbors c
Outdoor Burning			
1. Ceremonial fires	Individual	No	No
2. Fire fighting training fires			
2.1 Structural training fires			
2.11 Inside an urban growth area	Individual	Yes	1/
2.12 Outside an urban growth area	GRP No. 3.03 - 1	Yes	Yes, 2/
2.2 Wildland training fires	GRP No. 3.03 - 2	Yes	Yes, 2/
2.3 Flammable liquid or gas training fires	GRP No. 3.03 - 3	Yes	Yes, 2/
2.4 Other training fires	GRP No. 3.03 - 4	Yes	Yes, 2/
2.5 Aircraft crash rescue training fires	N/A	Yes, 3/	No
3. Land clearing fires	Individual	Yes	1/
4. Rare & endangered plant regeneration fires	Individual	Yes	1/
5. Recreational fires	GRP No. 3.03 - 5		
5.1 Large recreational fires	None	Yes	Yes
5.2 Other recreational fires	None	No	No
5.3 Home barbecues	None	No	No
6. Residential	Annual	No	No
7. Silvicultural	N/A	N/A	N/A
8. Storm or flood debris	Individual	Yes	1/
9. Tumbleweed	None	No	No
10. Weed abatement	Individual	Yes	1/
11. Other outdoor burning	Individual	Yes	1/
Agricultural Burning			
12. Fence rows and windblown vegetation	None, 4/	No	No
13. Irrigation or drainage ditches	None, 4/	No	No
14. Orchard management			
14.1 Orchard prunings	None, 4/	No	No
14.2 Orchard removal	Individual	Yes	1/
15. Annual agricultural burning	Annual	Yes	No
16. Other agricultural burning	Individual	Yes	1/
Training Fires Not Considered Outdoor Burning			
17. Fires conducted inside a fire training facility subject to a NSR approval order	None	5/	5/

Footnotes

- 1/ As required in the individual permit.
- 2/ As required by the general rule permit.
- 3/ Written approval required prior to the first training exercise.
- 4/ Incidental quantities without a permit.
- 5/ As required in the NSR approval order.

GENERAL RULE PERMIT No. 3.03 - 1

STRUCTURAL FIRE TRAINING OUTSIDE OF URBAN GROWTH AREAS

A. PURPOSE. To control emissions from structural training fires and to satisfy the permitting requirements by a general rule.

B. APPLICABILITY.

1. Any fire department (*App. A*) planning to conduct structural training fire outside of an urban growth area.
2. The owner or operator of the land where the training fire is conducted.

C. REFERENCES. Sections 3.01 (pg. 3-xx), 3.03 (pg. 3-xx), 3.05 (pg. 3-xx), and 3.07 (pg. 3-xx).

D. DURATION. Indefinite.

E. REQUIREMENTS.

1. General. (3.03C)

a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.

b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.

c. During Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or ecology has declared an air pollution episode as described in section 3.05 (pg. 3-xx).

1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.

2) Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general

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circulation in the area, and broadcasting the notice on radio or television stations.

3) Lapse Time. The fire must be extinguished within three hours of notification of a burn ban.

2. Specific. (3.03D & E)

a. Prohibited Materials. The burning of prohibited materials listed in subsection 3.03D1a is limited to those materials and quantities needed for effective structural training fire.

b. Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property

c. Structure Identification. On each parcel of land where an exercise is planned each structure to be burned or not burned must be identified to the authority.

d. Asbestos Survey and Removal. A survey is conducted in accordance with subsection 3.07F (pg. 3-xx) to determine if materials containing asbestos are present in the structures, the survey is documented in writing and forwarded to the authority.

e. Asbestos Removal. Asbestos that is found is removed prior to the burning.

F. NOTIFICATION. (3.03D2a2) Prior to the start of the training the fire department conducting the training fire shall inform:

1. The authority of the location, quantity and type of material to burn, and duration for the training fire; and

2. The owners of property adjoining the property, and persons who potentially will be impacted.

G. REQUIREMENTS OF OTHER AGENCIES. (3.03C3i) Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.

H. VIOLATIONS. Failure to comply with the requirements of this general rule permit is a violation, and the following are the remedies for a violation:

1. Voiding any further training fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and/or;

2. Compliance and enforcement action under article 5.

**GENERAL RULE PERMIT No. 3.03 - 2
WILDLAND TRAINING FIRES**

A. PURPOSE. To control emissions from wildland training fires and to satisfy the permitting requirements by a general rule.

B. APPLICABILITY.

1. Any fire department planning to conduct wildland training fires.

2. The owner or operator of the land where the training fire is conducted.

3. This general rule permit is not applicable to the following:

a. Silvicultural burning administered by the DNR, or;

b. Burning structures at the location of a wildland training fire.

C. REFERENCES. Sections 3.01 (pg. 3-xx), 3.03 (pg. 3-xx), and 3.05 (pg. 3-xx).

D. DURATION. Indefinite.

E. REQUIREMENTS.

1. General. (3.03C)

a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.

b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.

c. During Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or ecology has declared an air pollution episode as described in section 3.05 (pg. 3-xx).

1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.

2) Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations.

3) Lapse Time. The fire must be extinguished within eight hours of notification of a burn ban.

2. Specific. (3.03D & E)

a. Prohibited Materials. The burning of prohibited materials listed in subsection 3.03D1a (pg. 3-xx) is prohibited.

b. Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property

c. Land Identification. Each parcel of land where an exercise is planned must be identified to the authority.

F. NOTIFICATION. (3.03D2a2) Prior to the start of the training fire the fire department conducting the training shall inform:

1. The authority of the location, quantity and type of material to burn, and duration for the training fire; and

2. The owners of property adjoining the property persons who potentially will be impacted.

G. REQUIREMENTS OF OTHER AGENCIES. (3.03C3i) Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.

H. VIOLATIONS. Failure to comply with the requirements of this general rule permit is a violation, and the following are the remedies for a violation:

1. Voiding any further training fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and/or;

2. Compliance and enforcement action under article 5.

**GENERAL RULE PERMIT No. 3.03 - 3
FLAMMABLE LIQUID OR GAS TRAINING FIRES**

A. PURPOSE. To control emissions from flammable or gas liquid fires for training or demonstrating the proper use of fire equipment and to satisfy the permitting requirements by a general rule.

B. APPLICABILITY.

1. Any fire department conducting flammable liquid or gas training fires;

2. Any company demonstrating the use of fire suppression equipment; or

3. Any company or organization training employees in the use of fire extinguisher; and

4. The owner or operator of the land where the training fire is conducted.

C. REFERENCES. Sections 3.01 (pg. 3-xx), 3.03 (pg. 3-xx), and 3.05 (pg. 3-xx).

D. DURATION. Indefinite.

E. REQUIREMENTS.

1. General. (3.03C)

a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.

b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.

c. During Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or ecology has declared an air pollution episode as described in section 3.05 (pg. 3-xx).

1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.

2) Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations.

3) Lapse Time. The fire must be extinguished within 15 minutes of notification of a burn ban.

2. Specific. (3.03D & E)

a. Prohibited Materials. The burning of prohibited materials listed in subsection 3.03D1a is limited to those materials and quantities needed for effective structural training fire.

b. Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property

c. Container for the Fire. The training fire is contained within a noncombustible container or apparatus \leq 4 ft. x 4 ft. in size.

F. NOTIFICATION. (3.03D2a2) Prior to the start of the training the person doing the training or demonstration shall inform:

1. The authority of the location, quantity and type of material to burn, and duration for the training fire; and

2. The owners of property adjoining the property, and to the persons who potentially will be impacted.

G. REQUIREMENTS OF OTHER AGENCIES. (3.03C3i)

Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.

H. VIOLATIONS. Failure to comply with the requirements of this general rule permit is a violation, and the following are the remedies for a violation:

1. Voiding any further training fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and/or:

2. Compliance and enforcement action under article 5.

**GENERAL RULE PERMIT No. 3.03-4
OTHER TRAINING FIRES**

A. PURPOSE. To control emissions from other training fires and to satisfy the permitting requirements by a general rule.

B. APPLICABILITY.

1. Any fire department planning to conduct a training fire < 10 ft. x 10 ft. x 8 ft. high in size which is not covered by another general rule permit; and

2. The owner or operator of the land where the training fire is conducted.

3. This general rule permit is not applicable for training fires which do not meet all the requirements of this general rule.

C. REFERENCES. Sections 3.01 (pg. 3-xx), 3.03 (pg. 3-xx), and 3.05 (pg. 3-xx).

D. DURATION. Indefinite.

E. REQUIREMENTS.

1. General. (3.03C)

a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.

b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.

c. During Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or ecology has declared an air pollution episode as described in section 3.05 (pg. 3-xx).

1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.

2) Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations.

3) Lapse Time. The fire must be extinguished within three hours of notification of a burn ban.

2. Specific. (3.03D & E)

a. Prohibited Materials. The burning of prohibited materials listed in subsection 3.03D1a (pg. 3-xx) is limited to those materials and quantities needed for effective training fire.

b. Structures. The burning of any structure under this general rule permit is prohibited.

c. Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property.

F. NOTIFICATION. (3.03D2a2) Prior to the start of the training fire the fire department shall inform:

1. The authority of the location, quantity and type of material to burn, and duration for the training fire; and

2. The owners of property adjoining the property, and to the persons who potentially will be impacted.

G. REQUIREMENTS OF OTHER AGENCIES. (3.03C3i)

Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.

H. VIOLATIONS. Failure to comply with the requirements of this general rule permit is a violation, and the following are the remedies for a violation:

1. Voiding any further training fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and/or;

2. Compliance and enforcement action under article 5.

**GENERAL RULE PERMIT No. 3.03 - 5
LARGE RECREATIONAL FIRES**

A. PURPOSE. To control emissions from large recreational fires and fires at exhibits, and to satisfy the permitting requirements by a general rule.

B. APPLICABILITY. This general rule is applicable for any a recreational or exhibition fire > 3 ft. in dia. and 2 ft. high which is intended for any of the following uses:

1. Nonprofit organizations conducting social, athletic, or religious events;

2. Persons having a recreational fire in a location that is not prohibited; or

3. Persons using fires for exhibits at public even; and

4. The rule is applicable to the owner or operator of the land where the large recreational fire occurs.

C. REFERENCES. Sections 3.01 (pg. 3-xx), 3.03 (pg. 3-xx), and 3.05 (pg. 3-xx).

D. DURATION. Indefinite.

E. REQUIREMENTS.

1. General. (3.03C)

a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.

b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.

c. During Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or ecology has declared an air pollution episode as described in section 3.05 (pg. 3-xx).

1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.

2) Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations.

3) Lapse Time. The fire must be extinguished within three hours of notification of a burn ban.

2. Specific. (3.03D & E)

a. Prohibited Materials. The burning of prohibited materials listed in subsection 3.03D1a is prohibited.

b. Prohibited Areas. A limited exemption for subsection 3.03C1 (pg. 3-xx) may be granted by the APCO if the proponent presents an acceptable proposal.

c. Prohibited Hours.

1) Persons conducting these types of fires are granted a limited exemption from subsection 3.03C1e (pg. 3-xx) to conduct the fire after sunset, but

2) The fire must be extinguished within three hours after the end of the event or use.

d. Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property

e. Location of Fire. Located on a non-combustible surface not less than 50 feet from buildings, fences, other combustible materials, and other fires or 500 ft. from forest slash.

f. Maximum Size of the Fire. The maximum size of the fire is 10 ft. x 10 ft. x 8 ft.

F. NOTIFICATION. (3.03D2a2) Prior to the start of the large recreational fire the person conducting the fire shall inform:

1. The authority of the location, quantity and type of material to burn, and duration for the fire; and

2. The owners of the adjoining property and the persons who potentially will be impacted.

G. REQUIREMENTS OF OTHER AGENCIES. (3.03C3i) Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.

H. VIOLATIONS. Failure to comply with the requirements of this general rule permit is a violation, and the following are the remedies for a violation:

1. Voiding any further recreational or exhibition fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and/or;

2. Compliance and enforcement action under article 5.

3.04 WOODSTOVES AND FIREPLACES WOOD HEATERS

A. PURPOSE (9.01) Without limiting the power of the Yakima County Clean Air Authority or its Director or Agents, the Authority states that it shall be its policy, to the extent that it is compatible with the enforcement of the regulations, to instruct and educate the public and violators of the hazards to health caused by woodsmoke, and to authorize educational materials concerning those dangers. To define a program to control and reduce woodsmoke emissions from wood heaters.

B. APPLICABILITY (New section) This section applies to any device which burns wood, wood products, or other non-gaseous or nonliquid fuels and is rated less than one million Btu per hour.

C. LIMITATIONS ON SALES, ADVERTISEMENT, AND INSTALLATION OF SOLID FUEL BURNING DEVICES. WOOD HEATERS. (9.04)

A. After January 1, 1992, no used solid fuel burning devices shall be installed in new or existing buildings unless such device is either Oregon Department of Environment Quality Phase II or EPA certified, or a pellet stove either certified or exempt from certification by the EPA or a fireplace furnace with a letter of exemption from the Washington State Department of Ecology and the United States Environmental Protection Agency.

B. SOLID FUEL BURNING DEVICES.

After January 1, 1995, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a solid fuel burning device unless it has been certified and labeled in accordance with procedures and criteria specified in "40 CFR 60 Subpart AAA—Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990, and meets the following particulate air contaminant emission standards and the test methodology of the EPA in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the EPA subsequent to such date:

1. Two and one-half (2 1/2) grams per hour for catalytic woodstoves; and
2. Four and one-half (4 1/2) grams per hour for all other solid fuel burning devices.
3. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by ecology that relates the emission test results from the methodology established by the EPA prior to May 15, 1991, to the tests results from the methodology subsequently adopted by that agency.

C. FIREPLACES:

After January 1, 1997, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a factory built fireplace unless it meets the 1990 EPA standards for woodstoves or equivalent standard that may be established by the state building code council by rule. Subsection 9.04(A) shall not apply to fireplaces, including factory-built fireplaces, and masonry fireplaces:

1. Restrictions on Advertisement and Sale.

- a. Uncertified wood heaters shall not be advertised or sold.
- b. Any wood heater offered for sale shall meet the following PM (App. A) emission standards:

- (1) Catalytic wood heaters - ≤ 2.5 grams/hr.
- (2) All other wood heaters - ≤ 4.5 grams/hr.

2. Restrictions on Installation. Uncertified wood heaters shall not be installed. The enforcement of the installation requirements may also be enforced by other agencies.

3. Educational Materials. (9.04D) (WAC 173-433-110(5)) Persons Retailers who selling new solid-fuel heating devices wood heaters shall distribute must provide and verbally explain educational materials to customers. purchasing new wood stoves describing when a stove can and cannot be legally used. The educational information should include that opacity levels of ten percent or less can be achieved through proper operation. If necessary, the retailer should verbally explain the educational materials to assure that the purchaser understands the information.

4. Installation of Uncertified Wood Heaters. (OAPCA Reg 1. 8.15) (App. B) It is unlawful to install an uncertified wood heater, unless granted a limited exemption in subsection 3.04D (pg. 3-xx), in new or existing buildings or structures. Uncertified wood heaters installed after January 1, 1992, are a violation of this subsection and must be promptly removed from the structure.

5. Sale and Disposal of Uncertified Wood Heaters. (OAPCA Reg 1. 8.17) When an uncertified wood heater is to be permanently removed from its location it shall be made

inoperable. A removed uncertified wood heater shall not be sold, bartered, traded, or given away for a purpose other than recycling of the materials.

D. LIMITED EXEMPTIONS (9.04E) The following solid fuel devices wood heaters shall be are granted a limited exemption from the requirements of Section 9.04B of subsections 3.04C4 & 5 (pg. 3-xx):

1. Boilers (App. A);

2. Furnaces (App. A);

3. Cookstoves, Antique Wood Stoves and Heaters.

Antique wood cookstoves and heaters manufactured prior to 1940 may be installed and used in the manner of their original design. (1997 UBC, WAC 51-40-510.3) (App. B).

4. Historic Sites. Any building or structure listed on the National Register of Historic Sites or on the Washington State Register of Historic Places is allowed to burn wood, coal, or wood products in the same manner as when it was a functional facility. Use will not be permitted during a burn ban as described in section 3.05 (pg. 3-xx).

5. Existing Uncertified Wood Heater. Owners of uncertified wood heaters installed prior to January 1, 1992 may continue to use these devices at the original locations as long as they meet the provisions of the general requirements in subsection 3.04E (pg. 3-xx).

E. GENERAL REQUIREMENTS.

1. Opacity. (9.02) No person owning, operating or in control of a residential solid-fuel-burning device shall cause, allow or discharge to the ambient air any emissions from such device which are of an opacity greater than twenty percent (20%) except for the purposes of public education, then the opacity level shall not be greater than ten percent (10%). It is a violation to operate a wood heater in a manner that emits a smoke plume exceeding the opacity standard. The standard and test procedures are stated in app. D.

2. Prohibitive Fuel Types (9.03) A person shall not cause or It is prohibited to allow any of the following materials to be burned in a solid-fuel-burning device wood heater:

- a. Garbage;
- b. Treated wood;
- c. Plastic and plastic products;
- d. Rubber products;
- e. Animals; Dead animals, or parts of dead animals;
- f. Asphaltic products;
- g. Waste petroleum products;
- h. Paints and chemicals, or;
- i. Any substance, other than properly seasoned wood and paper used to start the fire. Fuel which normally emits dense smoke or obnoxious odors.

3. Burning During Burn Bans. Wood heaters must not be used during a burn ban as describe in section 3.05 (pg. 3-xx). Smoke visible from a chimney, flue or exhaust duct constitutes evidence of unlawful operation. This presumption may be refuted by demonstration that the smoke was not caused by a wood heater. The provisions of this requirement are enforceable on a complaint or surveillance basis.

4. General Standards. Wood heaters may not be operated in violation of subsections 3.01C1d (pg. 3-xx) and 3.01C1e (pg. 3-xx).

3.05 PROHIBITION OF VISIBLE EMISSIONS DURING AIR POLLUTION EPISODE BURN BANS (9.05)

A. PURPOSE.

1. To prevent and avoid increasing unhealthful ambient air quality conditions.

2. To define the legal conditions for outdoor and agricultural burning and the use of wood heaters during burn bans (App. A).

B. APPLICABILITY. Applies to all outdoor and agricultural burning, and wood heater use unless exempted elsewhere in this section.

C. DECLARATION AND CRITERIA.

1. Impaired Air Quality. This is declared and terminated by the APCO (App. B), and it applies to:

- a. The woodsmoke control zone as defined in app. H (pg. H-xx) and shown on the map in app. I (pg. I-2); and/or
- b. Any other area defined by the board.
- c. It indicates air contaminants above threshold levels (App. A) in table 3.05-1.

Table 3.05-1 Ambient Air Threshold Levels for an Impaired Air Quality Event

Pollutant	Threshold Level	
	First or Yellow Stage	Second or Red Stage
PM ₁₀ (App. B)	> 60 µg/m ³ (App. B) for a 24 hour average	> 105 µg/m ³ for a 24 hour average
CO (App. B)	> 8 ppm for an 8 hour average	No Level

2. Air Pollution Episodes. These are declared during meteorological conditions when there is a possible danger that normal operations at air contaminant sources will be detrimental to public health and safety.

a. Stages. The four stages of an air pollution episode are forecast, alert, warning, and emergency.

b. Declaration and Termination. The director of ecology may declare and terminate the first three stages. Only the governor may declare and terminate the emergency stage of an episode.

D. REQUIREMENTS.

1. Outdoor and Agricultural Burning. Extinguish all burning as required in subsection 3.03C2 (pg. 3-xx) and do not ignite any burns.

2. Fire Training Fires. Do not ignite these fires.

3. Wood Heaters. (9.05A1) Any person in a residence or commercial establishment which has an adequate source of heat other than a SFBD wood heater shall burn the wood heater according to table 3.05-2.

e. Not use any SFBD whenever the Department of Ecology or the Authority has determined under RCW 70.94.715 that any Air Pollution Episode exists in that area.

b. Not use any solid fuel burning device except those which are either Oregon Department of Environmental Quality Phase II or United States Environmental Protection Agency certified or certified by the Department of Ecology under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States Environmental Protection Agency in accordance with Title 40, Part 60 of the Code of Federal Regulations in the geographic area and for the period of time that a first stage of impaired air quality has been determined by the Department of Ecology or by the Yakima County Clean Air Authority. The geographic area affected by a first stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(84). A first stage of impaired air quality is reached when particulates ten microns and greater in diameter are at an ambient level of 75 micrograms per cubic meter measured on a 24 hour average or when CO is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8 hour average.

d. Not use any solid fuel burning device, including those that meet the standards set forth in RCW 70.94.457, in any geographic area for the period of time that a second stage of impaired air quality has been determined by the Department of Ecology or the Yakima County Clean Air Authority. The geographic area affected by a second stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(84). A second stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of 90 micrograms per cubic meter measured on a 24 hour average or when CO is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8 hour average.

E. EXEMPTIONS.

1. Outdoor and Agricultural Burning. There are no exemptions during a burn ban.

2. Wood Heater is the Only Heat Source. Homes or commercial establishments with no source of adequate heat other than a wood heater are exempt from the prohibition in this section. Adequate heat means a system that can maintain a temperature of 70°F (App. B) three feet off the floor in normally inhabited areas of a dwelling when the heater is operating as designed.

Table 3.05-2 Outdoor and Agricultural Burning and Wood Heater Use Permitted in Designated Areas During Burn Bans.

Yes - Burning or use is permitted, No - Burning or use is not permitted.

Type of Burning 1/	Type of Burn Ban			
	Impaired Air Quality		Air Pollution Episode	
	First Stage a	Second Stage b	Forecast c	Alert, Warning, or Emergency d

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1. Outdoor	No	No	No	No
2. Agricultural	No	No	No	No
3. Fire Fighting Training Fires	No	No	No	No
4. Wood Heaters				
4.1 Pellet Stove	Yes	No	Yes	No
4.2 EPA Certified Woodstove	Yes	No	Yes	No
4.3 DEQ Phase 2 Woodstove	Yes	No	Yes	No
4.4 EPA Exempted Device	No	No	Yes	No
4.5 Sole Source of Heat	Yes	Yes	Yes	Yes
4.6 All Others	No	No	Yes	No

Footnotes for table 3.05-2

1/ Definitions of types of burning are in app. A.

3.06 CHLOROFLUOROCARBONS STRATOSPHERIC OZONE-DEPLETING CHEMICALS (10.01)

A. PURPOSE. To prevent the unnecessary release of stratospheric ozone-depleting chemicals. The Board recognizes that the release of chlorofluorocarbons into the atmosphere contributes to the destruction of stratospheric ozone and such destruction threatens plant and animal life. The Board further recognizes that unnecessary release of chlorofluorocarbons should be eliminated when such times as chlorofluorocarbon extraction equipment are readily available to local businesses and the Department of Ecology has adopted rules to control chlorofluorocarbon emission sources including performance specifications for chlorofluorocarbon extraction and/or recycling equipment

B. APPLICABILITY.

1. All persons who manufacture, handle, store, use, or dispose of stratospheric ozone depleting chemicals.

2. Those chemicals are listed in section 602 of Title VI of the FCAA.

C. PROHIBITION. The willful release of ozone-depleting chemicals is prohibited.

3.07 ASBESTOS CONTROL (New Section, 5.09E)

E. Asbestos.

No person shall remove or otherwise disturb asbestos, to the extent that asbestos fibers may become airborne, without notifying the Authority ten (10) business days prior to removal. If removal is necessary due to an emergency, the ten-day waiting period may be waived by the Authority:

1. Private Residents:

Private homeowners, when removing friable asbestos materials from their normally occupied or will be normally occupied homes, may be required to remove the asbestos materials according to the National Emission Standard for Hazardous Air Pollutants (NESHAPS) as set forth in Title 40 Code of Federal Regulations part 61, as the same now exists or may be amended. Removal and disposal of non-friable asbestos materials shall be conducted in accordance with practices and procedures approved by the Authority.

2. Small Quantity Asbestos Material:

Asbestos Materials in quantities less than 160 square feet or 260 linear feet must be removed and disposed of according to practices and procedures approved by the Authority.

3. Commercial, Industrial or other sources:

No person shall demolish any commercial, institutional, or industrial building, or any residential facility constructed

to house four (4) or more families without first performing a thorough inspection, to be conducted by a qualified expert to determine the quantities and types of asbestos materials present. If it is determined that such building contains asbestos, no person shall commence the demolition of such facility without complying with the requirements of NESHAPS, the Federal Rule stated in E (1) above.

4. Fees or Administrative Charges:

Fees associated with this subsection (5.09(E)) shall be in accordance with Article XIII, Section 13.04 of this regulation.

A. PURPOSE. To prevent asbestos emissions from the disturbance of asbestos-containing materials (*) which could jeopardize public health or safety. (SCAPCA Art. IX, Sect. 9.01 → 9.08).

B. APPLICABILITY. This section applies to the use, maintenance, renovation, or demolition of any facility (*) or vessel with ACM (*) or suspect ACM (*). It also applies to any activity which could disturb ACM.

C. COMPLIANCE. In addition to the requirements of this section, all sources are required to comply with the provisions of WAC 173-400-075(1), 40 CFR Part 61, and 40 CFR Part 763. The additional requirements in 40 CFR Part 763 that pertain only to K → 12 public and private schools are not included in this regulation, but the source must comply with them.

D. DEFINITIONS. The following are the definitions for words and phrases used only in this section.

1. **AHERA (App. B) Building Inspector.** A person who has successfully completed the training requirements established by EPA (App. B) for a building inspector and whose certification is current.

2. **AHERA Project Designer.** A person who has successfully completed the training requirements established by EPA for an abatement project designer and whose certification is current.

3. **Asbestos.** The asbestiform varieties of actinolite, amosite, tremolite, chrysotile, crocidolite, or anthophyllite.

4. **Asbestos-Containing Material (ACM).** Any material containing more than one percent (1%) asbestos.

5. **Asbestos Project.** Any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of ACM or ACM waste or any other action that disturbs or is likely to disturb any ACM. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released; or the

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removal of sealants, coatings, and mastic bound in asphalt roofing with no felt layers containing ACM.

6. Asbestos Survey. A written report describing an inspection using the procedures in EPA regulations, or an alternate method that has received the prior written approval from the APCO (*App. B*), to determine whether materials or structures to be worked on, renovated, removed, or demolished contain asbestos (*).

7. Competent Person. A person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy; has the authority to take prompt corrective measures to eliminate the hazards; and has been trained and is currently certified in accordance with the standards established by L&I (*App. B*), OSHA (*App. B*), or EPA. (*App. B*)

8. Component. Any equipment, pipe, structural member, or other item covered or coated with, or manufactured from ACM.

9. Demolition. Wrecking, razing, leveling, dismantling, or burning of a structure, and making the structure permanently uninhabitable or unusable.

10. Facility. Any institutional, commercial, public, industrial, or residential structure, installation, or building.

11. Friable Asbestos-Containing Material. ACM that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure.

12. Glove Bag. A sealed compartment with attached inner gloves used for the handling of ACM. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations.

13. Leak-Tight Container. A dust and liquid tight container at least 6-mil thick that encloses ACM waste and prevents solids or liquids from escaping. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic bags.

14. Nonfriable Asbestos-Containing Material. ACM that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand.

15. Owner-Occupied, Single-Family Residence. Any non-multiple unit building containing living space that is currently occupied by one family who owns the property as their domicile. This includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room".

16. Renovation. Altering a structure or component (*) any way, other than demolition.

17. Suspect Asbestos-Containing Material. Material that has historically contained asbestos.

E. MANAGEMENT OF ACM.

1. Condition.

a. ACM which is not likely to be disturbed by renovation (*) does not have to be removed.

b. The ACM in these locations must be maintained in a stable and damage free condition to prevent asbestos emissions.

c. ACM in an unstable, friable condition needs to be removed, encapsulated, or enclosed.

d. ACM in structures planned for demolition must be removed prior to the start of the demolition work.

2. Practices. Acceptable practices are one or more of the following to insure stable ACM conditions:

a. Avoiding the ACM by restricting access and/or signing;

b. Enclosing the ACM with a wall or other barrier;

c. Treating the ACM with a bridging encapsulation compound; or

d. Conducting periodic inspections to insure the ACM is still in a stable condition.

F. ASBESTOS SURVEY REQUIREMENTS.

1. Survey Requirements. Before doing any renovation or demolition an asbestos survey (*) must be performed by an AHERA building inspector (*) except renovation of for an owner-occupied, single-family residences. (*)

2. Records. The owner or operator of the facility must do the following:

a. Post a summary of the survey at the location on the work site where control of entry is maintained or communicate in writing to all persons who may come into contact with the ACM.

b. Retain a copy of all asbestos survey records for at least two years.

c. Record the condition and location of all known ACM remaining after completion of a renovation project.

G. NOTIFICATION.

1. General Requirements. Work must not be done on any project which could disturb ACM unless a complete notification has been submitted by the owner or operator to the authority on approved forms.

a. Duration of the project shall be commensurate with the amount of work.

b. All projects require notification except:

1) Asbestos projects other than demolition involving less than 10 lf (*App. B*) or 48 sf (*App. B*) per structure of ACM in a calendar year.

2) Removal and disposal of caulking or window-glazing.

3) Renovation or demolition of detached sheds, garages, or out-buildings located at owner-occupied single family dwellings.

c. Notification is required and the following apply:

1) The renovation or demolition of a facility (*) or vessel containing ACM or suspect ACM (*) more than the limits in subsection 3.07G1b(1) (pg. 3-xx).

2) A copy of the notification, all amendments, the asbestos survey, and any order of approval (*App. A*) for an alternate means of compliance must be available at all times during work at the asbestos project site.

3) Notification or amendment must be filed at least ten days prior to the planned start date.

4) A copy of all asbestos notification records must be retained for at least two years by the owner or operator of the facility.

d. Multiple Projects. Notification for multiple asbestos projects on contiguous properties may be filed on one form if:

1) Work is performed by the same contractor; and

2) A work plan is submitted that includes:

a) A map of the structures;

- b) The site address for each structure;
- c) The amount and type of ACM in each structure;
- d) The schedule for performing the asbestos project work
- e. Annual Notification. A property owner or owner's agent may file one annual notification for asbestos projects at one or more facilities on contiguous properties in one calendar year if:

- 1) The annual notification is filed at least ten days prior to commencing work on any asbestos project; and
- 2) The total amount of ACM for all asbestos projects is less than 260 lf or 160 sf.
- f. Duration. Notifications are valid for no more than twelve months from the original notification date.

2. Amendments.

a. Mandatory. Must be submitted for any of the following and must be accompanied by the appropriate fee.

- 1) Increase in the project type or job size that increases the fee; or
- 2) Changes in the type of ACM that will be removed; or
- 3) Changes in the start date, completion date, or work schedule, including hours or days of work.

b. Optional. May be submitted for any other change in a notification.

1) Submitted by phone or fax and there is a minimal effort required to review it, an amendment fee will not be charged.

2) Submitted in writing on notification forms, an amendment fee will be charged.

c. Timing. Will not be accepted after the completion date on the current notification or latest amendment.

3. Emergencies.

a. Advance notification is not required, if:

- 1) A sudden, unexpected event occurred that resulted in a public health or safety hazard; or
- 2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or
- 3) ACM was encountered that was not identified during the asbestos survey; or
- 4) The project must proceed to avoid imposing an unreasonable financial burden.

b. A notification shall be filed not later than the first working day after the asbestos project is commenced and must be accompanied by a written demonstration from the property owner or operator demonstrating the need for the emergency project.

H. ASBESTOS REMOVAL.

1. Renovation Projects. Except as provided in subsection 3.07J3 (pg. 3-xx), renovation work which does not remove ACM must:

- a. Enclose or encapsulate the ACM in place; or
- b. Leave the ACM in an unaltered and stable condition.

2. Demolition Projects. Except as provided in this subsection and subsection 3.07J3 (pg. 3-xx), work that could disturb ACM must not be done without first removing all ACM.

3. Exceptions. ACM need not be removed prior to demolition, if the property owner demonstrates that it is not accessible because of unsafe conditions. Examples and requirements for this are:

a. Facilities or vessels that are structurally unsound and in danger of imminent collapse, or

b. Other conditions that are immediately dangerous to life and health.

c. Documentation for Unsafe Conditions.

1) Submit written documentation of the hazard by a qualified government official or a licensed structural engineer, and

2) Submit procedures that will be followed for controlling emissions during demolition and disposal of the ACM.

I. PROCEDURES FOR ASBESTOS PROJECTS.

1. Training Requirements. Work must be performed by persons trained and certified in accordance with the standards established by L&I, OSHA, or EPA and whose certification is current. This requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner.

2. Asbestos Removal Work Practices. Persons (App. A) removing any ACM must:

a. Conduct work in a controlled area, marked by barriers and asbestos warning signs;

b. Restrict access to authorized personnel;

c. Equip with transparent viewing ports when a negative pressure enclosure is used, if feasible;

d. Saturate absorbent materials with a liquid wetting agent prior to removal;

e. Wet unsaturated surfaces exposed during removal immediately;

f. Coat nonabsorbent materials continuously with a liquid wetting agent;

g. Wet and seal all ACM waste (*) in leak-tight containers as soon as possible after removal but no later than the end of each work shift;

h. Clean any asbestos residue from the exterior of all leak-tight containers and ensure that each container is labeled with an asbestos warning sign specified by L&I, OSHA, or EPA;

i. Immediately after sealing each leak-tight container, permanently mark the container with:

1) Date the material was collected for disposal;

2) Name of the waste generator; and

3) Address where the ACM waste was generated.

This marking must be readable without opening the container;

j. Do not drop, throw, slide, or otherwise damage ACM waste containers; and

k. Store the ACM waste containers in a controlled area if not immediately transported to an approved waste disposal site.

3. Removal of Nonfriable ACM. The following asbestos removal methods must be employed for ACM that has been determined to be nonfriable (*) by a competent person (*) or an AHERA building inspector:

a. The material must be removed using methods which do not render the material friable. Removal methods such as sawing or grinding must not be employed.

b. Dust control methods must be used as necessary to assure no fugitive dust is generated.

c. The material must be carefully lowered to the ground to prevent fugitive dust.

d. After being lowered to the ground, the material must be immediately transferred to a disposal container.

4. Removal of Friable ACM. Any combination of the following are acceptable work practices:

a. Negative Pressure Enclosure. ACM removal is done inside a negative pressure enclosure equipped with a local exhaust system that captures airborne asbestos fibers;

b. Glove Bagging. ACM removal of small quantities of ACM using a glove bag (*) system.

c. Wrap and Cut Procedures. ACM need not be removed from a component (*) if the component is wrapped and sealed prior to removal, removed, stored for reuse or disposal, or transported without disturbing or damaging the ACM.

J. ALTERNATE MEANS OF COMPLIANCE. An alternate asbestos removal method may be used after prior written approval from the APCO if the following actions are taken:

1. Friable ACM Removal.

a. An AHERA project designer has evaluated the work area, the type of ACM, proposed work practices and engineering controls, and demonstrates to the APCO that the planned control method will be equally as effective as the work practices contained in subsection 3.07I (pg. 3-xx); and

b. The property owner or operator prepares a written air monitoring plan which includes PCM (App. B) air sampling. The sampling must demonstrate the asbestos fiber concentrations outside the controlled area do not exceed 0.01 f/cc (App. B) for an 8 hr. time weighted average.

c. Dry removal may be approved if:

1) It is necessary to avoid danger to workers or damage to equipment from wetting agents contacting high temperature steam lines or electrical components which can not be disconnected or de-energized during abatement, and

2) All wet removal methods have been evaluated by an AHERA project designer.

2. Nonfriable ACM.

a. A competent person or AHERA project designer has evaluated the work area, the type of ACM, the proposed work practices, and the engineering controls; and

b. The planned control method will be equally as effective as the work practices contained in subsection 3.07I (pg. 3-xx) in controlling asbestos emissions.

3. Leaving Nonfriable ACM in Place. Nonfriable ACM may be left in place during renovation or demolition upon prior written approval by the APCO if:

a. An AHERA project designer has evaluated the work area, the type of ACM, the proposed work practices, and the engineering controls; and

b. The ACM will remain nonfriable during all renovation or demolition activities and subsequent disposal of the debris.

c. This subsection does not apply to demolition by intentional burning.

4. Approval of Alternate Methods.

a. The APCO will issue an order of approval requiring conditions that are reasonably necessary to assure the planned control method is as effective as the work practices in subsection 3.07I (pg. 3-xx).

b. The APCO may revoke the order of approval for cause.

K. DISPOSAL OF ACM WASTE.

1. Prohibition. It is unlawful for any person to dispose of ACM waste unless it is deposited within ten days of removal at an approved waste disposal site.

2. Waste Tracking Requirements. It is unlawful for any person to dispose of ACM waste unless all of the following requirements are met:

a. Maintain shipment records starting prior to shipping the waste;

b. Use a form that includes all of the following information:

1) The name, address, and telephone number of the waste generator;

2) The approximate quantity in cubic meters or cubic yards;

3) The name and telephone number of the disposal site operator;

4) The name and physical location of the disposal site;

5) The date transported;

6) The name, address, and telephone number of the transporter; and

7) A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.

c. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the ACM waste is delivered.

d. Return a signed copy of the waste shipment record to the waste generator within 30 days after receiving the waste at the disposal site.

e. Retain a copy of all waste shipment records for at least 2 years, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site.

3. Temporary Storage Site. A person may establish a facility to collect and store ACM waste if the facility is approved by the APCO and the following conditions are met:

a. Accumulated ACM waste is kept in a controlled storage area posted with asbestos warning signs and is accessible only to authorized persons;

b. Stored in leak-tight containers which are maintained in leak-tight condition;

c. Stored in a locked area except during transfer of ACM waste; and

d. Storage, transportation, disposal, and return of the waste shipment record to the waste generator must not exceed 90 days

L. FEES. See current fee schedule for the notification fees.

3.08 SPECIFIC DUST CONTROLS (New Section)

A. CONSTRUCTION DUST

1. Purpose. To prevent and reduce fugitive dust emissions from construction.

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2. Applicability. Applies to any owner or operator engaged in the construction, repair, or demolition of any building; construction or maintenance of a road; site preparation; or landscaping work on a property.

3. Exemptions.

a. From Requirements in subsection 3.08A4 (pg. 3-xx).
None.

b. From Submitting a Dust Control Plan.

1) A single family residence or duplex dwelling shall be exempt provided the site is not a phase of a project that involves more than one dwelling.

2) Projects causing complaints of dust emissions that result in a determination by the authority that reasonable precautions to prevent dust emissions are not being used shall not be exempt from the requirement for a dust control plan.

c. Emergencies. Sources are granted exemptions from subsection 3.08A during the following emergency situations provided the source contacts the authority within 24 hrs. of the start of the emergency and uses reasonable precautions as soon as feasible after the emergency is resolved:

1) Active operations conducted during emergency, life threatening situations, or in conjunction with an officially declared disaster or state of emergency; or

2) Active operations conducted by public service utilities to provide electrical, natural gas, telephone, water, or sewer service during emergency outages.

4. Requirements.

a. Visible Emissions. Sources are required to comply with subsection 3.01C1a (pg. 3-xx).

b. Preventing Particulate Matter From Becoming Airborne. Sources are required to comply with subsection 3.01C1b (pg. 3-xx).

c. Construction, Demolition, or Repair Work. Sources are required to comply with subsection 3.01C1c (pg. 3-xx).

d. Emissions Detrimental to Persons or Property. Sources are required to comply with subsection 3.01C1e (pg. 3-xx).

e. Fugitive Dust. Sources are required to comply with subsection 3.01C2c (pg. 3-xx).

f. Water for Dust Control. (5.12D) Any person engaged in the doing construction, repair, remodeling or demolishing of any building; or engaging in any road construction or repair within any incorporated town or city in Yakima County, Washington, or within an area of one (1) mile of the city limits of the city of Yakima, Washington, or within one quarter (1/4) of a mile of the city limits of any other town or city in Yakima County, Washington, shall take such measures as are reasonably necessary to reduce air pollution, including the use of water and the sprinkling of water to control dust so that the same is not emitted and deposited upon the property of others in quantities which unreasonably interfere with the enjoyment of their property. No work as above defined shall be commenced without having must have an adequate supply of water available at the job site in sufficient quantities to control dust air pollution at the time of commencement of such work. at all times.

g. Site or Project Dust Control Plans. Where the potential exists for fugitive dust emissions, an owner or operator must prepare a site dust control plan and submit it to the

authority 15 days prior to the start of any work that will disturb soil stability, cover, or cause fugitive dust emissions.

1) Dust control plans must identify management practices and operational procedures which will effectively control fugitive dust emissions.

2) Dust control plans must contain the following information:

a) A detailed map or drawing of the site;

b) A description of the water source to be made available to the site, if any;

c) A description of preventive dust control measures to be implemented, specific to each area or process;

d) A description of contingency measures to be implemented in the event any of the preventive dust control measures become ineffective;

e) A statement, signed by the owner or operator of the site, accepting responsibility for the implementation and maintenance of the dust control plan;

f) The name and telephone number of person(s) available 24 hours a day to mitigate any episodes of dust emissions; and

g) If the ownership or control of all or part of the site changes, the plan must be resubmitted by the new party and approved by the authority.

3) The authority will review the plan and either approve or require modification of the plan.

4) An owner or operator must implement effective dust control measures outlined in approved plans.

h. Master Dust Control Plan. As an alternative to a site dust control plan, an owner or operator may submit a master dust control plan that applies to more than one site or project. The master plan must:

1) Address all the requirements in subsection 3.08A4g (pg. 3-xx); and

2) Provide for effective control of fugitive dust emissions to all sites and projects.

3) Prior to the commencement of work at any site or project covered by the master plan, additional notification must be submitted as soon as possible. The master plan or the additional notification must:

a) Give the name and phone number of a person responsible for the implementation of dust control measures for each of the sites; and

b) Address any unique site qualities or project operations that would impair the effectiveness of dust control measures.

5. Additional Information. Additional information is available from the authority.

6. Fees. See current fee schedule.

B. DUST FROM CATTLE FEEDING OPERATIONS.

1. Purpose. To prevent and reduce fugitive dust emissions from cattle feeding operations.

2. Applicability. Applies to any owner or operator of a beef or dairy replacement cattle feeding operation;

3. Exemptions. Sources are granted exemptions from subsection 3.08B during an emergency situations provided:

a. The owner or operator of the source contacts the authority before the end of the next business day after the start of the emergency; and

b. The source uses reasonable precautions as soon as feasible after the emergency is resolved.

c. An emergency situation exists when compliance with subsection 3.08B would cause risk to human health or substantial crop damage or cattle loses.

4. Requirements.

a. Visible Emissions. Sources are required to comply with subsection 3.01C1a (pg. 3-xx).

b. Preventing Particulate Matter From Becoming Airborne. Sources are required to comply with subsection 3.01C1b (pg. 3-xx).

c. Odor. Sources are required to comply with subsection 3.01C1d (pg. 3-xx).

d. Emissions Detrimental to Persons or Property. Sources are required to comply subsection 3.01C1e (pg. 3-xx).

e. Fugitive Dust. Sources are required to comply with subsection 3.01C2c (pg. 3-xx).

f. Dust Control Plan Preparation. The following types of sources must prepare and submit an annual dust control plan to the authority no later than April 15th of each year.

1) Any source with an average of 1,000 or more cattle confined and fed during the months of April through October and; or

2) Any cattle feeding operation which receives a verified fugitive dust complaint.

g. Dust Control Plan Content. Dust control plans must include:

1) A map or drawing of the feedlot;

2) The operational capacity of the feedlot;

3) The maximum number of cattle which are confined;

4) The water available to the feedlot for dust control;

5) The site-specific features which could complicate or prevent implementation of BMPs (App. B)

6) Which BMPs will be used, and where they will be used;

7) The equipment and materials to be used to implement a BMP;

8) An operational and maintenance plan and schedule to implement each BMP; and

9) An operation and maintenance plan which also includes BMPs for;

a) Hay chopping,

b) Grain processing,

c) Feed mixing, and

d) Feed handling.

h. Plan Implementation.

1) The authority will approve or require modification of the plan within 30 days of receipt.

2) A feedlot operator must implement an approved dust control plan.

3) A feedlot operator may change practices from those in an approved dust control plan as long as the effectiveness of the plan is not reduced, and the operator notifies the authority of the change.

4. Additional Information. Additional information is available from the authority.

5. Fees. See current fee schedule

3.09 MOBILE SOURCE EMISSIONS (New Section)

Reserved for later use.

3.10 GENERAL RULE FOR MINOR SOURCES (New Section)

Reserved for later use.

3.11 MONITORING, RECORDKEEPING, AND SPECIAL REPORTING (5.11)

A. PURPOSE. To ensure the authority has sufficient information to determine compliance with emission limitations, permit conditions, and control measures.

B. APPLICABILITY. To the owners or operators of air pollution sources upon notification by the authority or specified by federal or state law or regulation.

C. NOTIFICATION. Sources (App. A) are notified of the requirements for this section by any of the following:

1. NSR (App. B) approval orders;

2. Requirements imposed by an AOP (App. B);

3. Regulatory orders issued by the APCO (App. B);

4. Compliance orders or corrective action orders issued by the APCO; or

5. Required by the APCO.

D. GENERAL REQUIREMENTS.

1. **Emission Standards and Test.** The measurable emission standards cited in section 3.11 are listed in app. D (pg. D-1) with the test method and compliance assurance requirements.

2. **Installation of Monitoring Equipment.** Categories of sources or individual sources may be required by federal or state law or regulations or directed by the APCO to install, operate, and maintain equipment to monitor air pollutants for just cause.

3. **Excess Emissions. (5.11D & WAC 173-400-107)** If an equipment breakdown or upset condition occurs resulting in emissions in excess of applicable limits set by this Regulation or resulting in emissions which violate an applicable compliance schedule, the owner or operator of the affected source shall take immediate corrective action and shall report such breakdown to the Authority by the next working day after the breakdown occurs. An initial breakdown or upset condition shall not be subject to penalties for emissions in excess of the limits set by this chapter, providing the owner or operator complies with the provisions of this subsection and providing the breakdown or upset was not the result of gross negligence. If an extended time period is required to complete the corrective action, the Authority or its authorized representative may require that the operation be curtailed or shutdown. Repeated breakdowns may be subject to all penalties authorized by law. The Authority or its authorized representative may issue regulatory orders specifying maintenance and operating procedures. The owner or operator of a source must take the following actions and prove to the authority that excess emissions were unavoidable to obtain relief from enforcement action under article 5.

a. **Immediate Action for All Excess Emissions.** Take immediate corrective action to stop the excess emissions and mitigate the effects. This includes slowing or stopping the emission units when the operator knows or should have known a standard or permit condition was exceeded.

b. Reporting Action. Report the excess emissions to the authority as follows:

1) All excess emissions which present a risk to public health or safety or the owner or operator believes are unavoidable shall be reported by the end of the next working day;

2) All other excess emissions by the end of the following month during the submission of emission monitoring reports or by a special report; and

3) When requested by the authority, the owner or operator shall submit a detailed written report which addresses the following:

a) Known causes of the emissions;

b) Corrective action taken;

c) Preventive measures taken to minimize the risk of a reoccurrence;

d) A demonstration that the excess emissions could not be avoided through better planning and design of the equipment and processes;

e) Any bypass of control apparatus (App. A) which was necessary to prevent the loss of life, personal injury, or severe property damage;

f) The excess emissions could not have been avoided by a different scheduling for maintenance or operation and maintenance practices; and

g) The excess emissions were not the result of a reoccurring pattern which indicates inadequate design, operation, or maintenance of the equipment or processes.

c. Determination of Unavoidable Excess Emissions. After receiving the reports from the source, the authority shall make a determination of whether the excess emissions were avoidable or unavoidable. Unavoidable excess emissions must meet all of the following conditions:

1) The source took immediate action to stop the excess emissions and mitigate the effects;

2) The source reported the excess emissions as required; and

3) The excess emissions resulted during any of the following:

a) Equipment startup or shut down;

b) Scheduled maintenance and the excess emissions could not be avoided by reasonable design, better scheduling of the maintenance, or better operation and maintenance practices;

c) Upset conditions not caused by poor or inadequate design, operation, or maintenance; or

d) Upset conditions caused by power failure or other natural causes.

Any other excess emissions are considered avoidable.

d. Action by the Authority.

1) Shall make a determination of avoidable or unavoidable excess emission within 30 days after all information has been submitted by the owner or operator of the source.

2) If the excess emissions are found to be avoidable, the authority shall take appropriate enforcement action.

3) May require shutdown of the equipment or process if the corrective action will require an extended time period

4. Change in Raw Material or Fuels for Non-AOP Sources. (5.11K)

a. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of any of the following air pollutants sulfur dioxide of forty 40 tons per year or more over that stated in the initial inventory required by WAC 173-400-105(1) shall require the submittal of sufficient information to Ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide the pollutant:

1) SO₂ - 40 TPY (App. B)

2) NO_x - 40 TPY

3) VOCs - 40 TPY, or

4) PM - 25 TPY.

b. Ecology or The authority may issue regulatory orders requiring controls to reduce the effect of such the increases.

c. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory may not require such a notice.

5. Maintenance of Monitoring Records. The source shall maintain monitoring records at the source for the following time periods:

a. Minor Sources. Two years unless directed otherwise by the APCO.

b. Major Sources. Five years.

6. Additional Monitoring Requirement. Nothing in this section precludes the authority from requiring additional monitoring, recordkeeping, reporting, or compliance assurance monitoring.

E. EMISSIONS SAMPLING.

1. Ambient Air Monitoring. (5.11 A)

a. Purpose. The Authority shall conduct a continuous surveillance program To monitor the quality of the ambient atmosphere as to for the concentrations and movements of air contaminants pollutants as approved by the Board.

b. Monitoring. As part of this program, The Authority APCO (App. B) or its authorized representative may require any source under the jurisdiction of the Authority to conduct stack and/or ambient air monitoring, and to report the results to the Authority when there is credible evidence that the source is creating significant emissions that contributes to a violation of the NAAQS (App. B).

c. Quality Control. The monitoring equipment shall be operated and maintained to meet the QA/QC (App. B) requirements of 40 CFR Part 58.

d. Reporting Requirements. The reporting requirements and due date for the reports will be specified by the APCO.

2. Compliance Testing. (5.11 C) In order to demonstrate compliance with this Regulation, the Authority or its authorized representative may require that a test be conducted of the source using approved EPA methods from 40 CFR 60 Appendix A on file at the Authority or Ecology:

a. Purpose. To determine source compliance with the appropriate emission standards.

b. Sampling Requirements.

1) Test Methods. Must be a test be conducted of the source using applicable approved EPA methods from 40 CFR Part 51, 60, 61, or 63 Appendix A, on file at the Authority or Ecology and "Source Test Manual - Procedures for Compliance Testing", WA State Dept. Of Ecology, July 12, 1990.

2) Testing Frequency. Sources having one or more emission points which emit more than a significant amount of any pollutant as defined in app. A will be tested for compliance with the applicable standards at least:

a) Major Stationary Sources. Once per five years or as required by NSR approval, permit, order, or state or federal requirements.

b) Minor Sources. As required by NSR approval, permit, order, or state or federal requirements.

3) Sample Collection by the Authority. The operator of a source may be required to provide the necessary platform and sampling ports to perform a test of the source. The Authority shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at any time. As specified in subsection 2.01D (pg. 2-xx).

4) Sample Collection by the Owner or Operator. The owner or operator of a source shall notify the authority in writing at least 14 days prior to any compliance test and provide the authority an opportunity to review the test plan and observe the test.

c. Test Results. The owner or operator of any source required to perform a compliance test must submit a report to the authority no later than 60 days after the test. The report must include:

1) A description of the source and the sampling location;

2) The time and date of the test;

3) A summary of results, reported in units and for averaging periods consistent with the applicable emission standard;

4) A description of the test methods and quality assurance procedures employed;

5) The amount and type of fuel burned or raw material processed by the source during the test;

6) The operating parameters of the source and control apparatus (App. A) during the test;

7) Field data and example calculations; and

8) A statement signed by the senior management official of the testing firm certifying the validity of the source test report.

d. Required by the Authority. As a condition of a NSR (App. B) approval, a permit, regulatory order, or order of approval, the authority may require the source to provide a compliance test.

3. Emission Inventory. (5.11 J)

a. Purpose. To maintain a current and accurate inventory of emissions from air pollution sources.

b. Applicability. The owner(s) or operator(s) of any air contaminant of the following types of sources shall must submit an annual inventory of emissions from the source each year:

1) Major stationary sources;

2) Sources emitting significant levels of pollutants as listed in app. A;

3) Sources subject to 40 CFR Part 60, NSPS (App. B); 40 CFR Part 61, NESHAPS (App. B); or 40 CFR Part 63, MACT (App. B); or

4) Any source required by NSR approval, permit, order, or state or federal requirements.

c. Specific Requirements.

1) Emissions Included. The inventory may include stack and fugitive emissions of particulate matter, PM-10, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five (105) days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards. The inventory shall include the emissions from all emission units for criteria pollutants (App. A), fluorides, TRS (App. B), and TAPS (App. B) listed in app. K, para B (pg. K-4).

2) Records Maintenance. The owner(s) or operator(s) shall must maintain records of information necessary to substantiate any reported emissions consistent with the averaging times for the applicable standards.

3) Due Date. and shall The inventory must be submitted (when required) no later than one hundred five (105) days after the end of the calendar April 1st of each year or as directed by the APCO.

4) Review by the Authority. Emission inventories are subject to review and approval by the authority. Emission inventories which are incomplete or inaccurate shall be returned to the source for correction and resubmission to the authority.

F. CONTINUOUS MONITORING AND RECORDING REQUIREMENTS FOR CERTAIN SOURCES. (5.11 E)

1. Purpose. (5.11A) The Authority shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations of air contaminants as approved by the Board.

As part of this program, the Authority or its authorized representative may require any source under the jurisdiction of the Authority to conduct stack and/or ambient air monitoring, and to report the results to the Authority. To continuously monitor the emissions and ambient air conditions at certain sources for specific pollutants.

2. Applicability. Applies to the categories of stationary sources and the emissions specified in table 3.11-1.

3. Specific Requirements.

a. Monitoring Equipment. Prior to the start of emitting air pollutants from a source, owners and operators of the following categories of stationary sources listed must install, calibrate, maintain, and operate equipment for continuously monitoring and recording equipment those emissions specified for:

1) Sources categories in table 3.11-1; or

2) Sources or source categories directed by the APCO.

b. Waiver or Extensions. (5.11 F) All sources subject to this Regulation shall procure and install equipment and commence monitoring and recording activities no later than eighteen (18) months after adoption of this Regulation by the Authority. Any waiver or extension to this time requirement shall must be requested as a negotiated through the variance procedure of WAC 173-400-180 under subsection 3.00D (pg. 3-xx).

4. Exemptions. (5.11H) Are listed in table 3.11-2.

- a. ~~A source subject to a New Source Performance Standard;~~
- b. ~~A source not subject to an applicable emission standard;~~

5. Equipment and Performance Specifications. (5.11 E. 5) Owners and operators of these sources required to install continuous monitoring equipment under this regulation or the SIP (App. B) shall ~~must~~ demonstrate to the Authority compliance with the equipment and performance specifications, and observe the reporting requirements, contained in:

- a. ~~Title 40 Code of Federal Regulations, CFR Part 51 (App. B), Appendix P, Section 3, 4, and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein;~~
- b. 40 CFR Part 60, App. B, Performance Specifications; and
- c. QA/QC requirements in 40 CFR Part 60, App. F.

6. Special Considerations. (5.11 G)

a. If for reason of physical plant limitations or extreme economic situations, the authority determines that continuous monitoring is not a reasonable requirement, alternative mon-

itoring and reporting procedures will be established on an individual basis.

b. These will generally be of the form of stack (App. A) tests conducted at a frequency sufficient to establish the emission levels over time and to monitor the variability of the emissions deviations in these levels.

7. Monitoring System Malfunctions. (5.11 I)

a. A source may be temporarily exempted from the monitoring and reporting requirements of this Regulation during periods of when the monitoring system malfunctions provided that the source owner or operator shows demonstrates in writing to the satisfaction of the authority that the real malfunction was unavoidable and is being repaired as expeditiously as practicable.

b. Missing monitoring system data is acceptable when:

- 1) The missing data is ≤ 10% of the total observations;
- 2) The missing data is not continuous; and
- 3) The missing data resulted from monitoring equipment malfunction, calibration, maintenance, power failure, or other conditions not reasonably preventable.

Table 3.11-1 Source Categories which Require Continuous Emissions Monitoring.

Stationary Source Category	Emission to be Monitored
Fossil fuel-fired steam generators	Opacity
	Sulfur dioxide (SO ₂)
	% O ₂ or CO ₂ (where such measurements are necessary for the conversion of SO ₂ continuous emission monitoring data)
Sulfuric acid plants	SO ₂ where production capacity is > 300 tons/day, expressed as 100% acid
Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries	Opacity
Wood residue fuel-fired steam generators.	Opacity. See exemption in table 3.11-2.

Table 3.11-2 Source Categories Exempt from Continuous Emissions Monitoring.

Stationary Source Category	Exemptions to Monitoring Requirement
Fossil fuel-fired steam generators	Steam generator capacity < 250 million BTU/hr heat input (App. B)
	Only gaseous fuel is burned
	Steam generator capacity < 250 million BTU/hr heat input
	SO ₂ (App. B) control apparatus is not required
	If such measurements are not necessary for the conversion of SO ₂ continuous emission monitoring data
Sulfuric acid plants	Facilities where conversion to sulfuric acid is utilized <u>used</u> primarily as a means of preventing emissions to the atmosphere of SO ₂ or other sulfur compounds.
Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries	Fresh feed capacity ≤ 20,000 barrels/day (App. B)..
Wood residue fuel-fired steam generators.	Steam generator capacity < 100 million BTU/hr heat input.
	When the control apparatus causes the exhaust plume to be water vapor that prevents a correct opacity reading.

ARTICLE 4 - PERMITS & REGISTRATION

4.00 REQUIREMENTS COMMON TO ALL PERMITS
(New Section) Reserved for later use.

4.01 REGISTRATION PROGRAM (4.01)

A. PURPOSE. (WAC 173-400-099) To develop and maintain a current and accurate record of air contaminant sources.

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B. APPLICABILITY. (4.01 A) Applies to the owner or operator of each source within the following source categories in app. G. (pg. G-1), that does not hold an operating permit, shall register the source with the Authority:

C. RESPONSIBILITY. (4.01D) The owner or operator of the source is responsible to notify the authority of the existence of the source except when exempted in subsection 4.01D (pg. 4-1).

D. EXEMPTIONS. All exemptions based on emissions use the actual emissions from the source.

1. Air Operating Permit Sources. Sources or emission units which are permitted according to section 4.04 (pg. 4-xx).

2. Criteria Exempt Sources. Sources which have actual emissions less than the rates shown in table 4.01-1 (pg. 4-1).

3. Toxic Air Pollutant Sources. Sources which do not emit a quantifiable amount of toxic air pollutants listed in app. K, para. B.

4. Gasoline Marketing Operations.

a. Any loading terminal or bulk plant dispensing ≤ 7,200,000 gallons per year;

b. Any gasoline dispensing facility dispensing ≤ 360,000 gallons per year which started operation prior to August 31, 1991; or

c. Any gasoline dispensing facility with a total storage capacity of ≤ 10,000 gallons.

4. The source is not exempted from the requirements of 4.01F5&6 (pg. 4-xx).

F. REGISTRATION AND REPORTING PROCEDURE. (WAC 173-400-101, 102, & 103)

1. Registration. (4.01E) The owner or operator of any proposed new source shall register the source with the Authority. Initial registration and reporting shall be on forms supplied by the Authority within the time specified thereon.

a. Sources required to register are defined in subsections 4.01B, D, & E (pg. 4-xx).

b. The registrant shall use forms and directions supplied by the authority.

c. The forms must be completed and returned within the time specified. The forms will provide for the submission of information concerning locations, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information relevant to air pollution as the Authority may require. A separate registration shall be required for each source of contaminant provided that an owner or lessee has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process and provided further than an owner need not make a separate registration for identical units or equipment or control apparatus installed, altered or operated in an identical manner on the same premises.

d. (4.01 F) Emission units within the facility must be listed separately unless they meet the following conditions:

1) The authority determines that certain emission units may be combined into process streams for purposes of registration and reporting; or

2) There are identical units of equipment or control facilities installed, altered, or operated in an identical manner on the same process; the number of the units may be reported.

2. Reporting. (4.01 E) After initial registration and reporting, subsequent general Reports shall must be filed annually during January on using forms and directions supplied by the authority in accordance with the terms of the Pollution Disclosure Act of 1971, Chapter 160, Laws of 1971, Extraordinary Session.

a. Detailed Annual Reporting.

1) The source emits one or more pollutants at rates greater than those listed in table 4.01-2;

2) Reporting is necessary to comply with federal requirements and emission standards;

3) Reporting is required in a RACT (App. B) determination for the source category;

4) The APCO determines that the source poses a threat to human health and the environment; or

5) Sources who qualified for three-year reporting, but failed to comply with the regulations or orders issued by the authority.

b. Three-Year Reporting.

1) The source emits one or more pollutants at rates greater than the rates in table 4.01-1 but less than the rates in table 4.01-2; or

2) The source emits a quantifiable amount of one or more class A or B toxic air pollutants listed in app. K, para. B (pg. K-4).

Table 4.01-1 Criteria For Defining Exempt Sources

Pollutant	TPY (App. B)
CO (App. B)	5.0
NO _x (App. B)	2.0
SO ₂ (App. B)	2.0
PM (App. A)	1.25
PM ₁₀ (App. A)	0.75
VOC (App. B)	2.0
Pb (App. B)	0.005

E. LIMITED EXEMPTIONS. (RCW 70.94.151(3))

1. A grain warehouse or elevator emission source with an annual volume of < 10,000,000 bushels is granted an exemption from registering, reporting, or paying a registration fee after:

a. Filing an initial registration according to subsection 4.01F1 (pg. 4-xx);

b. Filing an Initial report according to subsection 4.01F2 (pg. 4-xx); and

c. Paying the initial registration fee according to subsection 4.01G (pg. 4-xx).

2. The exemption remains until the source increases the licensed capacity.

3. If the licensed capacity is increased, the source must register, report, and pay the registration fee again prior to the start of the first harvest season after the date of change in the licensed capacity.

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Table 4.01-2 Significant Pollutant Emission Levels

c. Report Contents.

<u>Pollutant</u>	<u>TPY</u>
<u>CO (App. B)</u>	<u>100</u>
<u>NO_x (App. B)</u>	<u>40</u>
<u>SO_x (App. B)</u>	<u>40</u>
<u>PM (App. A)</u>	<u>25</u>
<u>PM₁₀ (App. A)</u>	<u>15</u>
<u>VOC (App. B)</u>	<u>40</u>
<u>Pb (App. B)</u>	<u>0.6</u>
<u>Fluorides</u>	<u>3</u>
<u>H₂SO₄ (App. B) mist</u>	<u>7</u>
<u>H₂S (App. B)</u>	<u>10</u>
<u>TRS (App. B) including H₂S</u>	<u>10</u>
<u>Municipal waste combustor organics measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.</u>	<u>.0000035</u>
<u>Municipal waste combustor metals measured as PM.</u>	<u>15</u>
<u>Municipal waste combustor acid gases measured as SO₂ and HCl (App. B)</u>	<u>40</u>

1) Detailed annual reports shall contain:

- a) Annual emissions inventory;
- b) Operation and maintenance plans;
- c) Plan showing the plant layout; and
- d) Changes in operations since the last detailed report.

2) Three-year reports shall contain the annual emissions inventories.

3) The APCO (App. B) will schedule the detailed annual and three-year report cycles.

3. Operational and Maintenance Plan. Owners or operators of registered air contaminant sources must develop and maintain an operation and maintenance plan for process and control apparatus (App. A). The plan must:

- a. Reflect good industrial practice;
- b. Include a record of performance and periodic inspections of process and control apparatus;
- c. Be reviewed and updated by the source owner or operator at least annually; and
- d. Be made available to the authority upon request.

4. Signature. (4.01G) Each registration shall be signed by the owner or lessee or agent for such owner or lessee. The owner or the lessee of the source shall be responsible for the registration and the correctness of the information submitted. The owner, operator, or a designated representative must sign the registration or reporting form for each source. The owner or lessee of the source is responsible for the accuracy, completeness, and timely submittal of this information.

5. Closure Report. (4.01 B) A special closure report of closure shall must be filed with the authority within 90 days whenever the operations producing of an emissions source is are permanently ceased for any source listed in Section 4.01(A) above.

6. Change of Ownership. A new owner or operator must report to the authority within 90 days of any change of ownership or operator.

G. FEES. (4.01 H) All registrants shall must pay a fee in accordance with the registration current fee schedule in Article XIII, Section 13.04.

4.02 NOTICE OF CONSTRUCTION NEW SOURCE REVIEW. (4.02, RCW 70.94.152, & WAC 173-400-110→116)

A. PURPOSE. To explain the requirements and processes for a new source review (NSR) application for a stationary or temporary source and the resulting review and approval process.

B. APPLICABILITY. (4.02A) No person shall construct, install, establish, or modify a new air contaminant source, except those sources excluded in Section 4.03 of this Regulation, without first filing with the Authority a "Notice of Construction, Installation or Establishment of New Air Contaminant Source", on forms prepared and furnished by the Authority. For the purpose of this section, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction, installation or establishment of a new air contaminant source.

1. Applies to all temporary sources and the following stationary sources unless exempted in subsection 4.02C (pg. 4-xx):

- a. All new air pollution sources;
- b. Any replacement or alteration of air emission control apparatus (App. A) or a change in process that affects emissions;
- c. Any project that qualifies as a construction, reconstruction, or modification of a facility within the meaning of 40 CFR Part 60 except Subpart AAA, Woodstoves;

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d. Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 except for asbestos demolition and renovation projects subject to 40 CFR 61.145;

e. Any project that qualifies as a new source within the meaning of 40 CFR 63.2;

f. Any project that qualifies as a major stationary source or major modification of a source as defined in app. A; or

g. Any project that requires an increase in a plant-wide cap or unit specific emission limit.

2. Any source emitting toxic air pollutants (TAP).

a. The NSR (*App. B*) for the TAP (*App. B*) is subject to chap. 173-460 WAC; and

b. The NSR for all other pollutants is subject to this section.

3. The NSR for all air pollutants may be combined in one application and approval.

C. EXEMPTIONS. (4.03) ~~Neither registration nor notice of construction shall be required for the following air contaminant sources:~~

~~1. Air conditioning or ventilating systems not designed to remove contaminant generated by or released from equipment;~~

~~2. Blast cleaning equipment which uses a suspension of abrasive in liquid water;~~

~~3. Fuel burning equipment if used solely for a private dwelling serving three (3) families or less;~~

~~4. Insecticide and herbicide spray equipment;~~

~~5. Non-stationary internal combustion engines, including gas turbine and jet engines;~~

~~6. Laboratory equipment used exclusively for chemical or physical analysis;~~

~~7. Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric;~~

~~8. Application of surface coatings by use of an aqueous solution or suspension if used on external or internal walls of residential, commercial or industrial facilities;~~

~~9. Steam cleaning equipment used exclusively for that purpose;~~

~~10. Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminant from or to another source;~~

~~11. Vents used exclusively for:~~

~~e. Sanitary or storm drainage systems;~~

~~d. Safety valves; or~~

~~e. Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process;~~

~~f. Construction of single family or duplex dwellings.~~

1. Emission Unit and Activity Exemptions. These are listed in app. K, para. A (pg. K-1).

2. Exemptions Based on Emissions Thresholds.

a. A new emissions unit with a potential to emit below each of the threshold levels (*App. A*) listed in table 4.02-1 is exempt from NSR provided the conditions of subsection 4.02C2c (pg. 4-xx) are met.

b. A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the

threshold levels listed in the table 4.02-1 is exempt from NSR provided the conditions of 4.02C2c (pg. 4-xx) of this subsection are met.

c. The owner or operator seeking to exempt a project from NSR shall notify, and upon request, file a brief project summary with the authority prior to beginning actual construction on the project. If the authority determines that the project will have more than a *de minimis* (*App. A*) impact on air quality, the authority may require the filing of a NSR application. The authority may require the owner or operator to demonstrate that the emissions increase from the new emissions unit is smaller than all of the thresholds listed in table 4.02-1

d. The owner/operator may begin actual construction on the project 31 days after the authority receives the project summary, unless the authority notifies the owner/operator within 30 days that the proposed new source requires a NSR application.

Table 4.02-1 Exemption Threshold Table

Pollutant	Threshold Level TPY (<i>App. B</i>)
PM (<i>App. A</i>)	1.250
PM ₁₀ (<i>App. A</i>)	0.750
SO _x (<i>App. B</i>)	2.000
NO _x (<i>App. B</i>)	2.000
Total VOC (<i>App. B</i>)	2.000
CO (<i>App. B</i>)	5.000
Pb (<i>App. B</i>)	0.005
Ozone Depleting Substances in Aggregate (the sum of Class I and/or Class II substances as defined in FCAA Title VI and 40 CFR Part 82)	1.000
Toxic Air Pollutants	As specified in 173-460 WAC & app. K, ¶ B.

3. Gasoline Stations. Any new station with ≤10,000 (*App. B*) gallons of total storage capacity.

D. REQUIREMENTS FOR ALL NSR APPLICATIONS.

1. Information Required.

a. Application Form. The source must use and complete the NSR application on forms furnished by the authority.

b. Additional Documentation. Any additional information required by the APCO (*App. A*) to show that the proposed air contaminant (*App. A*) source will meet the applicable emissions standards.

c. Signature. (*SCAPCA Sect 5.04*) Each NSR application must be signed by the owner, operator, or designated representative of the air contaminant source.

2. Public Involvement. (4.02 H2) Within fifteen days of receipt of a complete application for a Notice of Construction the Authority shall determine whether public notice is required, and if so it shall publish notice to the public of an opportunity to submit written comments during a thirty (30) day period. The authority must follow the requirements of section 2.04 (pg. 2-xx).

3. Limitation of Review. (4.02 D) Any Notice of Construction review of a modification shall will be limited to the

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emission unit(s) or units proposed to be modified and the air contaminants pollutants whose emissions would increase as the result of the modification described in the NSR application after the completeness determination is made under subsection 4.02E.

4. Operation and Maintenance. (4.02 D) Any features, machines and devices constituting parts of or called for by plans, specifications or other information submitted pursuant to this section shall be maintained and operated in good working order. The owner or operator will operate and maintain the process and control apparatus subject to the NSR application according to the specifications of the manufacturer and subsection 3.00E (pg. 3-xx) to prevent avoidable emissions.

E. ADDITIONAL NSR APPLICATION REQUIREMENTS FOR STATIONARY SOURCES.

1. Time Limits.

a. **Completeness Determination.** (4.02B) Within thirty (30) days after the receipt of Notice of Construction the NSR application the authority shall ~~must~~ either notify the applicant in writing that additional information is necessary; or that the application is complete.

b. **Additional Information is Needed.** The Authority may require the submission of plans, specifications, and such other information as it deems necessary concerning the proposed construction, installation and establishment of such source. After the request for additional information, the applicant must provide the requested information within 30 days; or within 15 days provide a date when the information will be available.

2. Cancellation of Application. An application that doesn't meet these time limits may be canceled. Any continuation shall require a new NSR application.

3. Withdrawal of Application. An applicant may withdraw an application at any time.

4. Action on Application. (4.02C) Within sixty (60) days of receipt by the authority of a complete Notice of Construction NSR application the authority shall ~~must~~ either:

a. Initiate public notice and comment on a proposed decision for those Notice of Construction application reviews subject to public notice and issue thereafter a final decision as promptly as possible projects qualifying under section 2.04 (pg. 2-xx); or

b. Issue a final decision on the application.

F. ADDITIONAL NSR APPLICATION REQUIREMENTS FOR TEMPORARY SOURCES.

1. Advance Notification. (4.02G) For Sources, such as asphalt batch plants, with multiple locations which are located temporarily at particular multiple sites, the owner or operator shall be permitted to relocate and operate at a temporary location without filing a notice of construction providing that after the owner or operator must provides the following notification to the authority of the intent to operate at the new location. This notification must be at least thirty (30) days prior to starting the operation.

2. Information Required. and The source must supply sufficient information to enable the authority to determine that the operation will comply with:

- a. The emission standards for a new source;
- b. and The applicable ambient air standards; and
- c. If in a non-attainment area, it will not interfere with scheduled attainment of ambient standards.

G. REQUIREMENTS FOR THE APPROVAL OF ALL NSR APPLICATIONS.

1. SEPA Compliance. No NSR application will be approved without complying with the SEPA (App. B) and public participation requirements in section 2.04 (pg. 2-xx).

2. Content. An approved NSR must include the following:

a. (4.02D2) ~~Include~~ A determination of whether that the operation of the new air contaminant source at the location proposed location will not cause any ambient air quality standard to be exceeded or cause a potential hazard to public health.

b. (4.02 D2) ~~Include~~ A determination that the proposed new source will comply with all applicable new source performance standards and National Emission Standards for Hazardous Air Pollutants federal, state, and authority laws and regulations. This includes the visibility protection requirements in nonattainment areas in 40 CFR 52.28.

c. (4.02E) A determination of which emission control devices will be used.

d. ~~For an existing stationary source when the emission control technology is replaced or substantially altered, but does not constitute a major modification, Best Available Control technology (BACT) and Reasonable operation and maintenance conditions procedures for the process and control apparatus may be are required by the Authority.~~

e. **Minor Sources in Nonattainment Areas.** For New or modifications of minor sources (App. A) in nonattainment areas must use BACT (App. B) for all air pollutants. Best Available Control technology (BACT) will be employed, except that if.

f. **Major Stationary Sources and Major Modifications (App. A) in Nonattainment Areas.**

1) ~~The new source is a major stationary source; or the proposed modification is a major modification it will achieve the LAER for the contaminants for which the area has been designated nonattainment. Must use LAER (App. B) for the pollutant(s) for which the area has been designated non-attainment; and~~

2) Must use BACT for all other pollutants.

g. **New All Sources in Attainment or Unclassifiable Areas.**

1) ~~For new sources in attainment or nonclassifiable areas. Best Available Control technology (BACT) will be employed for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification must be used for all pollutants subject to a NSR.~~

2) Emissions from new or modified sources must not affect the attainment status or contribute to a NAAQS (App. B) violation in a downwind nonattainment area. This requirement is met if the emissions from the source do not exceed the threshold levels in table 4.02-2.

Table 4.02-2. Threshold Emission Levels for New or Modified Sources Upwind from Nonattainment Areas

Pollutant	Maximum Emission Rates				
	Annual Average	24 Hour Average	8 Hour Average	3 Hour Average	1 Hour Average
CO (<i>App. B</i>)	None	0.5 mg/m ³ <i>-(App. B)</i>	None	2 mg/m ³	None
SO ₂ (<i>App. B</i>)	1.0 µg/m ³ <i>(App. B)</i>	5 µg/m ³	None	25 µg/m ³	30 µg/m ³
PM ₁₀ (<i>App. B</i>)	1.0 µg/m ³	5 µg/m ³	None	None	None
NO ₂ (<i>App. B</i>)	1.0 µg/m ³	None	None	None	None

3) An offsetting emission reduction or an ERC (*App. B*) may be used to satisfy this subsection.

3. Emission Offsets for Major Stationary Sources in Nonattainment Areas.

a. Applicability.

(1) A new stationary source or a proposed major modification of an existing stationary source in a nonattainment area;

(2) Emissions of air pollutants that are in nonattainment status within the nonattainment area; and

(3) Fugitive emissions generated by point sources, and fugitive emissions from the facility.

b. Standard. Emissions offsets must be sufficient to ensure that all allowable emissions from major and minor sources of the pollutant in nonattainment is < (*App. B*) the total actual emissions from all sources prior to the NSR application.

c. Requirements for Offsetting Emissions.

1) Allowable emission increases must be offset by actual emission reductions.

2) Proposed new emissions for the source or emission unit(s) providing the emissions offsets must be less than the current level for the source.

3) No emission reduction offset can be credited when the emissions from the source providing the offset exceed allowable emissions rates.

4) Emission reductions imposed by local, state, or federal rules, permits, or orders shall not be used.

5) Emission reductions must provide a net air quality benefit.

(a) For a marginal O₃ nonattainment area the VOC or NO_x emissions are reduced ≥9% for the nonattainment area.

(b) The determination for other nonattainment areas shall be made using 40 CFR Part 51, Appendix S.

6) Offsets must be federally enforceable.

7) A new or modified source requiring offsets shall not start operations before the emission reductions are achieved.

4. Equipment, Supplier, or Manufacturer Specification. (4.02 D) Nothing in this regulation shall be construed to

interpreted as authorizing the Board authority to require the use of emission control apparatus or other equipment, machinery or devices of any particular type from any particular supplier or produced by any particular manufacturer. BACT, RACT, or LAER technology available from any

manufacturer may be prescribed for installation and operation.

5. Absence of Rule or Order. (4.02 D) The absence of any ordinance, resolution, rule or regulation or the failure to issue an order pursuant to this section shall not relieve a person from his or her the obligation to comply with applicable emission control requirements or with any other provision of the law.

6. Appeals. Appeals of a NSR decision must follow the requirements of section 2.05 (pg. 2-xx).

H. ADDITIONAL REQUIREMENTS FOR THE APPROVAL OF STATIONARY SOURCE NSR APPLICATIONS.

1. PSD Permitting. If the source is determined to be subject to PSD (*App. B*) permitting, the NSR approval shall be delayed until ecology or EFSEC (*App. B*) can issue a PSD permit.

2. Content of the Approval. An evaluation of the operational feasibility and economic viability of the proposed emission control devices.

3. Conditions, Review. (4.02 (D)(1)) Every order of approval of a NSR issued pursuant to this section shall must be reviewed prior to issuance by a licensed professional engineer in the employ of the authority or the Washington State Department of ecology.

4. Expiration of An Approval of a NSR. An approved NSR shall expire for the following reasons:

a. Construction is not begun within 12 months after the receipt of the approval of the NSR;

b. Construction is discontinued for 12 months or more;

or
c. Construction is not completed within six months following the approved completion date.

5. Extension of An Approval of a NSR.

a. The source must apply for an extension at least 30 days prior to the expiration date.

b. The approval of an expired NSR is invalid, and the source must submit a new NSR application.

6. Notice of Completion, Notice of Violation. (4.02 F)

The owner or applicant shall must notify the Board or Control Officer APCO in writing of the completion of construction, installation or establishment and the date upon which operation will commence within 30 days after the start of operations for the process and control apparatus on the NSR application.

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7. Final Inspection. (4.02 F) ~~Within thirty (30) days of receipt of notice of completion, the Board or Control Officer APCO may, inspect the construction, installation, or establishment the work approved by the NSR, and the Board or Control Officer may issue a Notice of Violation, NOV (App. B) if he finds that the construction, installation, or establishment the work is not in accordance with the plans, specifications or other information submitted to approved by the authority.~~

I. ADDITIONAL REQUIREMENTS FOR THE APPROVAL OF TEMPORARY SOURCE NSR APPLICATIONS.

1. Limited Operation Time. The permission to operate shall ~~must~~ be for a limited period of time (one year or less).

2. Conditions of Operation. ~~and~~ The authority may set specific conditions for operation ~~during said period~~ which shall include a requirement to comply with all applicable emission standards.

3. Action on Application. Within 30 days of receipt by ~~the authority of a complete application, the authority must issue a final decision on the application.~~

J. CHANGE OF CONDITIONS. The owner or operator of any source may request a change in a NSR approval order, and the authority may approve the request when:

1. Conditions for Approval.

a. The change of conditions will not cause the source to exceed an emissions standard;

b. No ambient air quality or PSD (*App. B*) increment will be exceeded by the change;

c. The change will not adversely affect the authority in determining compliance with an emission standard; and

d. The order approving the change shall continue to require BACT as defined at the time of the original approval except where FCAA (*App. B*) requires LAER.

2. Public Involvement. Shall follow the requirements of section 2.04 (pg. 2-xx).

3. Format for the Request. Unless approved by the authority, the request shall follow the requirements of subsections 4.02D, 4.02E, and/or 4.02F (pg. 4-xx).

K. FEES. Assessment. (4.02 I) Any person submitting a Notice of Construction pursuant to the terms of this Regulation shall be assessed a fee by the Authority in accordance with the fee schedule in Article XIII, Section 13.02 of this regulation. See current fee schedule.

4.03 NEW SOURCE REVIEW FOR TOXIC AIR POLLUTANTS. Reserved for later use.

4.04 AIR OPERATING PERMITS (AOP). (*Chap. 173-401 WAC*)

A. PURPOSE. (6.01) The Yakima County Clean Air Authority shall administer an air operating permit program upon approval of its delegation request, pursuant to Chapter 173-401 WAC. Under this program any air contaminant source subject to Chapter 173-401-300 WAC shall be required to have an air operating permit. (*WAC 173-401-100*) To reference the appropriate WAC citations and to define any additional requirements or changes to implement a local AOP (*App. B*) program in accordance with chap. 173-401 WAC.

B. APPLICABILITY. As defined in WAC 173-401-300.

C. REQUIREMENTS. When multiple federal, state, or local laws or regulations contain requirements for an AOP source, all laws and regulations apply.

D. DEFINITIONS. As defined in WAC 173-401-200. When a term is not defined in WAC 173-401-200 see app. A for the definition.

E. PERMIT APPLICATIONS. As defined in chap. 173-401 WAC, Part V.

F. PERMIT CONTENT. As defined in chap. 173-401 WAC, Part VI; and

1. Emissions Standards. As required in sections 3.01 (pg. 3-xx) and 3.02 (pg. 3-xx) and app. D (pg. D-1).

2. Monitoring, Recordkeeping, and Reporting. As required in section 3.11 (pg. 3-xx).

3. Terms and Conditions. As required in applicable local rules and this regulation.

4. Operation and Maintenance. As required in subsection 3.00E (pg. 3-xx).

5. Outdoor and Agricultural Burning. As required in section 3.03 (pg. 3-xx).

6. Compliance and Enforcement. As required in subsection 1.07A, article 5 (pg. 5-1), and section 2.05 (pg. 2-xx).

7. Appeals. As required in section 2.05 (pg. 2-xx).

8. Orders. Any relevant order issued by the authority, ecology, or EPA.

G. PERMIT ISSUANCE, RENEWAL, REOPENINGS, AND REVISIONS. As defined in chap. 173-401 WAC, Part VII.

H. GENERAL PERMITS. As defined in chap. 173-401 WAC, Part VIII.

I. PUBLIC INVOLVEMENT. As defined in chap. 173-401 WAC, Part IX and section 2.04 (pg. 2-xx) of this regulation.

J. FEES. (6.02) Pursuant to RCW 70.94.161(14), the Authority shall allocate its fiscal 1994 air operating permit program development costs among the sources under its jurisdiction emitting one hundred tons or more per year of a regulated pollutant during calendar year 1992 and shall collect interim fees from these sources. Interim air operating permit fees collected by the Authority on behalf of the Department of Ecology shall be remitted to the Department by March 1, 1994.

Pursuant to RCW 70.94, (Bill 1089), the Authority shall determine, assess, and collect annual fees sufficient to cover the Authority's direct and indirect costs of implementing its air operating permit program.

Upon receiving delegation authority, air operating permit fees collected by the Authority on behalf of the Department of Ecology shall be collected from each source in two equal payments and shall be remitted to the Department by March 1 and June 30, respectively, of each year. All air operating permit fees collected by the Authority on its own behalf shall be deposited into an air operating permit account dedicated exclusively to the support of its Air Operating Permit Program. The payment schedule for all air operating permit fees collected by the Authority on its own behalf shall be four equal payments with each payment due at the beginning of the respective fiscal quarter. The fiscal year for the Authority begins July First.

All air operating permit fees collected by the Authority on behalf of itself shall be calculated according to Article XIII, Section 13.05 of this regulation:

1. As defined by chap. 173-401 WAC, Part X; and
2. Section 2.02 (pg. 2-xx) and current fee schedule.

4.05 VOLUNTARY LIMITS ON EMISSIONS. *(New Section) (WAC 173-400-091)*

A. PURPOSE. To establish a rule for any source who desires to voluntarily limit the potential to emit prescribed pollutants.

B. APPLICABILITY. Any source which volunteers to reduce the potential to emit to levels established by a regulatory order.

1. Synthetic Minor (SM) Status. This is available as an alternative to an AOP (*App. B*) if the source limits the potential to emit below the following levels:

- a. 100 TPY (*App. B*) of criteria pollutants (*App. A*) from all point sources at the facility; or
- b. 10 TPY of one HAP (*App. A*) listed in app. L from all point and/or fugitive sources; or
- c. 25 TPY of two or more HAPs from all point and/or fugitive sources.

2. All Other Sources. The source does not reduce the potential to emit below the levels in subsection 4.05B1 (pg. 4-xx).

C. CONDITIONS OF THE REGULATORY ORDER.

1. Limits the potential to emit any air pollutant to below voluntary and agreed levels.

2. The new limit for the potential to emit shall be < the annual emissions in subsection 4.05B1 or any standard under WCAA (*App. B*), FCAA (*App. B*), or the SIP (*App. B*).

3. Shall require sufficient monitoring, record keeping, and reporting as defined in section 3.11 (pg. 3-xx) to assure continuous compliance with applicable requirements, including emissions limitations set by a regulatory order (*App. A*).

4. Shall be federally enforceable.

5. Shall require a revision or revocation of the order for any proposed deviation.

D. ADMINISTRATIVE PROCEDURES.

1. Public participation in the permitting is defined in section 2.04 (pg. 2-xx).

2. The conditions of the order or decision to grant or deny SM status may be appealed as defined in section 2.05 (pg. 2-xx).

E. FEES. See current fee schedule.

4.06 EMISSION REDUCTION CREDITS AND BANKING. Reserved for later use.

4.07 ADMINISTRATIVE PERMITS. *(New Section)*

A. PURPOSE. To control emissions from sources, groups of sources, or activities which are not subjected to some other form of control.

B. APPLICABILITY. Any lawful activity or source subject to WCAA (*App. B*) within the jurisdiction of the authority. This section does not apply to any source or activity subject to any of the following actions required in other sections:

1. Orders of approval;
2. Individual permits; or
3. General rule permits.

C. DURATION.

1. The permit expires one year after issuance; or
2. When the board adopts a rule or issues an order to replace the permit.

D. REQUIREMENTS.

1. The permit requirements shall be as effective in controlling emissions as any other similar permit issued by the authority.

2. The APCO may use any lawful permit condition to control a source or activity permitted by this section.

3. Failure to comply with the requirements of this section voids the permit.

E. AMENDMENT OF THE PERMIT. If additional requirements are needed to prevent air pollution and/or protect property, health, safety, and comfort of persons from the effects of the permitted activity; the authority shall amend the permit. When an amendment is made, the authority must notify the responsible person of the limitations, and any requirement imposed will become a condition of the permit.

F. FEES. As set by the current fee schedule.

ARTICLE 5 - COMPLIANCE AND ENFORCEMENT

5.00 GENERAL INFORMATION. *(New Section)*

A. PURPOSE. To establish the general compliance and enforcement procedures.

B. APPLICABILITY. Applies to all sources regulated by the authority or any violation of this regulation, any applicable law, or any permit, order or condition of approval issued by the authority.

C. INVESTIGATION. The authority will conduct investigations for the purpose of determining compliance with this regulation, any of the laws or regulations enforced by the authority, any permit issued by the authority, any order issued by the authority, or any condition of approval issued by the authority.

D. WRITTEN NOTICES.

1. The authority will serve a written notice to any person that has caused or allowed an alleged violation of this regulation, any applicable law, or any permit, order or condition of approval issued by the authority.

2. See subsection 3.01C3a3) (pg. 3-xx) for a NOV (*App. B*) for agricultural odors.

5.01 ADDITIONAL OR ALTERNATIVE ENFORCEMENT ACTIONS

A. PURPOSE. To describe other provisions to use with or in addition to civil or criminal penalties to avoid a violation or gain compliance.

B. APPLICABILITY. This section applies to any person found to be in violation of this regulation, any applicable law, or any permit, order or condition of approval issued by the authority. This section also applies to any situation where an imminent health threat exists.

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C. CORRECTIVE ACTION ORDER. The authority may issue a corrective action order that describes the actions necessary to correct or avoid a violation. The order may be included as part of a written notice or issued as a separate document.

D. PROHIBITORY ORDER. The authority may issue a prohibitory order for the purpose of protecting human health or safety. The order will prohibit specific actions from being taken at a specific location.

E. INJUNCTIVE RELIEF. SECTION 8.04 — RESTRAINING ORDER — INJUNCTIONS. Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of these regulations or order issued thereunder, the Board, APCO (App. B) after providing notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order, or a temporary or permanent injunction or other appropriate order.

F. ASSURANCE OF DISCONTINUANCE. SECTION 8.03 — ASSURANCE OF DISCONTINUANCE. As an additional means of enforcing these regulations, the APCO Board may accept an assurance of discontinuance of any act or practice deemed in violation of this regulation, from any person engaging in, or who has engaged in, such act or practice. Any such assurance must specify a time limit during which such the discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of these regulations, or order issued pursuant hereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from the Superior Court as provided in RCW 70.94.425.

5.02 PENALTY FOR VIOLATION PENALTIES (8.01)

A. PURPOSE. To describe the provisions for assessing penalties for violations.

B. APPLICABILITY. This section applies to any person found to be in violation of this regulation, any applicable law, or any permit, order or condition of approval issued by the authority.

C. CRIMINAL PENALTIES. Shall be imposed in accordance to chap. 70.94 RCW.

1. (8.01A) Any person who knowingly violates any of the provisions of these regulations or any ordinance, resolution, statute or regulation in force pursuant thereto shall be guilty of a crime and upon conviction thereof shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000) or by imprisonment in the county jail for not more than one (1) year, or both.

2. (8.01B) Any person who negligently releases into the ambient air any substance listed by the Department of Ecology or as a hazardous air pollutant other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty

of a crime and shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000) or by imprisonment for not more than one (1) year, or both.

3. (8.01C) Any person who knowingly releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than Fifty Thousand Dollars (\$50,000) or by imprisonment for not more than five (5) years, or both.

4. (8.01D) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Thousand Dollars (\$5,000).

D. CIVIL PENALTIES. SECTION 8.02 — ADDITIONAL OR ALTERNATIVE PENALTIES

1. General Civil Penalty. (8.02A) In addition to or as an alternate to any other penalty provided by law, any person who violates the provisions of chap. 70.94 RCW, chapter 70.120 RCW, or any other of the rules or regulations, the Yakima County Clean Air authority may enforce under the RCW (App. B) a civil penalty in an amount not to exceed Ten Thousand Dollars (\$12,000) per day for each violation. Each such violation shall be a separate and distinct event, and, in the case of a continuing violation, each days continuance day shall be a separate and distinct violation.

2. Penalty for Failure to Comply with an Order. Any person who fails to take action as specified by an order issued under this Chapter article shall be liable for a civil penalty of not more than Ten Thousand Dollars (\$12,000) per day for each day of continued noncompliance.

E. INTEREST ON PENALTIES. (8.02B) Penalties incurred but not paid shall accrue interest beginning on the ninety-first (91st) day following the date that the penalty becomes due and payable at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed interest shall not begin to accrue until the thirty-first (31st) day following the final resolution of the appeal.

F. AIDING OR ABETTING. (8.02C) Each act of commission or omission which procures, aids or abets the a violation described herein shall be considered a separate violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.12(B).300.

G. UNDER-REPORTING. (8.02D) In addition to the other penalties provided above, any person knowingly under-reporting emissions or other information used to set fees or persons required to pay emissions or permit fees who are more than ninety (90) days late with such payments may be subject to a penalty equal to three (3) times the amount of the original fee owed.

H. DISBURSEMENT. (8.02E) All penalties recovered under this section by the authority shall be paid into the treasury of the authority and rendered into its funds.

~~F. In addition to the other provisions of this Section, a specific Civil Penalty may be imposed in violation of other Sections of this Regulation in accordance to the following schedule: (see page 8-3)~~

I. WITHHOLDING GRANTS. (8.02G) Public or private entities that are recipients or potential recipients of department grants from the authority, whether for air quality related

activities or not, may have such the grants rescinded or withheld by the department authority for failure to comply with provisions of this chapter regulation.

I. PENALTY DETERMINATION. Civil Penalty Schedule. (8.02)

Section Violated	Civil Penalty per Written Notices Issued	First	Second*	Third*	Subsequent
SECTION 2.03—Miscellaneous Provisions		\$100 to \$1,000	\$2,000 to \$3,000	go to Subsequent	Up to \$10,000
SECTION 4.01—Registration		\$50 to \$500	\$1,000 to \$3,000	go to Subsequent	Up to \$10,000
SECTION 4.02—Notice of Construction		\$50 to \$500	\$1,000 to \$3,000	go to Subsequent	Up to \$10,000
SECTION 5.01—Outdoor Burning		Warning to \$25	\$25 to \$50	\$50 to \$100	Up to \$10,000
SECTION 5.02—Regulations Applicable to All Outdoor Burning		\$25 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
SECTION 5.03—Regulations Applicable to All Outdoor Burning within the Jurisdiction of the YCAA, Local Cities, Towns, Fire Protection Districts and Conservation Districts		Warning to \$25	\$25 to \$50	\$50 to \$100	Up to \$10,000
SECTION 5.04—Regulations Applicable to Permits Issued by YCAA for All Other Outdoor Burning		\$25 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
SECTION 5.05—Additional Restrictions on Outdoor Burning		\$25 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
SECTION 5.06—General Standards for Maximum Permissible Emissions		\$50 to \$500 or Warning to \$25	Up to \$1,000 or \$25 to \$50	Up to \$2,000 or \$50 to \$100	Up to \$10,000
SECTION 5.07—Minimum Emission Standards for Combustion and Incineration Sources		\$50 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
SECTION 5.09—Minimum Standards or Procedures for Certain Source Categories		\$50 to \$500 or Warning to \$25	Up to \$1,000 or \$25 to \$50	Up to \$2,000 or \$50 to \$100	Up to \$10,000
SECTION 5.12—Preventive Measures		\$50 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
ARTICLE IX—Woodstoves and Fireplaces		\$50 to \$500 or Warning to \$25	Up to \$1,000 or \$25 to \$50	Up to \$2,000 or \$50 to \$100	Up to \$10,000

* Civil Penalty suspended from the previous Written Notice may be added.

1. Evaluation Criteria. The following criteria shall be used to evaluate a violation prior to assessing a penalty:

- a. Gravity of the violation;
- b. Economic benefit gained by the violator;
- c. Authority expenses for investigating, notifying, and processing the documents for the violation; and
- d. When requested, the costs incurred by a fire department (App. A) to respond or suppress an illegal outdoor or agricultural fire.

2. Documentation. The APCO shall prepare and the board approve a policy and worksheets to implement the penalty determinations.

**APPENDIX A
Definitions of Words and Phrases**

This appendix contains a list of definitions for words and phrases used in more than one section of the regulation. Defined words or phrases are identified with "(App. A)" in the text. The source of the definition is identified in *italics*.

Actual Emissions (WAC 173-400-030(1)) - The actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with (a) through (e) of this subsection by:

1. In general, actual emissions as of a particular date shall equal the average rate, in tons per year *TPY (App. B)*, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or ~~an~~ 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.

2. Ecology or ~~an~~ the authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

3. 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.

Adequate Source of Heat (WAC 173-433-030(1)) - The ability to maintain 70 degrees Fahrenheit (App. B) at a point three (3) feet above the floor in all normally inhabited areas of the dwelling.

Adverse Impact on Visibility (WAC 173-400-030(2)) - Visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case by case basis taking into account the

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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. These areas are listed in the definition for Class I Areas.

Agricultural Activity (RCW 70.94.640 (5)(a)) - The growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products. This definition applies only to subsection 3.01C3.

Agricultural Burning (WAC 173-430-030(1)) - The burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

Agricultural Land (RCW 70.94.640 (5)(c)) - At least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities. This definition applies only to subsection 3.01C3.

Agricultural Operation - The growing of crops, the raising of fowl, animals or bees as a gainful occupation. (WAC 173-430-030(2)) - A farmer who can substantiate that the operation is commercial agriculture by showing the most recent year's IRS (App. B) schedule F form or proof that the land is designated in a classification for agricultural use. It also includes burning conducted by irrigation district or drainage district personnel as part of water system management.

Ag Task Force (WAC 173-430-030(3)) - The state agricultural burning practices and research task force.

Air Contaminant (WAC 173-400-030(3)) - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant".

Air Pollution (WAC 173-400-030(4)) - The presence in the outdoor atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purpose of this regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW (App. B), the WA Pesticide Application Act, which regulates the application and control of various pesticides.

Air Pollution Episode - A period of impaired air quality as determined by the Director of the Yakima County Clean Air authority, or the Washington State Department of ecology. A period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in chap. 173-435 WAC.

Allowable Emissions (WAC 173-400-030(5)) - The emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

1. The applicable standards as set forth in 40 CFR Part 60 or 61 (App. B);

2. Any applicable state implementation plan SIP (App. B) emissions limitation including those with a future compliance date; or

3. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

Ambient Air (WAC 173-400-030(6)) - The surrounding outside air.

Ambient Air Quality Standard (WAC 173-400-030(7)) - An established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

Authority - The Yakima Regional Clean Air Authority.

Best Available Control Technology (BACT) (WAC 173-400-030(10)) - The term as defined in WAC 173-400. An emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW (App. B) emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for the control of each such pollutant. In no event shall application of the BACT (App. B) result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61 (App. B), as they exist on March 1, 1996, or their later enactments as adopted by reference by the ecology. Emissions from any source utilizing clean fuels, or any other means, to comply with this definition shall not be allowed to increase above levels that would have been required under the definition of BACT in FCAA (App. B) as it existed prior to enactment of the FCAA Amendments of 1990.

Best Management Practice (BMP) (WAC 173-430-030(4)) - The criteria established by the state ag task force.

Board - The Board of Directors of the Yakima Regional Clean Air Authority

Bubble (WAC 173-400-030(12)) - A set of emission limits which allows an increase in emissions from a given emission(s) unit(s) in exchange for a decrease in emissions from another emissions unit(s) pursuant to RCW 70.94.155 and WAC 173-400-120.

Burn Bans - Periods when ecology or the authority determine air contaminant levels are approaching or have reached a level which is harmful to public health or safety. Outdoor burning, agricultural burning, and burning with wood or coal heaters are severely curtailed during these periods.

Ceremonial Fires - Fires necessary for Native American ceremonies (i.e. conducted by and for Native Americans) if part of a religious ritual.

Class I Area (WAC 173-400-030(14)) - Any area designated under §§ 162 or 164 of FCAA (*App. B*) as a class I area. The following areas are the class I areas in Washington state:

1. Alpine Lakes Wilderness Area;
2. Glacier Peak Wilderness Area;
3. Goat Rock Wilderness Area;
4. Mount Adams Wilderness Area;
5. Mount Rainier National Park;
6. North Cascades National Park;
7. Olympic National Park;
8. Pasayten Wilderness Area; and
9. Spokane Indian Reservation.

~~**Combustible Refuse**~~ - Any burnable waste material containing carbon in a free or combined state other than liquid or gasses.

Combustion and Incineration Sources (WAC 173-400-030(15)) - Units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open outdoor burning.

Commenced Construction (WAC 173-400-030(16)) - The owner or operator has all the necessary preconstruction approvals or permits and either has:

1. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
2. Entered into binding agreements or contractual obligations, which cannot be canceled 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.

Concealment (WAC 173-400-030(17)) - 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.

Construction/Demolition Debris - All material resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.

Control Apparatus - Any device which prevents or controls the emission of any air contaminant.

~~**Control Officer**~~ - The Air Pollution Control Officer of the Yakima Regional Clean Air Authority, or his duly authorized agents.

Corrective Action Order - An order issued by the authority for the purpose of causing a person to be in compliance with cited authority, state, or federal laws and regulations. The order will specify actions to be taken within a specific time.

Criteria Pollutant (WAC 173-420-040) - Air pollutants for which a NAAQS (*App. B*) has been promulgated under FCAA (*App. B*) (40 CFR Part 50) and their precursors.

Daylight Hours - 30 minutes before and 30 minutes after the published sunrise and sunset times in a newspaper of general circulation in the area.

De Minimis - The minimum threshold levels that exempts sources or source categories from complying with specific requirements.

DEQ Phase 2 Woodstove (WAC 173-433-150 (1)(c)) - A woodstove meeting the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

~~**Director**~~ - Executive Director and Control Officer.

Eight Hours (WAC 173-435-020(5)) - Any consecutive eight hours starting at any clock hour.

Emission (WAC 173-400-030(21)) - A release of air contaminants into the ambient air.

Emission Reduction Credit (ERC) (WAC 173-400-030(22)) - A credit granted pursuant to under WAC 173-400-131. This is a voluntary reduction in emissions.

~~**Emission Standards**~~ - A limitation on the release of a contaminant or multiple contaminants into the ambient air. ~~**(WAC 173-400-030(23))**~~ A requirement established under FCAA (*App. B*) or WCAA (*App. B*) 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 FCAA or WCAA.

Emissions Unit (WAC 173-400-030(24)) - Any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA (*App. B*), chap. ter 70.94 or 70.98 RCW (*App. B*).

EPA Certified Woodstove (WAC 173-433-030(2)) - A woodstove that meets the emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by the EPA (*App. B*) under 40 CFR Part 60, Subpart AAA (*App. B*) - Standards of Performance for Residential Wood Heaters as amended through July 1, 1990.

EPA Exempted Device - A device that is not required to be tested under 40 CFR Part 60, Subpart AAA.

Equipment - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the ambient air.

Excess Emissions (WAC 173-400-030(25)) - Emissions of an air pollutant in excess of any applicable emissions standard.

Farmer (WAC 173-430-030(7)) - Any person engaged in the business of growing or producing for sale upon their own lands, or upon the land in which they have a present right of possession, any agricultural product. Farmer does not mean persons using such products as ingredients in a manufacturing process, or persons growing or producing such products primarily for their own consumption.

~~**Federal Land Manager (WAC 173-400-030(29))**~~ - With respect to any lands in the United States, the Secretary of the department with authority over such lands.

~~**Fire Department**~~ - Fire control agency such as city fire departments, local fire districts or the Washington State Department of Natural Resources DNR (*App. B*).

Fire Fighting Training Fires - Fires for the instruction in methods of fire fighting, including but not limited to train-

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ing to fight structural fires, aircraft crash rescue fires, and forest fires.

Fireplace (RCW 70.94.453(3)) - Any permanently installed masonry fireplace; or any factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

Firewood - Bare untreated wood used as fuel in a wood heater, solid fuel burning device, ceremonial fire, or a recreational fire.

First Stage of Impaired Air Quality - Can be declared by the authority ~~When particulate ten-microns PM_{10} and smaller in aerodynamic diameter are is at an ambient level of seventy-five 60 micrograms per cubic meter $\mu g/m^3$ (App. B) of air measured on a twenty-four 24 hour average, or when carbon monoxide CO (App. B) is at an ambient level of eight ppm parts of contaminant per million parts of air by volume measured on an eight-hour average.~~

Fossil Fuel-fired Steam Generator (WAC 173-400-030(30)) - A device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

Fugitive Dust (WAC 173-400-030(31)) - A particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples or areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

Fugitive Emissions (WAC 173-400-030(32)) - Emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

Furnace (40 CFR 60.531) - A solid fuel burning appliance that is designed to be located outside of ordinary living areas and that warms spaces other than the space where the appliance is located, by the distribution of air heated in the appliance through ducts. The appliance must be tested and listed as a furnace under accepted American or Canadian safety testing codes unless exempted from this provision by the EPA. A manufacturer may request an exemption in writing from the EPA by stating why the testing and listing requirement is not practicable and demonstrating that his appliance is otherwise a furnace.

Garbage - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or serving of food.

General Process Unit Source (WAC 173-400-030(33)) - 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.

Good Agricultural Practice (RCW 70.94.640 (5)(b)) - The economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area. This definition applies only to subsection 3.01C3.

Good Engineering Practice (GEP) (WAC 173-400-030(34)) - A calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

Hazardous Air Pollutant - Any air pollutant listed in accordance with section 112(b), FCAA (App. B).

Hearings Board - Hearings Boards as established by RCW 43-21B.

Home Barbecues - A small wood, charcoal, LP (App. B) gas, or natural gas fire for the purpose of cooking.

Hour (WAC 173-435-020(4)) - A 60 minute period, beginning and ending on a clock hour.

Impaired Air Quality - A first or second stage impaired air quality condition declared by ecology or the authority in accordance with WAC 173-433-140.

Incinerator (WAC 173-400-030(35)) - A furnace for the destruction of waste, or oxidizing a waste to facilitate disposal used primarily for the thermal destruction of waste.

Land Clearing Burning - Outdoor fires consisting of residue of a natural character such as trees, stumps, shrubbery of other natural vegetation arising from land clearing projects and burned on the lands on which such materials originated. Outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e. projects that clear the land surface so it can be developed, used for a different purpose, or left unused).

Lowest Achievable Emission Rate (LAER) (WAC 173-400-030(38)) - The term as defined in WAC 173-400. The rate of emissions for any source which reflects the more stringent of:

1. The most stringent emission limitation which is contained in the SIP (App. B) for a class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that the limitations are not achievable; or

2. The most stringent emission limitation which is achieved in practice by such class or category of source.

In no event may 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.

Major Modification (WAC 173-400-030(40)) - Any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA (App. B). Any net emissions increase that is considered significant for volatile organic compounds VOCs (App. B) or nitrogen oxides NO_x (App. B) shall be considered significant for ozone O_3 (App. B). A physical change or change in the method of operation shall not include:

1. Routine maintenance, repair, and replacement;
2. 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;
3. Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425 (App. B);
4. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

5. Use of an alternative fuel or raw material by a stationary source which:

a. The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976; pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51 Subpart I, or 40 CFR 51.166; in a prevention of significant deterioration permit or notice of construction approval; or

b. The stationary source is approved to use under any federally-enforceable ~~notice of construction~~ NSR (App. B) approval or a PSD (App. B) permit issued by the ~~environmental protection agency~~ EPA (App. B) or ecology;

6. 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; pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51 Subpart I, or 40 CFR 51.166; in a prevention of significant deterioration permit or a ~~notice of construction~~ NSR approval;

7. Any change in ownership at a stationary source.

Major Stationary Source (WAC 173-400-030(41)) -

1. Any stationary source which:

a. Emits or has the potential to emit ~~one hundred tons per year~~ 100 TPY (App. B) or more of any air contaminant regulated by the ~~state~~ WCAA (App. B) or ~~Federal Clean Air Acts~~ FCAA (App. B); or

b. Is located in a "marginal" or "moderate" ~~ozone~~ O₃ (App. B) nonattainment area and which emits or has the potential to emit ~~one hundred tons per year~~ 100 TPY (App. B) or more of ~~volatile organic compounds~~ VOCs (App. B) or ~~oxides of nitrogen~~ NO_x (App. B).

2. Any stationary source (or group of stationary sources) which:

a. Is located in a "serious" ~~carbon monoxide~~ CO (App. B) nonattainment area where stationary sources contribute significantly to ~~carbon monoxide~~ CO levels and which emits or has the potential to emit ~~fifty tons per year~~ 50 TPY (App. B) or more of ~~carbon monoxide~~ CO; or

b. Is located in a "serious" ~~particulate matter~~ (PM)₁₀ (App. B) nonattainment area and which emits or has the potential to emit ~~seventy tons per year~~ 70 TPY or more of PM₁₀ emissions.

3. Any physical change that would occur at a stationary source not qualifying under ~~(a) or (b)~~ parts 1 or 2 of this ~~subsection~~ definition as a major stationary source, if the change would constitute a major stationary source by itself;

4. A major stationary source that is major for VOCs or NO_x shall be considered major for ~~ozone~~ O₃ (App. B);

5. The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to ~~(b)~~ part 2 of this ~~subsection~~ definition;

a. Coal cleaning plants (with thermal dryers);

b. Kraft pulp mills;

c. Portland cements plants;

d. Primary zinc smelters;

e. Iron and steel mills;

f. Primary aluminum ore reduction plants;

g. Primary copper smelters;

h. Municipal incinerators capable of charging more than ~~two hundred fifty~~ 250 tons of refuse per day;

i. Hydrofluoric, sulfuric, or nitric acid plants;

j. Petroleum refineries;

k. Lime plants;

l. Phosphate rock processing plants;

m. Coke oven batteries;

n. Sulfur recovery plants;

o. Carbon black plants (furnace process);

p. Primary lead smelters;

q. Fuel conversion plants;

r. Sintering plants;

s. Secondary metal production plants;

t. Chemical process plants;

u. Fossil-fuel boilers (or combination thereof) totaling more than ~~two hundred fifty million~~ 250,000,000 ~~British thermal units~~ BTUs (App. B) per hour heat input;

v. Petroleum storage and transfer units with a total storage capacity exceeding ~~three hundred thousand~~ 300,000 barrels;

w. Taconite ore processing plants;

x. Glass fiber processing plants;

y. Charcoal production plants;

z. Fossil fuel-fired steam electric plants of more than ~~two hundred fifty million~~ 250,000,000 ~~British thermal units~~ BTUs per hour heat input; and

aa. Any other stationary source category which, as of August 7, 1970, was being regulated under sections 111 or 112 of the ~~Federal Clean Air Act~~ FCAA (App. B).

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

7. This definition does not apply to section 4.04.

Materials Handling (WAC 173-400-030(43)) - The handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

Maximum Available Control Technology (MACT) - A standard developed for the control of hazardous air pollutant emissions from specific source categories regulated under 40 CFR Part 63. The full definitions for MACT for existing sources, MACT for new sources, and MACT floor are in 40 CFR 63.51.

Minor Source - Any stationary source which is not a major stationary source (App. A).

Modification (WAC 173-400-030(44)) - 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~~ the source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in section 7411, Title 42, ~~United State Code~~ USC (App. B) and with rules implementing that section.

~~**Multiple Chamber Incinerator** - Any incinerator consisting of three or more refractory lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.~~

National Emission Standards for Hazardous Air Pollutants (NESHAPS) (WAC 173-400-030(45)) - The federal regulations set forth in 40 CFR Part 61 and 63 (App. B).

Natural Vegetation - Unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.

Net Emissions Increase (WAC 173-400-030(47))

1. The amount by which the sum of the following exceeds zero:

- a. Any increase in actual emissions from a particular change or change in method of operation at a source; and
- b. any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

2. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ~~ten~~ five years before construction on the particular change commences and the date that the increase from the particular change occurs.

3. An increase or decrease in actual emissions is creditable only if:

a. It occurred no more than one year prior to the date of ~~s~~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~~ five years after the date of original issue of the ERC (App. B). 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.

b. Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved ~~pursuant to~~ under 40 CFR 51 Subpart I or the EPA (App. B) or ecology has not relied on it in issuing a PSD (App. B) permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

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

5. A decrease in actual emissions is creditable only to the extent that:

a. The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

b. It is federally enforceable at and after the time that actual construction on the particular change begins;

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

d. Ecology or the authority has not relied on it in issuing any permit or order of approval under regulations approved ~~pursuant to~~ under 40 CFR 51 Subpart I (App. B), the EPA (App. B) or ecology has not relied on it in issuing a PSD (App. B) permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

6. 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~~ 180 days.

New Source (WAC 173-400-030(48))

1. The construction or modification of a stationary source that increases the amount of any air contaminant emitted by ~~such~~ a source or that results in the emission of any air contaminant not previously emitted, and;

2. Any other project that constitutes a new source under ~~the Federal Clean Air Act~~ FCAA (App. B).

New Source Performance Standards (NSPS) (WAC 173-400-030(49)) - The federal regulations set forth in 40 CFR Part 60 (App. B).

New Source Review (NSR) - The process for the review and approval or denial of a new source review application.

New Source Review Application - Has the same meaning as notice of construction application.

New Wood Stove (RCW 70.94.453(4)) - A wood stove or wood heater that is sold at retail, bargained, exchanged, or given away for the first time by the manufacturer, the manufacturer's dealer or agency, or a retailer; and has not been so used to have become what is commonly known as "second hand" within the ordinary meaning of that term.

Nonattainment Area - A clearly delineated geographic area which has been designated by EPA ~~promulgation as exceeding a national ambient air quality standard or standards~~ because it does not meet (or it contributes to ambient air quality in a nearby area that does not meet) a NAAQS(s) (App. B) for one or more of the criteria pollutants (App. A), which include CO (App. B), PM (PM₁₀ and PM_{2.5}) (App. B), SO₂ (App. B), NO₂ (App. B), Pb (App. B), and O₃ (App. B).

Notice of Construction Application (NOC) (WAC 173-400-030(51)) - A written application to permit construction of a new source, modification of an existing source or replacement or substantial alteration of control technology at an existing stationary source. ~~Replacement or substantial alteration of control technology does not include routine~~

~~maintenance, repair, or parts replacement. This application has the same meaning as a NSR application.~~

Nuisance - An emission of smoke or any other air pollutant that unreasonably interferes with the use or enjoyment of the property upon which it is deposited.

Opacity (WAC 173-400-030(52)) - The degree to which an object seen through a plume is obscured, stated as a percentage.

~~**Open Fire** - A fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.~~

Order - An order issued by ecology or the authority under chap. 70.94 RCW (App. B), including, but not limited to RCW 70.94.332, RCW 70.94.152, RCW 70.94.153, and RCW 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

Order of Approval or Approval Order (WAC 173-400-030(55)) - A regulatory order issued by ecology or the authority to approve the ~~notice of construction~~ NSR (App. B) application for a proposed new source or modification, or the a replacement or substantial alteration of control technology at an existing stationary source, or to approve alternative methods of ACM (App. B) removal.

Other Outdoor Burning - Any type of outdoor burning not specified in WAC 173-425-020 including, but not limited to, any outdoor burning necessary to protect public health and safety.

Outdoor Burning (WAC 173-400-030(53)) - The combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

~~**Owner** - Includes the person who leases, supervises or operates the equipment or control apparatus.~~

~~**Particle** - A small discrete mass of solid or liquid matter. (General size range from submicron to 2000 micron).~~

Particulate Matter or Particulate (PM) (WAC 173-400-030(56)) - Any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

Particulate Matter Emissions (WAC 173-400-030(57)) - 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 (App. B) or by a test method specified in the ~~Washington state implementation plan SIP (App. B).~~

Parts Per Million (ppm) (WAC 173-400-030(58)) - Parts of a contaminant per million parts of gas, by volume, exclusive of water or particulate.

Pellet Stove (WAC 173-433-030(6)) - A pellet stove with an air-to-fuel ratio ~~equal to or greater than~~ ≥ (App. B) 35.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in 40 CFR Part 60 Appendix A, Reference Method 28A - Measurement of Air to Fuel Ratio and Minimum Achievable Burn Rates for Wood-fired Appliances as amended through July 1, 1990.

Person (WAC 173-400-030(59)) - Any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

PM_{2.5} - Ultra finely divided solid or liquid material, including condensible particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air.

PM₁₀ (WAC 173-400-030(60)) - 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 (App. B) and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

PM₁₀ Emissions (WAC 173-400-030(61)) - 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 SIP (App. B).~~

Potential to Emit (WAC 173-400-030(62)) - The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

Prevention of Significant Deterioration (PSD) (WAC 173-400-030(63)) - The program set forth in WAC 173-400-141.

Rare and Endangered Plant Regeneration Fires (WAC 173-425-030(19)) - Fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in chap. 79.70 RCW.

Reasonable Alternative - A method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning.

Reasonably Available Control Technology (RACT) (WAC 173-400-030(66)) - The lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

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Recreational Fire - Cooking fires, campfires and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal are not considered recreational fires.

Regulation - Any regulation and subsequently adopted additions or amendments thereto of the Restated Regulation 1 of Yakima County Regional Clean Air Authority.

Regulatory Order (WAC 173-400-030(67)) - An order issued by ecology or the authority to an air contaminant source which applies to that source, any applicable provision of chap. 70.94 RCW, or the rules adopted thereunder, or the regulations of the authority.

Residential Burning - The outdoor burning consisting of leaves, clippings, and prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her their designee.

Pollutant	Tons/Year <u>TPY (App. B)</u>
Carbon monoxide <u>CO (App. B)</u>	100
Nitrogen oxides <u>NO_x (App. B)</u>	40
Sulfur dioxide <u>SO₂ (App. B)</u>	40
Particulate matter (PM) <u>(App. B)</u>	25
Fine particulate matter (PM ₁₀) <u>(App. B)</u>	15
Volatile organic compounds (VOC) <u>(App. B)</u>	40
Lead <u>Pb (App. B)</u>	0.6
Fluorides	3
Sulfuric acid <u>H₂SO₄ (App. B) mist</u>	7
Hydrogen sulfide (H ₂ S) <u>(App. B)</u>	10
Total reduced sulfur <u>TRS (App. B)</u> (including H ₂ S)	10
Municipal waste combustor organics	0.0000035
(measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	
Municipal waste combustor metals (measured as PM)	15 or 14 megagrams/yr
Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride HCl)	40 or 36 megagrams/yr
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 or 45 megagrams/yr

Significant Visibility Impairment (WAC 173-400-030(69)) - Visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the class I area and frequency and timing of natural conditions that reduce visibility.

Silvicultural Burning - Burning on any land the Department of Natural Resources protects per Chapter 70.94 RCW and pursuant to Chapter 76.04 RCW. - Outdoor burning relating to the following activities for the protection of life or property and/or the public health, safety, and welfare:

1. Abating a forest fire hazard;

Salvage Operation - An operation conducted in whole, or in part, for the salvaging or reclaiming of any product or material.

Seasoned Wood (WAC 173-433-030(8)) - Wood of any species that has been sufficiently dried so as to contain twenty percent (<20%) or less moisture by weight.

Second Stage of Impaired Air Quality - Can be declared by the authority when particulate ten microns and smaller in aerodynamic diameter PM₁₀ is at an ambient level of one hundred and five 105 micrograms per cubic meter µg/m³ (App. B) of air measured on a twenty-four 24 hour average.

Significant (WAC 173-400-030(68) & 40 CFR 52.21 (b)(23)(i)) - 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 ≥ (App. B) any one of the following rates:

2. Prevention of a forest fire hazard;

3. Instruction of public officials in methods of forest fire fighting;

4. Any silvicultural operation to improve the forest lands of the state; and

5. Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

Small Business - Any business enterprise employing twenty (20) or less persons; the operation of which does not present any potential hazard to public health.

Solid Fuel Burning Device (WAC 173-433-030(9)) - A device that burns wood, coal, or other nongaseous or nonliq-

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uid fuels, which includes any device burning any solid fuel except those prohibited by WAC 173-433-120. This also includes any devices used for aesthetic or space-heating purposes in a private residence for commercial establishment which has a heat input less than one million Btu per hour. In this regulation the phrase "wood or coal heater" is intended to have the same meaning as solid fuel burning device.

Source (WAC 173-400-030(70)) - All of the emissions unit(s), including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties and are under the control of the same person or persons under common control whose activities are ancillary to the production of a single product or functionally related group 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 North American Industry Classification System (NAICS) as amended.

Stack (WAC 173-400-030(72)) - Any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

Stack Height - The height of an emission point measured from the ground-level elevation at the base of the stack.

Standard Conditions (WAC 173-400-030(74)) - A temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury Hg (App. B).

State Implementation Plan (SIP) (40 CFR 51.100(j)) - Plans required by EPA (App. B) to be submitted by ecology (App. B) to either maintain or obtain compliance with existing NAAQS (App. B) and approved or promulgated under section 110 of 172 of FCAA (App. B).

Stationary Source (WAC 173-400-030(75)) - Any building, structure, facility or installation that which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the FCAA.

Storm and Flood Debris Burning - Outdoor burning of natural vegetation from storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the city, county, or state government.

Synthetic Minor (WAC 173-400-030(77)) - Any source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

Threshold Level - The level that delineates whether or not a source must comply with specific requirements.

Toxic Air Pollutant (TAP) or Toxic Air Contaminant (WAC 173-400-030(80)) - Any class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include PM (App. B) and VOCs (App. B) if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include PM and VOCs as generic classes of compounds.

Treated Wood (WAC 173-433-030(10)) - Any species of wood that has been chemically impregnated, painted, or similarly modified to prevent weathering and deterioration.

Twenty-four (24) Hours (WAC 173-400-020(8)) - Any consecutive 24 hours starting at any clock hour.

Tumbleweed Burning - Outdoor burning to dispose of dry plants (typically Russian thistle and tumbleweed mustard plants), that have been broken off, and rolled about, by the wind.

Uncertified Wood Stove (WAC 173-433-030(2)) - A woodstove that does not meet emission performance standards when tested by an accredited independent laboratory or is not labeled according to procedures specified by EPA in 40 CFR Part 60, Subpart AAA, Standards of Performance for Residential Wood Heaters as amended through July 1, 1990.

Unclassifiable Area (FCAA, Sec. 107 (d)(1)(A)(iii)) - Any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant.

Urban Growth Area - Land generally including and associated with an incorporated city which is designated by the county for urban growth under RCW 36.70A.030.

Volatile Organic Compound (VOC) (WAC 173-400-030(84)) - ~~includes:~~ Any compound of carbon, excluding CO, CO₂, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes:

1. Any such organic compound other except than the following, which have been determined to have negligible photochemical reactivity:

- a. Methane;
- b. Ethane;
- c. Methylene chloride (dichloromethane);
- d. 1,1,1-trichloroethane (methyl chloroform);
- e. 1,1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113);
- f. Trichlorofluoromethane (CFC-11);
- g. Dichlorodifluoromethane (CFC-12);
- h. Chlorodifluoromethane (HCFC-22);
- i. Trifluoromethane (HFC-23);
- j. 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
- k. Chloropentafluoroethane (CFC-115);
- l. 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- m. 1,1,1,2-tetrafluoroethane (HFC-134a);
- n. 1,1-dichloro 1-fluoroethane (HCFC-141b);
- o. 1-chloro 1,1-difluoroethane (HCFC-142b);
- p. 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124);
- q. Pentafluoroethane (HFC-125);
- r. 1,1,2,2-tetrafluoroethane (HFC-134);
- s. 1,1,1-trifluoroethane (HFC-143a);
- t. 1,1-difluoroethane (HFC-152a);
- u. Parachlorobenzotrifluoride PCBTF);
- v. Cyclic, branched, or linear completely methylated siloxanes;
- w. Acetones perchloroethylene (tetrachloroethylene); and
- x. Perfluorocarbon compounds which fall into these classes:
 - 1) Cyclic, branched, or linear completely fluorinated alkanes;

2) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and

3) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

2. For the purpose of determining compliance with emission limits, VOC (*App. B*) will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such the compounds is accurately quantified, and such the exclusion is approved by ecology or the authority.

3. As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the amount of negligibly-reactive compounds in the source's emissions.

Weed Abatement Fire - Outdoor burning to dispose of weeds that is not regulated under chap. 173-430 WAC, which applies to agricultural burning.

Wood Heater - Has the same meaning as "solid fuel burning device."

Woodsmoke Control Zone - An area where the use of wood heaters and outdoor and agricultural burning is further restricted to reduce the impact of air pollution during an impaired air quality or air pollution episode. The legal land description is located in app. H, and it is shown on the map in app. I.

Wood Stove (WAC 173-433-030(11)) - An enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating that meets the following criteria contained in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters as amended through July 1, 1990:

1. An air-to-fuel ratio in the combustion chamber averaging less than 35.0, as determined by EPA Reference Method 28A;

2. A useable firebox volume of less than 20 cubic feet;

3. A minimum burn rate less than 11 lbs./hr. (5 kg/hr) as determined by EPA Reference Method 28;

4. A maximum weight of 1764 lbs. (800 kg), excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

A wood stove is a type of wood heater in this regulation. The term "wood stove" does not include wood cook stoves.

Yakima CO Nonattainment Area - The legal description is located in appendix H, and it is shown on the map in app. I.

Yakima PM₁₀ Nonattainment Area - The legal description is located in appendix H, and it is shown on the map in app. I.

Yakima Urban Area - The legal land description is located in appendix H, and it is shown on the map in app. I.

APPENDIX B

Definitions of Acronyms and Abbreviations (*New Appendix*)

This appendix contains the definitions for acronyms and abbreviations used in more than one section of the regulation. Defined acronyms or abbreviations are identified with "(*App. B*)" in the text. The source is identified in *italics*.

ac. - Acre

ACM - Asbestos Containing Material.

ASHERA - Asbestos Hazard Emergency Response Act also known as Title II of Toxic Substances Control Act (TSCA).

AOP - Air Operating Permit.

APCO - Air Pollution Control Officer.

ASIL - Acceptable Source Impact Level.

ASTM - American Society for Materials Testing.

BACT - Best Available Control Technology.

BMP - Best Management Practice.

BTU - British Thermal Unit.

cf - Cubic Feet.

CFR - Code of Federal Regulations

CO - Carbon Monoxide.

°C - Degrees Centigrade.

°F - Degrees Fahrenheit.

DNR - Washington State Department of Natural Resources.

DOA - Washington State Department of Agriculture.

DOT - Washington State Department of Transportation.

dscf - Dry Standard Cubic Foot.

dscm - Dry Standard Cubic Meter.

Ecology - Washington State Department of Ecology

EPA - U.S. Environmental Protection Agency.

ERC - Emission Reduction Credit(s).

FAA - Federal Aviation Administration.

f/cc - Fibers per cubic centimeter

FCAA - Federal Clean Air Act also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L.. 101-549, November 15, 1990.

ft. - Feet.

GEP - Good Engineering Practice.

GIS - Geographic Information System.

HAP - Hazardous Air Pollutant.

HCl - Hydrogen Chloride.

Hg - Mercury.

hr. - Hour.

H₂S - Hydrogen Sulfide.

H₂SO₄ - Sulfuric Acid.

IRS - Internal Revenue Service.

kg - Kilogram.

L&I - Washington State Department of Labor and Industries.

LAER - Lowest Achievable Emission Rate.

lbs - Pounds.

lbs./hr. - Pounds per Hour.

lbs./yr. - Pounds per Year.
lf - Linear Feet.
LP - Liquid Propane.
MACT - Maximum Available Control Technology.
m - Meter.
µg/m³ - Micrograms per Cubic Meter.
mg/m³ - Milligrams per Cubic Meter.
ml - Millileter.
mm - Millimeter.
MTBE - Methyl Tertiary Butyl Ether.
NAAQS - National Ambient Air Quality Standard.
NESHAPS - National Emission Standards for Hazardous Air Pollutants.
NF - National Forest.
NH₃ - Ammonia.
NOC - Notice of Construction.
NOV - Notice of Violation.
NO₂ - Nitrogen Dioxide.
NO_x - Oxides of Nitrogen.
NPDES - National Pollution Discharge Elimination System.
NSPS - New Source Performance Standards.
NSR - New Source Review.
O₂ - Oxygen.
O₃ - Ozone.
OAPCA - Olympic Air Pollution Control Authority.
OSHA - Occupational Health and Safety Administration.
Pb - Lead.
PCE - Perchloroethylene.
PLM - Polarized Light Microscopy.
ppm - Parts per Million
PSCAA - Puget Sound Clean Air Agency.
PSD - Prevention of Significant Deterioration.
QA/QC - Quality Control/Quality Assurance.
RACT - Reasonably Available Control Technology.
RCW - Revised Code of Washington
SCAPCA - Spokane County Air Pollution Control Authority.
SEPA - State Environmental Policy Act, chap. 43.21c RCW & chap. 197-11 WAC.
sf - Square Feet.
SFBD - Solid Fuel Burning Device.
SIP - State Implementation Plan.
SO₂ - Sulphur Dioxide.
SO_x - Oxides of Sulphur.
SM - Synthetic Minor
TAP - Toxic Air Pollutant.
TPY - Tons per Year.
TRS - Total Reduced Sulfur Compounds.
TSP - Total Suspended Particulate.
UBC - Uniform Building Code.
USC - United States Code.
USDA - United States Department of Agriculture.

USDA-FS - U.S. Department of Agriculture, Forest Service.
UTM - Universal Transmercator
VOC - Volatile Organic Compound.
VOCs - Volatile Organic Compounds.
VP - Vapor Pressure.
WAC - Washington Administrative Code.
WCAA - Washington Clean Air Act, chap. 70.94 RCW.
YRCAA - Yakima Regional Clean Air Authority.
> - Greater Than.
< - Less Than.
≥ - Equal to or More Than.
≤ - Equal to or Less Than.
≡ - Equals.

APPENDIX C Subject Index

This appendix contains an index by section and page numbers.

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APPENDIX D

Measurable Emissions Standards for Various Sources *(New Appendix)*

This appendix contains specific information about the measurable emissions standards cited in other sections. 1/

Sub. No. a	Standard		Test Method d	Compliance Assurance e
	Type b	Emission Limit c		
Visible Emissions				
3.01C1a	General Standard	≤ 20% opacity measured for 3 min. in a 1 hr. period.	EPA Method 9, 40 CFR Part 60, App. A. and Ecology Method. 9A, 5/	2/, 3/, 4/
3.01C1a1)	Hog fuel boilers	≤ 20% opacity except for 15 consecutive min. in any 8 hr. period.	EPA Method 9, 40 CFR Part 60, App. A.	2/, 3/
3.01F 3.01F1	Certain Sources Hog fuel boilers	See 3.01C1a1)		
3.01F2	Orchard heating	≤ 20% opacity except during the first 30 min. after ignition.	EPA Method 9, 40 CFR Part 60, App. A.	3/, 4/
3.01F4a	Existing catalytic cracking units	≤ 40% opacity for 3 min. in a 1 hr.	EPA Method 9, 40 CFR Part 60, App. A. and Ecology Method 9A, 5/	3/, 4/, 6/
3.01F4b	New catalytic cracking units	≤ 20% opacity for 3 min. in a 1 hr. period. 7/	EPA Method 9, 40 CFR Part 60, App. A. and Ecology Method. 9A, 5/	3/, 4/, 6/
3.04E1	Wood Heaters	≤ 20% opacity for 6 min. in a 1 hr. period. 8/	EPA Method 9, 40 CFR Part 60, App. A and Ecology Method 9B, 5/	3/
PM				
3.01D1 3.01D1a	Comb. & Incin. Sources Wood derived fuels for steam production	≤ 0.46 gram/dscm or ≤ 0.2 grain/dscf of exhaust gas. 9/, 10/	EPA Method 5, 40 CFR Part 60, App. A.	4/, 11/
3.01D1b	All other fuels	≤ 0.23 gram/dscm or ≤ 0.1 grain/dscf of exhaust gas. 9/, 10/	EPA Method 5, 40 CFR Part 60, App. A.	4/, 11/
3.01E	General Process Sources	≤ 0.23 gram/dscm or ≤ 0.1 grain/dscf of exhaust gas. 9/, 10/.	EPA Method 5, 40 CFR Part 60, App. A.	4/, 11/
SO₂				
3.01C1f	General Standard	≤ 1,000 ppm. 9/, 10/, 12/	EPA Method 6, 40 CFR Part 60, App. A.	2/, 4/, 13/
VOCs				
3.01D2	Incineration Sources.	≤ 100 ppm.	EPA Method 18, 40 CFR Part 60, App. A.	2/, 4/, 13/
H₂SO₄				
3.01F 3.01F5	Certain Sources H ₂ SO ₄ plants	≤ 0.15 lbs./ton of acid produced. 14/	EPA Method 8, 40 CFR Part 60, App. A.	4/, 13/

PERMANENT

Sub. No. a	Standard		Test Method d	Compliance Assurance e
	Type b	Emission Limit c		
NO_x				
3.01	Any source	15/	EPA Method 7E, 40 CFR Part 60, App. A.	4/, 13/

Footnotes

- 1/ When an emission standard is not cited, the user needs to review 40 CFR Parts 60, 61, and 63 for an appropriate standard.
- 2/ When monitoring is required by conditions established in a NSR approval, order, or permit, the monitoring shall be at least once per three months or more frequently if ordered.
- 3/ Test performed by a currently certified opacity reader.
- 4/ Minor sources shall maintain the records of these tests for two years unless ordered otherwise by the APCO. Major sources shall maintain the records for five years.
- 5/ "Source Test Manual Procedure for Compliance Testing", State of Washington, Department of Ecology.
- 6/ Continuous emissions monitoring required as specified by 40 CFR Part 60 Subpart J, Sec. 60.105
- 7/ Unless a lower standard is established during a NSR.
- 8/ Except during the start of a new fire for a period ≤ 20 min. in any four hr. period.
- 9/ (5.07C) Stated Concentrations for combustion and incineration sources will be determined calculated after the volumes are corrected to seven-percent (7%) O₂ (App. B) oxygen except when the authority decides

that an alternate O₂ correction factor is more representative of normal operations.

- 10/ At standard conditions (App. A.)
 - 11/ When monitoring is required by conditions established in a NSR approval, order, or permit, the monitoring shall be at least once per five years or more frequently if ordered.
 - 12/ Calculations based on the average of any period of 60 consecutive minutes.
 - 13/ Existing sources are subject to the compliance assurance requirements of 40 CFR Part 60.
 - 14/ Expressed as 100% H₂SO₄.
 - 15/ The emission limits for NO_x shall be determined in the BACT analysis.
- Notes**
- 1. Alternative test procedures must either:
 - a. Have received advance written approval from the authority in accordance 40 CFR 51.212, or
 - b. Be acceptable procedures contained in "Source Test Manual Procedure for Compliance Testing", State of Washington, Department of Ecology.

APPENDIX E

Cross Reference Between Restated Regulation I of 1995 and Regulation 1 (New Appendix)

SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
ARTICLE I		
Section 1.01	1.03	Reference to cooperation w/ YIN was removed.
Section 1.02	1.02	
Section 1.03	App. A App. H	Common definitions used in more than one section. Specific definitions used in only one section is in that section. Legal land descriptions for Woodsmoke Control Zone, Yakima Urban Area, & Yakima PM ₁₀ Nonattainment Area are in App. H.
ARTICLE II		
Section 2.01	1.04	Rewritten extensively.
2.01		
Section 2.02		
2.02A	1.05C	
2.02B	2.01C 2.01E	
2.02C	2.01C1→2	2.01C3&4 deleted. Authority will use RCW 70.94.200 if needed.
2.02D	2.01D1→3	Split into subsections.
2.02E	2.01A3	Powers broadened to include unless limited by the board.
Section 2.03		
2.03A	1.07B	

PERMANENT

<u>SECTION & SUBSECTION NO.</u>		<u>COMMENTS</u>
<u>EXISTING</u>	<u>PROPOSED</u>	
<u>2.03B</u>	<u>1.07C</u>	
<u>2.03C</u>	<u>1.07D</u>	
<u>2.03D</u>	<u>1.07E</u>	
<u>Section 2.04</u>	<u>1.06C1&2</u>	<u>Rest of 1.06 is a new section.</u>
<u>Section 2.05</u>	<u>1.05D</u>	
<u>Article III</u>		
<u>Section 3.01</u>	<u>5.01</u>	
<u>Section 3.02</u>	<u>=====</u>	<u>Not included. Use state law and WAC.</u>
<u>Section 3.03</u>	<u>=====</u>	<u>Not included. Use state law and WAC.</u>
<u>Section 3.04</u>	<u>2.05C3</u>	
<u>ARTICLE IV</u>		
<u>Section 4.01</u>		
<u>4.01A</u>	<u>4.01B</u> <u>App. G. ¶A&B</u>	
<u>4.01B</u>	<u>4.01F5</u>	
<u>4.01C</u>	<u>=====</u>	<u>No longer applicable technology.</u>
<u>4.01D</u>	<u>4.01C</u>	
<u>4.01E</u>	<u>4.01F1&2</u>	
<u>4.01F</u>	<u>4.01F1d</u>	
<u>4.01G</u>	<u>4.01F4</u>	
<u>4.01H</u>	<u>4.01G</u>	<u>Fee schedules not included in the regulation.</u>
<u>Section 4.02</u>	<u>4.02</u>	
<u>4.02A</u>	<u>4.02B</u>	
<u>4.02B</u>	<u>4.02E5a</u>	
<u>4.02C</u>	<u>4.02E5b</u>	
<u>4.02D</u>	<u>4.02E3</u> <u>4.02F2</u> <u>4.02E4</u> <u>4.02F6</u>	
<u>4.02D1</u>	<u>4.02F3</u>	
<u>4.02D2</u>	<u>4.02F1a</u>	
<u>4.02D3</u>	<u>4.02F1b</u>	
<u>4.02E</u>	<u>4.02F1c→e</u>	
<u>4.02F</u>	<u>4.02F8&9</u>	
<u>4.02G</u>	<u>4.02D</u>	
<u>4.02H</u> <u>4.02H1a&c</u> <u>4.02H1b</u> <u>4.02H2</u>	<u>2.04</u> <u>2.04D</u> <u>2.04D & 4.02E2</u>	<u>Now in a general regulation for all authority activities.</u> <u>Deleted. No longer correct.</u>
<u>4.02I</u>	<u>4.02E &</u> <u>App. F. ¶ C</u>	

PERMANENT

<u>SECTION & SUBSECTION NO.</u>		<u>COMMENTS</u>
<u>EXISTING</u>	<u>PROPOSED</u>	
Section 4.03	<u>4.01D, 4.01E, & 4.02C</u>	
<u>4.03A</u>		
<u>4.03B</u>		
<u>4.03C</u>		
<u>4.03D</u>		
<u>4.03E</u>		
<u>4.03F</u>		
<u>4.03G</u>		
<u>4.03H</u>		
<u>4.03I</u>		
<u>4.03J</u>		
<u>4.03K</u>		
<u>4.03L</u>		
ARTICLE V		
Section 5.01	<u>3.03C2c, tab. 3.03-1 & 2</u>	
<u>5.01A</u>	<u>3.03I</u>	
<u>5.01A1</u> <u>5.01A2</u> <u>5.01A3</u>	<u>tab. 3.03-2</u> ===== <u>tab. 3.03-2</u>	<u>Requirement dropped.</u>
<u>5.01B</u>	<u>3.03B</u>	<u>This section is not applicable to silvicultural burning.</u>
<u>5.01C</u>	<u>tab. 3.03-2</u>	
<u>5.01D</u>	<u>1.07A</u>	
<u>5.01E</u>	<u>5.01K</u>	
Section 5.02A	<u>3.03B</u>	<u>Similar language.</u>
<u>5.02A1</u>	<u>3.03C1, 3.03D1, & 3.03F1</u>	
<u>5.02A1a</u>	<u>3.03D1a & 3.03F2b</u>	
<u>5.02A1b & 5.02A1c</u>	<u>3.03C2f(1) & 3.05C2a</u>	
<u>5.02B</u>	====	<u>Subsection deleted.</u>
Section 5.03		
<u>5.03A</u>	<u>3.03A</u>	
<u>5.03B</u>	<u>3.03C1c</u>	<u>Added the city of Sunnyside to recognize the existing city ordinance.</u>
<u>5.03C</u> <u>5.03C1</u> <u>5.03C2</u>	<u>3.03C1b(2)</u> ===== <u>3.03C2b)</u>	<u>Not needed. Covered by 3.03C1c</u>
<u>5.03D</u> <u>5.03D1</u> <u>5.03D2</u> <u>5.03D3</u>	<u>3.03C2c(1) & tab. 3.03-2</u> <u>tab. 3.03-1&2</u> <u>tab. 3.03-1&2</u> <u>tab. 3.03-1&2</u>	<u>Reference to flares, torches, gas burners, incense burners, & insect pots dropped.</u>

PERMANENT

<u>SECTION & SUBSECTION NO.</u>		<u>COMMENTS</u>
<u>EXISTING</u>	<u>PROPOSED</u>	
<u>5.03Da→f</u>	<u>3.03E1, 2, & 3 & GRP No. 3.03 - 1</u>	
<u>Section 5.04</u>		
<u>5.04A</u>	<u>3.03C,D, E, & F</u>	
<u>5.04A1</u>	<u>tab. 3.03-1</u>	
<u>5.04A1a</u>	<u>N/A</u>	<u>Offering farmers the choice of a annual permit or specific burning permits.</u>
<u>5.04A1b</u>	<u>tab. 3.03-1</u>	<u>Deleted requirement for certification by an agricultural extension agent.</u>
<u>5.04A2</u>	<u>tab. 3.03-1&2 & GRP No. 1 → 4</u>	
<u>5.04B</u>	<u>3.03C2d</u>	
<u>5.04C</u>	<u>3.03C2d</u>	
<u>5.04D</u>	<u>3.03C2b</u>	
<u>Section 5.05</u>	<u>3.03C1 & 3.03D2a(1)</u>	<u>Exemptions are in Table 3.03-1.</u>
<u>5.05 Last sentence</u>	<u>3.03C2g</u>	<u>Adds "no smoke" to the definition for an extinguished fire.</u>
<u>5.05A</u>	<u>3.03C2f(1)</u>	
<u>5.05A1</u>	<u>3.05C2a</u>	
<u>5.05A1</u>	<u>3.03Cf(2)→(4)</u>	
<u>5.05B</u>	<u>3.03C2i</u>	
<u>Section 5.06</u>		
	<u>3.01B</u>	
	<u>3.01C2a</u>	
	<u>3.01C2b</u>	
<u>5.06A</u>	<u>3.01C1a</u>	
<u>5.06A1</u>	<u>3.01C1a(1)</u>	
<u>5.06A2</u>	<u>3.01C1a(2)</u>	
<u>5.06A3</u>	<u>3.01C1a(3) & 3.04D1a</u>	
<u>5.06B</u>	<u>3.01C1b(1)</u>	
<u>5.06C</u>	<u>3.01C2c</u>	
<u>5.06D</u>	<u>3.01C1c</u>	
<u>5.06E</u>	<u>3.01C1d</u>	
<u>5.06F</u>	<u>3.01C1e</u>	
<u>5.06F1</u>	<u>3.01C1e(1)</u>	
<u>5.06F2</u>	<u>3.01C1e(2)</u>	
<u>5.06G</u>	<u>3.01C1f</u>	
<u>5.06H</u>	<u>3.01C2d</u>	
<u>5.06H1</u>	<u>3.01C2d(1)</u>	
<u>5.06H2</u>	<u>3.01C2d(2)</u>	
<u>5.06I</u>	<u>3.01C1g</u>	
<u>5.06J</u>	<u>3.01C2e</u>	
<u>Section 5.07</u>		
	<u>3.01D</u>	
<u>5.07A</u>	<u>3.01C1a</u>	
<u>5.07B</u>	<u>App. D, VOC & Footnote 8</u>	

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SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
<u>5.07C</u>	App. D. Footnote 5	
<u>5.07D</u>	<u>3.01D2c</u>	
<u>5.07E</u>	<u>3.01E2</u>	
Section 5.08	<u>3.01E2</u>	
Section 5.09	<u>3.01F</u>	
<u>5.09A</u> <u>5.09A1</u> <u>5.09A2</u>	4.02D or E&F N/A 4.02D4 or 4.02F1	<u>Will be a requirement of NSR or temporary permitting under section 4.02.</u>
<u>5.09B</u> <u>5.09B1</u> <u>5.09B2</u> <u>5.09B3</u>	<u>3.01F1</u> <u>3.01C1a(1)</u> <u>3.01C2b &</u> <u>3.00F1</u> <u>3.01F1a→c</u>	
<u>5.09C</u> <u>5.09C1</u> <u>5.09C2</u>	<u>3.01F2a</u> <u>3.01F2a</u> App. D	
<u>5.09D</u> <u>5.09D1</u> <u>5.09D2</u>	<u>3.01F3</u> N/A <u>3.01F3</u>	<u>No longer needed.</u>
<u>5.09E</u> <u>5.09E1</u> <u>5.09E2</u> <u>5.09E3</u> <u>5.09E4</u>	<u>3.07</u> <u>3.07→K</u> <u>3.07</u> <u>3.07F</u> App. F, ¶ E	<u>This is a total rewrite patterned after the SCAPCA Sect. 9.01 → 9.08</u> <u>Fee schedule corrected to remove errors in the old reg.</u>
<u>5.09F</u>	=====	<u>Deleted. Obsolete technology.</u>
<u>5.09G</u> <u>5.09G1</u> <u>5.09G2</u>	<u>3.01F4</u> App. D <u>3.01F4b</u>	
<u>5.09H1</u> <u>5.09H2</u>	<u>3.01C</u> <u>3.01C2b &</u> App. D	
Section 5.10	=====	<u>Deleted. This section has not been used and there is no foreseeable use for it.</u>
Section 5.11	<u>3.11</u>	<u>Some text in 2.01.</u>
<u>5.11A</u>	<u>3.11E1a&b</u>	
<u>5.11B</u>	<u>2.01D1</u>	<u>Reference to 2.01D in subsection 3.11E2b2)</u>
<u>5.11C</u>	<u>3.11E2</u>	<u>Deleted the requirement for a owner/operator to provide a sampling platform or ports.</u>
<u>5.11D</u>	<u>3.11D2</u>	<u>Rewritten to conform to WAC 173-400-107.</u>
<u>5.11E</u> <u>5.11E1→4</u> <u>5.11E5</u>	<u>3.11F</u> <u>3.11F2 &</u> Table 3.11-1 <u>3.11F5</u>	
<u>5.11F</u>	<u>3.11F3b</u>	<u>18 month time requirement for installation removed.</u>
<u>5.11G</u>	<u>3.11F6</u>	

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SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
<u>5.11H</u>	<u>3.11F4</u>	
<u>5.11I</u>	<u>3.11D4</u>	
<u>5.11J</u>	<u>3.11E3</u>	
<u>5.11K</u>	<u>3.11D3</u>	
Section 5.12	<u>3.01</u>	
<u>5.12A</u>	<u>3.01C1b(2)</u>	
<u>5.12B</u>	<u>3.01C1b(3)</u>	
<u>5.12C</u>	<u>1.07H</u>	
<u>5.12D</u>	<u>3.08A4f</u>	
ARTICLE VI		
Section 6.01	<u>4.04A</u>	
Section 6.02	<u>4.04J & App. F, ¶ F</u>	
ARTICLE VII		
Section 7.01	<u>3.00E</u>	
<u>7.01A</u>	<u>3.00E2</u>	
<u>7.01A1</u>	<u>3.00E3e(1)</u>	
<u>7.01A2</u>	<u>3.00E3e(2)</u>	
<u>7.01A3</u>	<u>3.00E6</u>	
<u>7.01A4</u>	<u>3.00E7</u>	
<u>7.01B</u>	<u>3.00E3b</u>	
<u>7.01C</u>	<u>3.00E4</u>	
<u>7.01C1</u>	<u>3.00E4a</u>	
<u>7.01C2</u>	<u>3.00E4b</u>	
<u>7.01C3</u>	=====	<u>Duplicated by other subsections.</u>
<u>7.01D</u>	<u>3.00E8</u>	
<u>7.01E</u>	<u>3.00E9</u>	
<u>7.01F</u>	<u>3.00E10</u>	
<u>7.01G</u>	<u>3.00E3c</u>	
ARTICLE VIII		
Article 5	<u>Article 5</u>	
Section 8.01		
<u>8.01A</u>	=====	<u>Deleted. Refer to Chap. 70.94 RCW.</u>
<u>8.01B</u>	=====	<u>Deleted. Refer to Chap. 70.94 RCW.</u>
<u>8.01C</u>	=====	<u>Deleted. Refer to Chap. 70.94 RCW.</u>
<u>8.01D</u>	=====	<u>Deleted. Refer to Chap. 70.94 RCW.</u>
Section 8.02		
<u>8.02A</u>	<u>5.02D1&2</u>	
<u>8.02B</u>	<u>5.02E</u>	
<u>8.02C</u>	<u>5.02F</u>	
<u>8.02D</u>	<u>5.02G</u>	
<u>8.02E</u>	<u>5.02H</u>	
<u>8.02F</u>	<u>5.02J</u>	<u>Delete table on Pg. 8-3.</u>
<u>8.02G</u>	<u>5.02I</u>	
Section 8.03	<u>5.01F</u>	
Section 8.04	<u>5.01E</u>	

SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
Section 8.05	1.07G	
ARTICLE IX		
Section 9.01	3.04A	
Section 9.02	3.04E1 and App. D	Reference to 10% opacity standard for education dropped.
Section 9.03	3.04E2	
Section 9.04		
9.04A	3.04D1	Definitions of certified stoves removed because this is a UBC requirement. Definitions are still in appendix A.
9.04B	3.04D1	Definitions of certified stoves removed because this is a UBC requirement. Definitions are still in appendix A.
9.04C	3.04D1	Definitions of certified stoves removed because this is a UBC requirement. Definitions are still in appendix A.
9.04D	3.04D2	
9.04E	3.04C	
Section 9.05		
9.05A	3.05B & 3.05D2	
9.05A1	3.05C2b & tab. 3.05-1	
9.05A2	tab. 3.05-1 & 3.05C1a(1)	
9.05A3	tab. 3.05-1 & 3.05C1a(2)	
ARTICLE X		
Section 10.01	3.06	
ARTICLE XI		
1.08		
ARTICLE XII		
2.03		
Section 2.01	2.03A	
Section 12.02	2.03B	
ARTICLE XIII		
Section 13.01	_____	Not included in the regulation. Fees will be adopted by board resolution.
Section 13.02	_____	Not included in the regulation. Fees will be adopted by board resolution.
Section 13.03	_____	Not included in the regulation. Fees will be adopted by board resolution.
Section 13.04	_____	Not included in the regulation. Fees will be adopted by board resolution.
Section 13.05		
13.05A	_____	Not included in the regulation. Fees will be adopted by board resolution.
13.05B	_____	Not included in the regulation. Fees will be adopted by board resolution.
13.05C	_____	Not included in the regulation. Fees will be adopted by board resolution.
13.05D	2.02D3	
SIGNATURE PAGE		Page following the table of contents.

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APPENDIX F
(Reserved for later use)

APPENDIX G
Registration Program Information

A. The owner or operator of each source within the following source categories, that does not hold an operating permit, shall register the source with the Authority: (4.01A) This appendix provides specific information on applicability and exemptions for the registration program in section 4.01.

1. Agricultural drying and dehydrating operations;
2. Asphalt plants;
3. Beverage can surface coating operations;
4. Bulk gasoline terminals;
5. Cattle feed lots; for the purposes of registration a cattle feed lot is a place with facilities for 1,000 or more head of cattle which are kept closely confined for commercial purposes and substantially all feed used is delivered to them;
6. Chemical plants;
7. Ferrous foundries;
8. Fertilizer plants;
9. Flexible vinyl and urethane coating and printing operations;
10. Grain handling, seed processing, pea and lentil processing;
11. Metallic mineral processing plants;
12. Mineralogical processing plants;
13. Nonferrous foundries;
14. Other metallurgical processing plants;
15. Petroleum refineries;
16. Power boilers;
17. Pressure sensitive tape and label surface coating operations;
18. Rendering plants;
19. Scrap metal operations;
20. Synthetic organic chemical manufacturing industries;
21. Sulfuric acid plants;
22. Synthetic fiber production facilities;
23. Veneer dryers;
24. Wood waste incinerators including wigwam burners;
25. Other incinerators designed for a capacity of 100 lbs per hour or more;
26. Stationary internal combustion engines rated at 500 h.p. or more;
27. Sawmills, including processing for lumber, plywood, shake, shingle, pulp wood, insulating board, or any combination thereof.
28. Any category of stationary sources to which a New Source Performance Standard (NSPS) applies. The categories as identified in the federal regulations 40 CFR Part 60 (January 1, 1993) are as follows:
 - Subpart D Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
 - Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978,

which have a heat input greater than 73 megawatts but not greater than 250 megawatts Subpart Db Industrial commercial institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts

- Subpart De Small industrial commercial institutional steam generating units
- Subpart E Incinerators
- Subpart Ea Municipal waste combustors
- Subpart F Portland cement plants
- Subpart G Nitric acid plants
- Subpart H Sulfuric acid plants
- Subpart I Asphalt concrete plants
- Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products
- Subpart K Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
- Subpart Ka Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
- Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984
- Subpart L Secondary lead smelters
- Subpart M Brass and bronze ingot production plants
- Subpart N Iron and steel plants
- Subpart O Sewage treatment plants
- Subpart P Primary copper smelters
- Subpart Q Primary zinc smelters
- Subpart R Primary lead smelters
- Subpart S Primary aluminum reduction plants
- Subpart T Phosphate fertilizer industry: Wet process phosphoric acid plants
- Subpart U Phosphate fertilizer industry: Superphosphoric acid plants
- Subpart V Phosphate fertilizer industry: Diammonium phosphate plants
- Subpart W Phosphate fertilizer industry: Triple superphosphate plants
- Subpart X Phosphate fertilizer industry: Granular triple superphosphate storage facilities
- Subpart Y Coal preparation plants
- Subpart Z Ferroalloy production facilities
- Subpart AA Steel plants: Electric arc furnaces
- Subpart AAa Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels
- Subpart BB Kraft pulp mills
- Subpart CC Glass manufacturing plants
- Subpart DD Grain elevators
- Subpart EE Industrial surface coating: Metal furniture
- Subpart GG Stationary gas turbines
- Subpart HH Lime manufacturing plants
- Subpart KK Lead acid battery plants
- Subpart LL Metallic mineral processing plants
- Subpart MM Automobile and light duty truck surface coating operations
- Subpart NN Phosphate rock plants
- Subpart PP Ammonium sulfate manufacture

Subpart QQ Publication rotogravure printing
 Subpart RR Pressure sensitive tape and label surface coating operations
 Subpart SS Industrial surface coating: Large appliances
 Subpart TT Industrial surface coating: Metal coils
 Subpart UU Asphalt processing and asphalt roofing manufacture
 Subpart VV SOCMI equipment leaks (VOC)
 Subpart WW Beverage can surface coating operations
 Subpart XX Bulk gasoline terminals
 Subpart BBB Rubber tire manufacturing industry
 Subpart DDD VOC emissions from the polymer manufacturing industry
 Subpart FFF Flexible vinyl and urethane coating and printing
 Subpart GGG Petroleum refineries—compressors and fugitive emission sources
 Subpart HHH Synthetic fiber production facilities
 Subpart III VOC emissions from SOCMI air oxidation unit processes
 Subpart JJJ Petroleum dry cleaners
 Subpart KKK Equipment leaks of VOC from onshore natural gas processing plants
 Subpart LLL Onshore natural gas processing; SO₂ emissions
 Subpart NNN VOC emissions from SOCMI distillation operations
 Subpart PPP Wool fiberglass insulation manufacturing plants
 Subpart QQQ VOC emissions from petroleum refinery wastewater emissions
 Subpart SSS Magnetic tape coating facilities
 Subpart TTT Industrial surface coating: Surface coating of plastic parts for business machines
 Subpart VVV Polymeric coating of supporting substrates facilities:

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.

29. Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);

30. Any major stationary source as defined below;

"Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in (a), (b), or (c) of this subsection. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(a) A major source under section 112 of the FCAA, which is defined as any stationary source or group of stationary sources located within a contiguous area and under com-

mon control that emits or has the potential to emit, in the aggregate, ten tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the FCAA, twenty-five tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(b) A major stationary source of air pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit, one hundred tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator).

(c) A major stationary source as defined in part D of title I of the FCAA, including:

(i) For ozone nonattainment areas, sources with the potential to emit one hundred tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty tpy or more in areas classified as "serious," twenty-five tpy or more in areas classified as "severe," and ten tpy or more in areas classified as "extreme"; except that the references in this paragraph to one hundred, fifty, twenty-five, and ten tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under section 182 (f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(ii) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit fifty tpy or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas (A) that are classified as "serious," and (B) in which stationary sources contribute significantly to carbon monoxide levels, sources with the potential to emit fifty tpy or more of carbon monoxide; and

(iv) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit seventy tpy or more of PM-10.

31. Any of the following categories of sources which are listed in WAC 173-460-030(1):

Standard industrial classifications:

Major group 10 Metal mining.

Major group 12 Bituminous coal and lignite mining.

Major group 13 Oil and gas extraction.

Manufacturing industries major groups 20-39.

Major group 49 Electric, gas, and sanitary services except 4971 irrigation systems.

Dry cleaning plants, 7216.

General medical surgical hospitals, 8062.

Specialty hospitals, 8069.

National Security, 9711.

Any Source category listed in WAC 173-490-030(1) except WAC 173-490-030 (1)(c) Gasoline dispensing facilities.

WAC 173-490-030(1) categories:

- a. Petroleum refineries;
 - b. Petroleum liquid storage tanks;
 - c. Gasoline loading terminals;
 - d. Bulk gasoline plants;
 - f. Surface coaters;
 - g. Open top vapor degreasers;
 - h. Conveyerized degreasers;
 - i. Gasoline transport tanks;
 - j. Vapor collection systems;
 - k. Perchloroethylene dry cleaning systems;
 - l. Graphic arts systems;
 - m. Surface coaters of miscellaneous metal parts and products;
 - n. Synthesized pharmaceutical manufacturing facilities;
 - o. Flatwood panel manufacturers and surface finishing facilities;
- Any of the following sources:
- Landfills;
 - Sites subject to chapter 173-340 WAC Model Toxics Control Act Cleanup regulation;

A. SOURCE CLASSIFICATION LIST. (WAC 173-400-100(1))

1. Agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;
2. Agricultural drying and dehydrating operations;
3. Any category of stationary sources to which a federal standard of performance (NSPS) under 40 CFR Part 60 (App. B) as of the effective date in section 1.08, other than Subpart AAA (Standards of Performance for New Residential Wood Heaters) applies;
4. Any source category subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS) under 40 CFR Part 61 as of the effective date in section 1.08, other than Subpart M (National Emission Standard for Asbestos) or a Maximum Achievable Control Technology (MACT) standard in 40 CFR Part 63 as of the effective date in section 1.08 established under Section 112 of the FCAA (App. B);
5. Any source, stationary source or emission unit with a significant emission as defined by WAC 173-400-030(67);
6. Asphalt and asphalt products production facilities;
7. Brick and clay manufacturing plants, including tiles and ceramics;
8. Casting facilities and foundries, ferrous and nonferrous;
9. Cattle feedlots with facilities which operate between June 1st and October 1st, have an inventory of 1,000 or more cattle, and vegetation forage growth is not sustained over the majority of the lot during the normal growing season;
10. Chemical manufacturing plants;
11. Composting operations, including commercial, industrial and municipal, but exempting residential composting activities;
12. Concrete product manufacturers and ready mix and premix concrete plants;
13. Crematoria or animal carcass incinerators;
14. Dry cleaning plants;
15. Materials handling and transfer facilities that generate fine particulate, which may include pneumatic conveying,

cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere;

16. Flexible vinyl and urethane coating and printing operations;

17. Grain, seed, animal feed, legume, and flour processing operations, and handling facilities;

18. Hay cubers and pelletizers;

19. Hazardous waste treatment and disposal facilities;

20. Ink manufacturers;

21. Insulation fiber manufacturers;

22. Landfills, active and inactive, including covers, gas collection systems or flares;

23. Metal plating and anodizing operations;

24. Metallic and nonmetallic mineral processing plants, including rock crushing plants;

25. Mills such as lumber, plywood, shake, shingle, wood chip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;

26. Mineralogical processing plants;

27. Other metallurgical processing plants;

28. Paper manufacturers;

29. Petroleum refineries;

30. Plastics and fiberglass product fabrication facilities;

31. Rendering plants;

32. Soil and groundwater remediation projects;

33. Surface coating manufacturers;

34. Surface coating operations including: Automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates;

35. Synthetic fiber production facilities;

36. Synthetic organic chemical manufacturing industries;

37. Tire recapping facilities;

38. Wastewater treatment plants;

39. Any source that has elected to opt-out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of FCAA.

B. Equipment Classification List. (WAC 173-400-100(2))

1. Boilers, all solid and liquid fuel burning boilers with the exception of those used for residential heating;

2. Boilers, all gas fired boilers above 10 million Btu (App. B) per hour input;

3. Chemical concentration evaporators;

4. Degreasers of the cold or vapor type in which more than 5% of the solvent is comprised of halogens or such aromatic hydrocarbons as benzene, ethylbenzene, toluene or xylene;

5. Ethylene oxide (ETO) sterilizers;

6. Flares utilized to combust any gaseous material;

7. Fuel burning equipment with a heat input of more than 1,000,000 Btu per hour: except heating, air conditioning systems, or ventilating systems not designed to remove contaminants generated by or released from equipment;

8. Incinerators designed for a capacity of 100 pounds per hour or more;

9. Ovens, burn-out and heat-treat;

10. Stationary internal combustion engines and turbines rated at 500 horsepower or more;

11. Storage tanks for organic liquids associated with commercial or industrial facilities with capacities equal to or greater than 40,000 gallons;

12. Vapor collection systems within commercial or industrial facilities;

13. Waste oil burners above 0.5 mm Btu heat output;

14. Woodwaste incinerators.

APPENDIX H

Legal Land Descriptions

This appendix provides the legal land descriptions for geographic areas cited in the regulation (*App. A*).

A. WOODSMOKE CONTROL ZONE - An area located in Yakima County, Washington, as shown in Attachment 1, which is legally described as follows:

Beginning at a point on a line which is herein called the Western boundary, and which line is a straight line drawn through the following points:

Point A - Where the South right-of-way line of Highway 410 intersects with the North right-of-way line of Highway 12.

Point B - Where the South right-of-way line of the North Fork of Ahtanum Road intersects with the North right-of-way line of the South Fork of Ahtanum Road.

Which line further extends in a Southwesterly direction to a point where it intersects with the South boundary line of Sections 19, 20, 21, 22, 23, 24 or Township 12 N., Range 16 E., W.M. as such boundary line is extended both Easterly and Westerly, and thence Easterly along said South boundary line of said Sections as extended to the Southeast corner of Section 19, Township 12 N., Range 18 E., W.M.; thence North along the East boundary line of said section to the Northeast corner thereof; thence East along the North boundary line of Sections 20, 21, 22, 23, 24, of Township 12 N., Range 18 E., W.M. as extended Easterly to the Northeast corner of Section 21, Township 12 N., Range 20 E., W.M.; thence North along the East boundary line of Sections 16, 9 and 4 of Township 12 N., Range 20 E., W.M.; thence East to the Southeast corner of Section 34, Township 13 N, Range 20 E., W.M.; thence North along the Easterly boundary line of said Section to the intersection with the U.S. Military Reservation, Yakima Firing Training Center; thence Northerly and Westerly along the boundary line of the U.S. Military Reservation to the Southern boundary of Kittitas County; thence West to the Southeast corner of Section 36, Township 15 N., Range 18 E., W.M.; thence North to the Northeast corner of Section 24, Township 15 N., Range 18 E., W.M.; thence West to the Southeast corner of Section 18, Township 15 N, Range 18 E. W.M. thence West to the intersection of the West boundary line as herein described; thence Southwesterly along said West boundary line to the point of beginning.

B. YAKIMA URBAN AREA - An area located in Yakima County, Washington, ~~as shown in Attachment 2~~, which is

legally described (Yakima City Code-Title 15A, Ord.# 10-1985) as follows:

Beginning at the southwest corner of Government Lot 5, Section 17, Township 12 N., Range 19 E., W.M.; thence north along the west line of said Section 17 to the southeast corner of Section 7. Township 12 N., Range 19 E., W.M., thence west along the south line of said Section 7 to the southwest corner of the southeast quarter of said Section 7; thence north along the west line of the east half of said Section 7 to Ahtanum Creek, thence following Ahtanum Creek in a generally westerly direction to the west line of the southwest quarter of the south-east quarter of Section 2, Township 12 N., Range 18 E., W.M.; thence north along said west line to the northwest corner of the southwest quarter of the south-east quarter of said Section 2; thence west along the east-west centerline of the south half of said Section 2 to the west line of said Section 2; thence continuing west along the east-west centerline of the south half of Section 3, Township 12 N., Range 18 E., W.M. to South 34th Avenue; thence north along South 34th Avenue to Ahtanum Road - thence west along Ahtanum Road to 38th Avenue; thence north along 38th Avenue to the north line of Section 3. Township 12 N., Range 18 E., W.M.; thence west along said north line to the northeast corner of Section 4, Township 12 N, Range 18 E., W.M.; thence continuing west along the north line of said Section 4 to the southeast corner of Section 33, Township 13 N., Range 18 E., W.M.; thence continuing west along the south line of said Section 33 to 64th Avenue; thence north along 64th Avenue to the east-west centerline of Sections 32 and 33, Township 13 N, Range 18 E., W.M.; thence west along said east-west centerline to the north-south centerline of the west half of said Section 32; thence north along said north-south centerline to Zier Road; thence west along Zier Road to South 80th Avenue; thence north along South 80th Avenue to Wide Hollow Road; thence west along Wide Hollow Road to the north-south centerline of the east half of Section 30, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline to the east-west centerline of said Section 30; thence west along said east-west centerline to the north-south centerline of the west half of said Section 30; thence north along said north-south centerline to the Yakima Valley Canal; thence following the Yakima Valley Canal in a generally westerly direction to its intersection with Tieton Drive; thence west on Tieton Drive to 96th Avenue; thence north on 96th Avenue to the northwest corner of the southwest quarter of Section 19, Township 13 N., Range 18 E., W.M.; thence north along the west section line of said Section 19 to a point 250 feet south of the northwest corner of the southwest quarter of the northwest quarter of said Section 19; thence north 89°33' East to the Tieton Canal; thence following the Tieton Canal in a generally northeasterly direction to the north-south centerline of the east half of said Section 19; thence north along said north-south centerline to the north-south centerline of the east half of Section 18, Township 13 N., Range 18 E., W.M.; thence north along said north-south centerline of said Section 18 to the east-west centerline of the south half of said Section 18; thence east along said east-west centerline to the west line of Section 17, Township 13 N., Range 18 E., W.M.; thence north along said

west line to the east-west centerline of said Section 17; thence east along said east-west centerline to the east line of said Section 17; thence north along said east line to the south right-of-way line of the former Burlington Northern Railroad, Cowiche Branch; thence following said south right-of-way line in a generally northeasterly direction to the north right-of-way line of State Route 12; thence following said north right-of-way line in a generally southeasterly direction to Cowiche Creek; thence following Cowiche Creek in a generally northeasterly direction to its confluence with the Naches River; thence following the south bank of the Naches River and the south bank of the Yakima River in a generally easterly direction to the north-south centerline of the east half of Section 12, Township 13 N., Range 18 E., W.M.; thence north along said north-south centerline to Rest Haven Road; thence following Rest Haven Road in a generally southeasterly direction to the south line of Section 8, Township 13 N., Range 19 E., W.M.; thence east along the south line of Sections 8 and 9 to the southwest corner of Lot 3 of that certain short plat recorded in Volume 81, Page 133, Short Plat Records of Yakima County; thence continuing east 260 feet along said south section line; thence North 0°02'34" east 270.51 feet; thence north 38°30'50" east 146.66 feet; thence north 47°30'24" east 63.80 feet; thence north 77°58'20" east 1,026.46 feet; thence north 71°00' east 255.38 feet; thence north 59°00' east to the north line of the southwest quarter the southwest quarter of Section 10, Township 13 N., Range 19 E., W.M., thence easterly along said north line to the Northeast corner of said subdivision; thence southerly along the east line of the south-west quarter of the south-west quarter of said Section 10 to the south-east corner of said subdivision; thence westerly along the south line of said Section 10 to the northwest corner of Section 15, Township 13 N., Range 19 E., W.M., thence southerly along the west line of said Section 15 to the southwest corner of the north-west quarter of said Section 15; thence easterly along said east-west centerline to the southeast corner of the northeast quarter of said Section 15; thence easterly along the east-west centerline of Section 14, Township 13 N, Range 19 E., W.M. to the northeast corner of the northwest quarter of the south-west quarter of said Section 14; thence southerly along the north-south centerline of the west half of said Section 14 to the southeast corner of the southwest quarter of the southwest quarter of said Section 14; thence easterly along the south line of said Section 14 to the northeast corner of Section 23, Township 13 N., Range 19 E., W.M.; thence southerly along

the east line of said Section 23 to the southeast corner of said Section 23; thence westerly along the south lines of Sections 23, 22, 21 and 20, Township 13 N., Range 19 E., W.M. to the west bank of the Yakima River; thence following said west bank in a generally southerly direction to a point where it intersects the east right-of-way line of Interstate Highway 82; thence westerly to the point where the west right-of-way line of said interstate highway intersects the south line of Government Lot 2 of Section 17, Township 12 N., Range 19 E., W.M.; thence westerly along the south line of said Government Lot 2 and of Government Lot 5 of said Section 17 to the south-west corner of said Government Lot 5 and the point of beginning.

C. YAKIMA CO NONATTAINMENT AREA. (40 CFR 81.348)

The boundaries and UTM (App. B) coordinates are described as the following:

UTMW	UTMN	Street - Intersection
689.06	5160.91	S 16th Ave/W Mead Ave
688.92	5165.05	S 16th Ave/Hthwy Ave
690.35	5465.10	E "I" St/N 1st St
690.49	5164.63	N 1st St/E "G" St
691.31	5165.01	E "G" St N N 8th St
691.70	5164.07	N 8th St/Pitcher St
692.42	5164.09	Pitcher St/I-82 Intrchge
693.18	5162.80	Nob Hill Blvd Intrchge
693.58	5161.61	Nob Hill Blvd Intrchge
693.66	5159.57	Rudkin Road Intrchge
693.06	5159.55	S 1st Old Town Rd/Mn St
692.43	5160.32	W Washington/S 1st St
682.05	5161.07	E Mead Ave/S 1st St
689.06	5160.91	S 16th Ave/W Mead Ave

D. YAKIMA PM₁₀ NONATTAINMENT AREA. (40 CFR 81.349)

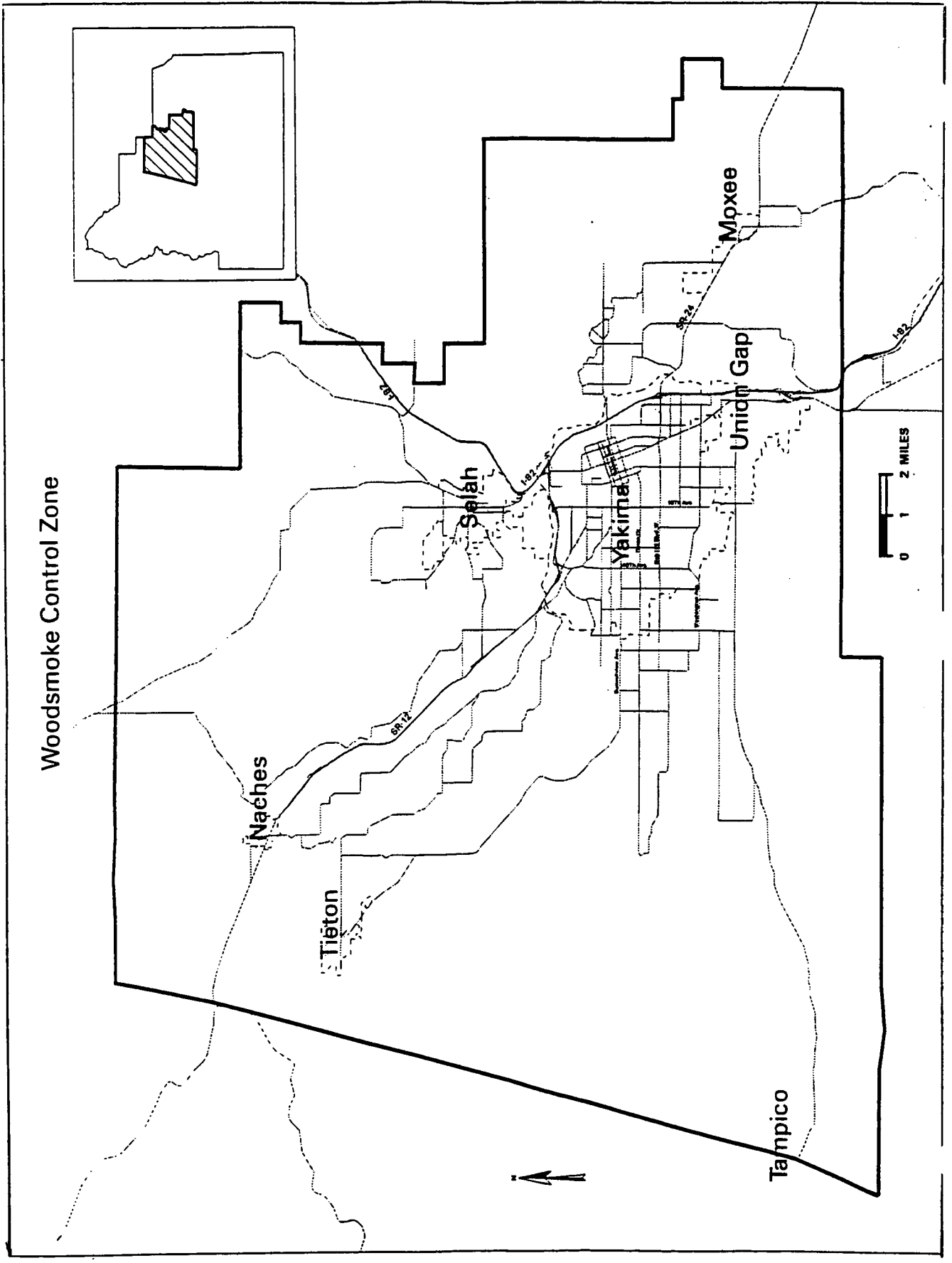
The corners and UTM coordinates are:

Corner	UTMW	UTMN
Southeast	694.00	5157.00
Southwest	681.00	5157.00
Northwest	681.00	5172.00
Northeast	694.00	5172.00

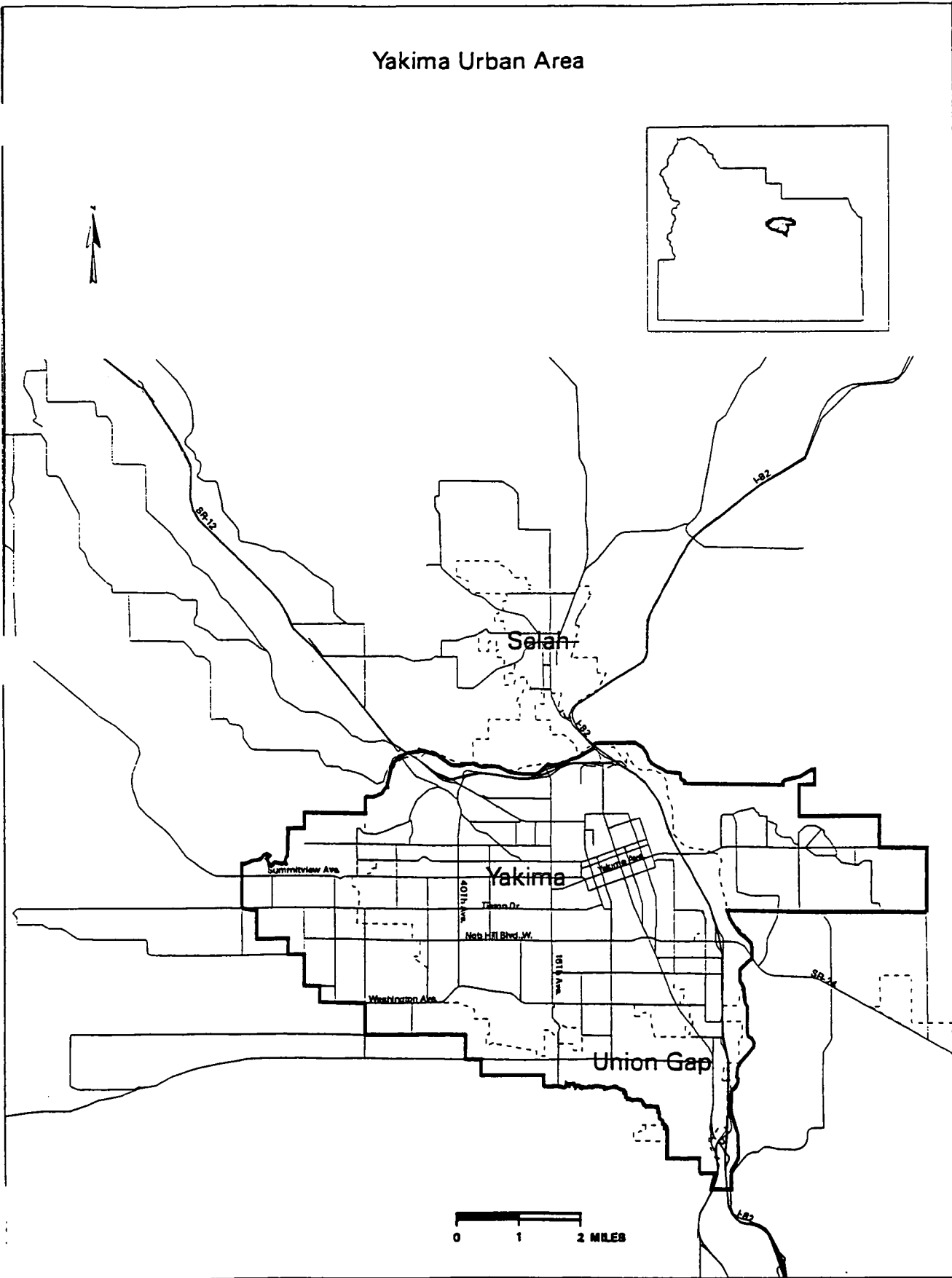
**APPENDIX I
Maps**

<u>Name</u>	<u>Page Number</u>
<u>Woodsmoke Control Zone</u>	<u>I-2</u>
<u>Yakima Urban Area</u>	<u>I-3</u>
<u>Yakima CO Nonattainment Area</u>	<u>I-4</u>
<u>Yakima PM₁₀ Nonattainment Area</u>	<u>I-5</u>

PERMANENT

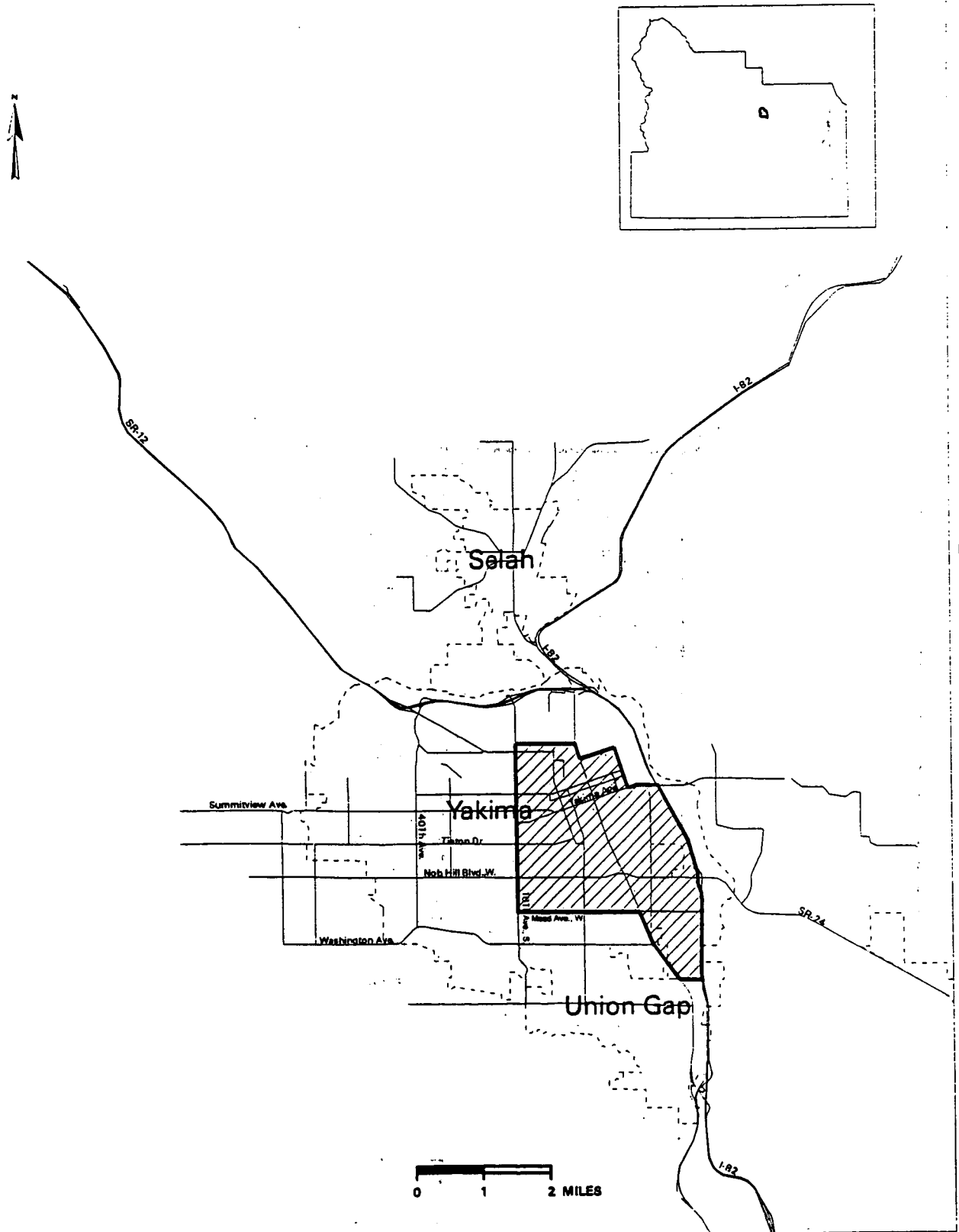


Yakima Urban Area



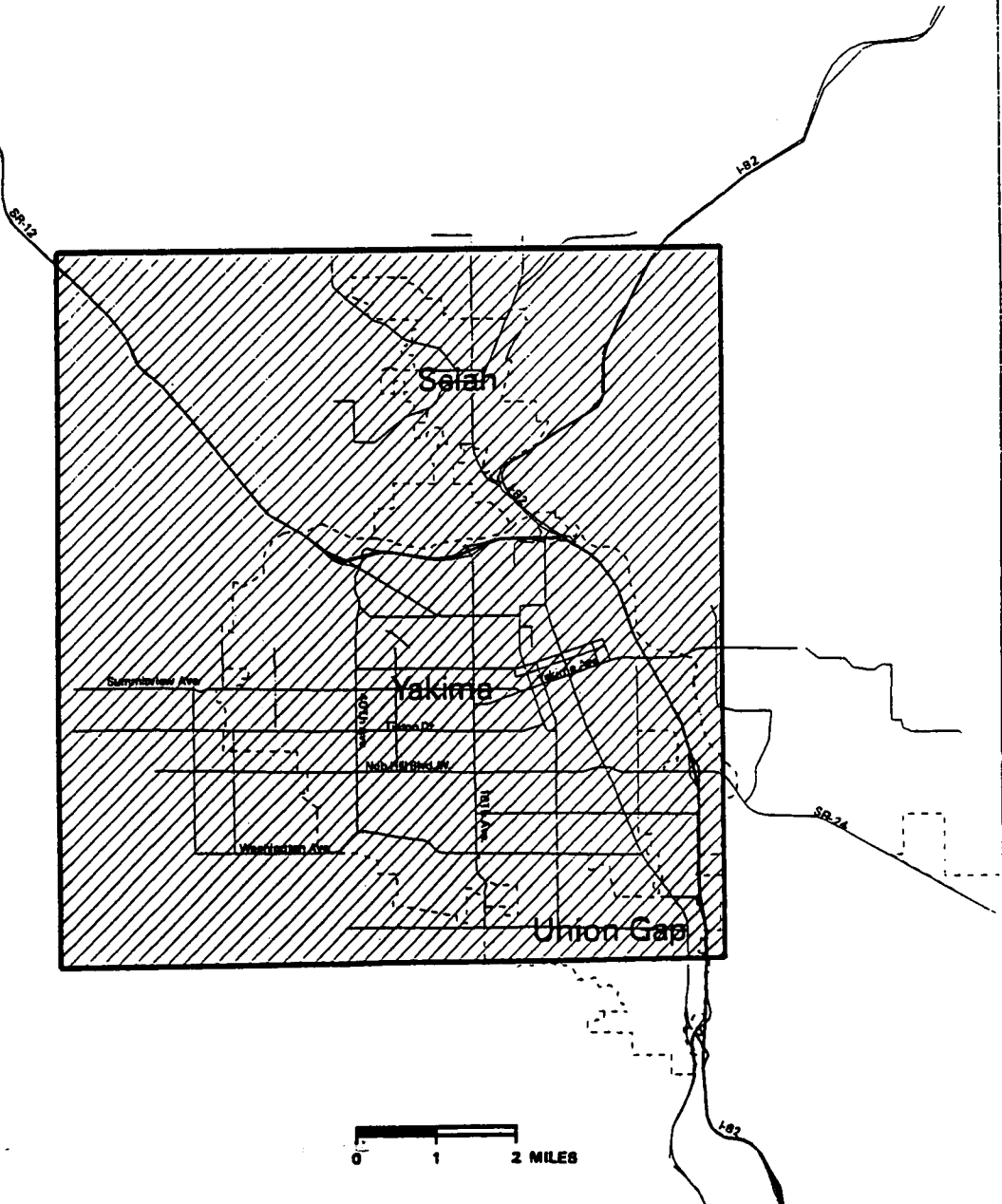
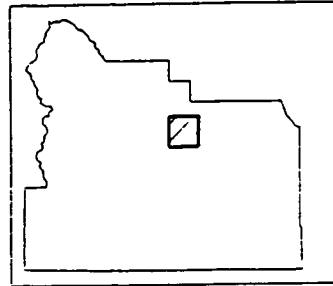
PERMANENT

Yakima CO Nonattainment Area



PERMANENT

Yakima PM₁₀ Nonattainment Area



PERMANENT

APPENDIX I (*New Appendix*)**ERC Discounting Factors**

(Reserved for later use)

APPENDIX K**New Source Review Application Information**

This appendix provides specific information on exemptions for NSR (*App. B*) applications under section 4.02.

A. EMISSION UNIT AND ACTIVITY EXEMPTIONS FOR NON-TOXIC AIR POLLUTANTS. (WAC 173-400-110(4))**1. Maintenance/Construction.**

- a. Cleaning and sweeping of streets and paved surfaces;
- b. Concrete application, and installation;
- c. Dredging wet spoils handling and placement;
- d. Paving application and maintenance, excluding asphalt plants;
- e. Plant maintenance and upkeep activities including ground keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.;
- f. Plumbing installation, plumbing protective coating application and maintenance activities;
- g. Roofing application;
- h. Insulation application and maintenance, excluding products for resale;
- i. Janitorial services and consumer use of janitorial products.

2. Storage Tanks.

- a. Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;
- b. Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;
- c. Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;
- d. Process and white water storage tanks;
- e. Operation, loading and unloading of storage tanks, and storage vessels, with lids or other appropriate closures and less than 260 gallon capacity (35 cf);
- f. Operation, loading and unloading of storage tanks, \leq 1,100 gallon capacity, with lids or other appropriate closure, not for use with materials containing TAP (*App. B*), as defined in 173-460 WAC, max. VP 550 mm Hg @ 21°C (*App. B*);
- g. Operation, loading and unloading storage of butane, propane, or LP gas (*App. B*) with a vessel capacity < 40,000 gallons;
- h. Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

3. Projects with Combined Aggregate Heat Inputs of Combustion Units, \leq all of the Following:

- a. \leq 500,000 Btu/hr (*App. B*) using coal with \leq 0.5% sulfur or other fuels with \leq 0.5% sulfur;
- b. \leq 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;

- c. \leq 400,000 Btu/hr wood waste or paper;
- d. $<$ 1,000,000 Btu/hr using kerosene, #1 or #2 fuel oil and with \leq 0.05% sulfur.
- e. \leq 4,000,000 Btu/hr using natural gas, propane, or LP gas.

4. Material Handling:

- a. Continuous digester chip feeders;
- b. Grain elevators not licensed as warehouses or dealers by either the DOA (*App. B*) or USDA (*App. B*);
- c. Storage and handling of water based lubricants for metal working where organic content of the lubricant is \leq 10%;
- d. Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than 1,000,000 gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.

5. Water Treatment:

- a. Septic sewer systems, not including active wastewater treatment facilities;
- b. NPDES (*App. B*) permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;
- c. De-aeration (O_2 scavenging) of water where toxic air pollutants as defined in chap. 173-460 WAC are not emitted;
- d. Process water filtration system and demineralize vents;
- e. Sewer manholes, junction boxes, sumps, and lift stations associated with wastewater treatment systems;
- f. Demineralize tanks;
- g. Alum tanks;
- h. Clean water condensate tanks.

6. Environmental Chambers and Laboratory Equipment:

- a. Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under 173-460 WAC;
- b. Gas cabinets using only gases that are not toxic air pollutants regulated under 173-460 WAC;
- c. Installation or modification of a single laboratory fume hood;
- d. Laboratory calibration and maintenance equipment.

7. Monitoring/Quality Assurance/Testing:

- a. Equipment and instrumentation used for quality control/assurance or inspection purpose;
- b. Hydraulic and hydrostatic testing equipment;
- c. Sample gathering, preparation, and management;
- d. Vents from continuous emission monitors and other analyzers.

8. Miscellaneous:

- a. Single-family residences and duplexes;
- b. Plastic pipe welding;
- c. Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;
- d. Comfort air conditioning;
- e. Flares used to indicate danger to public;

- f. Natural and forced air vents and stacks for bathroom/toilet activities;
- g. Personal care activities;
- h. Recreational fireplaces used for barbecues, campfires, or ceremonial fires;
- I. Tobacco smoking rooms and areas;
- j. Noncommercial smokehouses;
- k. Blacksmith forges for single forges;
- l. Vehicle maintenance activities, not including vehicle surface coating;
- m. Vehicle or equipment washing;
- n. Wax application;
- o. Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;
- p. Ozone generators and ozonation equipment;
- q. Solar simulators;
- r. Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in 173-460 WAC are not emitted;
- s. Electric circuit breakers, transformers, or switching equipment installation or operation;
- t. Pulse capacitors;
- u. Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;
- v. Recovery boiler blow-down tank;
- w. Screw press vents;
- x. Drop hammers or hydraulic presses for forging or metal working;

- y. Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
- z. Kraft lime mud storage tanks and process vessels;
- aa. Lime grits washers, filters and handling;
- bb. Lime mud filtrate tanks;
- cc. Lime mud water;
- dd. Stock cleaning and pressurized pulp washing down process of the brown stock washer;
- ee. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
- ff. Nontoxic air pollutant, as defined in 173-460 WAC, solvent cleaners less than 10 sf (App. B) air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C;
- gg. Surface coating, aqueous solution or suspension containing ≤ 1% (by weight) VOCs (App. B), and/or toxic air pollutants as defined in 173-460 WAC;
- hh. Cleaning and stripping activities and equipment using solutions having ≤ 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;
- ii. Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in 173-460 WAC.

B. TOXIC AIR POLLUTANTS.

1. Class A TAP, (WAC 173-460—150)

- a. Table K-1, Class A TAP, Known, Probable, and Potential Human Carcinogens.

**Chemical
Abstract
Service
Number**

Substance

<u>75-07-0</u>	<u>Acetaldehyde</u>
<u>53-96-3</u>	<u>2-Acetylaminofluorene</u>
<u>79-06-1</u>	<u>Acrylamide</u>
<u>107-13-1</u>	<u>Acrylonitrile</u>
<u>309-00-2</u>	<u>Aldrin</u>
<u>SSS</u>	<u>Aluminum smelter polyaromatic hydrocarbon emissions</u>
<u>117-79-3</u>	<u>2-Aminoanthraquinone</u>
<u>97-56-3</u>	<u>o-Aminoazotoluene</u>
<u>92-67-1</u>	<u>4-Aminobiphenyl</u>
<u>61-82-5</u>	<u>Amitrole</u>
<u>62-53-3</u>	<u>Aniline</u>
<u>90-04-0</u>	<u>o-Anisidine</u>
<u>C7440-38-2</u>	<u>Arsenic and inorganic arsenic compounds</u>
<u>1332-21-4</u>	<u>Asbestos</u>
<u>2465-27-2</u>	<u>Auramine (technical grade)</u>
<u>71-43-2</u>	<u>Benzene</u>
<u>92-87-5</u>	<u>Benzidine and its salts</u>
<u>56-55-3</u>	<u>Benzo(a)anthracene</u>
<u>50-32-8</u>	<u>Benzo(a)pyrene</u>
<u>205-99-2</u>	<u>Benzo(b)fluoranthene</u>

PERMANENT

**Chemical
Abstract
Service
Number**

Substance

<u>205-82-3</u>	<u>Benzo(j)fluoranthene</u>
<u>207-08-9</u>	<u>Benzo(k)fluoranthene</u>
<u>1694-09-3</u>	<u>Benzyl violet 4b</u>
<u>7440-41-7</u>	<u>Beryllium and compounds</u>
<u>111-44-4</u>	<u>Bis(2-chloroethyl)ether</u>
<u>117-81-7</u>	<u>Bis(2-ethylhexyl)phthalate (DEHP)</u>
<u>542-88-1</u>	<u>Bis(chloromethyl)ether</u>
<u>75-25-2</u>	<u>Bromoform</u>
<u>106-99-0</u>	<u>1,3-Butadiene</u>
<u>3068-88-0</u>	<u>B-Butyrolactone</u>
<u>7440-43-9</u>	<u>Cadmium and compounds</u>
<u>56-23-5</u>	<u>Carbon tetrachloride</u>
<u>57-74-9</u>	<u>Chlordane</u>
<u>510-15-6</u>	<u>Chlorobenzilate</u>
<u>67-66-3</u>	<u>Chloroform</u>
<u>107-30-2</u>	<u>Chloromethyl methyl ether (technical-grade)</u>
<u>108-43-0</u>	<u>Chlorophenols</u>
<u>126-99-8</u>	<u>Chloroprene</u>
<u>C7440-47-3</u>	<u>Chromium, hexavalent metal and compounds</u>
<u>SSS</u>	<u>Coke oven emissions</u>
<u>8001-58-9</u>	<u>Creosote</u>
<u>135-20-6</u>	<u>Cupferron</u>
<u>94-75-7</u>	<u>2,4-D and esters</u>
<u>3547-04-4</u>	<u>DDE (p,p'-Dichlorodiphenyldichloroethylene)</u>
<u>50-29-3</u>	<u>DDT (1,1,1 Trichloro-2,2-Bis(p-chlorophenyl)-ethane)</u>
<u>613-35-4</u>	<u>N,N-Diacetylbenzidine</u>
<u>101-80-4</u>	<u>4,4'-Diaminodiphenyl ether</u>
<u>226-36-8</u>	<u>Dibenz(a,h)acridine</u>
<u>53-70-3</u>	<u>Dibenz(a,h)anthracene</u>
<u>224-42-0</u>	<u>Dibenz(a,j)acridine</u>
<u>132-64-9</u>	<u>Dibenzofurans</u>
<u>189-64-0</u>	<u>Dibenzo(a,h)pyrene</u>
<u>191-30-0</u>	<u>Dibenzo(a,l)pyrene</u>
<u>189-55-9</u>	<u>1,2,7,8-Dibenzopyrene (dibenzo(a,i)pyrene)</u>
<u>192-65-4</u>	<u>Dibenzo(a,e)pyrene</u>
<u>764-41-0</u>	<u>1,4-Dichloro-2-butene</u>
<u>28434-86-8</u>	<u>3,3'-Dichloro-4,4'-diaminodiphenyl ether</u>
<u>106-46-7</u>	<u>1,4-Dichlorobenzene</u>
<u>91-94-1</u>	<u>3, 3'-Dichlorobenzidine</u>
<u>107-06-2</u>	<u>1,2-Dichloroethane (ethylene chloride)</u>
<u>75-09-2</u>	<u>Dichloromethane (methylene chloride)</u>
<u>696-28-6</u>	<u>Dichlorophenylarsine (arsenic group)</u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>
<u>60-57-1</u>	<u>Dieldrin</u>

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<u>1615-80-1</u>	<u>1,2-Diethylhydrazine</u>
<u>101-90-6</u>	<u>Diglycidyl resorcinol ether</u>
<u>119-90-4</u>	<u>3,3'-Dimethoxybenzidine (ortol-dianisidine)</u>
<u>119-93-7</u>	<u>3,3-Dimethyl benzidine</u>
<u>77-78-1</u>	<u>Dimethyl sulfate</u>
<u>540-73-8</u>	<u>1,2-Dimethylhydrazine</u>
<u>123-91-1</u>	<u>1,4-Dioxane</u>
<u>SSS</u>	<u>Dioxins and furans</u>
<u>122-66-7</u>	<u>1,2-Diphenylhydrazine</u>
<u>106-89-8</u>	<u>Epichlorohydrin</u>
<u>106-93-4</u>	<u>Ethylene dibromide (dibromethane)</u>
<u>75-21-8</u>	<u>Ethylene oxide</u>
<u>96-45-7</u>	<u>Ethylene thiourea</u>
<u>50-00-0</u>	<u>Formaldehyde</u>
<u>67-45-8</u>	<u>Furazolidone</u>
	<u>Furium (nitrofurans group)</u>
<u>765-34-4</u>	<u>Glyciaddehyde</u>
<u>76-44-8</u>	<u>Heptachlor</u>
<u>118-74-1</u>	<u>Hexachlorobenzene</u>
<u>319-84-6</u>	<u>Hexachlorocyclohexane (Lindane) Alpha BHC</u>
<u>319-85-7</u>	<u>Hexachlorocyclohexane (Lindane) Beta BHC</u>
<u>58-89-9</u>	<u>Hexachlorocyclohexane (Lindane) Gamma BHC</u>
<u>680-31-9</u>	<u>Hexamethylphosphoramide</u>
<u>302-01-2</u>	<u>Hydrazine</u>
<u>193-39-5</u>	<u>Indeno(1,2,3-cd)pyrene</u>
<u>SSS</u>	<u>Isopropyl oils</u>
<u>SSS</u>	<u>Lead compounds</u>
<u>301-04-2</u>	<u>Lead acetate</u>
<u>7446-27-7</u>	<u>Lead phosphate</u>
<u>129-15-7</u>	<u>2-Methyl-1-nitroanthraquinone</u>
<u>592-62-1</u>	<u>Methyl azoxymethyl acetate</u>
<u>3697-24-3</u>	<u>5-Methylchrysene</u>
<u>101-14-4</u>	<u>4,4'-Methylenebis(2-chloroaniline) (MBOCA)</u>
<u>838-88-0</u>	<u>4,4'-Methylenebis(2-methylaniline)</u>
<u>101-77-9</u>	<u>4,4-Methylene dianiline</u>
<u>13552-44-8</u>	<u>4,4-Methylenedianiline dihydrochloride</u>
<u>64091-91-4</u>	<u>4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone</u>
<u>2385-85-5</u>	<u>Mirex</u>
<u>139-91-3</u>	<u>5-(Morpholinomethyl)-3-amino- 2-oxazolidinone (furaltudone)</u>
<u>134-32-7</u>	<u>1-Naphthylamine</u>
<u>C7440-02-0</u>	<u>Nickel and compounds (as nickel subsulfide or nickel refinery dust)</u>
<u>531-82-8</u>	<u>N-(4-(5-Nitro-2-furyl)-2-thiazolyl)acetamide</u>
<u>602-87-9</u>	<u>5-Nitroacenaphthene</u>

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<u>1836-75-5</u>	<u>Nitrofen</u>
	<u>Nitrofurans</u>
<u>59-87-0</u>	<u>Nitrofurazone</u>
<u>555-84-9</u>	<u>1-(5-Nitrofurfurylidene)amino)-2-imidazolidinone</u>
<u>126-85-2</u>	<u>Nitrogen mustard N-oxide</u>
<u>302-70-5</u>	<u>Nitrogen mustard N-oxide hydrochloride</u>
<u>79-46-9</u>	<u>2-Nitropropane</u>
<u>924-16-3</u>	<u>N-Nitrosodi-n-butylamine</u>
<u>759-73-9</u>	<u>N-Nitroso-N-ethylurea (NEU)</u>
<u>615-53-2</u>	<u>N-Nitroso-N-methylurethane</u>
<u>621-64-1</u>	<u>N-Nitrosodi-n-propylamine</u>
<u>10595-95-6</u>	<u>N-Nitrosomethylethylamine</u>
<u>59-89-2</u>	<u>N-Nitrosomorpholine</u>
<u>86-30-6</u>	<u>N-Nitrosodiphenylamine</u>
<u>55-18-5</u>	<u>N-Nitrosodiethylamine (diethylnitrosoamine) (DEN)</u>
<u>62-75-9</u>	<u>N-Nitrosodimethylamine</u>
<u>2646-17-5</u>	<u>Oil orange SS</u>
<u>794-93-4</u>	<u>Panfuran S (dihydroxymethylfuratrizine)</u>
<u>87-86-5</u>	<u>Pentachlorophenol</u>
<u>127-18-4</u>	<u>Perchloroethylene (tetrachloroethylene)</u>
<u>63-92-3</u>	<u>Phenoxybenzamine hydrochloride</u>
	<u>N-Phenyl-2-naphthylamine</u>
<u>SSS</u>	<u>Polyaromatic hydrocarbons (PAH)</u>
<u>1336-36-3</u>	<u>Polychlorinated biphenyls (PCBs)</u>
<u>3761-53-3</u>	<u>Ponceau MX</u>
	<u>P(p)(alpha, alpha, alpha)-Tetra-chlorotoluene</u>
<u>SSS</u>	<u>Primary aluminum smelter</u>
<u>1120-71-4</u>	<u>1,3-Propane sultone</u>
<u>75-56-9</u>	<u>Propylene oxide</u>
<u>1746-01-6</u>	<u>2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)</u>
<u>139-65-1</u>	<u>4,4'-Thiodianiline</u>
<u>1314-20-1</u>	<u>Thorium dioxide</u>
<u>95-80-7</u>	<u>2,4-Toluene diamine</u>
<u>584-84-9</u>	<u>2,4-Toluene diisocyanate</u>
<u>95-53-4</u>	<u>o-Toluidine</u>
<u>636-21-5</u>	<u>o-Toluidine hydrochloride</u>
<u>8001-35-2</u>	<u>Toxaphene</u>
<u>55738-54-0</u>	<u>Trans-2((Dimethylamino)methylimino)-5-(2-(5-nitro-2-furyl) vinyl)-1,3,4-oxadiazole</u>
<u>79-01-6</u>	<u>Trichloroethylene</u>
<u>88-06-2</u>	<u>2,4,6-Trichlorophenol</u>
<u>75-01-4</u>	<u>Vinyl chloride</u>

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b. Table K-2. Class A TAP with Established ASILs.
(WAC 1273-460-150(2))

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>10⁻⁶ Risk ASIL $\mu\text{g}/\text{m}^3$ Annual Average</u>
75-07-0	<u>Acetaldehyde</u>	0.4500000
79-06-1	<u>Acrylamide</u>	0.0007700
107-13-1	<u>Acrylonitrile</u>	0.0150000
309-00-2	<u>Aldrin</u>	0.0002000
62-53-3	<u>Aniline</u>	6.3000000
C7440-38-2	<u>Arsenic and inorganic arsenic compounds</u>	0.0002300
1332-21-4	<u>Asbestos in fibers/ml</u>	0.0000044
71-43-2	<u>Benzene</u>	0.1200000
92-87-5	<u>Benzidine and its salts</u>	0.0000150
50-32-8	<u>Benzo(a)pyrene</u>	0.0004800
7440-41-7	<u>Beryllium and compounds</u>	0.0004200
111-44-4	<u>Bis(2-chloroethyl)ether</u>	0.0030000
117-81-7	<u>Bis(2-ethylhexyl)phthalate (DEHP)</u>	2.5000000
542-88-1	<u>Bis(chloromethyl)ether</u>	0.0000160
75-25-2	<u>Bromoform</u>	0.9100000
106-99-0	<u>1,3-Butadiene</u>	0.0036000
7440-43-9	<u>Cadmium and compounds</u>	0.0005600
57-74-9	<u>Chlordane</u>	0.0027000
510-15-6	<u>Chlorobenzilate</u>	0.2000000
67-66-3	<u>Chloroform</u>	0.0430000
108-43-0	<u>Chlorophenols</u>	0.1800000
C7440-47-3	<u>Chromium, hexavalent metal and compounds</u>	0.0000830
=====	<u>Coke oven emissions</u>	0.0016000
3547-04-4	<u>DDE (p,p'-Dichlorodiphenyldichloroethylene)</u>	0.1000000
50-29-3	<u>DDT (1,1,1 Trichloro-2,2-Bis(p-chlorophenyl)-ethane)</u>	0.0100000
764-41-0	<u>1,4-Dichloro-2-butene</u>	0.0003800
106-46-7	<u>1,4-Dichlorobenzene</u>	1.5000000
91-94-1	<u>3, 3'-Dichlorobenzidine</u>	0.0770000
107-06-2	<u>1,2-Dichloroethane (ethylene chloride)</u>	0.0380000
75-09-2	<u>Dichloromethane (methylene chloride)</u>	0.5600000
60-57-1	<u>Dieldrin</u>	0.0002200
119-93-7	<u>3,3-Dimethyl benzidine</u>	0.0038000
123-91-1	<u>1,4-Dioxane</u>	0.0320000
122-66-7	<u>1,2-Diphenylhydrazine</u>	0.0045000
106-89-8	<u>Epichlorohydrin</u>	0.8300000
106-93-4	<u>Ethylene dibromide (dibromethane)</u>	0.0045000
75-21-8	<u>Ethylene oxide</u>	0.0100000
96-45-7	<u>Ethylene thiourea</u>	1.0000000
50-00-0	<u>Formaldehyde</u>	0.0770000
76-44-8	<u>Heptachlor</u>	0.0007700
118-74-1	<u>Hexachlorobenzene</u>	0.0022000
58-89-9	<u>Hexachlorocyclohexane (Lindane) Gamma BHC</u>	0.0026000

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<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>10⁻⁶ Risk ASIL $\mu\text{g}/\text{m}^3$ Annual Average</u>
<u>302-01-2</u>	<u>Hydrazine</u>	<u>0.0002000</u>
<u>C7440-02-0</u>	<u>Nickel and compounds (as nickel subsulfide or nickel refinery dust)</u>	<u>0.0021000</u>
<u>924-16-3</u>	<u>N-Nitrosodi-n-butylamine</u>	<u>0.0006300</u>
<u>55-18-5</u>	<u>N-Nitrosodiethylamine (diethylnitrosoamine) (DEN)</u>	<u>0.0000230</u>
<u>62-75-9</u>	<u>N-Nitrosodimethylamine</u>	<u>0.0000710</u>
<u>79-46-9</u>	<u>2-Nitropropane</u>	<u>0.0003700</u>
<u>87-86-5</u>	<u>Pentachlorophenol</u>	<u>0.3300000</u>
<u>127-18-4</u>	<u>Perchloroethylene (tetrachloroethylene)</u>	<u>1.1000000</u>
<u>1336-36-3</u>	<u>Polychlorinated biphenyls (PCBs)</u>	<u>0.0045000</u>
<u>75-56-9</u>	<u>Propylene oxide</u>	<u>0.2700000</u>
<u>1746-01-6</u>	<u>2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)</u>	<u>0.00000003</u>
<u>95-80-7</u>	<u>2,4-Toluene diamine</u>	<u>0.0110000</u>
<u>95-53-4</u>	<u>o-Toluidine</u>	<u>0.1400000</u>
<u>636-21-5</u>	<u>o-Toluidine hydrochloride</u>	<u>0.1400000</u>
<u>8001-35-2</u>	<u>Toxaphene</u>	<u>0.0031000</u>
<u>79-01-6</u>	<u>Trichloroethylene</u>	<u>0.5900000</u>
<u>88-06-2</u>	<u>2,4,6-Trichlorophenol</u>	<u>0.3200000</u>
<u>75-01-4</u>	<u>Vinyl chloride</u>	<u>0.0120000</u>

c. Table K-3. Class A TAP with Special ASILs. (WAC 173-460-150(3))

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<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL $\mu\text{g}/\text{m}^3$</u>	<u>Averaging Time</u>
<u>====</u>	<u>Primary aluminum smelter uncontrolled roof vent polyaromatic hydrocarbon (PAH) emissions 1/</u>	<u>0.0013</u>	<u>Annual</u>
<u>61-82-5</u>	<u>Amitrole</u>	<u>0.06</u>	<u>24 hr.</u>
<u>90-04-0</u>	<u>o-Anisidine</u>	<u>1.7</u>	<u>24 hr.</u>
<u>126-99-8</u>	<u>β-Chloroprene</u>	<u>120</u>	<u>24 hr.</u>
<u>94-75-7</u>	<u>2,4-D and esters</u>	<u>33</u>	<u>24 hr.</u>
<u>78-87-5</u>	<u>1,2-Dichloropropane</u>	<u>4.0</u>	<u>24 hr.</u>
<u>77-78-1</u>	<u>Dimethyl sulfate</u>	<u>1.7</u>	<u>24 hr.</u>
<u>540-73-8</u>	<u>1,2-Dimethylhydrazine</u>	<u>4.0</u>	<u>24 hr.</u>
<u>319-84-6</u>	<u>Hexachlorocyclohexane (Lindane) Alpha BHC</u>	<u>1.7</u>	<u>24 hr.</u>
<u>319-85-7</u>	<u>Hexachlorocyclohexane (Lindane) Beta BHC</u>	<u>1.7</u>	<u>24 hr.</u>
<u>====</u>	<u>Lead compounds</u>	<u>0.5</u>	<u>24 hr.</u>
<u>101-14-4</u>	<u>4,4'-Methylenebis(2-chloroaniline) (MBOCA)</u>	<u>0.7</u>	<u>24 hr.</u>
<u>====</u>	<u>Polyaromatic hydrocarbon (PAH) emissions 1/</u>	<u>0.00048</u>	<u>Annual</u>
<u>584-84-9</u>	<u>2,4-Toluene diisocyanate</u>	<u>0.12</u>	<u>24 hr.</u>

Footnotes

1/ See WAC 173-460-050 (4)(d)(i & ii) for the quantification procedure.

2. Table K-4. Class B TAP. Any Substance that is not a Simple Asphyxiant or Nuisance Particulate. (WAC 173-460-160)

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
86-88-4	<u>ANTU</u>	1.0
60-35-5	<u>Acetamide</u>	==
64-19-7	<u>Acetic acid</u>	83
108-24-7	<u>Acetic anhydride</u>	67
67-64-1	<u>Acetone</u>	5900
75-05-8	<u>Acetonitrile</u>	220
98-86-2	<u>Acetophenone</u>	==
79-27-6	<u>Acetylene tetrabromide</u>	47
107-02-8	<u>Acrolein</u>	0.02
79-10-7	<u>Acrylic acid</u>	0.30
107-18-6	<u>Allyl alcohol</u>	17
107-05-1	<u>Allyl chloride</u>	1.0
106-92-3	<u>Allyl glycidyl ether (AGE)</u>	77
2179-59-1	<u>Allyl propyl disulfide</u>	40.0
C7429-90-5	<u>Aluminum, Al alkyls</u>	6.7
7429-90-5	<u>Aluminum, as AL metal dust</u>	33
C7429-90-5	<u>Aluminum, as AL pyro powders</u>	17
C7429-90-5	<u>Aluminum, as Al soluble salts</u>	6.7
C7429-90-5	<u>Aluminum, as Al welding fumes</u>	17
504-29-0	<u>2-Aminopyridine</u>	6.3
7664-41-7	<u>Ammonia</u>	100
12125-02-9	<u>Ammonium chloride fume</u>	33
3825-26-1	<u>Ammonium perfluorooctanoate</u>	0.33
7773-06-0	<u>Ammonium sulfamate</u>	33
628-63-7	<u>n-Amyl acetate</u>	1800
626-38-0	<u>sec-Amyl acetate</u>	2200
62-53-3	<u>Aniline & homologues</u>	1.0
29191-52-4	<u>Anisidine (o-,p- isomers)</u>	1.7
C7440-36-0	<u>Antimony & compounds as Sb</u>	1.7
1309-64-4	<u>Antimony trioxide, as Sb</u>	1.7
7784-42-1	<u>Arsine</u>	0.53
8052-42-4	<u>Asphalt (petroleum) fumes</u>	17
1912-24-9	<u>Atrazine</u>	17
86-50-0	<u>Azinphos-methyl</u>	0.67
C7440-39-3	<u>Barium, soluble compounds Ba</u>	1.7
17804-35-2	<u>Benomyl</u>	33
98-07-7	<u>Benzotrichloride</u>	==
94-36-0	<u>Benzoyl Peroxide</u>	17
100-44-7	<u>Benzyl chloride</u>	17
92-52-4	<u>Biphenyl</u>	4.3
1304-82-1	<u>Bismuth telluride</u>	33
1304-82-1	<u>Bismuth telluride Se doped</u>	17
C1303-96-4	<u>Borates, anhydrous</u>	3.3

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<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
<u>C1303-96-4</u>	<u>Borates, decahydrate</u>	<u>17</u>
<u>C1303-96-4</u>	<u>Borates, pentahydrate</u>	<u>3.3</u>
<u>1303-86-2</u>	<u>Boron oxide</u>	<u>33</u>
<u>10294-33-4</u>	<u>Boron tribromide</u>	<u>33</u>
<u>76737-07-2</u>	<u>Boron trifluoride</u>	<u>9.3</u>
<u>314-40-9</u>	<u>Bromacil</u>	<u>33</u>
<u>7726-95-6</u>	<u>Bromine</u>	<u>2.2</u>
<u>7789-30-2</u>	<u>Bromine pentafluoride</u>	<u>2.4</u>
<u>106-97-8</u>	<u>Butane</u>	<u>6300.0</u>
<u>111-76-2</u>	<u>2-Butoxyethanol</u>	<u>400</u>
<u>123-86-4</u>	<u>n-Butyl acetate</u>	<u>2400</u>
<u>105-46-4</u>	<u>sec-Butyl acetate</u>	<u>3200</u>
<u>540-88-5</u>	<u>tert-Butyl acetate</u>	<u>3200</u>
<u>141-32-2</u>	<u>Butyl acrylate</u>	<u>170</u>
<u>71-36-3</u>	<u>n-Butyl alcohol</u>	<u>500</u>
<u>78-92-2</u>	<u>sec-Butyl alcohol</u>	<u>1000</u>
<u>75-65-0</u>	<u>tert-Butyl alcohol</u>	<u>1000</u>
<u>1189-85-1</u>	<u>tert-Butyl chromate, as CrO₃</u>	<u>0.33</u>
<u>2426-08-6</u>	<u>n-Butyl glycidyl ether (BGE)</u>	<u>440</u>
<u>138-22-7</u>	<u>n-Butyl lactate</u>	<u>83</u>
<u>109-79-5</u>	<u>n-Butyl mercaptan</u>	<u>6.0</u>
<u>109-73-9</u>	<u>n-Butylamine</u>	<u>50.0</u>
<u>89-72-5</u>	<u>o-sec-Butylphenol</u>	<u>100</u>
<u>98-51-1</u>	<u>p-tert-Butyltoluene</u>	<u>200</u>
<u>156-62-7</u>	<u>Calcium cyanamide</u>	<u>1.7</u>
<u>1305-62-0</u>	<u>Calcium hydroxide</u>	<u>17</u>
<u>1305-78-8</u>	<u>Calcium oxide</u>	<u>6.7</u>
<u>76-22-2</u>	<u>Camphor, synthetic</u>	<u>40</u>
<u>105-60-2</u>	<u>Caprolactam, dust</u>	<u>3.3</u>
<u>105-60-2</u>	<u>Caprolactam, vapor</u>	<u>67</u>
<u>2425-06-1</u>	<u>Captafol</u>	<u>0.33</u>
<u>133-06-2</u>	<u>Captan</u>	<u>17</u>
<u>63-25-2</u>	<u>Carbaryl</u>	<u>17</u>
<u>1563-66-2</u>	<u>Carbofuran</u>	<u>0.33</u>
<u>1333-86-4</u>	<u>Carbon black</u>	<u>12</u>
<u>75-15-0</u>	<u>Carbon disulfide</u>	<u>100</u>
<u>558-13-4</u>	<u>Carbon tetrabromide</u>	<u>4.7</u>
<u>353-50-4</u>	<u>Carbonyl fluoride</u>	<u>18</u>
<u>463-58-1</u>	<u>Carbonyl sulfide</u>	<u>---</u>
<u>120-80-9</u>	<u>Catechol</u>	<u>77</u>
<u>21351-79-1</u>	<u>Cesium hydroxide</u>	<u>6.7</u>
<u>133-90-4</u>	<u>Chloramben</u>	<u>---</u>
<u>55720-99-5</u>	<u>Chlorinated diphenyl oxide (hexachlorophenyl ether)</u>	<u>1.7</u>

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
<u>7782-50-5</u>	<u>Chlorine</u>	<u>5.0</u>
<u>10049-04-4</u>	<u>Chlorine dioxide</u>	<u>0.2</u>
<u>7790-91-2</u>	<u>Chlorine trifluoride</u>	<u>1.3</u>
<u>600-25-9</u>	<u>1-Chloro-1-nitropropane</u>	<u>33</u>
<u>107-20-0</u>	<u>Chloroacetaldehyde</u>	<u>11</u>
<u>79-11-8</u>	<u>Chloroacetic acid</u>	<u>—</u>
<u>532-27-4</u>	<u>α-Chloroacetophenone</u>	<u>1.1</u>
<u>79-04-9</u>	<u>Chloroacetyl chloride</u>	<u>0.67</u>
<u>2698-41-1</u>	<u>o-Chlorobenzylidene malonitrile</u>	<u>1.3</u>
<u>108-90-7</u>	<u>Chlorobenzene</u>	<u>150</u>
<u>74-97-5</u>	<u>Chlorobromomethane</u>	<u>3500</u>
<u>75-45-6</u>	<u>Chlorodifluoromethane</u>	<u>12000</u>
<u>76-15-3</u>	<u>Chloropentafluoroethane</u>	<u>21000</u>
<u>76-06-2</u>	<u>Chloropicrin</u>	<u>2.2</u>
<u>2039-87-4</u>	<u>o-Chlorostyrene</u>	<u>940</u>
<u>95-49-8</u>	<u>o-Chlorotoluene</u>	<u>860</u>
<u>2921-88-2</u>	<u>Chlorpyrifos</u>	<u>0.67</u>
<u>C7440-47-3</u>	<u>Chromium (II) compounds, as Cr</u>	<u>1.7</u>
<u>C7440-47-3</u>	<u>Chromium (III) compounds, Cr</u>	<u>1.7</u>
<u>7440-47-3</u>	<u>Chromium (metal)</u>	<u>1.7</u>
<u>14977-61-8</u>	<u>Chromyl chloride</u>	<u>0.53</u>
<u>2971-90-6</u>	<u>Clopidol</u>	<u>33</u>
<u>7440-48-4</u>	<u>Cobalt as Co metal Dust and fume</u>	<u>0.17</u>
<u>10210-68-1</u>	<u>Cobalt carbonyl as Co</u>	<u>0.33</u>
<u>16842-03-8</u>	<u>Cobalt hydrocarbonyl</u>	<u>0.33</u>
<u>C7440-50-8</u>	<u>Copper, Dusts and mists, as Cu</u>	<u>3.3</u>
<u>7440-50-8</u>	<u>Copper, Fume</u>	<u>0.67</u>
<u>—</u>	<u>Cotton dust, raw</u>	<u>0.67</u>
<u>1319-77-3</u>	<u>Cresol, all isomers</u>	<u>73</u>
<u>4170-30-3</u>	<u>Crotonaldehyde</u>	<u>20</u>
<u>299-86-5</u>	<u>Crufomate</u>	<u>17</u>
<u>98-82-2</u>	<u>Cumene</u>	<u>820</u>
<u>420-04-2</u>	<u>Cyanamide</u>	<u>6.7</u>
<u>51-12-5</u>	<u>Cyanides, as CN</u>	<u>17</u>
<u>460-19-5</u>	<u>Cyanogen</u>	<u>67</u>
<u>506-77-4</u>	<u>Cyanogen chloride</u>	<u>2.5</u>
<u>110-82-7</u>	<u>Cyclohexane</u>	<u>3400</u>
<u>108-93-0</u>	<u>Cyclohexanol</u>	<u>690</u>
<u>108-94-1</u>	<u>Cyclohexanone</u>	<u>330</u>
<u>110-83-8</u>	<u>Cyclohexene</u>	<u>3400</u>
<u>108-91-8</u>	<u>Cyclohexylamine</u>	<u>140</u>
<u>121-82-4</u>	<u>Cyclonite</u>	<u>5.0</u>
<u>542-92-7</u>	<u>Cyclopentadiene</u>	<u>680</u>
<u>287-92-3</u>	<u>Cyclopentane</u>	<u>5700</u>

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
<u>13121-70-5</u>	<u>Cyhexatin</u>	<u>17</u>
<u>17702-41-9</u>	<u>Decaborane</u>	<u>0.83</u>
<u>8065-48-3</u>	<u>Demeton</u>	<u>0.83</u>
<u>123-42-2</u>	<u>Diacetone alcohol</u>	<u>790</u>
<u>333-41-5</u>	<u>Diazinon</u>	<u>0.33</u>
<u>334-88-3</u>	<u>Diazomethane</u>	<u>1.1</u>
<u>19287-45-7</u>	<u>Diborane</u>	<u>0.37</u>
<u>96-12-8</u>	<u>1,2-Dibromo-3-chloropropane</u>	<u>0.20</u>
<u>107-66-4</u>	<u>Dibutyl phosphate</u>	<u>29</u>
<u>84-74-2</u>	<u>Dibutyl phthalate</u>	<u>17</u>
<u>102-81-8</u>	<u>2-N-Dibutylaminoethanol</u>	<u>47</u>
<u>594-72-9</u>	<u>1,1-Dichloro-1-nitroethane</u>	<u>40</u>
<u>118-52-5</u>	<u>1,3-Dichloro-5,5-Dimethyl hydantoin</u>	<u>0.67</u>
<u>7572-29-4</u>	<u>Dichloroacetylene</u>	<u>1.3</u>
<u>95-50-1</u>	<u>o-Dichlorobenzene (1,2-Dichlorobenzene)</u>	<u>1000</u>
<u>75-71-8</u>	<u>Dichlorodifluoromethane</u>	<u>16000</u>
<u>75-34-3</u>	<u>1,1-Dichloroethane</u>	<u>2700</u>
<u>540-59-0</u>	<u>1,2-Dichloroethylene</u>	<u>2600</u>
<u>75-43-4</u>	<u>Dichlorofluoromethane</u>	<u>130</u>
<u>542-75-6</u>	<u>Dichloropropene</u>	<u>20</u>
<u>75-99-0</u>	<u>2,2-Dichloropropionic acid</u>	<u>19</u>
<u>76-14-2</u>	<u>Dichlorotetrafluoroethane</u>	<u>23000</u>
<u>62-73-7</u>	<u>Dichlorvas</u>	<u>3.3</u>
<u>141-66-2</u>	<u>Dicrotophos</u>	<u>0.83</u>
<u>77-73-6</u>	<u>Dicyclopentadiene</u>	<u>100</u>
<u>102-54-5</u>	<u>Dicyclopentadienyl iron</u>	<u>33</u>
<u>111-42-2</u>	<u>Diethanolamine</u>	<u>43</u>
<u>96-22-0</u>	<u>Diethyl ketone</u>	<u>2300</u>
<u>84-66-2</u>	<u>Diethyl phthalate</u>	<u>17</u>
<u>64-67-5</u>	<u>Diethyl sulfate</u>	<u>=====</u>
<u>109-89-7</u>	<u>Diethylamine</u>	<u>100</u>
<u>100-37-8</u>	<u>Diethylaminoethanol</u>	<u>170</u>
<u>111-40-0</u>	<u>Diethylene triamine</u>	<u>14</u>
<u>75-61-6</u>	<u>Difluorodibromomethane</u>	<u>2900</u>
<u>2238-07-5</u>	<u>Diglycidyl ether</u>	<u>1.7</u>
<u>108-83-8</u>	<u>Diisobutyl ketone</u>	<u>480</u>
<u>108-18-9</u>	<u>Diisopropylamine</u>	<u>67</u>
<u>127-19-5</u>	<u>Dimethyl acetamide</u>	<u>120</u>
<u>60-11-7</u>	<u>Dimethyl aminoazobenzene</u>	<u>=====</u>
<u>79-44-7</u>	<u>Dimethyl carbamoyl chloride</u>	<u>=====</u>
<u>124-40-3</u>	<u>Dimethylamine</u>	<u>60</u>
<u>121-69-7</u>	<u>Dimethylaniline</u>	<u>83</u>
<u>68-12-2</u>	<u>Dimethylformamide</u>	<u>30</u>
<u>57-14-7</u>	<u>1,1-Dimethylhydrazine</u>	<u>4.0</u>

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<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
<u>131-11-3</u>	<u>Dimethylphthalate</u>	<u>17</u>
<u>148-01-6</u>	<u>Dinitolmide</u>	<u>17</u>
<u>534-52-1</u>	<u>Dinitro-o-cresol</u>	<u>0.67</u>
<u>528-29-0</u>	<u>Dinitrobenzene, all isomers</u>	<u>3.3</u>
<u>51-28-5</u>	<u>2,4-Dinitrophenol</u>	<u>---</u>
<u>121-14-2</u>	<u>2,4-Dinitrotoluene</u>	<u>5.0</u>
<u>78-34-2</u>	<u>Dioxathion</u>	<u>0.67</u>
<u>122-39-4</u>	<u>Diphenylamine</u>	<u>33</u>
<u>123-19-3</u>	<u>Dipropyl ketone</u>	<u>780</u>
<u>34590-94-8</u>	<u>Dipropylene glycol methyl ether</u>	<u>2000</u>
<u>85-00-7</u>	<u>Diquat</u>	<u>1.7</u>
<u>97-77-8</u>	<u>Disulfiram</u>	<u>6.7</u>
<u>298-04-4</u>	<u>Disulfuton</u>	<u>0.33</u>
<u>128-37-0</u>	<u>2,6-Ditert. butyl-p-cresol</u>	<u>33</u>
<u>330-54-1</u>	<u>Diuron</u>	<u>33</u>
<u>1321-74-0</u>	<u>Divinyl benzene</u>	<u>180</u>
<u>2104-64-5</u>	<u>EPN</u>	<u>1.7</u>
<u>115-29-7</u>	<u>Endosulfan</u>	<u>0.33</u>
<u>72-20-8</u>	<u>Endrin</u>	<u>0.33</u>
<u>13838-16-9</u>	<u>Enflurane</u>	<u>1900</u>
<u>106-88-7</u>	<u>1,2-Epoxybutane</u>	<u>20</u>
<u>141-43-5</u>	<u>Ethanolamine</u>	<u>25</u>
<u>563-12-2</u>	<u>Ethion</u>	<u>1.3</u>
<u>110-80-5</u>	<u>2-Ethoxyethanol</u>	<u>200</u>
<u>111-15-9</u>	<u>2-Ethoxyethyl acetate</u>	<u>90</u>
<u>141-78-6</u>	<u>Ethyl acetate</u>	<u>4800</u>
<u>140-88-5</u>	<u>Ethyl acrylate</u>	<u>66</u>
<u>64-17-5</u>	<u>Ethyl alcohol</u>	<u>6300</u>
<u>541-85-5</u>	<u>Ethyl amyl ketone</u>	<u>440</u>
<u>100-41-4</u>	<u>Ethyl benzene</u>	<u>1000</u>
<u>74-96-4</u>	<u>Ethyl bromide</u>	<u>3000</u>
<u>106-35-4</u>	<u>Ethyl butyl ketone</u>	<u>780</u>
<u>51-79-5</u>	<u>Ethyl carbamate</u>	<u>---</u>
<u>75-00-3</u>	<u>Ethyl chloride</u>	<u>10000</u>
<u>60-29-7</u>	<u>Ethyl ether</u>	<u>4000</u>
<u>109-94-4</u>	<u>Ethyl formate</u>	<u>1000</u>
<u>75-08-1</u>	<u>Ethyl mercaptan</u>	<u>4.3</u>
<u>78-10-4</u>	<u>Ethyl silicate</u>	<u>280</u>
<u>75-04-7</u>	<u>Ethylamine</u>	<u>60</u>
<u>107-07-3</u>	<u>Ethylene chlorohydrin</u>	<u>11</u>
<u>107-15-3</u>	<u>Ethylene diamine</u>	<u>83</u>
<u>107-21-1</u>	<u>Ethylene glycol</u>	<u>420</u>
<u>628-96-6</u>	<u>Ethylene glycol dinitrate</u>	<u>1.0</u>
<u>151-56-4</u>	<u>Ethylenimine</u>	<u>2.9</u>

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<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
<u>16219-75-3</u>	<u>Ethylidene norbornene</u>	<u>83</u>
<u>100-74-3</u>	<u>N-Ethylmorpholine</u>	<u>77</u>
<u>22224-92-6</u>	<u>Fenamiphos</u>	<u>0.33</u>
<u>115-90-2</u>	<u>Fensulfothion</u>	<u>0.33</u>
<u>55-38-9</u>	<u>Fenthion</u>	<u>0.67</u>
<u>14484-64-1</u>	<u>Ferbam</u>	<u>33</u>
<u>12604-58-9</u>	<u>Ferrovandium dust</u>	<u>3.3</u>
<u>====</u>	<u>Fibrous glass dust</u>	<u>33</u>
<u>====</u>	<u>Fine mineral fibers</u>	<u>33</u>
<u>16984-48-8</u>	<u>Fluorides, as F</u>	<u>8.3</u>
<u>7782-41-4</u>	<u>Fluorine</u>	<u>5.3</u>
<u>944-22-9</u>	<u>Fonofos</u>	<u>0.33</u>
<u>75-12-7</u>	<u>Formamide</u>	<u>60</u>
<u>64-18-6</u>	<u>Formic acid</u>	<u>31</u>
<u>98-01-1</u>	<u>Furfural</u>	<u>26</u>
<u>98-00-1</u>	<u>Furfuryl alcohol</u>	<u>130</u>
<u>7782-65-2</u>	<u>Germanium tetrahydride</u>	<u>2.1</u>
<u>111-30-8</u>	<u>Glutaraldehyde</u>	<u>2.5</u>
<u>556-52-5</u>	<u>Glycidol</u>	<u>250</u>
<u>====</u>	<u>Glycol ethers</u>	<u>====</u>
<u>7440-58-6</u>	<u>Hafnium</u>	<u>1.7</u>
<u>151-67-7</u>	<u>Halothane</u>	<u>1300</u>
<u>142-82-5</u>	<u>Heptane (n-Heptane)</u>	<u>5500</u>
<u>87-68-3</u>	<u>Hexachlorobutadiene</u>	<u>0.70</u>
<u>77-47-4</u>	<u>Hexachlorocyclopentadiene</u>	<u>0.33</u>
<u>67-72-1</u>	<u>Hexachloroethane</u>	<u>32</u>
<u>1335-87-1</u>	<u>Hexachloronaphthalene</u>	<u>0.67</u>
<u>684-16-2</u>	<u>Hexafluoroacetone</u>	<u>2.3</u>
<u>822-06-0</u>	<u>Hexamethylene diisocyanate</u>	<u>0.11</u>
<u>100-54-3</u>	<u>Hexane (n-Hexane)</u>	<u>200</u>
<u>====</u>	<u>Hexane, other isomers</u>	<u>5900</u>
<u>591-78-6</u>	<u>2-Hexanone (MBK)</u>	<u>67</u>
<u>108-84-9</u>	<u>sec-Hexyl acetate</u>	<u>980</u>
<u>107-41-5</u>	<u>Hexylene glycol</u>	<u>400</u>
<u>10035-10-6</u>	<u>Hydrogen bromide</u>	<u>33</u>
<u>7647-01-0</u>	<u>Hydrogen chloride</u>	<u>7.0</u>
<u>74-90-8</u>	<u>Hydrogen cyanide</u>	<u>37</u>
<u>7664-39-3</u>	<u>Hydrogen fluoride, as F</u>	<u>8.7</u>
<u>7722-84-1</u>	<u>Hydrogen peroxide</u>	<u>4.7</u>
<u>7783-07-5</u>	<u>Hydrogen selenide, as Se</u>	<u>0.53</u>
<u>7783-06-4</u>	<u>Hydrogen sulfide</u>	<u>0.9</u>
<u>123-31-9</u>	<u>Hydroquinone</u>	<u>6.7</u>
<u>999-61-1</u>	<u>2-Hydroxypropyl acrylate</u>	<u>9.3</u>
<u>95-13-6</u>	<u>Indene</u>	<u>160</u>

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<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
C7440-74-6	<u>Indium, & compounds as In</u>	<u>0.33</u>
7553-56-2	<u>Iodine</u>	<u>3.3</u>
75-47-8	<u>Iodoform</u>	<u>33</u>
1309-37-1	<u>Iron oxide fume, Fe₂O₃ as Fe</u>	<u>17</u>
13463-40-6	<u>Iron pentacarbonyl, as Fe</u>	<u>0.83</u>
_____	<u>Iron salts, soluble as Fe</u>	<u>3.3</u>
123-92-2	<u>Isoamyl acetate</u>	<u>1700</u>
123-51-3	<u>Isoamyl alcohol</u>	<u>1200</u>
110-19-0	<u>Isobutyl acetate</u>	<u>2400</u>
78-83-1	<u>Isobutyl alcohol</u>	<u>510</u>
26952-21-6	<u>Isocytl alcohol</u>	<u>890</u>
78-59-1	<u>Isophorone</u>	<u>93</u>
4098-71-9	<u>Isophorone diisocyanate</u>	<u>0.15</u>
109-59-1	<u>Isopropoxyethanol</u>	<u>350</u>
108-21-4	<u>Isopropyl acetate</u>	<u>3500</u>
67-63-0	<u>Isopropyl alcohol</u>	<u>3300</u>
108-20-3	<u>Isopropyl ether</u>	<u>3500</u>
4016-14-2	<u>Isopropyl glycidyl ether (IGE)</u>	<u>790</u>
75-31-0	<u>Isopropylamine</u>	<u>40</u>
768-52-5	<u>N-Isopropylaniline</u>	<u>37</u>
463-51-4	<u>Ketene</u>	<u>2.9</u>
3687-31-8	<u>Lead arsenate, as Pb₃(As₂O₄)₂</u>	<u>0.50</u>
7758-97-6	<u>Lead chromate, as Cr</u>	<u>0.040</u>
68476-85-7	<u>Liquified petroleum gas</u>	<u>6000</u>
7580-67-8	<u>Lithium hydride</u>	<u>0.080</u>
1309-48-4	<u>Magnesium oxide fume</u>	<u>33</u>
121-75-5	<u>Malathion</u>	<u>33</u>
108-31-6	<u>Maleic anhydride</u>	<u>3.3</u>
C7439-96-5	<u>Manganese dust & compounds</u>	<u>0.40</u>
C7439-96-5	<u>Manganese fume</u>	<u>3.3</u>
12079-65-1	<u>Manganese cyclopentadienyl tricarbonyl</u>	<u>0.33</u>
C7439-97-6	<u>Mercury, Aryl & inorganic cmpd</u>	<u>0.33</u>
C7439-97-6	<u>Mercury, as Hg Alkyl compounds</u>	<u>0.33</u>
C7439-97-6	<u>Mercury, vapors except alkyl</u>	<u>0.17</u>
141-79-7	<u>Mesityl oxide</u>	<u>200</u>
79-41-4	<u>Methacrylic acid</u>	<u>230</u>
16752-77-5	<u>Methomyl</u>	<u>8.3</u>
72-43-5	<u>Methoxychlor</u>	<u>33</u>
109-86-4	<u>2-Methoxyethanol</u>	<u>20</u>
110-49-6	<u>2-Methoxyethyl acetate</u>	<u>80</u>
150-76-5	<u>4-Methoxyphenol</u>	<u>17</u>
137-05-3	<u>Methyl 2-cyanoacrylate</u>	<u>30</u>
79-20-9	<u>Methyl acetate</u>	<u>2000</u>

PERMANENT

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL $\mu\text{g}/\text{m}^3$ 24 Hr. Average</u>
<u>74-99-7</u>	<u>Methyl acetylene</u>	<u>5500</u>
<u>59355-75-8</u>	<u>Methyl acetylene-propadiene mixture (MAPP)</u>	<u>5500</u>
<u>96-33-3</u>	<u>Methyl acrylate</u>	<u>120</u>
<u>67-56-1</u>	<u>Methyl alcohol</u>	<u>870</u>
<u>100-61-8</u>	<u>N-Methyl aniline</u>	<u>7.3</u>
<u>74-83-9</u>	<u>Methyl bromide</u>	<u>5.0</u>
<u>74-87-3</u>	<u>Methyl chloride</u>	<u>340</u>
<u>71-55-6</u>	<u>Methyl chloroform (1,1,1-Trichloroethane)</u>	<u>6400</u>
<u>8022-00-2</u>	<u>Methyl demeton</u>	<u>1.7</u>
<u>78-93-3</u>	<u>Methyl ethyl ketone (MEK)</u>	<u>1000</u>
<u>1338-23-4</u>	<u>Methyl ethyl ketone peroxide</u>	<u>5.0</u>
<u>107-31-3</u>	<u>Methyl formate</u>	<u>820</u>
<u>60-34-4</u>	<u>Methyl hydrazine</u>	<u>1.2</u>
<u>74-88-4</u>	<u>Methyl iodide</u>	<u>40</u>
<u>110-12-3</u>	<u>Methyl isoamyl ketone</u>	<u>780</u>
<u>108-11-2</u>	<u>Methyl isobutyl carbinol</u>	<u>350</u>
<u>108-10-1</u>	<u>Methyl isobutyl ketone (MIBK)</u>	<u>680</u>
<u>624-83-9</u>	<u>Methyl isocyanate</u>	<u>0.16</u>
<u>563-80-4</u>	<u>Methyl isopropyl ketone</u>	<u>2300</u>
<u>74-93-1</u>	<u>Methyl mercaptan</u>	<u>3.3</u>
<u>80-62-6</u>	<u>Methyl methacrylate</u>	<u>1400</u>
<u>110-43-0</u>	<u>Methyl n-amyl ketone</u>	<u>780</u>
<u>591-78-6</u>	<u>Methyl n-butyl ketone</u>	<u>67</u>
<u>298-00-0</u>	<u>Methyl parathion</u>	<u>0.67</u>
<u>107-87-9</u>	<u>Methyl propyl ketone</u>	<u>2300</u>
<u>681-84-5</u>	<u>Methyl silicate</u>	<u>20</u>
<u>1634-04-4</u>	<u>Methyl tert-butyl ether</u>	<u>500</u>
<u>98-83-9</u>	<u>α-Methyl styrene</u>	<u>810</u>
<u>126-98-7</u>	<u>Methylacrylonitrile 9.0</u>	<u>9.0</u>
<u>109-87-5</u>	<u>Methylal</u>	<u>10000</u>
<u>74-89-5</u>	<u>Methylamine</u>	<u>43</u>
<u>108-87-2</u>	<u>Methylcyclohexane</u>	<u>5400</u>
<u>25639-42-3</u>	<u>Methylcyclohexanol</u>	<u>780</u>
<u>583-60-8</u>	<u>o-Methylcyclohexanone</u>	<u>760</u>
<u>12108-13-3</u>	<u>Methylcyclopentadienyl manganese tricarbonyl</u>	<u>0.67</u>
<u>5124-30-1</u>	<u>Methylene bis (4-cyclo-hexylisocyanate)</u>	<u>0.18</u>
<u>101-68-8</u>	<u>Methylene bis(phenyl isocyanate)</u>	<u>0.2</u>
<u>21087-64-9</u>	<u>Metribuzin</u>	<u>17</u>
<u>7786-34-7</u>	<u>Mevinphos</u>	<u>0.33</u>
<u>C7439-98-7</u>	<u>Molybdenum, as Mo soluble cpds</u>	<u>17</u>
<u>C7439-98-7</u>	<u>Molybdenum, insoluble cpds</u>	<u>33</u>
<u>6923-22-4</u>	<u>Monocrotophos</u>	<u>0.83</u>
<u>110-91-8</u>	<u>Morpholine</u>	<u>240</u>
<u>300-76-5</u>	<u>Naled</u>	<u>10</u>

PERMANENT

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
<u>91-20-3</u>	<u>Napthalene</u>	<u>170</u>
<u>54-11-5</u>	<u>Nicotine</u>	<u>1.7</u>
<u>1929-82-4</u>	<u>Nitrapyrin</u>	<u>33</u>
<u>7697-37-2</u>	<u>Nitric acid</u>	<u>17</u>
<u>10102-43-9</u>	<u>Nitric oxide</u>	<u>100</u>
<u>100-01-6</u>	<u>p-Nitroaniline</u>	<u>10</u>
<u>98-95-3</u>	<u>Nitrobenzene</u>	<u>1.7</u>
<u>100-00-5</u>	<u>p-Nitrochlorobenzene</u>	<u>2.0</u>
<u>79-24-3</u>	<u>Nitroethane</u>	<u>1000</u>
<u>7783-54-2</u>	<u>Nitrogen trifluoride</u>	<u>97</u>
<u>92-93-3</u>	<u>4-Nitrobiphenyl</u>	<u>---</u>
<u>55-63-0</u>	<u>Nitroglycerin</u>	<u>1.5</u>
<u>75-52-5</u>	<u>Nitromethane</u>	<u>830</u>
<u>100-02-7</u>	<u>4-Nitrophenol</u>	<u>---</u>
<u>108-03-2</u>	<u>1-Nitropropane</u>	<u>20</u>
<u>684-93-5</u>	<u>N-Nitroso-N-methylurea</u>	<u>---</u>
<u>88-72-2</u>	<u>Nitrotoluene</u>	<u>37</u>
<u>111-84-2</u>	<u>Nonane</u>	<u>3500</u>
<u>2234-13-1</u>	<u>Octachloronaphthalene</u>	<u>0.33</u>
<u>111-65-9</u>	<u>Octane</u>	<u>4700</u>
<u>8012-95-1</u>	<u>Oil mist, mineral</u>	<u>17</u>
<u>20816-12-0</u>	<u>Osmium tetroxide, as Os</u>	<u>0.0053</u>
<u>144-62-7</u>	<u>Oxalic acid</u>	<u>3.3</u>
<u>7783-41-7</u>	<u>Oxygen difluoride</u>	<u>0.37</u>
<u>8002-74-2</u>	<u>Parafin wax fume</u>	<u>6.7</u>
<u>4685-14-7</u>	<u>Paraquat</u>	<u>4.5</u>
<u>56-38-2</u>	<u>Parathion</u>	<u>0.33</u>
<u>19624-22-7</u>	<u>Pentaborane</u>	<u>0.043</u>
<u>1321-64-8</u>	<u>Pentachloronaphthalene</u>	<u>1.7</u>
<u>82-68-8</u>	<u>Pentachloronitrobenzene (quintobenzene)</u>	<u>1.7</u>
<u>109-66-0</u>	<u>Pentane</u>	<u>6000</u>
<u>594-42-3</u>	<u>Perchloromethyl mercaptan</u>	<u>2.5</u>
<u>7616-94-6</u>	<u>Perchloryl fluoride</u>	<u>43</u>
<u>108-95-2</u>	<u>Phenol</u>	<u>63</u>
<u>92-84-2</u>	<u>Phenothiazine</u>	<u>1.7</u>
<u>101-84-8</u>	<u>Phenyl ether</u>	<u>23</u>
<u>122-60-1</u>	<u>Phenyl glycidyl ether</u>	<u>2000</u>
<u>108-98-5</u>	<u>Phenyl mercaptan</u>	<u>7.7</u>
<u>106-50-3</u>	<u>p-Phenylenediamine</u>	<u>0.33</u>
<u>100-63-0</u>	<u>Phenylhydrazine</u>	<u>1.5</u>
<u>638-21-1</u>	<u>Phenylphosphine</u>	<u>0.77</u>
<u>298-02-2</u>	<u>Phorate</u>	<u>0.17</u>
<u>75-44-5</u>	<u>Phosgene</u>	<u>1.3</u>
<u>7803-51-2</u>	<u>Phosphine</u>	<u>1.3</u>

PERMANENT

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
<u>7664-38-2</u>	<u>Phosphoric acid</u>	<u>3.3</u>
<u>7723-14-0</u>	<u>Phosphorus</u>	<u>0.33</u>
<u>10025-87-3</u>	<u>Phosphorus oxychloride</u>	<u>2.1</u>
<u>10026-13-8</u>	<u>Phosphorus pentachloride</u>	<u>2.8</u>
<u>1314-80-3</u>	<u>Phosphorus pentasulfide</u>	<u>3.3</u>
<u>7719-12-2</u>	<u>Phosphorus trichloride</u>	<u>3.7</u>
<u>85-44-9</u>	<u>Phthalic anhydride</u>	<u>20</u>
<u>626-17-5</u>	<u>m-Phthalodinitrile</u>	<u>17</u>
<u>1918-02-1</u>	<u>Picloram</u>	<u>33</u>
<u>88-89-1</u>	<u>Picric acid</u>	<u>0.33</u>
<u>83-26-1</u>	<u>Pindone</u>	<u>0.033</u>
<u>142-64-3</u>	<u>Piperazine dihydrochloride</u>	<u>17</u>
<u>7440-06-4</u>	<u>Platinum, Metal</u>	<u>3.3</u>
<u>C7440-06-4</u>	<u>Platinum, Soluble salts as Pt</u>	<u>0.0067</u>
<u>1310-58-3</u>	<u>Potassium hydroxide</u>	<u>6.7</u>
<u>107-19-7</u>	<u>Propargyl alcohol</u>	<u>7.7</u>
<u>57-57-8</u>	<u>B-Propiolactone</u>	<u>5.0</u>
<u>123-38-6</u>	<u>Propionaldehyde</u>	<u>---</u>
<u>114-26-1</u>	<u>Propoxur</u>	<u>1.7</u>
<u>79-09-4</u>	<u>Propionic acid</u>	<u>100</u>
<u>109-60-4</u>	<u>n-Propyl acetate</u>	<u>2800</u>
<u>71-23-8</u>	<u>n-Propyl alcohol</u>	<u>1600</u>
<u>627-13-4</u>	<u>n-Propyl nitrate</u>	<u>360</u>
<u>6423-43-4</u>	<u>Propylene glycol dinitrate</u>	<u>1.1</u>
<u>107-98-2</u>	<u>Propylene glycol monomethyl ether</u>	<u>2000</u>
<u>75-55-8</u>	<u>Propylene imine</u>	<u>16</u>
<u>8003-34-7</u>	<u>Pyrethrum</u>	<u>1.7</u>
<u>110-86-1</u>	<u>Pyridine</u>	<u>53</u>
<u>91-22-5</u>	<u>Quinoline</u>	<u>---</u>
<u>106-51-4</u>	<u>Quinone</u>	<u>1.5</u>
<u>108-46-3</u>	<u>Resorcinol</u>	<u>150</u>
<u>7440-16-6</u>	<u>Rhodium Metal</u>	<u>3.3</u>
<u>C7440-16-6</u>	<u>Rhodium, Insoluble compounds</u>	<u>3.3</u>
<u>C7440-16-6</u>	<u>Rhodium, Soluble compounds</u>	<u>0.033</u>
<u>299-84-3</u>	<u>Ronnel</u>	<u>33</u>
<u>83-79-4</u>	<u>Rotenone</u>	<u>17</u>
<u>---</u>	<u>Rubber solvent (Naphtha)</u>	<u>5300</u>
<u>C7782-49-2</u>	<u>Selenium compounds, as Se</u>	<u>0.67</u>
<u>7783-79-1</u>	<u>Selenium hexafluoride, as Se</u>	<u>0.53</u>
<u>136-78-7</u>	<u>Sesone</u>	<u>33</u>
<u>7803-62-5</u>	<u>Silicon tetrahydride</u>	<u>22</u>
<u>7440-22-4</u>	<u>Silver, Metal</u>	<u>0.33</u>
<u>C7440-22-4</u>	<u>Silver, soluble compounds as Ag</u>	<u>0.033</u>
<u>26628-22-8</u>	<u>Sodium azide</u>	<u>1.0</u>

PERMANENT

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
<u>7631-90-5</u>	<u>Sodium bisulfite</u>	<u>17</u>
<u>62-74-8</u>	<u>Sodium fluoroacetate</u>	<u>0.17</u>
<u>1310-73-2</u>	<u>Sodium hydroxide</u>	<u>6.7</u>
<u>7681-57-4</u>	<u>Sodium metabisulfite</u>	<u>17</u>
<u>7803-52-3</u>	<u>Stibine</u>	<u>1.7</u>
<u>57-24-9</u>	<u>Strychnine</u>	<u>0.5</u>
<u>100-42-5</u>	<u>Styrene</u>	<u>1000</u>
<u>96-9-3</u>	<u>Styrene oxide</u>	<u>—</u>
<u>1395-21-7</u>	<u>Subtilisins</u>	<u>0.0002</u>
<u>3689-24-5</u>	<u>Sulfotep</u>	<u>0.67</u>
<u>2551-62-4</u>	<u>Sulfur hexafluoride</u>	<u>20000</u>
<u>10025-67-9</u>	<u>Sulfur monochloride</u>	<u>18</u>
<u>5714-22-7</u>	<u>Sulfur pentafluoride</u>	<u>0.33</u>
<u>7783-60-0</u>	<u>Sulfur tetrafluoride</u>	<u>1.5</u>
<u>7664-93-9</u>	<u>Sulfuric acid</u>	<u>3.3</u>
<u>2699-79-8</u>	<u>Sulfuryl fluoride</u>	<u>67</u>
<u>35400-43-2</u>	<u>Sulprofos</u>	<u>3.3</u>
<u>93-76-5</u>	<u>2,4,5-T</u>	<u>33</u>
<u>107-49-3</u>	<u>TEPP</u>	<u>0.16</u>
<u>C7440-25-7</u>	<u>Tantalum, metal & oxide dusts</u>	<u>17</u>
<u>C13494-80-9</u>	<u>Tellurium & compounds as Te</u>	<u>0.33</u>
<u>7783-80-4</u>	<u>Tellurium hexafluoride, as Te</u>	<u>0.33</u>
<u>3383-96-8</u>	<u>Temephos</u>	<u>33</u>
<u>26140-60-3</u>	<u>Terphenyls</u>	<u>16</u>
<u>76-12-0</u>	<u>1,1,2,2-Tetrachloro-1,2-difluoroethane</u>	<u>14000</u>
<u>76-11-9</u>	<u>1,1,1,2-Tetrachloro-2,2-difluoroethane</u>	<u>14000</u>
<u>79-34-5</u>	<u>1,1,2,2-Tetrachloroethane</u>	<u>23</u>
<u>1335-88-2</u>	<u>Tetrachloronaphthalene</u>	<u>6.7</u>
<u>78-00-2</u>	<u>Tetraethyl lead, as Pb</u>	<u>0.33</u>
<u>109-99-9</u>	<u>Tetrahydrofuran</u>	<u>2000</u>
<u>75-74-1</u>	<u>Tetramethyl lead, as Pb</u>	<u>0.5</u>
<u>3333-52-6</u>	<u>Tetramethyl succinonitrile</u>	<u>9.3</u>
<u>509-14-8</u>	<u>Tetranitromethane</u>	<u>27</u>
<u>7722-88-5</u>	<u>Tetrasodium pyrophosphate</u>	<u>17</u>
<u>479-45-8</u>	<u>Tetryl</u>	<u>5.0</u>
<u>C7440-28-0</u>	<u>Thallium, soluble compounds, Tl</u>	<u>0.33</u>
<u>96-69-5</u>	<u>4,4-Thiobis(6-tert, butyl-m-cresol)</u>	<u>33</u>
<u>68-11-1</u>	<u>Thioglycolic acid</u>	<u>13</u>
<u>7719-09-7</u>	<u>Thionyl chloride</u>	<u>16</u>
<u>137-26-8</u>	<u>Thiram</u>	<u>3.3</u>
<u>7440-31-5</u>	<u>Tin, Metal</u>	<u>6.7</u>
<u>C7440-31-5</u>	<u>Tin, Organic compounds, as Sn</u>	<u>0.33</u>
<u>7440-31-5</u>	<u>Tin, oxide & inorganic except SnH₄</u>	<u>6.7</u>

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL $\mu\text{g}/\text{m}^3$ 24 Hr. Average</u>
7550-45-0	<u>Titanium tetrachloride</u>	====
108-88-3	<u>Toluene</u>	400
108-44-1	<u>m-Toluidine</u>	29
106-49-0	<u>p-Toluidine</u>	29
126-73-8	<u>Tributyl phosphate</u>	7.3
76-13-1	<u>1,1,2-Trichloro-1,2,2-trifluoroethane</u>	27000
76-03-9	<u>Trichloroacetic acid</u>	22
120-82-1	<u>1,2,4-Trichlorobenzene</u>	120
79-00-5	<u>1,1,2-Trichloroethane</u>	180
75-69-4	<u>Trichlorofluoromethane</u>	19000
1321-65-9	<u>Trichloronaphthalene</u>	17
95-95-4	<u>2,4,5-Trichlorophenol</u>	====
96-18-4	<u>1,2,3-Trichloropropane</u>	200
121-44-8	<u>Triethylamine</u>	7.0
75-63-8	<u>Trifluorobromomethane</u>	20000
1582-09-8	<u>Trifluralin</u>	====
552-30-7	<u>Trimellitic anhydride</u>	0.13
2551-13-7	<u>Trimethyl benzene</u>	420
540-84-1	<u>2,2,4-Trimethylpentane</u>	====
121-45-9	<u>Trimethyl phosphite</u>	33
75-50-3	<u>Trimethylamine</u>	80
118-96-7	<u>2,4,6-Trinitrotoluene</u>	1.7
78-30-8	<u>Triorthocresyl phosphate</u>	0.33
603-34-9	<u>Triphenyl amine</u>	17
115-86-6	<u>Triphenyl phosphate</u>	10
C7440-33-7	<u>Tungsten, Insoluble compounds</u>	17
C7440-33-7	<u>Tungsten, Soluble compounds</u>	3.3
8006-64-2	<u>Turpentine</u>	1900
C7440-61-1	<u>Uranium, insoluble & soluble</u>	0.67
8032-32-4	<u>VM & P Naphtha</u>	4600
110-62-3	<u>n-Valeraldehyde</u>	590
1314-62-1	<u>Vanadium, as V_2O_5</u>	0.17
108-05-4	<u>Vinyl acetate</u>	200
593-60-2	<u>Vinyl bromide</u>	73
106-87-6	<u>Vinyl cyclohexene dioxide</u>	200
75-35-4	<u>Vinylidene chloride</u>	67
25013-15-4	<u>Vinyl toluene</u>	800
81-81-2	<u>Warfarin</u>	0.33
====	<u>Welding fumes</u>	17
1477-55-0	<u>m-Xylene a,a'-diamine</u>	0.33
1330-20-7	<u>Xylenes (m-o-p-isomers)</u>	1500
1300-73-8	<u>Xylidine</u>	8.3
C7440-65-5	<u>Yttrium, metal and cpds as Y</u>	3.3

PERMANENT

<u>Chemical Abstract Service Number</u>	<u>Substance</u>	<u>ASIL µg/m³ 24 Hr. Average</u>
<u>7646-85-7</u>	<u>Zinc chloride fume</u>	<u>3.3</u>
<u>13530-65-9</u>	<u>Zinc chromates</u>	<u>0.033</u>
<u>1314-13-2</u>	<u>Zinc oxide, fume</u>	<u>17</u>
<u>C7440-67-7</u>	<u>Zirconium compounds, as Zr</u>	<u>17</u>

APPENDIX L
Hazardous Air Pollutants

This appendix contains a list of the hazardous air pollutants (HAP) created by FCAA, Section 112.

<u>Chemical Abstract Service Number</u>	<u>Chemical Name</u>	<u>Comments</u>
<u>75070</u>	<u>Acetaldehyde</u>	
<u>60355</u>	<u>Acetamide</u>	
<u>75058</u>	<u>Acetonitrile</u>	
<u>98862</u>	<u>Acetophenone</u>	
<u>53963</u>	<u>2-Acetylamino fluorene</u>	
<u>107028</u>	<u>Acrolein</u>	
<u>79061</u>	<u>Acrylamide</u>	
<u>79107</u>	<u>Acrylic acid</u>	
<u>107131</u>	<u>Acrylonitrile</u>	
<u>107051</u>	<u>Allyl chloride</u>	
<u>92671</u>	<u>4-Aminobiphenyl</u>	
<u>62533</u>	<u>Aniline</u>	
<u>90040</u>	<u>o-Anisidine</u>	
<u>1332214</u>	<u>Asbestos</u>	
<u>71432</u>	<u>Benzene (including benzene from gasoline)</u>	
<u>92875</u>	<u>Benzidine</u>	
<u>98077</u>	<u>Benzotrachloride</u>	
<u>100447</u>	<u>Benzyl chloride</u>	
<u>92524</u>	<u>Biphenyl</u>	
<u>117817</u>	<u>Bis(2-ethylhexyl)phthalate (DEHP)</u>	
<u>542881</u>	<u>Bis(chloromethyl)ether</u>	
<u>75252</u>	<u>Bromoform</u>	
<u>106990</u>	<u>1,3-Butadiene</u>	
<u>156627</u>	<u>Calcium cyanamide</u>	
<u>105602</u>	<u>Caprolactam</u>	<u>EPA delisted June 18, 1996.</u>
<u>133062</u>	<u>Captan</u>	
<u>63252</u>	<u>Carbaryl</u>	
<u>75150</u>	<u>Carbon disulfide</u>	
<u>56235</u>	<u>Carbon tetrachloride</u>	
<u>463581</u>	<u>Carbonyl sulfide</u>	
<u>120809</u>	<u>Catechol</u>	
<u>133904</u>	<u>Chloramben</u>	
<u>57749</u>	<u>Chlordane</u>	
<u>7782505</u>	<u>Chlorine</u>	

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<u>Chemical Abstract Service Number</u>	<u>Chemical Name</u>	<u>Comments</u>
79118	<u>Chloroacetic acid</u>	
532274	<u>2-Chloroacetophenone</u>	
108907	<u>Chlorobenzene</u>	
510156	<u>Chlorobenzilate</u>	
67663	<u>Chloroform</u>	
107302	<u>Chloromethyl methyl ether</u>	
126998	<u>Chloroprene</u>	
1319773	<u>Cresols/Cresylic acid (isomers and mixture)</u>	
95487	<u>o-Cresol</u>	
108394	<u>m-Cresol</u>	
106445	<u>p-Cresol</u>	
98828	<u>Cumene</u>	
94757	<u>2,4-D, salts and esters</u>	
3547044	<u>DDE</u>	
334883	<u>Diazomethane</u>	
132649	<u>Dibenzofurans</u>	
96128	<u>1,2-Dibromo-3-chloropropane</u>	
84742	<u>Dibutylphthalate</u>	
106467	<u>1,4-Dichlorobenzene(p)</u>	
91941	<u>3,3-Dichlorobenzidene</u>	
111444	<u>Dichloroethyl ether (Bis(2-chloroethyl)ether)</u>	
542756	<u>1,3-Dichloropropene</u>	
62737	<u>Dichlorvos</u>	
111422	<u>Diethanolamine</u>	
121697	<u>N,N-Diethyl aniline (N,N-Dimethylaniline)</u>	
64675	<u>Diethyl sulfate</u>	
119904	<u>3,3-Dimethoxybenzidine</u>	
60117	<u>Dimethyl aminoazobenzene</u>	
119937	<u>3,3-Dimethyl benzidine</u>	
79447	<u>Dimethyl carbamoyl chloride</u>	
68122	<u>Dimethyl formamide</u>	
57147	<u>1,1-Dimethyl hydrazine</u>	
131113	<u>Dimethyl phthalate</u>	
77781	<u>Dimethyl sulfate</u>	
534521	<u>4,6-Dinitro-o-cresol, and salts</u>	
51285	<u>2,4-Dinitrophenol</u>	
121142	<u>2,4-Dinitrotoluene</u>	
123911	<u>1,4-Dioxane (1,4-Diethyleneoxide)</u>	
122667	<u>1,2-Diphenylhydrazine</u>	
106898	<u>Epichlorohydrin (1-Chloro-2,3-epoxypropane)</u>	
106887	<u>1,2-Epoxybutane</u>	
140885	<u>Ethyl acrylate</u>	
100414	<u>Ethyl benzene</u>	
51796	<u>Ethyl carbamate (Urethane)</u>	
75003	<u>Ethyl chloride (Chloroethane)</u>	

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Chemical Abstract
Service NumberChemical NameComments

<u>106934</u>	<u>Ethylene dibromide (Dibromoethane)</u>	
<u>107062</u>	<u>Ethylene dichloride (1,2-Dichloroethane)</u>	
<u>107211</u>	<u>Ethylene glycol</u>	
<u>151564</u>	<u>Ethylene imine (Aziridine)</u>	
<u>75218</u>	<u>Ethylene oxide</u>	
<u>96457</u>	<u>Ethylene thiourea</u>	
<u>75343</u>	<u>Ethylidene dichloride (1,1-Dichloroethane)</u>	
<u>50000</u>	<u>Formaldehyde</u>	
<u>76448</u>	<u>Heptachlor</u>	
<u>118741</u>	<u>Hexachlorobenzene</u>	
<u>87683</u>	<u>Hexachlorobutadiene</u>	
<u>77474</u>	<u>Hexachlorocyclopentadiene</u>	
<u>67721</u>	<u>Hexachloroethane</u>	
<u>822060</u>	<u>Hexamethylene-1,6-diisocyanate</u>	
<u>680319</u>	<u>Hexamethylphosphoramide</u>	
<u>110543</u>	<u>Hexane</u>	
<u>302012</u>	<u>Hydrazine</u>	
<u>7647010</u>	<u>Hydrochloric acid</u>	
<u>7664393</u>	<u>Hydrogen fluoride (Hydrofluoric acid)</u>	
<u>7783064</u>	<u>Hydrogen sulfide</u>	<u>Included in error and removed on Dec. 4, 1991.</u>
<u>123319</u>	<u>Hydroquinone</u>	
<u>78591</u>	<u>Isophorone</u>	
<u>58899</u>	<u>Lindane (all isomers)</u>	
<u>108316</u>	<u>Maleic anhydride</u>	
<u>67561</u>	<u>Methanol</u>	
<u>72435</u>	<u>Methoxychlor</u>	
<u>74839</u>	<u>Methyl bromide (Bromomethane)</u>	
<u>74873</u>	<u>Methyl chloride (Chloromethane)</u>	
<u>71556</u>	<u>Methyl chloroform (1,1,1-Trichloroethane)</u>	
<u>78933</u>	<u>Methyl ethyl ketone (2-Butanone)</u>	
<u>60344</u>	<u>Methyl hydrazine</u>	
<u>74884</u>	<u>Methyl iodide (Iodomethane)</u>	
<u>108101</u>	<u>Methyl isobutyl ketone (Hexone)</u>	
<u>624839</u>	<u>Methyl isocyanate</u>	
<u>80626</u>	<u>Methyl methacrylate</u>	
<u>1634044</u>	<u>Methyl tert butyl ether</u>	
<u>101144</u>	<u>4,4-Methylene bis(2-chloroaniline)</u>	
<u>75092</u>	<u>Methylene chloride (Dichloromethane)</u>	
<u>101688</u>	<u>Methylene diphenyl diisocyanate (MDI)</u>	
<u>101779</u>	<u>4,4'-Methylenedianiline</u>	
<u>91203</u>	<u>Naphthalene</u>	
<u>98953</u>	<u>Nitrobenzene</u>	
<u>92933</u>	<u>4-Nitrobiphenyl</u>	
<u>100027</u>	<u>4-Nitrophenol</u>	
<u>79469</u>	<u>2-Nitropropane</u>	

<u>Chemical Abstract Service Number</u>	<u>Chemical Name</u>	<u>Comments</u>
<u>684935</u>	<u>N-Nitroso-N-methylurea</u>	
<u>62759</u>	<u>N-Nitrosodimethylamine</u>	
<u>59892</u>	<u>N-Nitrosomorpholine</u>	
<u>56382</u>	<u>Parathion</u>	
<u>82688</u>	<u>Pentachloronitrobenzene (Quintobenzene)</u>	
<u>87865</u>	<u>Pentachlorophenol</u>	
<u>108952</u>	<u>Phenol</u>	
<u>106503</u>	<u>p-Phenylenediamine</u>	
<u>75445</u>	<u>Phosgene</u>	
<u>7803512</u>	<u>Phosphine</u>	
<u>7723140</u>	<u>Phosphorus</u>	
<u>85449</u>	<u>Phthalic anhydride</u>	
<u>1336363</u>	<u>Polychlorinated biphenyls (Aroclors)</u>	
<u>1120714</u>	<u>1,3-Propane sultone</u>	
<u>57578</u>	<u>beta-Propiolactone</u>	
<u>123386</u>	<u>Propionaldehyde</u>	
<u>114261</u>	<u>Propoxur (Baygon)</u>	
<u>78875</u>	<u>Propylene dichloride (1,2-Dichloropropane)</u>	
<u>75569</u>	<u>Propylene oxide</u>	
<u>75558</u>	<u>1,2-Propylenimine (2-Methyl aziridine)</u>	
<u>91225</u>	<u>Quinoline</u>	
<u>106514</u>	<u>Quinone</u>	
<u>100425</u>	<u>Styrene</u>	
<u>96093</u>	<u>Styrene oxide</u>	
<u>1746016</u>	<u>2,3,7,8-Tetrachlorodibenzo-p-dioxin</u>	
<u>79345</u>	<u>1,1,2,2-Tetrachloroethane</u>	
<u>127184</u>	<u>Tetrachloroethylene (Perchloroethylene)</u>	
<u>7550450</u>	<u>Titanium tetrachloride</u>	
<u>108883</u>	<u>Toluene</u>	
<u>95807</u>	<u>2,4-Toluene diamine</u>	
<u>584849</u>	<u>2,4-Toluene diisocyanate</u>	
<u>95534</u>	<u>o-Toluidine</u>	
<u>8001352</u>	<u>Toxaphene (chlorinated camphene)</u>	
<u>120821</u>	<u>1,2,4-Trichlorobenzene</u>	
<u>79005</u>	<u>1,1,2-Trichloroethane</u>	
<u>79016</u>	<u>Trichloroethylene</u>	
<u>95954</u>	<u>2,4,5-Trichlorophenol</u>	
<u>88062</u>	<u>2,4,6-Trichlorophenol</u>	
<u>121448</u>	<u>Triethylamine</u>	
<u>1582098</u>	<u>Trifluralin</u>	
<u>540841</u>	<u>2,2,4-Trimethylpentane</u>	
<u>108054</u>	<u>Vinyl acetate</u>	
<u>593602</u>	<u>Vinyl bromide</u>	
<u>75014</u>	<u>Vinyl chloride</u>	
<u>75354</u>	<u>Vinylidene chloride (1,1-Dichloroethylene)</u>	

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<u>Chemical Abstract Service Number</u>	<u>Chemical Name</u>	<u>Comments</u>
1330207	<u>Xylenes (isomers and mixture)</u>	
95476	<u>o-Xylenes</u>	
108383	<u>m-Xylenes</u>	
10642	<u>p-Xylenes</u>	
0	<u>Antimony Compounds</u>	
0	<u>Arsenic Compounds (inorganic including arsine)</u>	
0	<u>Beryllium Compounds</u>	
0	<u>Cadmium Compounds</u>	
0	<u>Chromium Compounds</u>	
0	<u>Cobalt Compounds</u>	
0	<u>Coke Oven Emissions</u>	
0	<u>Cyanide Compounds 1</u>	
0	<u>Glycol ethers 2</u>	
0	<u>Lead Compounds</u>	
0	<u>Manganese Compounds</u>	
0	<u>Mercury Compounds</u>	
0	<u>Fine mineral fibers 3</u>	
0	<u>Nickel Compounds</u>	
0	<u>Polycyclic Organic Matter 4</u>	
0	<u>Radionuclides (including radon) 5</u>	
0	<u>Selenium Compounds</u>	

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

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

**WSR 00-10-001
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-47—Filed April 19, 2000, 4:12 p.m.]

Date of Adoption: April 7, 2000.

Purpose: To amend WAC 232-12-011.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-011.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770.

Adopted under notice filed as WSR 00-06-100 on March 1, 2000.

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.

April 18, 2000

Debbie Nelson

for Kelly D. White, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-05, filed 1/24/00, effective 2/24/00)

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
Aleutian Canada goose	<i>Branta Canadensis leucopareia</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
<u>Common Loon</u>	<u><i>Gavia immer</i></u>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>
Olympic mudminnow	<i>Novumbra hubbsi</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>

Common Name	Scientific Name
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata;</i>

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; all wildlife within Titlow Beach Marine Preserve Area and the conservation areas defined in chapter 220-16 WAC; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

WSR 00-10-003
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 20, 2000, 2:10 p.m., effective May 22, 2000]

Date of Adoption: April 20, 2000.

Purpose: In connection with the Governor's Executive Order 97-02 on regulatory improvement, the crime victims compensation program is conducting an intensive review of its administrative rules. These proposed amendments were written to clarify language, combine two definition sections into one and repeal the other.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-31-020; and amending WAC 296-30-010, 296-30-130, and 296-31-012.

Statutory Authority for Adoption: WAC 296-30-010 Definitions is RCW 7.68.030; WAC 296-30-130 Lump sum is RCW 7.68.030, 7.68.070, 7.68.130, 51.32.050; and WAC 296-31-012 What mental health treatment and services are not authorized? is RCW 7.68.030, 51.04.030, 51.36.010.

Adopted under notice filed as WSR 00-02-091 on January 5, 2000.

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 3, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 1.

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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 3, Repealed 1.

Effective Date of Rule: May 22, 2000.

April 20, 2000

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 97-02-090, filed 12/31/96, effective 1/31/97)

WAC 296-30-010 Definitions. ((Whenever used in these rules, the following words mean:

(1) "Victim" means any person whose injury was not the direct, proximate result of his or her consenting to, provoking, or inciting the criminal act that resulted in the injury.

(2) ") The following definitions are used to administer the crime victims compensation program:

Acceptance, accepted condition: A determination by the department that the diagnosis of the claimant's medical or mental health condition is the result of the criminal act. The condition being accepted must be specified by one or more diagnostic codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM), or the Diagnostic and Statistical Manual of Mental Disorders (DSM).

Authorization: Notification by a qualified representative of the department that specific treatment, services or equipment provided for the accepted condition is allowable under the claim. Providers must insure they maintain records indicating the name of the qualified representative who authorizes treatment, services or equipment.

Bodily injury((- means)): Any harmful or offensive touching, ((and includes)) including severe emotional distress where no touching takes place when:

((a) Claimant)) (1) The victim is not the object of the criminal act and:

((i)) (a) The distress is intentionally or recklessly inflicted((; and

((ii) The distress is inflicted)) by extreme or outrageous conduct; ((and

((iii) The claimant has)) (b) Caused the victim to have a reasonable apprehension of imminent bodily harm; and

((iv)) (c) The ((claimant)) victim is in the immediate vicinity ((of the criminal act)) at the time of the criminal act ((takes place)).

((b) Claimant)) (2) The victim is the ((victim)) object of the criminal act and:

((i)) (a) The distress is intentionally or recklessly inflicted((; and

((ii) The distress is inflicted)) by extreme or outrageous ((or extreme)) conduct; and

((iii) The claimant had)) (b) Caused the victim to have a reasonable apprehension of imminent bodily harm.

((3) "Private insurance" means sources of recompense available by contract, such as life or disability insurance.

(4) "Public insurance" means any state or federal statutory welfare and insurance plan that compensates victims or

their beneficiaries as a result of the claimed injury or death. This does not include state, federal, or private deferred income retirement plans.

(5) The test used to define "the result of" as used in RCW 7.68.070 (3)(a) is two pronged. First, it must be determined that cause in fact exists, and second, it must then be determined that proximate cause exists:

(a) Cause in fact exists if "but for" the acts of the victim the crime that produced the injury would not have occurred.

(b) Proximate cause exists if, once cause in fact is found, it is determined that the acts of the victim:

(i) Resulted in a foreseeable injury to the victim;

(ii) Played a substantial role in the injury; and

(iii) Were the direct cause of the injury.

(6) "Institutions maintained and operated by department of social and health services or the department of corrections" means those institutions in which the department of social and health services or the department of corrections assumes responsibility for medical coverage of the institution's residents.

(7) "Reasonable cooperation" generally exists when the claimant is:

(a) Willing to talk to police and give information to aid in the investigation; and

(b) Willing to assist in the prosecution of the alleged criminal.

(8) A person is "unjustly enriched" within the meaning of RCW 7.68.070(15) when it would be deficient in justice and fairness, or inequitable, to allow that person to obtain, or have control of or access to, benefits or compensation paid as a result of an injury to a victim of crime.

(9) "Department" means the department of labor and industries.

(10) "Services provided" means services covered under chapter 74.09 RCW or Title XIX of the Federal Social Security Act that are:

(a) Provided by health services providers with credentials recognized by the department for purposes of payment under chapter 51.36 or 7.68 RCW; and

(b) Available and equivalent to those services covered by the department under Title 51 or chapter 7.68 RCW.

((11) ") **Claimant:** A victim who submits an application for benefits, or on whose behalf an application is submitted.

Consultation: The services rendered by a mental health provider whose opinion or advice is requested by the attending (treating) mental health provider, or agency, or by the department in the evaluation and/or treatment of a claimant. Case management or case staffing does not constitute a consultation.

Criminal act((- means)): An act defined in RCW 7.68.020, the occurrence of which can be verified by the department or which is reasonably credible. Physically impossible acts, highly improbable acts for which verification is not available, or unverified memories of acts occurring prior to the age of two will not be accepted as reasonably credible. In evaluating evidence to determine verification of claimed criminal acts, the department will give greater weight to the quality, than to the quantity, of evidence. Evidence that can be considered for verification of claimed crim-

inal acts includes, but is not limited to, one or more of the following:

- ((a)) (1) Police or other investigation reports.
 - ((b)) (2) Child protective services or other government agency reports.
 - ((c)) (3) Diaries or journals kept by victims and others.
 - ((d)) (4) Third party reports from school counselors, therapists and others.
 - ((e)) (5) Current medical examinations.
 - ((f)) (6) Medical or psychological forensic evaluations.
- In the absence of other adequate forensic evaluation reports, independent assessments per WAC 296-31-069 ((2) and (3)) may be conducted when indicated.
- ((g)) (7) Legal and historical reports.
 - ((h)) (8) Current and past medical and mental health records.
 - ((i)) (9) Reports of interviews with the victim's family members, friends, acquaintances and others who may have knowledge of pertinent facts. When such interviews are necessary to determine eligibility, the victim will be given the choice of whether to allow the interviews to be conducted. The victim will also be given the understanding that eligibility may be denied if the interviews are not conducted. The department will act according to the victim's choice.

Crisis intervention: Therapy to alleviate the claimant's most pressing problems. The vital mental and safety functions of the claimant are stabilized by providing support, structure and, if necessary, restraint.

Disability awards for mental health conditions: Direct monetary compensation that may be provided to an eligible claimant who is either temporarily totally disabled, permanently totally disabled, or permanently partially disabled resulting from an accepted condition.

Family therapy: Therapy involving one or more members of the claimant's family, excluding the perpetrator, which centers on issues resulting from the claimant's sexual assault pursuant to WAC 296-30-080.

Group therapy: Therapy involving the claimant, and one or more clients who are not related to the claimant, which includes issues related to the claimant's condition and pertinent to other group members.

Immediate family members: Any claimant's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family unit.

Individual therapy: Therapy provided on a one-to-one basis between a therapist and client.

Mental health provider: Any person, firm, corporation, partnership, association, agency, institution, or other entity providing any kind of mental health services related to the treatment of a claimant. This includes, but is not limited to, hospitals, psychiatrists, psychologists, advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, registered and/or certified master level counselors, and other qualified service providers licensed, registered and/or certified with the department of health and registered with the crime victims compensation program. (Refer to WAC 296-31-030 for specific details.)

Permanent partial disability: Any anatomic or functional loss after maximum recovery has been achieved. When the attending provider has reason to believe a permanent functional loss exists, the department should be notified. Specified disabilities (amputation or loss of function of extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200, et al. Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors. Maximum benefit levels are established by statute.

Permanent total disability (pension): A condition permanently incapacitating a claimant from performing work at any gainful employment. Maximum benefit levels are established by statute.

Proper and necessary: (1) Proper and necessary services for the diagnosis or rehabilitative treatment of an accepted condition;

(2) Reflective of accepted standards of good practice within the scope of the provider's license, certification, or registration;

(3) Not delivered primarily for the convenience of the claimant, the claimant's attending provider, or another provider;

(4) Curative or rehabilitative care that produces long lasting changes which reduces the effects of the accepted condition;

(5) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition; and

(6) Concluded once a claimant has reached a state of maximum improvement. Maximum improvement occurs when no fundamental or marked change in an accepted condition can be expected with or without treatment. A claimant's condition may have reached maximum improvement though it might be expected to improve or deteriorate with the passage of time. Once a claimant's condition has reached maximum improvement, treatment that results only in temporary changes is not proper and necessary. Maximum improvement is equivalent to fixed and stable.

Reasonable cooperation: The victim is able to talk to the police and give information to help in the investigation and prosecution of the alleged offender. There may be circumstances in which the victim is not able to fully cooperate. In these instances, consideration is given to the needs of the victim. The department may consider the following issues. The list is not inclusive:

(1) There is fear of retribution from the offender;

(2) There is a mental or physical condition which inhibits cooperation;

(3) The victim is dependent upon the offender for support;

(4) The victim is a minor.

Temporary partial disability (loss of earning power): Partial time loss compensation may be paid when the claimant can return to work on a limited basis, or return to a lesser

paying job is necessitated by the accepted condition. The claimant must have a reduction in wages of at least five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the claimant's condition is stationary. All time loss compensation must be certified by the attending provider based on objective findings.

Temporary total disability (time loss compensation): Time loss compensation may be paid when the claimant is temporarily unable to return to reasonable continuous gainful employment as a direct result of an accepted condition. Maximum benefit levels are established by statute.

Termination of treatment: When treatment is no longer required because the accepted condition for which the claim was allowed has become stable. The provider should submit a report indicating the date the condition became stable to the department. The claimant may require continued treatment for conditions not related to the crime injury condition; however, financial responsibility for such care must be the claimants.

The result of: The test used to define "the result of" used in RCW 7.68.070 (3)(a) is two-pronged. First, it must be determined that cause in fact exists, and second, it must then be determined that proximate cause exists.

(1) Cause in fact exists if "but for" the acts of the victim the crime that produced the injury would not have occurred.

(2) Proximate cause exists if, once cause in fact is found, it is determined that the acts of the victim:

(a) Resulted in a foreseeable injury to the victim;

(b) Played a substantial role in the injury; and

(c) Were the direct cause of the injury.

Time loss certification: Documentation from a physician, or mental health professional qualified to treat under the Crime Victims Act, based upon objective findings which are specific symptoms that an accepted condition of a claimant either partially or totally incapacitates the claimant from returning to work.

Unjustly enriched: It would not be fair or equitable justice to allow a person to obtain, or have control of, or access to benefits or compensation paid to a victim of crime.

AMENDATORY SECTION (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

WAC 296-30-130 ((Lump sum)) How are death benefits paid to a survivor(s) receiving public or private death benefits((s))? (1) ((Lump sum)) Maximum benefits ((paid to the survivor(s) of)) established in RCW 7.68.070(4) for an unemployed victim ((shall)) will be paid on a monthly basis if the survivor(s) is entitled to public or private ((or public)) death benefits. ((The death benefit payments shall be deducted each month from the crime victim's death benefits. Crime victim's benefit payments shall continue until the combined public or private death benefits and the crime victim's death benefits equal the total amount that the survivor(s) is eligible for under chapter 7.68 RCW.

(2) The amount of the monthly payments is based on the state's average monthly wage and are determined by the percentages established in RCW 51.32.050.

(3) This lump sum payment shall be adjusted upward by a factor of 8% to reflect the present and future value of the money.

(4) The survivor(s) of an employed victim are entitled to the maximum in death benefits prescribed by RCW 7.68.070(13). These benefits shall be paid in the same manner as the benefits paid to the survivor(s) of an unemployed victim except that the monthly rate shall be determined by the deceased's regular rate of pay-)) (a) The lump sum payment will be increased by eight percent to reflect the present and future value of the money.

(b) The amount of the monthly payment will be calculated based on the state's average monthly wage, at the time of the criminal act, and is determined by the percentages established in RCW 51.32.050.

(2) The survivor(s) of an employed victim is entitled to the maximum death benefits established in RCW 7.68.070(13). Benefits will be paid in the same manner as benefits paid to the survivor(s) of an unemployed victim, except the monthly rate will be determined by the deceased's regular rate of pay.

(3) Public or private death benefits will be deducted each month from the crime victims compensation program (CVCP) benefits.

(4) CVCP payments shall continue until the combined public or private death benefits and the CVCP death benefits equal the total amount the survivor(s) is eligible to under chapter 7.68 RCW.

(5) This ((procedure)) rule was adopted to ensure equal treatment of survivor(s) in like circumstances.

AMENDATORY SECTION (Amending WSR 99-20-031, filed 9/29/99, effective 11/1/99)

WAC 296-31-012 What mental health treatment and services are not authorized? (1) The crime victims compensation program will not authorize services and treatment:

(a) Beyond the point that the accepted condition becomes fixed and stable (i.e., maintenance care);

(b) After the date a permanent partial disability award is made;

(c) After a client is placed on a permanent pension roll, except as allowed in RCW 51.36.010;

(d) ((After consultation and advice to the department, any treatment deemed to be dangerous or inappropriate; or

(e) When treatment is defined as unnecessary or prohibited in WAC 296-31-020)) When services are not considered proper and necessary. Services that are inappropriate to the accepted condition, which present hazards in excess of the expected benefit, are controversial, obsolete, or experimental are presumed not to be proper and necessary, and shall only be authorized on an individual case basis with written authorization for the service from the department; or

(e) For any therapies which focus on the recovery of repressed memory or recovery of memory which focuses on memories of physically impossible acts, highly improbable acts for which verification should be available, but is not, or unverified memories of acts occurring prior to the age of two.

(2) We will not pay for services or treatment, including medications:

(a) On rejected claims;

EXCEPTION: We will pay for assessments or diagnostic services used as a basis for the department's decision.

(b) After the date a claim is closed.

EXCEPTION: Therapy for eligible survivors of victims of homicide can be provided on closed claims.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-31-020 Definitions.

**WSR 00-10-009
PERMANENT RULES
SECRETARY OF STATE
[Filed April 21, 2000, 8:17 a.m.]**

Date of Adoption: April 20, 2000.

Purpose: To define when an emergency logic and accuracy test should be conducted.

Citation of Existing Rules Affected by this Order: Amending WAC 434-334-090, 434-334-110, 434-334-140, 434-334-160, and 434-334-165.

Statutory Authority for Adoption: RCW 29.33.350.

Adopted under notice filed as WSR 00-05-094 on February 16, 2000.

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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 5, 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.

April 20, 2000

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-090 Logic and accuracy test certification—State primary and general election. The county auditor or deputy, and, if present, the office of the secretary of

state representative and any political party observers shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-334-082.

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-110 Logic and accuracy test certification—Special election. The county auditor or deputy and any political party observers, if present, shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the county auditor. All programming materials, official test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-334-082.

NEW SECTION

WAC 434-334-127 Punchcard adjustment standards and tests. Prior to all official logic and accuracy tests, a test must be conducted by each county employing a punchcard balloting system to confirm the ballot stock to be used in the election meets system specifications for card weight, thickness and length. The test should also confirm that the prepunches and voting response areas are being read properly by the ballot counter.

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-140 Definitions. For optical scan voting systems:

(1) "Voting response area" means the area defined by ballot instructions which the voter places their mark to indicate their vote.

(2) "Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.

(3) "Ballot marking code" means the coded patterns printed on ballots intended to identify ballot styles to the ballot counting system.

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-160 Optical scan read head and ballot scan area alignment tests. Prior to all official logic and

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accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter. This test should also confirm that all ballot marking codes are being properly interpreted by the ballot counter.

AMENDATORY SECTION (Amending WSR 99-08-115, filed 4/7/99, effective 5/8/99)

WAC 434-334-165 Optical scan ballot marking code program test. Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, ((test)) testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

WSR 00-10-010
PERMANENT RULES
SECRETARY OF STATE
[Filed April 21, 2000, 8:18 a.m.]

Date of Adoption: April 20, 2000.

Purpose: To clarify which multijurisdictional election results are sent to the state for certification.

Citation of Existing Rules Affected by this Order: Amending WAC 434-262-080, 434-262-110, and 434-262-120.

Statutory Authority for Adoption: RCW 29.04.080, 29.04.210, 29.36.150.

Adopted under notice filed as WSR 00-05-095 on February 16, 2000.

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 3, 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 3, 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.

April 20, 2000

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-080 Auditor's abstract of votes—Secretary of state to receive certified copy—Transmittal. No later than the next business day following the certification of the returns of any primary, special, or general election at which votes were cast for or against state measures or for candidates for federal and state-wide office or for state legislative and judicial offices whose jurisdiction encompasses more than one county, the county auditor shall send a certified copy of that part of the auditor's abstract of votes covering those issues and offices to the secretary of state. This copy must be no larger than eleven inches by fourteen inches and have a certificate identical to that accompanying the official county canvass report, bearing the county seal and original signatures of the officers required to sign that document attached or affixed thereto. A copy of the written narrative documenting errors and discrepancies discovered and corrective action taken shall accompany the abstract if applicable. Copies of the adding machine tapes used during the verification process need not be sent to the secretary of state.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-110 Certification of primary returns by the secretary of state. Upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the third Tuesday following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all candidates for federal and state-wide offices, for those state legislative and judicial offices whose jurisdiction encompasses more than one county, and the ballot titles for all state measures. In the event the secretary of state is unable to certify all or part of a primary election by the third Tuesday following that primary because he or she has not received completed certified copies of the auditor's abstract of votes from one or more counties, he or she shall certify the state ballot measures and those candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the county auditors, those reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding certified copies of official abstracts have been received and filed.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-120 Certification of general election returns by the secretary of state. Upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the thirtieth day following a general election the secretary of state shall certify to the governor the returns for all candidates for federal and state-wide offices, for those state legislative and judicial offices whose jurisdiction encompasses more than one county, and for all state ballot measures. In the event the secretary of state is unable to certify all or part of a general election by the thir-

tieth day following that election because he or she has not received completed certified copies of the auditor's abstract of votes from one or more counties, he or she shall certify those candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the governor, those reasons which render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding certified copies of official abstracts have been received.

WSR 00-10-015
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 21, 2000, 1:39 p.m.]

Date of Adoption: April 21, 2000.

Purpose: To amend the department's rules implementing the law codified in chapters 41.32 and 41.34 RCW in order to make those rules consistent with TRS Plan 3 which became effective July 1, 1996, and with clear rule-writing principles.

Amend chapters 415-108 and 415-112 WAC to:

- Accommodate a recent change in the law that allows TRS and PERS members to designate a trust as a death benefit beneficiary;
- Advise TRS and PERS members how to fill out forms so that their intended beneficiaries receive the preretirement death benefit.

Citation of Existing Rules Affected by this Order: Repealing WAC 415-112-510; and amending WAC 415-112-125, 415-112-140, 415-112-145, 415-112-155, 415-112-

330, 415-112-460, 415-112-4605, 415-112-4608, 415-112-471, 415-112-473, 415-112-475, and 415-112-477.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 00-04-024 on January 24, 2000.

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 12, 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 12, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 12, 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.

April 21, 2000

John Charles

Director

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-112-125 If I am eligible, how can I establish membership? (1) If you met the conditions in the following table, you established TRS membership. Your plan status depends upon the date you established membership, as indicated in the following table:

Period of Service	Type of Employment	Plan
Prior to 10/01/77 ¹	If you were contracted to teach full-time you were mandated into membership. If you were employed under a less than full-time contract and you exercised your option to establish membership prior to 10/01/77, you had the option to apply for membership under RCW 41.32.240, if you worked 90 or more full-time days ² during a fiscal year.	Plan ((F)) 1
10/01/77 through 06/06/90	If you were contracted to teach full-time you were required to be a member. If you were employed as a substitute teacher or under a less than full-time contract, you have the option to apply for membership under RCW 41.32.240 if you worked a minimum of 90 full-time days ² during a school year, provided 1 month had at least 90 hours.	Plan ((H)) 2
6/07/90 through 08/31/91	You must have been employed in an eligible position as defined in Section 2, Chapter 274, Laws of 1990, (requiring two or more consecutive months of at least 90 hours of compensated employment each month during a school year). For substitute teachers: If you met the above criteria, you may apply for membership and service credit under RCW 41.32.013 and WAC 415-112-140.	Plan ((H)) 2

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<p>9/01/91 forward</p>	<p>You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during a school year).</p> <p>For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.</p>	<p>Plan ((H)) 2</p>
<p>7/01/96</p>	<p><u>You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during the school year).</u></p> <p><u>For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.</u></p>	<p>Plan 3</p>

^u If you previously established Plan ((F)) 1 membership as detailed above, you may reestablish Plan ((F)) 1 membership after October 1, 1977.

^z "Ninety days of employment," under RCW 41.32.240 and this section means either:

- (a) Ninety full-time calendar days, or the equivalent, during a school year if you were employed as a teacher under a contract; or
- (b) Ninety full-time days of actual, compensated service, or the equivalent, during a school year if you were employed as a substitute teacher.
- (c) The "equivalent" of a full-time day of employment under (a) and (b) of this subsection is the sum of partial days which, when added together, equals one full-time day.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member" - RCW 41.32.010.
- (b) "Eligible position" - RCW 41.32.010.
- (c) "Employer" - RCW 41.32.010.
- (d) "Full-time" - RCW 41.32.240
- (e) "Service" - RCW 41.32.010.
- (f) "Substitute teacher" - RCW 41.32.010.
- (g) "Teacher" - RCW 41.32.010.
- (h) "School year" - WAC 415-112-0161.

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-112-140 Am I eligible for membership and service credit as a substitute teacher? (1) You may apply for membership and service credit in TRS as a substitute teacher if you meet eligibility criteria.

(a) TRS Plan ((F)) 1.

(i) If you are a former Plan ((F)) 1 member, you may apply to reestablish Plan ((F)) 1 membership if you work ninety or more full-time days during a school year as a teacher.

(ii) If you are a Plan ((F)) 1 member, you may apply to the department for service credit in Plan ((F)) 1 as a substitute teacher if you work a minimum of twenty full-time days during a school year.

(b) TRS Plan ((H)) 2.

(i) You may apply to the department for membership in Plan ((H)) 2 if you:

(A) Work at least seventy hours for five or more months during a school year; or

(B) Worked at least ninety hours for two consecutive months during the school year of September 1, 1990, through August 31, 1991.

(ii) If you have previously established membership in Plan ((H)) 2 and have not withdrawn your contributions, you may apply to the department for service credit based on any

compensated employment you earn as a substitute teacher during a school year.

(c) TRS Plan 3.

(i) You may apply to the department for membership in Plan 3 if you:

(A) Began employment after July 1, 1996; and

(B) Work at least seventy hours for five or more months during a school year.

(ii) If you have established membership in Plan 3, either by transferring from Plan 2 or establishing membership after July 1, 1996, you may apply to the department for service credit based on any compensated employment you earn as a substitute teacher during a school year.

(2) To apply, you must submit your employer's quarterly reports to the department at the end of a year.

(a) To apply for membership and service credit as a substitute teacher, you must submit your employer's quarterly reports to the department no earlier than:

(i) June 30 of the year for which you are applying for Plan ((F)) 1 service credit; or

(ii) August 31 of the year for which you are applying for Plan ((H)) 2 or Plan 3 service credit.

(b) Your employer cannot report your service and earnings history as a substitute teacher to the department through the retirement system monthly reporting system unless you are also employed in a separate, eligible position with the same employer.

(3) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member" - RCW 41.32.010.
- (b) "Service" - RCW 41.32.010.
- (c) "Substitute teacher" - RCW 41.32.010.
- (d) "Teacher" - RCW 41.32.010.

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AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-112-145 Can I terminate my status as a member? (1) If you are a TRS Plan ((F)) 1 member, you will remain a member until you:

- (a) Die;
- (b) Retire for service or disability; or
- (c) Withdraw your accumulated contributions.

(2) If you are a TRS Plan ((H)) 2 member, you will remain a member until you:

- (a) Die;
- (b) Retire for service or disability; or
- (c) Separate from service as a teacher in an eligible position.

(3) If you are a TRS Plan 3 member, you will remain a member until you:

- (a) Die; or
- (b) Retire for service or disability.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.32.010.
- (b) "Member" - RCW 41.32.010.
- (c) "Service" - RCW 41.32.010.
- (d) "Teacher" - RCW 41.32.010.

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-112-155 If I work in both a TRS position and PERS position during the same school year, which system will I be in? (1) If you work in both a TRS and PERS position during the same school year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS or PERS according to the following tables:

Former TRS Plan I Members ^L

Type of Concurrent Employment ^L	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a PERS-eligible position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, you must elect either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time teaching position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

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TRS Plan I Members

Type of Concurrent Employment ²	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time or less than full-time TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	TRS - for the TRS position only; your ineligible PERS position is not reportable.

TRS Plan II Members

Type of Concurrent Employment ²	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for TRS position only; your ineligible PERS position is not reported.
	A TRS employer and non-TRS employer	TRS - for TRS position only; your ineligible PERS position is not reported.
An eligible TRS position and an (ineligible) eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions. ²
	A TRS employer and non-TRS employer	You must elect either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

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PERS Members

Type of Concurrent Employment ²	Type of Employer(s)	System You Will Be Reported In
An eligible PERS position and an ineligible TRS or substitute position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for the PERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125 (1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for the PERS position only. You will not be reported for the TRS position unless you elect to either: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions: or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

Neither TRS Nor PERS Member

Type of Concurrent Employment ²	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible PERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate employers, TRS or non-TRS	Neither position reported.
A substitute teaching position and an ineligible PERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate employers, TRS or non-TRS	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

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¹ "Former TRS ((H)) 1 member", as used here, means you terminate your membership by withdrawing your contributions.

² "Concurrently" means during the same school year.

² EXAMPLE: A TRS ((H)) 2 member teaches in an eligible position and during the summer, she works for a state agency in an eligible position under PERS. Because the member has established membership in TRS ((H)) 2 through employment as a teacher, her state agency employer must report her service and compensation from the PERS position to the Department in TRS ((H)) 2.

EXAMPLE: A TRS ((H)) 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible PERS position. Because he is a TRS ((H)) 2 member, School District B employer must report his service and compensation from the PERS position to the Department in TRS ((H)) 2. If the member terminates his employment in the TRS position with School District A,

School District B will report him in PERS for the PERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.32.010 (TRS); RCW 41.40.010 (PERS).

(b) "Employer" - RCW 41.40.010 (PERS); RCW 41.32.010 (TRS).

(c) "Full time" - RCW 41.32.240.

(d) "Ineligible position" - WAC 415-112-0154 (TRS); RCW 41.40.010 (PERS).

(e) "Member" - RCW 41.40.010.

(f) "Membership" - RCW 41.40.023.

(g) "Report" - WAC 415-108-0104.

(h) "Service" - RCW 41.40.010.

AMENDATORY SECTION (Amending WSR 97-09-037, filed 4/14/97, effective 5/15/97)

WAC 415-112-330 Calculating service credit for Plan ((F)) 1 K-12 employees. For Plan ((F)) 1 members who are employed by a school district, a school year (~~(shall)~~) will consist of one hundred eighty days. One year of service credit (~~(shall)~~) will be granted to a Plan ((F)) 1 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)~~) will be granted to a Plan ((F)) 1 member who is employed for at least twenty days but less than one hundred forty-four days during a school year. The fraction (~~that produced by using the~~) will use days employed as the numerator and one hundred eighty as the denominator.

(1) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, a Plan ((F)) 1 classroom teacher (~~(shall)~~) will be granted one day of credit for every seven hours of compensated employment.

(2) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, Plan ((F)) 1 K-12 employees other than school district classroom teachers will earn one day of credit for every eight hours of compensated employment.

AMENDATORY SECTION (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

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 ((F)) 1. Certain types of payments for services rendered are excepted from reportable compensation for TRS Plan ((H)) 2 and Plan ((HH)) 3, see WAC 415-112-4605.

AMENDATORY SECTION (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

WAC 415-112-4605 Leave payments earned over time. (1) **Sick, annual, and personal leave usage.** Sick leave, annual leave, and personal leave is accumulated over time and paid to a person during a period of excused absence. Leave accrues 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 uses his or her accrued leave by taking a scheduled work day off with pay, 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 and personal leave cash outs, like payments for leave usage, are deferred compensation earned for services previously rendered.

(a) Plan ((F)) 1. Annual leave and personal leave cash outs are reportable for TRS Plan ((F)) 1.

(b) Plan ((H)) 2 and Plan ((HH)) 3. Although the payments are for services rendered, annual leave and personal leave cash outs are excluded from the definition of reportable

compensation in TRS Plan ((H)) 2 and TRS Plan ((HH)) 3, 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.

AMENDATORY SECTION (Amending WSR 98-09-059, filed 4/17/98, effective 5/18/98)

WAC 415-112-4608 Severance pay earned over time.

(1) **Plan ((F)) 1.** 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 ((F)) 1. 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 TRS Plan ((F)) 1 member employed as 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 week per year for two years) will be included in his TRS Plan ((F)) 1 retirement calculation.

(2) **Plans ((H)) 2 and ((HH)) 3.** All forms of severance pay are excluded from earnable compensation for Plans ((H)) 2 and ((HH)) 3 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 ((F, H, or HH)) 1, 2, or 3, see WAC 415-112-491.

AMENDATORY SECTION (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

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 ((F)) 1.** The salary the employee would have earned is reportable compensation if the employee serves at least five years in the legislature. Employer contributions are not required on this imputed payment. Employee contributions are required.

(2) **Plan ((H)) 2 and Plan ((HH)) 3.** The employee may choose between:

(a) The reportable compensation he or she would have earned had the member not served in the legislature; or

(b) The actual reportable compensation received for teaching plus the legislative reportable compensation.

If the employee selects option (a), he or she is responsible for paying the additional employer and employee contri-

butions to the extent the reportable compensation reported is higher than it would have been under (b) of this subsection.

AMENDATORY SECTION (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

WAC 415-112-473 Paid leave not earned over time. If 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 ((H)) 1), 41.32.810 (Plan ((H)) 2), 41.32.865 (Plan ((H)) 3), and WAC 415-112-475.

AMENDATORY SECTION (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

WAC 415-112-475 Union leave. If a member takes an authorized leave of absence 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 ((H)) 1), RCW 41.32.810 (Plan ((H)) 2), or RCW 41.32.865 (Plan ((H)) 3), as appropriate, are met.

AMENDATORY SECTION (Amending WSR 97-03-016, filed 1/6/97, effective 2/6/97)

WAC 415-112-477 Reinstatement or payment instead of reinstatement. (1) Payments to an employee are not earned for services rendered if an employer makes (~~payments to an employee~~) them for periods (~~where~~) during which the employee was not employed and (~~those~~) the payments are made either upon reinstatement (~~of the employee~~) or instead of reinstatement(~~, the payments are not earned for services rendered~~). (~~However~~) Nonetheless, RCW ((41.40.010)) 41.32.010(10) specifically designates (~~such~~) these 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. (~~Any such~~) The payment will be prorated over the entire period that the employee was suspended, terminated, or otherwise absent from work.

(2) For purposes of subsection (1) of this section, "reinstatement" means that the employee is entitled to return to full employment rights by action of either:

(a) The employer; or

(b) A personnel board, personnel appeals board or court of law following a hearing.

NEW SECTION

WAC 415-112-705 Designation of beneficiaries—Death benefit if a member dies before retirement. (1) As a member, you have the right to designate a beneficiary or beneficiaries to receive a benefit in the event of your death while you are an active member. You may change your beneficiary designation at any time by filing a change of beneficiary form with the department.

(2) As a member you may name:

(a) An organization or person, including your unborn or later adopted children. Unborn or later adopted children will not be included unless you specifically designate them as beneficiaries on the form. You must state the date of birth for any living person you name as a beneficiary;

(b) Your estate;

(c) A trust in existence at the time of death. Before making distribution to any trust the department must receive:

(i) A copy of the trust document;

(ii) The name, address, telephone number of the current trustee; and

(iii) The tax identification number;

(d) A trust to be established under your last will.

(3) You may name contingent beneficiaries in addition to primary beneficiaries.

Examples:

EXAMPLE ONE.

Facts

John, a member, completes a beneficiary designation form.

In the place on the form reserved for persons, he names his daughter Ann. He checks the box to indicate that Ann is a primary beneficiary.

In the place on the form reserved for trust/organizational beneficiaries, he lists the "Barbara Trust." His daughter Barbara is the trust beneficiary. He checks the box to indicate that the trust is a primary beneficiary.

Result

Subject to applicable statute, at John's death, the department will consider both the Barbara Trust and daughter Ann as primary beneficiaries. The department will require the name of the trustee, the tax identification number, a copy of the trust and other information specified in this rule before distribution to the trust.

EXAMPLE TWO.

Facts

John, a member, completes a beneficiary designation form.

In the place on the form reserved for persons, he names his daughter Ann. He checks the box to indicate that Ann is a primary beneficiary.

In the place on the form reserved for trust/organizational beneficiaries, he lists his daughter Barbara personally (no trust name is provided). He checks the box labeled "primary beneficiary." John misunderstands the form and rather than provide the names of the trustee or trust administrator, John writes the word "both" in the blank provided.

Result

At John's death, the department learns that John has created no trusts. Subject to existing statute, if the department receives no notice of competing claims to John's death benefit, the department will distribute the death benefit to Ann. If the department receives notice of competing claims, a court resolution may be required.

NEW SECTION

WAC 415-112-920 TRS Plan 3 defined benefit retirement eligibility. (1) Definition: Qualified service credit. Members may use only qualified service credit to receive a retirement benefit from the TRS Plan 3 defined benefit plan. The following types of service credit may be used to qualify for retirement:

- (a) TRS Plan 3 service credit;
 - (b) Service credit earned in a dual member system, but only in combination with TRS Plan 3 service credit under chapter 41.54 RCW;
 - (c) Up to forty-five days of sick leave under RCW 41.32.010;
 - (d) Service earned in an out-of-state retirement system that covers public school teachers under RCW 41.32.065.
- (2) Members must be age sixty-five to retire with an unreduced defined benefit if they have earned the following amounts of qualified service credit:
- (a) Ten service credit years; or
 - (b) Five service credit years which must include twelve service credit months after attaining age fifty-four; or
 - (c) Five service credit years by July 1, 1996, earned as a TRS Plan 2 member.

(3) Members may retire at age fifty-five with an actuarially reduced defined benefit under RCW 41.32.875 if they have accumulated at least ten years of qualified service credit.

(4) TRS Plan 3 retirement application.

A member must:

- (a) Meet the above-stated age and service credit requirements; and
- (b) Submit a complete, signed and notarized TRS Plan 3 retirement application; and
- (c) Terminate employment with all retirement system employers from which they are claiming service credit. Termination from non-TRS system employers is required if a member is using dual membership rules to qualify for retirement under chapter 41.54 RCW.

NEW SECTION

WAC 415-112-950 Mandatory selection of investment program. A TRS Plan 3 member must select one of the ERBB approved Plan 3 investment programs at the time of enrollment.

(1) Members will be automatically enrolled in the investment program with the total allocation portfolio (TAP) of the Washington State Investment Board (WSIB) if they fail to select an investment program within ninety days of enrollment.

(2) The TRS Plan 3 enrollment form allows members to choose between the two investment programs. The choice must be made within ninety days of enrollment. A member *may not* split monthly contributions between the WSIB and the self-directed programs. The member sends the enrollment form(s) to the employer and the self-directed investment allocation and balance transfer form to the plan record-keeper. If the member enrolls in the self-directed program but does not allocate contributions among investment options, contributions will automatically be invested in the money market fund option.

(3) Members must designate one hundred percent of their monthly contributions to a single investment program (self-directed or WSIB). However, they may allocate portions of their contributions to different investment options within the self-directed investment program.

(4) Members have the option to change investment programs and have future contributions posted to another approved investment program. The member must complete a change of investment program form and file it with their employer. Employers must notify the department when a member files for a change of investment form.

(5) Members may maintain accounts in more than one investment program, although they may contribute to only one program at a time. They may transfer funds between investment programs at any time.

NEW SECTION

WAC 415-108-315 Designation of beneficiaries—Death benefit if a member dies before retirement. (1) As a member, you have the right to designate a beneficiary or beneficiaries to receive a benefit in the event of your death while you are an active member. You may change your beneficiary designation at any time by filing a change of beneficiary form with the department.

(2) As a member you may name:

- (a) An organization or person, including your unborn or later adopted children. Unborn or later adopted children will not be included unless you specifically designate them as beneficiaries on the form. You must state the date of birth for any living person you name as a beneficiary;
- (b) Your estate;
- (c) A trust in existence at the time of death. Before making distribution to any trust the department must receive:
 - (i) A copy of the trust document;
 - (ii) The name, address, telephone number of the current trustee; and
 - (iii) The tax identification number;

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(d) A trust to be established under your last will.

(3) You may name contingent beneficiaries in addition to primary beneficiaries.

Examples:

EXAMPLE ONE.

Facts

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Result

Subject to applicable statute, at John's death, the department will consider both the Barbara Trust and daughter Ann as primary beneficiaries. The department will require the name of the trustee, the tax identification number, a copy of the trust and other information specified in this rule before distribution to the trust.

EXAMPLE TWO.

Facts

John, a member, completes a beneficiary designation form.

In the place on the form reserved for persons, he names his daughter Ann. He checks the box to indicate that Ann is a primary beneficiary.

In the place on the form reserved for trust/organizational beneficiaries, he lists his daughter Barbara personally (no trust name is provided). He checks the box labeled "primary beneficiary." John misunderstands the form and rather than provide the names of the trustee or trust administrator, John writes the word "both" in the blank provided.

Result

At John's death, the department learns that John has created no trusts. Subject to existing statute, if the department receives no notice of competing claims to John's death benefit, the department will distribute the death benefit to Ann. If the department receives notice of competing claims, a court resolution may be required.

**WSR 00-10-016
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed April 21, 2000, 1:42 p.m.]

Date of Adoption: April 21, 2000.

Purpose: To amend the department's general rules in order to make them consistent with 1994 and 1996 statutory amendments to chapter 41.50 RCW and with a state court decision *Newlun v. Retirement Systems*, 53 Wn. App. 809, 770 P.2d 1071 (1989).

Citation of Existing Rules Affected by this Order: Repealing WAC 415-02-040 and 415-02-070; and amending WAC 415-02-010, 415-02-020, 415-02-030, 415-02-050, 415-02-060, 415-02-080, and 415-02-100.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 00-04-025 on January 24, 2000.

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 2, Amended 7, Repealed 2.

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 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 7, Repealed 2.

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.

April 21, 2000

John Charles

Director

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-02-010 Identification. The department of retirement systems is a department of state government created by chapter 105, Laws of 1975-76 2nd ex. sess.

(1) The chief executive officer of the department of retirement systems is the director of retirement systems.

~~(2) ((The department of retirement systems is divided, structurally, into two divisions. Each division is headed by an assistant director answerable to the director. The two divisions are:~~

~~(a) The administrative services division which is headed by the assistant director for administrative services; and~~

~~(b) The program services management division which is headed by the assistant director for program services.~~

(3)) Members of the public may obtain information, make submittals or requests, or obtain copies of agency decisions by addressing their requests or submittals to the director of the Department of Retirement Systems at ((1025 East Union,)) P.O. Box 48380, Olympia, Washington, 98504. Upon receipt of such a request or submittal, the director shall forward the same to the proper officer or employee of the department of retirement systems for an appropriate response.

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~~((4)) (3) Members of the public who wish to inspect and/or copy public records maintained by the agency pursuant to chapter 42.17 RCW shall do so in accordance with the methods and procedures established in chapter 415-06 WAC ((415-06-010 through 415-06-110 of these rules)).~~

AMENDATORY SECTION (Amending Order 4, filed 7/27/77)

WAC 415-02-020 Authority. (1) The department ~~((of retirement systems))~~ is vested with the authority to administer, in accordance with chapter 105, Laws of 1975-76 2nd ex. sess., as now or hereafter amended, the Washington public employees' retirement system created by chapter 41.40 RCW, the Washington state teachers' retirement system created by chapters 41.32 and 41.34 RCW, the Washington school employees retirement system created by chapter 41.35 RCW, the Washington law enforcement officers' and fire fighters' retirement system, created by chapter ~~((41.25))~~ 41.26 RCW, the Washington state patrol retirement system, created by chapter 43.43 RCW, the Washington judicial retirement system, created by chapter 2.10 RCW, and the judges retirement fund created by chapter 2.12 RCW.

~~(2) ((The director of retirement systems and the state finance committee are empowered to provide for the investment of all funds of the Washington public employees' retirement systems, the Washington teachers' retirement system, the Washington law enforcement officers' and fire fighters' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, and the judges retirement fund, pursuant to RCW 43.84.150, with the approval of the respective boards of the retirement systems and funds above listed. The state finance committee will execute all such transactions.~~

~~(3)) The director is empowered to propose rules pursuant to RCW ((2.10.050, 2.10.070, 41.26.060, 41.32.160, 41.40.020, and 43.43.140, with the approval of the appropriate retirement board.~~

~~(4) The director has no authority to perform functions vested in the various retirement boards by law with respect to applications for benefits paid upon either temporary or permanent disability, except to see that such staff assistance is provided by the department to the boards as may be required.~~

~~(5) The director is required to evaluate all proposed legislation to be submitted by a retirement board as a departmental request. When such legislation is submitted to the director, he will obtain an initial actuarial estimate of the cost of each systems of the changes contained in the proposed legislation as if the legislation were applicable to each retirement system under his jurisdiction. The results of that estimate will then be transmitted to the retirement board which has requested the proposed legislation. That board may then modify its legislative proposal into final form for introduction as a bill on the basis of the estimate. The final form for the legislative proposal shall then be returned to the director who shall obtain a final actuarial estimate of the costs applied in the same manner as the initial estimate. On or before September 1, the director will transmit the final legislation proposal together with the actuarial estimates to the governor for consideration in his budget requests and shall also transmit~~

~~the same to the chairman of the ways and means committees of the legislature)) 41.50.050.~~

AMENDATORY SECTION (Amending WSR 94-09-039, filed 4/19/94, effective 5/20/94)

WAC 415-02-030 Definitions. Unless the context requires otherwise, the following terms shall have the meanings established below:

~~(1) "Appeal" means the ((method by which a party secures a contested case hearing before a retirement board or the director subsequent to an initial determination by the board or director of the legal rights, duties or privileges of the specific party)) process through which a party obtains review of a department action in an adjudicative proceeding before the department's presiding officer or hearings examiner under chapter 415-08 WAC.~~

~~(2) ("Clerk" means the director, any assistant director of the department of retirement systems, or the confidential secretary to the director of retirement systems, when used in reference to requests, submittals, papers or pleadings which must be filed with the clerk of one of the retirement boards established by chapters 2.10, 41.26, 41.32, 41.40, and 43.43 RCW or the director of the department of retirement systems.~~

~~(3)) "Department" means the department of retirement systems.~~

~~((4)) (3) "Director" means the director of retirement systems.~~

~~((5)) (4) "Employee" under this chapter, means a worker who performs labor or services for a retirement systems employer under the control and direction of the employer as determined under WAC 415-02-110(2). An employee may be eligible to participate as a member of one of the state-administered retirement systems according to eligibility requirements specified under the applicable retirement system.~~

~~((6) "Employer" means the employer of a particular member.~~

~~(7) "Hearings examiner" or "presiding officer" means a person or persons appointed by a retirement board or the director to preside at a contested case hearing and matters related thereto.~~

~~(8)) (5) "Independent contractor" under this chapter, means a worker providing services under contract to a retirement system employer for remuneration who is not under the direction or control of the employer as determined under WAC 415-02-110 (2) and (3). ((Independent contractors are ineligible to participate as members in any state-administered retirement system.~~

~~(9)) (6) "Member" means a person who is entitled to membership in one of the retirement systems created by chapters 2.10, 2.12, ((41.25)) 41.26, 41.32, 41.34, 41.35, 41.40, or 43.43 RCW.~~

~~((10)) (7) "Petition" means the method by which a party secures a review of an administrative determination ((by an assistant director)) prior to an appeal to the director. The department's petitions examiner performs the review under chapter 415.04 WAC.~~

~~((11) "Retirement board" means either the Washington judicial retirement board, the Washington law enforcement~~

officers' and fire fighters' retirement board, the board of trustees of the Washington state teachers' retirement system, the Washington public employees' retirement board, or the Washington state patrol retirement board.

~~((12))~~ (8) "Plan 1" means the retirement plans in existence prior to the enactment of chapters 293, 294 and 295, Laws of 1977 ex. sess.

(9) "Plan 2" means the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess., and chapter 341, Laws of 1998.

(10) "Plan 3" means the retirement plans established by chapter 239, Laws of 1995 and chapter 341 Laws of 1998.

(11) "Retirement system employer" means "employer" as defined in RCW 41.26.030(2), 41.32.010(11), 41.34.010(5), 41.35.010(4), or 41.40.010(4), and a "city" or "cities" as defined in RCW 41.44.030(2).

~~((13))~~ (12) "Worker" means a person who performs services for a retirement system employer either as an employee or as an independent contractor.

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-02-050 State Environmental Policy Act—Interface. The actions and activities of the department of retirement systems are not major actions significantly affecting the quality of the environment as described in chapter 43.21C RCW. All of the activities of the department are exempted from the threshold determination and environmental impact statement requirements of the State Environmental Policy Act (SEPA) by WAC ~~((197-10-175))~~ 197-11-875.

The responsible official of the agency for the purposes of SEPA is the director.

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-02-060 Refund of contributions—Application. ~~((A request for a refund of contributions will not be honored if it was executed more than thirty days prior to its receipt by the department. A member may cancel the request for a refund of accumulated contributions at any time prior to the mailing of the warrant representing the refund of contributions.))~~ The department will cancel a member's request for refund of defined benefit plan member contributions if the refund warrant is not cashed within one hundred eighty days of the date on the warrant. There will be no earnings on returned contributions for the one hundred eighty-day period that funds were held for distribution to the member.

If the member does not cash a warrant for a distribution of defined contribution plan member contributions within one hundred eighty days of the date on the warrant, the contributions will be returned to the member's account with the same allocation as existed on the date of the warrant. There will be no earnings on returned contributions for the one hundred eighty-day period that funds were held for distribution to the member.

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-02-080 Identification of members. ~~((Records of members of the retirement systems will be filed and identified in part by Social Security number. Each member of the systems shall be required to supply his or her Social Security number for such record keeping purposes. Such disclosure shall be voluntary and shall only be used for record keeping and identification purposes. Failure to supply a Social Security number shall not result in the loss of any benefits supplied by these systems.))~~ The department is authorized by the Internal Revenue Code to solicit Social Security numbers. The department uses Social Security numbers as the identifying number for the member file to ensure that any amounts paid from retirement accounts are properly reported to the Internal Revenue Service (IRS) as required by law. Each member of the retirement system is required to supply his or her Social Security number to the department. Failure to do so will not cause the member to lose benefits, but may result in misreporting to the IRS which can lead to adverse tax consequences for the member.

AMENDATORY SECTION (Amending Order V, filed 11/28/84)

WAC 415-02-100 Retiree insurance premium deductions for retirees—Enrollment requirements. ~~((Effective December 1, 1984))~~ The department ((of retirement systems)) will not accept requests by retirees of any of the systems which the department administers to deduct premiums for any kind of insurance from retirement allowances unless the provider has at least twenty-five such retirees enrolled in a withholding program. Any providers who ((now)) have less than twenty-five retirees in their deduction program will have twelve months in which to secure at least twenty-five participants. Failing to acquire the required minimum within twelve months will result in suspension of the deduction program for such provider. Any qualified provider ~~((presently qualified))~~ who drops below twenty-five participants ~~((in the future))~~ will be suspended if they remain under twenty-five participants for ninety days.

NEW SECTION

WAC 415-02-120 Investigative subpoenas. (1) During the course of the administration of its duties, including, but not limited to, audit or investigation, the department may issue a subpoena under RCW 41.50.137. The department may direct the subpoena to any employer, member, person or entity (served party) who may possess information which is relevant and material to compel the party to:

- (a) Appear and give testimony; and/or
 - (b) Produce any books, papers, correspondence, memoranda, or other documents, which the department deems relevant and material.
- (2) The subpoena must:
- (a) Identify "Washington state department of retirement systems" as the agency issuing the subpoena;

- (b) Identify the name and address of the party subpoenaed;
 - (c) Specifically describe the information which is sought;
 - (d) State a reasonable time and place for the production of the information, but no later than twenty days after service; and
 - (e) Notify the served party that if the information is not produced, the department will apply to the superior court under RCW 34.05.588 for an appropriate order or other remedy.
- (3) The subpoena may be served by:
- (a) Delivering it personally; or
 - (b) Sending a copy by certified mail, return receipt requested.

NEW SECTION

WAC 415-02-130 Members receive retirement and account information annually. (1) DRS provides information in an annual statement to all members who are currently employed and are being reported. The statements include, but are not limited to, the following information:

- (a) Service credit;
- (b) Contributions; and
- (c) Interest.

(2) The annual statement is based on information provided to the department by the employer as of a certain date. At the time the department compiles the annual statement, it may not have all the information necessary to make a final computation of any data reported. **Information in the annual statement is subject to correction.**

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|---|
| WAC 415-02-040 | Definition of Plan II. |
| WAC 415-02-070 | Application of particular rules to Plan II members. |

**WSR 00-10-017
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed April 21, 2000, 1:46 p.m.]

Date of Adoption: April 21, 2000.

Purpose: Changes to chapter 415-104 WAC to:

- Accommodate a recent change in the law that allows LEOFF Plan 2 members to designate a trust as a death benefit beneficiary;
- Advise LEOFF Plan 2 members how to fill out forms so that their intended beneficiaries receive the preretirement death benefit.

Statutory Authority for Adoption: RCW 41.50.050.

Adopted under notice filed as WSR 00-04-023 on January 24, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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.

April 21, 2000

John Charles
Director

NEW SECTION

WAC 415-104-450 Designation of beneficiaries—Death benefit if a member dies before retirement. (1) As a member, you have the right to designate a beneficiary or beneficiaries to receive a benefit in the event of your death while you are an active member. You may change your beneficiary designation at any time by filing a change of beneficiary form with the department.

(2) As a member you may name:

(a) An organization or person, including your unborn or later adopted children. Unborn or later adopted children will not be included unless you specifically designate them as beneficiaries on the form. You must state the date of birth for any living person you name as a beneficiary;

(b) Your estate;

(c) A trust in existence at the time of death. Before making distribution to the trust the department must receive:

- (i) A copy of the trust document;
- (ii) The name, address, telephone number of the current trustee; and
- (iii) The tax identification number;
- (d) A trust to be established under your last will.

(3) You may name contingent beneficiaries in addition to primary beneficiaries.

Examples:

EXAMPLE ONE.

Facts

John, a member, completes a beneficiary designation form.

In the place on the form reserved for persons, he names his daughter Ann. He checks the box to indicate that Ann is a primary beneficiary.

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In the place on the form reserved for trust/organizational beneficiaries, he lists the "Barbara Trust." His daughter Barbara is the trust beneficiary. He checks the box to indicate that the trust is a primary beneficiary.

Result

Subject to applicable statute, at John's death, the department will consider both the Barbara Trust and daughter Ann as primary beneficiaries. The department will require the name of the trustee, the tax identification number, a copy of the trust and other information specified in this rule before distribution to the trust.

EXAMPLE TWO.

Facts

John, a member, completes a beneficiary designation form.

In the place on the form reserved for persons, he names his daughter Ann. He checks the box to indicate that Ann is a primary beneficiary.

In the place on the form reserved for trust/organizational beneficiaries, he lists his daughter Barbara personally (no trust name is provided). He checks the box labeled "primary beneficiary." John misunderstands the form and rather than provide the names of the trustee or trust administrator, John writes the word "both" in the blank provided.

Result

At John's death, the department learns that John has created no trusts. Subject to existing statute, if the department receives no notice of competing claims to John's death benefit, the department will distribute the death benefit to Ann. If the department receives notice of competing claims, a court resolution may be required.

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 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 24, 2000

William E. Brookreson

Deputy Director

AMENDATORY SECTION (Amending Order 002, filed 6/6/89)

WAC 16-550-020 Blueberry commodity board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of seven members. Six members shall be affected producers elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of blueberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing blueberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - until June 30, 1970

Positions three and four - until June 30, 1971

Positions five, six and seven - until June 30, 1972

(5) **Nomination and election of board members.**

(a) Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be pub-

WSR 00-10-022
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

(Blueberry Commission)

[Filed April 24, 2000, 11:39 a.m.]

Date of Adoption: April 24, 2000.

Purpose: To revise the auditing schedule of the Blueberry Commission's records, books and accounts from an annual audit to an audit of at least once every five years in compliance with RCW 15.65.490.

Citation of Existing Rules Affected by this Order: Amending WAC 16-550-020 (10)(g).

Statutory Authority for Adoption: RCW 15.65.050.

Adopted under notice filed as WSR 00-05-090 on February 16, 2000.

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.

PERMANENT

lished in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers.

(b) At the inception of this order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary except that each member may be compensated in accordance with RCW 43.03.230 and shall be reimbursed for subsistence, lodging, and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to

carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "blueberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least (~~annually~~) every five years subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 00-10-023

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

(Cranberry Commission)

[Filed April 24, 2000, 11:42 a.m.]

Date of Adoption: April 24, 2000.

Purpose: To revise the auditing schedule of the Cranberry Commission's records, books and accounts from an annual audit to an audit of at least once every five years in compliance with RCW 15.65.490.

Citation of Existing Rules Affected by this Order: Amending WAC 16-565-020 (10)(h).

Statutory Authority for Adoption: RCW 15.65.050.

Adopted under notice filed as WSR 00-05-092 on February 16, 2000.

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 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 24, 2000

William E. Brookreson
Deputy Director

AMENDATORY SECTION (Amending Order 1864, filed 7/8/85)

WAC 16-565-020 Cranberry commodity board. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington and shall be divided into three representative districts as follows:

District I shall have two board members, being Positions 1 and 2, and shall comprise that portion of Pacific County lying south of the Willapa River.

District II shall have four board members, being Positions 3, 4, 5, and 6, and shall comprise that portion of Pacific County and that portion of Grays Harbor County lying between the Willapa River and the Chehalis River.

District III shall have one board member, being Position 7, and shall comprise the rest of the state.

(3) Board membership qualifications. The affected producer members of the board shall be practical producers of cranberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing cranberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and three - one year;

Positions four and five - two years;

Positions two, six, seven, and eight - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in

addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member may receive per diem in accordance with RCW 15.65.270 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the

order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To accept grants and gifts and expend the same consistent with the policies and purpose of this order.

(f) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(g) To establish a "cranberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed one hundred dollars, shall be deposited each day or as advisable.

(h) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least ~~(annually)~~ every five years subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(i) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(j) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(k) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(l) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter ~~((34.04))~~ 34.05 RCW (Administrative Procedure Act).

(m) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(n) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction; or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him/her by the act or the order.

(o) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 00-10-024**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

(Strawberry Commission)

[Filed April 24, 2000, 11:44 a.m.]

Date of Adoption: April 24, 2000.

Purpose: To clarify the language in the Strawberry Commission rule and make it consistent with the audit provisions in RCW 15.65.490.

Citation of Existing Rules Affected by this Order: Amending WAC 16-555-020 (10)(g).

Statutory Authority for Adoption: RCW 15.65.050.

Adopted under notice filed as WSR 00-05-091 on February 16, 2000.

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 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 24, 2000

William E. Brookreson

Deputy Director

AMENDATORY SECTION (Amending WSR 93-10-063, filed 5/3/93, effective 6/3/93)

WAC 16-555-020 Strawberry commodity board. (1) Administration. The provisions of this marketing order and

the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of seven members. Six members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington, and shall be divided into four representative districts as follows:

(i) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being Positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have one board member, being Position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(iv) District IV shall have one board member, being Position 6, and shall include the remaining counties in the state of Washington.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director, position seven.

(c) The term of office for the initial board members shall be as follows:

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

(d) The term of office for the initial board member in Position 6, shall terminate on August 31, 1995.

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspa-

per of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry

out the purpose of the marketing order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the marketing order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in marketing order to defray the costs of formulating the marketing order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least every five years subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each calendar year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the marketing order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the marketing order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of

federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of the board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.58.030(1) or any agricultural chemical which is of use or potential use in producing strawberries, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news services.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Effective Date of Rule: June 1, 2000.

April 24, 2000

Dennis Karras

Secretary

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-115 Salary—Layoff, reversion, demotion. (1) When an employee who has been separated returns from the institution-wide layoff list to the same class occupied immediately prior to layoff, the employee shall return to the same salary step held at time of layoff, unless the employee is currently employed by the institution and to do so would cause him/her to suffer a reduction in salary.

(2) When an employee accepts a layoff option under WAC 251-10-030(~~(5)~~) (4), the salary shall be retained provided it does not exceed the top step of the new range.

(3) When an employee accepts a layoff option under WAC 251-10-030(~~(6)~~) (5), the salary shall be determined by the personnel officer.

(4) When an employee is reverted from trial service following promotion (or returns from alternate appointment), the former salary step shall be restored, provided that adjustments shall be made to take into account any periodic increments which would have occurred during the trial service period.

(5) When an employee accepts a voluntary demotion, the salary shall be determined by the personnel officer.

(6) For disciplinary demotion, the salary shall be lowered step-for-step. The personnel officer may, however, authorize exceptions to this provision.

AMENDATORY SECTION (Amending Order 62, filed 8/30/77, effective 10/1/77)

WAC 251-09-080 Standby pay. Compensation for a scheduled or nonscheduled work period employee required to restrict off-duty activities to be available for duty will be approved by the (~~higher education personnel~~) board and will be included in the individual institution compensation plan.

AMENDATORY SECTION (Amending WSR 99-05-042, filed 2/12/99, effective 4/1/99)

WAC 251-23-040 Affirmative action plans—Content. Each higher education institution/related board shall apply affirmative action plans/programs to increase the representation of affected group members in their workforce when it is determined that a particular group is underutilized. Affirmative action plans/programs shall address recruitment, appointment, promotion, transfer, training and career development, and shall include but not be limited to the following:

(1) An equal employment opportunity/affirmative action policy statement.

WSR 00-10-026

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed April 24, 2000, 2:31 p.m., effective June 1, 2000]

Date of Adoption: April 20, 2000.

Purpose: These modifications were housekeeping in nature. They were needed to reflect the current title of the Washington Personnel Resources Board and to modify rule language as a result of Initiative 200.

Citation of Existing Rules Affected by this Order: Amending WAC 251-08-115, 251-09-080, 251-23-040, 356-14-045, 356-26-040, and 356-30-075.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 00-04-052 on January 28, 2000.

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 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

(2) An identification of the individual responsible for implementing the affirmative action plan/program and the specific responsibilities of that individual.

(3) Provisions for internal and external communication of the affirmative action plan/program.

(4) A workforce profile by race/ethnic origin, sex, age, disability, Vietnam Era veteran and disabled veteran status and job class/category and provisions for ascertaining the same.

(5) The development and implementation of utilization analyses and goals based on availability.

(6) An identification of the causes of underutilization and/or problem areas related to underutilization.

(7) The development and implementation of specific programs for correcting the identified causes of underutilization and/or problem areas, in order to achieve goals, such as:

(a) Provision for supplemental certification of underutilized persons with disabilities, Vietnam Era veterans and disabled veterans, and persons age 40 and over from all eligible lists, except institution-wide layoff lists, in accordance with WAC 251-23-060;

(b) Provision that, when goals exist for a class and when it is determined by the personnel officer that an eligible list does not contain sufficient numbers of persons with disabilities, Vietnam Era veterans and disabled veterans, and persons age 40 and over, applicants who are members of such groups and who meet the minimum qualifications for the class may be admitted to the examination at any time. Those who pass the examination for the class shall be placed on the appropriate eligible list;

(c) Provision for members of ((~~protected~~)) affected groups to enter the employment process, but not to exclude others from it;

(d) Provision for special employee training and development programs, in accordance with WAC 251-24-030(8).

(8) A system for monitoring and evaluating progress under the affirmative action plan/program including reports to the president/chief executive officer of the institution/related board.

(9) Supportive programs, internally and externally, which will enhance the achievement of affirmative action goals.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-045 Salaries—Comparable worth. (1) Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department of personnel. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under chapter 41.06 RCW shall be fully achieved not later than June 30, 1993.

(2) Comparable worth entitlements shall comply with the December 31, 1985 settlement agreement between the state of Washington and the American Federation of State, County and Municipal Employees (AFSCME), et al., as approved by federal district court and ratified by the Washington legislature.

(3) Upon the establishment of new classes, or redefinition of existing classes, the following policy shall apply:

(a) When an existing class or class series that is covered by the settlement agreement is substantially revised, the comparable worth salary range involvement shall be determined by reevaluating the classes using the Willis methodology.

(b) The comparable worth salary range involvement for classes that were not covered by the settlement agreement and newly created classes or class series shall be determined based on internal indexing, or Willis evaluation, whichever is determined most appropriate by the director.

(c) Salary ranges for new or revised classes which are substantially common with higher education ((~~personnel board~~)) classes shall be equal, as applicable.

(4) Comparable worth evaluation committee:

(a) Comparable worth evaluations using the Willis methodology shall be conducted by an evaluation committee composed of at least eight member representatives from operating agencies, employee organizations, and department of personnel staff.

(b) Members shall be experienced in agency programs or personnel administration. Members must also attend meetings on a regular basis a majority of the time.

(c) The director shall process committee appointments, appoint officers, establish meeting agendas, call meetings, and schedule (or reschedule) evaluations as he/she deems appropriate. Affected agency or employee representatives must submit any requests for evaluations or reevaluations in writing to the director for disposition and written response.

(5) Other administrative requirements regarding comparable worth adjustments include, but are not limited to, the following:

(a) The process for determining comparable worth class salary range involvement, if any, will be made a part of the regular monthly board meeting agenda.

(b) Requesting agencies and organizations should submit new and revised class proposals in sufficient time to accommodate a possible two-month review and evaluation period requirement.

(c) Agency requests should include proposed salary survey indexing and proposed comparable worth involvement, if any, at time of item submission. Indexing and comparable worth information will be included in board meeting agenda publications.

(d) For purposes of legal, fiscal, and legislative disclosure, comparable worth involvement salary ranges will be tracked and recorded by class.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements. (1) The director of personnel or designee may remove the name of an eligible from a register and/or certification for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction in force register or a dual agency reversion register has waived three offers of employment for a position in the class for which the register was established.

(e) If a candidate from a promotional or open competitive register has waived consideration three times for a position in the class for which the register was established.

(f) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(g) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(h) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times. The director of personnel or designee will monitor all name removals for adverse effect and/or disparate treatment of ~~((protected))~~ affected group members.

(i) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(j) If the appointing authority reports that the eligible was offered employment but could not comply with the personal identification and work authorization requirements of the federal Immigration Reform and Control Act (I.R.C.A.).

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in subsection (1)(b) or (c) of this section. The director of personnel or designee will advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the board upon appeal.

AMENDATORY SECTION (Amending WSR 87-02-039 (Order 268), filed 1/2/87)

WAC 356-30-075 Appointments—Veterans—Non-competitive. (1) Appointing authorities shall prefer veterans, as defined in subsection (2)(a) of this section and their widows, widowers, and spouses during their initial entrance into state service when considering selecting persons from eligible lists to fill vacancies in the noncompetitive service as described in WAC 356-22-230(1). Those veterans, widows, widowers and eligible spouses determined to be at least equal to nonveterans shall be preferred over the nonveterans except appointing authorities may, with the approval of the director of personnel, consider ~~((protected))~~ affected group status and periods of military service when endeavoring to satisfy their established and approved agency affirmative action plans.

(2) For the purpose of defining the eligible veterans and their widows, widowers and spouses referred to in subsection (1) of this section:

(a) "Veteran" means honorably discharged persons following active service in any war of the United States or in any military campaign for which a campaign ribbon shall have been awarded.

(b) "Widow" and "widower" means the person who was married to the veteran defined in (a) of this subsection at the time of the veteran's death and who has not since remarried.

(c) "Spouse" means the person married to the veteran as defined in (a) above, when that veteran has a service connected permanent and total disability.

(3) "Equal" as referred to in subsection (1) of this section shall be determined by the appointing authorities as follows:

(a) Filling vacancies from the lists in the noncompetitive service. The appointing authority shall use a score resulting from an established systematic evaluation of the applicant's work and/or educational and training background, evaluated both for length of time and quality of experiences. Also, appointing authorities may uniformly use other merit factors that are specifically job-related in making determinations. When appointing authorities do select persons other than those listed in subsection (2) of this section who have lesser scores than those persons listed in subsection (2) of this section, they shall forward to the director of personnel an explanation and the relative standing of the eligibles selected.

(b) A description of the established systematic evaluation system by agencies must be submitted to the director of personnel. Upon request, the director of personnel will make the services of the department of personnel available, to recommend the merit and job-related factors and procedures for judging relative qualities.

WSR 00-10-027

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed April 24, 2000, 2:32 p.m., effective June 1, 2000]

Date of Adoption: April 20, 2000.

Purpose: These modifications allow institutions of higher education, various community colleges and related boards to utilize the performance evaluation forms established by the Department of Personnel.

Citation of Existing Rules Affected by this Order: Amending WAC 251-01-345, 251-20-020, and 251-20-030.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 00-04-053 on January 28, 2000.

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 3, 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: June 1, 2000.

April 24, 2000

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

WAC 251-01-345 Rating factor or performance element. An element, duty, responsibility, skill, ability, or other specific aspect of performance which is ~~((rated))~~ evaluated as part of the annual performance evaluation.

AMENDATORY SECTION (Amending WSR 97-13-045, filed 6/13/97, effective 8/1/97)

WAC 251-20-020 Employee performance evaluation—Forms. (1) Standardized performance evaluation forms approved by the director shall be used to record employee evaluations. The forms shall contain standard ~~((=))~~ rating factors ~~((=))~~ or performance elements and shall provide for one or more ~~((=))~~ optional factors ~~((=))~~ developed by the institution, which reflect organizational requirements and specific job-related aspects of performance.

(2) The approved forms shall accommodate the provisions of WAC 251-20-040.

(3) The approved forms may be supplemented with other forms and/or information used by an institution to support the ~~((ratings))~~ evaluations recorded on the approved forms.

AMENDATORY SECTION (Amending Order 136, filed 9/25/85)

WAC 251-20-030 Method of evaluation. (1) Employee performance is to be ~~((rated for each "rating factor"))~~ evaluated on the approved form on the basis of performance expectations determined by the supervisor.

(2) Upon appointment to a position, the employee's supervisor will provide the employee with a copy of the following:

(a) The specification for the class.

(b) The employee's specific position duties and responsibilities which relate to the specification.

(3) Written performance expectations ~~((for each of the rating factors))~~ shall be provided to the employee in sufficient time to allow the employee to meet the work expectations (normally within thirty calendar days after appointment to an existing position and within ninety calendar days after appointment to a newly created or significantly modified position).

(4) The ~~((supervisor's))~~ performance expectations shall remain in effect for future evaluations unless action is taken

to modify them and the employee has been provided with a copy of ~~((them))~~ the changes.

~~((5) Each "rating factor" will be rated and recorded in one of the rating categories on the approved evaluation form.))~~

WSR 00-10-028

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed April 24, 2000, 2:36 p.m., effective January 1, 2002]

Date of Adoption: April 20, 2000.

Purpose: The purpose of chapter 359-14 WAC is to allow for the establishment, maintenance of, and referral from eligibility lists. The purpose of chapter 359-40 WAC defines reasons and procedures for layoff.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 00-04-054 on January 28, 2000.

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 12, 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 12, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 2002.

April 24, 2000

Dennis Karras

Secretary

Chapter 359-14 WAC

ELIGIBLE LISTS AND REFERRALS

NEW SECTION

WAC 359-14-010 Maintenance of eligible lists. (1) The establishment, maintenance, adequacy of, and referral from all eligible lists shall be the responsibility of the director, director's designee, or the higher education institution's personnel officer.

(2) The director may, as requested, designate agency personnel officers to act as agents of the Department of Personnel for the purposes of establishing and/or maintaining local eligible lists and referral of names from those eligible lists in accordance with these rules. The director shall develop necessary procedures for local eligible lists which include audit/periodic review provisions.

PERMANENT

(3) The director shall be responsible for establishing periodic reviews of examination, selection and hiring activities within the agencies and higher education institutions.

(4) The director, director's designee, director's agency designee with local eligible list authority, and higher education institution's personnel officer has authority to:

- (a) Add additional names to the eligible lists.
- (b) Remove names from referrals and/or eligible lists.
- (c) Cancel the entire eligible list when the class or examination has changed to the degree that the list would be invalid and notify all affected applicants of the cancellation.
- (d) Combine eligible lists as provided in WAC 359-14-070.
- (e) Determine when specialized qualifications are justified for a position as provided in WAC 359-14-080.

(5) Eligibility on an eligible list shall be measured from the date that the applicant's name is placed on the list, except for the layoff lists. An applicant's eligibility on the layoff lists shall be measured from the effective date of the qualifying action.

NEW SECTION

WAC 359-14-020 Name removal. The director, designee or higher education institution's personnel officer may remove an applicant's name from a referral and/or an eligible list for the following reasons. The applicant shall not have a review or appeal when the name removal is due to the reasons indicated in (1) below.

(1) Written notification of the removal of an applicant's name from a referral and/or an eligible list is not required when the applicant has:

- (a) Requested removal in writing.
- (b) Failed to respond within seven calendar days to a written inquiry relative to availability for an interview. The written inquiry will include the results of not responding.
- (c) Failed to respond within ten calendar days to a written inquiry relative to availability for an eligible list. The written inquiry will include the results of not responding.
- (d) Failed to notify the recruiting agency/personnel office of a change of address.
- (e) Been removed from a list due to expiration of eligibility.

(2) The director, designee or the higher education institution's personnel officer may remove an applicant's name from a referral and/or an eligible list for good and sufficient reason, including when the applicant has waived consideration of appointment three times.

(a) The affected applicant shall be notified of the specific reasons for removal and advised of the right to request a review by the agency or higher education institution taking the action.

(b) The applicant's written request for review must be submitted within ten calendar days of notification of the removal.

(c) Within ten calendar days after receiving a request for a review, the agency or higher education institution shall provide the applicant with written notification of the decision to:

- (i) Restore the applicant's name to the eligible list and/or referral; or

(ii) Refuse to restore the applicant's name to the eligible list and/or referral. The notice shall include the applicant's right of appeal to the Director of the Department of Personnel or director's designee, whose decision is final and binding.

NEW SECTION

WAC 359-14-030 Referrals. (1) Upon receipt of a written request, the director, designee or higher education institution's personnel officer shall refer the names of qualified applicants eligible for the position from the appropriate eligible lists. When it is necessary to use more than one eligible list to complete a referral, each eligible list must be exhausted before using the next eligible list.

(a) Referrals from eligible lists for filling classified vacancies shall be made in the order of priority listed below:

- (i) Internal layoff list;
- (ii) Statewide layoff list;
- (iii) Internal promotional list;
- (iv) System wide movement list; and
- (v) Open competitive list.

(b) When a combined eligible list has been approved, referrals from eligible lists for filling vacancies shall be made in the order of priority listed below:

- (i) Internal layoff list;
- (ii) Statewide layoff list; and
- (iii) Combined eligible list.

(2) All applicants' names on the internal layoff list are ranked and referred in descending order of seniority. When there are names on the internal layoff list, one name per vacancy plus those names whose seniority dates are tied shall be referred. All names on the internal layoff list shall be exhausted before using the next eligible list.

(3) All applicants' names on the statewide layoff list are ranked and referred in descending order of seniority. When there are names on the statewide layoff list, six more names than vacancies to be filled and those names whose seniority dates are tied for the seventh or last position shall be referred.

When sufficient names are not available on the statewide layoff list to complete a referral, the referral may be completed by adding names, including those whose scores are tied for the seventh or last position, only from the internal promotional list. However, fewer names on the statewide layoff list are a complete referral if there are no names on the internal promotional list. Names are referred in descending order of seniority from the statewide layoff list. Names from the internal promotional list are referred in descending order of score.

(4) Except as provided in (2) and (3) of this section, names on the eligible list shall be ranked and referred in descending order of examination score. The referral from an eligible list shall be six more names than there are vacancies to be filled and those whose scores are tied for the seventh or last position. If sufficient names are not available, the referral may be completed by adding applicants' names from the next eligible list.

(5) Up to three additional applicants' names plus those whose scores are tied for the last position, who meet the applicable affirmative action criteria, shall be referred from the eligible list when the following are met:

(a) an approved affirmative action program is utilized,
 (b) the initial referral does not include at least three members of the group(s) for which there are established affirmative action goals, and

(c) the total referral of names under this subsection shall not exceed three, except for those whose scores are tied for the last referral position.

(6) When there are fewer names than constitute a complete referral for the class, the vacancy may be filled from an incomplete referral.

(7) When there is an incomplete referral for the class, the director or agency designee with local list authority or a personnel officer at a higher education institution may complete or supplement the referral from a related eligible list or referral if it is determined the related list or referral is sufficiently similar.

(8) When it is impractical to recruit to establish an eligible list for a class, the director, agency designee with local eligible list authority, or personnel officer at a higher education institution may:

(a) Substitute an eligible list for a related class if the classes are deemed to be sufficiently similar, or

(b) Request the use of an eligible list established for the class at another higher education institution or agency.

(9) Permanent employees referred from an eligible list for consideration of appointment shall be notified at the time of referral. Upon appointment, the employer shall advise those permanent employees referred but not appointed of the action taken.

(10) When a vacancy occurs, the hiring authority may appoint any referred applicant.

NEW SECTION

WAC 359-14-050 Non-competitive eligible list. (1) All classes shall be considered to be in the competitive service unless a class has been approved by the director to be in the noncompetitive service.

The noncompetitive service comprises those unskilled, seasonal and temporary classes or positions for which the director has determined it is not practical to develop eligible lists. Although the same selection procedures may be used as in the competitive service, the procedures need not be applied beyond the point of determining that an applicant achieves a passing score.

(2) Noncompetitive eligible lists shall contain the names of applicants who meet the minimum or desirable qualifications.

(3) Eligible veterans shall be granted examination and referral preference as provided in these rules and the state law.

(4) The director shall develop necessary procedures which include audit provisions for noncompetitive recruitments.

NEW SECTION

WAC 359-14-070 Combined eligible lists. (1) Combined eligible lists include the internal promotional list, system wide movement list, and open competitive list with all

applicants ranked and referred in descending order of final examination score. Six more names than there are vacancies and those whose scores are tied for the seventh or last position shall be referred

(2) Except as provided in (3) below, combined lists may be approved by the director, designee, or higher education institution's personnel officer when:

(a) the exclusive representative has been notified when the position is in a collective bargaining unit,

(b) qualified candidates are not available on the internal and statewide layoff lists, and

(c) the request is in the best interest of the state.

(3) A higher education institution's personnel officer may combine specific lists for EEO-6 categories executive, administrative, managerial, and professional non-faculty. When doing so, the recruitment notice shall indicate combined lists are used and applicants shall be ranked and referred in order of the final examination score.

(4) Current permanent employees of the employing agency or higher education institution/related board shall have five percent credit added to their final passing examination scores when any combined eligible list is used. Former employees, who are eligible to apply promotionally after disability separation, of the agency or higher education institution shall have five percent credit added to their final passing examination scores when any combined eligible list is used.

NEW SECTION

WAC 359-14-080 Specialized qualifications. (1) An employing official may request specialized qualifications that are required for the successful performance of the duties of the position, and cannot be gained within a reasonable time.

(2) Specialized qualifications shall not exceed the amount of experience/training or level of education published in the class specification.

(3) Specialized qualifications based on gender shall be made consistent with a bona fide occupational qualification approved by the Human Rights Commission.

(4) If the director of personnel, designee, or higher education institution's personnel officer determines that the facts and reasons justify the request, the applicants with the highest final score(s) who have the specialized qualifications shall be referred.

NEW SECTION

WAC 359-14-100 Eligible list designations. (1) **Internal layoff list**

(a) Employees shall have the following internal layoff list(s) rights:

(i) Employees who are laid off shall be placed on the internal layoff lists for classes in which they held permanent status at the current or lower salary range and in lower classes in the same class series. Permanent status is not required for the lower classes in the class series.

(ii) Employees who take a voluntary demotion in-lieu of layoff shall be placed on the internal layoff list(s) for the class from which they demoted and classes at that salary range and

lower salary ranges in which the employees held permanent status.

(A) Except for employees who transfer within the same class, employees reverted during the trial service period, upon request, shall be listed at the current and former agency/higher education institution on the internal layoff list for the last class in which the employee held permanent status prior to the reversion.

(B) Employees who transfer within the same class, and are reverted during the trial service period, upon request, shall be listed at the former agency/higher education institution on the internal layoff list for the last class in which the employee held permanent status prior to the reversion.

(iii) Upon request, an employee will be listed on the internal layoff lists for higher level classes where the employee held permanent status when an agency or institution of higher education has developed an internal policy and criteria to allow access to higher level classes.

(b) The following permanent employees of each employing agency and higher education institution may request to have their names placed on the appropriate internal layoff list(s):

(i) Employees who were laid off.

(ii) Employees who are scheduled to be laid off.

(iii) Employees who accepted a voluntary demotion in lieu of a layoff.

(iv) Employees who accepted less-than-comparable positions as defined by the employer's layoff procedure.

(v) Employees who move between agencies and/or higher education institutions and who are reverted during the trial service period.

(A) Except for employees who transfer within the same class, employees reverted during the trial service period shall be listed at the current and former agency/higher education institution on the internal layoff list for the last class in which the employee held permanent status prior to the reversion.

(B) Employees who transfer within the same class and are reverted during the trial service period shall be listed at the former agency or higher education institution on the internal layoff list for the last class in which the employee held permanent status prior to the reversion.

(vi) Employees whose positions are being reallocated downward.

(vii) Employees who are eligible as provided in these rules.

(c) Employees are not eligible to be placed on internal layoff lists for classes from which they have been demoted for cause.

(d) Referrals from the internal layoff list shall be made in accordance with WAC 359-14-030.

(e) Names of eligible employees shall remain on the internal layoff list for two years from the effective date of the qualifying action. Upon the employee's request, eligibility shall be extended for one additional year, for a total of three years of eligibility on the internal layoff list.

(f) The employer may require an alternate review period when offering layoff options or upon appointment from a layoff list as provided in WAC 359-40-060.

(2) Statewide layoff list

(a) Employees shall have the following statewide layoff list rights:

(i) Upon request, employees who are laid off shall be placed on statewide layoff lists for classes in which they held permanent status at the same or lower salary range and lower classes in the same class series or equivalent intersystem classes as determined by the Department of Personnel. Permanent status is not required in the lower classes in the class series or in equivalent intersystem classes.

(ii) Upon request, employees who take a voluntary demotion in-lieu of layoff shall be placed on the statewide layoff list for the class from which they demoted and classes at that salary range and lower salary ranges in which the employee held permanent status.

(iii) All employees referred from the statewide layoff list shall be offered an interview.

(b) The following permanent employees may request to have their names placed on the statewide layoff list(s) for other state agencies and higher education institutions:

(i) Employees who were laid off.

(ii) Employees who are scheduled to be laid off.

(iii) Employees who accepted a voluntary demotion in lieu of layoff.

(iv) Employees who accepted less-than-comparable positions as defined by the employer's layoff procedure.

(v) Employees who are eligible as provided in these rules.

(c) Employees are not eligible to be placed on statewide layoff lists for classes from which they have been demoted for cause.

(d) Referrals from the statewide layoff list shall be made in accordance with WAC 359-14-030.

(e) Names of eligible employees shall remain on the statewide layoff list(s) for two years from the effective date of the qualifying action. Upon the employee's request, eligibility shall be extended for one additional year, for a total of three years of eligibility on the statewide layoff list.

(f) The employer may require an alternate review period when offering layoff options or upon appointment from a layoff list as provided in WAC 359-40-060.

(3) Internal Promotional List

(a) The internal promotional list at each agency and each higher education institution shall include the names of the following permanent employees of that employer who meet minimum qualifications and receive a final passing score in the examination for a class having a higher maximum salary than the employee's permanent class.

(i) Current employees.

(ii) Employees who were separated due to layoff and who are currently on an internal layoff list.

(iii) Employees who are eligible as provided in these rules.

Employees who have completed their probationary period may request that their existing open competitive examination score be converted to this list.

(b) Promotional preference may be provided to employees within the organizational unit before considering other internal promotional employees.

(i) An organizational unit is a clearly identified structure or substructure of persons employed to achieve a common goal or function under the direction of a single official.

(ii) An organizational unit may consist of an administrative entity or a geographic location.

(c) Referrals from the internal promotional list shall be made in accordance with WAC 359-14-030.

(d) Names of employees shall remain on the internal promotional list for an indefinite period unless specified in the recruitment notice or as provided in these rules.

(e) Employees appointed to a position from the internal promotional list shall serve a trial service period.

(4) System Wide Movement List

(a) The system wide movement list shall be used to promote, transfer, laterally move, or voluntary demote to a state agency or a higher education institution where the employee is not currently employed. The list shall include the names of the following applicants who meet the minimum qualifications and receive a passing final score in the examination for the class:

(i) Current permanent employees.

(ii) Employees who were separated due to layoff and who are currently on a layoff list.

(iii) Employees who are eligible as provided in these rules.

(iv) Employees who have completed their probationary period may request that their existing open competitive score be converted to this list.

(b) Referrals from the system wide movement list shall be made in accordance with WAC 359-14-030.

(c) Names of employees shall remain on the system wide movement list for an indefinite period unless otherwise specified in the recruitment notice or as provided in these rules.

(d) Employees appointed to a position from the system wide movement list shall serve a trial service period.

(5) Open Competitive List

(a) The open competitive list shall contain the names of all applicants including former employees, who are not eligible for placement on other eligible lists specified in this chapter.

(b) To be considered for the open competitive list, applicants must apply, meet the current qualifications, and pass the examination for the class.

(c) Referrals from the open competitive list shall be made in accordance with WAC 359-14-030.

(d) Names of eligible applicants shall remain on the open competitive list for an indefinite period unless otherwise specified in the recruitment notice or provided by these rules.

(e) Applicants appointed to a position from the open competitive list shall serve a probationary period as designated for the class.

NEW SECTION

WAC 359-14-130 Internal procedure for transfer, lateral moves, and voluntary demotion. (1) Each agency director or designee or each higher education institution's personnel officer shall develop an internal procedure to pro-

vide reasonable opportunity for current employees requesting to:

(a) transfer within a class;

(b) laterally move; or

(c) voluntarily demote.

(2) The employer's internal procedure for employee-initiated movement shall include the following information:

(a) explanation of the process;

(b) required tests, current qualifications; and

(c) trial service requirements.

Chapter 359-40 WAC LAYOFF

NEW SECTION

WAC 359-40-010 Reasons for layoff. (1) Employees may be separated from their position and/or employment in accordance with the statutes and the employer's layoff procedures, without prejudice, because of:

(a) lack of funds;

(b) lack of work;

(c) good faith reorganization for efficiency purposes;

(d) ineligibility to continue in a position which was reallocated; and/or

(e) when there are fewer positions than employees entitled to such positions either by statute or within other provisions of these rules.

NEW SECTION

WAC 359-40-020 Seniority. (1) Seniority for layoff purposes is a measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the Washington Personnel Resources Board.

(2) Seniority for permanent full time employees in a layoff situation will be calculated as follows.

(a) In state agencies, seniority is the last period of unbroken time served in positions in classified service, *including* time on the layoff lists for a maximum of three years for each layoff occurrence, *plus* time in an exempt appointment when the employee returns to classified service without a break in service, *plus* veterans may include active military service up to 5 years in accordance with these rules, minus time spent in leave without pay status except when approved for specific reasons specified in these rules.

(b) In state agencies, for layoff purposes, ties in seniority will be broken by first measuring each employees total accumulated state service; if the tie still exists, by measuring the last continuous time within the current classification; if the tie still exists, by measuring the last continuous time with the current employer; and if the tie still exists, by lot.

(c) In higher education institutions, seniority is the number of calendar days continuously employed in classified service based on the earliest date of continuous classified service, *plus* veterans may include up to 5 years of active military service credit in accordance with these rules, *minus* all time spent in leave without pay status, including time in an exempt position, except:

- (i) where required by statute, or
 - (ii) for cyclic year positions.
- (3) In state agencies, seniority for part-time employees will be computed on a basic payroll hours compared to full time employees, within the same provisions and restrictions of the definition of seniority.
- (4) In higher education institutions, less than full time employment shall be considered full time service for purposes of seniority.
- (5) When an employee from a state agency applies to be placed on the statewide layoff list at a higher education institution, the employee's seniority will be recalculated by the higher education institution using data from the agency.
- When an employee from a higher education institution applies to be placed on the statewide layoff list at an agency, the employee's seniority will be recalculated by the agency using data from the higher education institution.
- (6) An employee who moves from a state agency to a higher education institution or from a higher education institution to a state agency, shall have seniority computed using the applicable method in (2), (3) and (4) of this section for the employee's new employer.

NEW SECTION

WAC 359-40-050 Layoff procedure. (1) Each agency and each institution of higher education shall develop a layoff procedure.

(2) The rules for layoff procedures are not intended to exclude requirements that address specific organizational needs or additional options that enhance opportunities for affected employees.

(3) Each layoff procedure shall include, but is not limited to, the following:

(a) Clearly defined layoff unit(s) that minimize disruption of the employer's total operation but are not unduly restrictive of options available to employees.

(i) Layoff units may be a series of progressively larger units within an organization when a valid option in lieu of separation cannot be offered to respective employees within a smaller unit.

(ii) Separate and exclusive layoff units may be established for special employment programs that are provided in these rules.

(b) Provisions that address opportunities to prevent layoff, including, transfers, voluntary demotion, reduced work schedule, voluntary leave without pay and/or positions held by non-permanent or probationary employees.

(c) Provisions that an option(s) within the layoff unit shall be comparable as defined in the employer's layoff procedure.

(d) Provisions that an employer shall not offer a layoff option to a filled position if there is a funded vacancy within the layoff unit in the same class as the filled position and the vacant position is comparable.

(e) Provisions for written notice of layoff to employees by the appointing authority or designee.

(i) Permanent employees shall receive written notice at least 15 calendar days before the effective date of layoff.

(ii) Employers shall advise those employees in writing of layoff options, including alternate review period requirements, the specific layoff list(s) for which they are entitled, and their appeal rights. The written notice shall specify the rights and obligations of the employees to accept or reject layoff options.

(iii) A copy of the employer's layoff procedure shall be made available to each employee who is subject to layoff.

(f) Provisions for options for permanent employees subject to layoff.

(i) Layoff options shall be offered based on seniority.

(ii) The sequence of a layoff option(s) to position(s) within the layoff unit, at a minimum, shall be offered in the following order:

(A) the current class, or if none are available;

(B) classes at the current salary range, or if none are available;

(C) lower classes in descending order, if available.

A through C above are classes in which the employee has held permanent status and are at the same or lower salary range maximum as the current class.

(g) Provisions that address the offering of a layoff option(s) when specific position or selective requirements are necessary, or where there are licensing or legal requirements.

(h) Provisions that address the use of alternate review periods as provided in WAC 359-40-060.

(4) Each layoff procedure may include provisions that allow additional layoff options, in descending salary order, for which the employee is qualified. These options may include:

(a) positions in lower classes in descending order in the same class series;

(b) access to any other less-than-comparable positions;

(c) access to positions filled by non-permanent appointments; and

(d) access to any other comparable positions.

NEW SECTION

WAC 359-40-060 Alternate review period. The employer may require an employee to complete an alternate review period when offering layoff options or upon appointment from an internal layoff list or the statewide layoff list.

(1) The employer will advise the employee in writing at the time of appointment of any requirement to serve an alternate review period and the length of time for the alternate review period. The length of time for the alternate review period shall not exceed the probationary period for the class.

(2) The employee shall serve an alternate review period as determined by the employer.

(a) The employer shall provide the employee with instruction and/or training in the duties of the new position or class.

(b) The employee shall obtain permanent status in the class or new position upon successful completion of the alternate review period.

(3) Employers may separate an employee from a position during the alternate review period.

(4) Employees may voluntarily separate during an alternate review period. The employee may voluntarily separate maximum of three times during each layoff occurrence.

(5) Upon request, employees separated from positions during the alternate review period shall have their names placed on all lists for which they are eligible for the remaining eligible time.

(6) Separation and subsequent placement on the layoff list from the alternate review period shall be considered no fault. Any negative performance record for this period will be removed from the employee's personnel file.

(7) The employee shall not have an appeal of separation from the alternate review period.

WSR 00-10-036

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 24, 2000, 3:51 p.m., effective June 1, 2000]

Date of Adoption: April 24, 2000.

Purpose: WAC 388-436-0010 Winterization, benefits provided under this rule have been used very seldom. Recent rule changes affecting emergency assistance allow winterization needs to be met more effectively using the additional requirements for emergent needs benefit described in WAC 388-436-0002. This proposal will eliminate the winterization benefit.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-436-0010 Winterization.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 00-06-067 on March 1, 2000.

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: June 1, 2000.

April 24, 2000

Marie Myerchin-Redifer
Manager

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-436-0010 Winterization.

WSR 00-10-048

PERMANENT RULES

SHORELINE COMMUNITY COLLEGE

[Filed April 26, 2000, 2:50 p.m.]

Date of Adoption: April 21, 2000.

Purpose: Update chapter 132G-276 WAC, Public records, which has not been revised since 1974, to reflect substantial changes in law since that time.

Citation of Existing Rules Affected by this Order: Repealing WAC 132G-276-030 and 132G-276-040; and amending WAC 132G-276-010, 132G-276-020, 132G-276-050, 132G-276-060, 132G-276-080, 132G-276-090, 132G-276-100, 132G-276-110, 132G-276-120, 132G-276-130, and 132G-276-900.

Statutory Authority for Adoption: RCW 28B.50.140(13) and 42.17.260(5).

Adopted under notice filed as WSR 00-06-074 on March 1, 2000.

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 11, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, Repealed 2.

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.

April 21, 2000

Paulette Fleming, Vice-President
Human Resources/Employee Relations

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-010 Purpose. The purpose of this chapter shall be to ensure compliance by the (~~Community College District Number Seven~~) college with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular with RCW 42.17.250 - 42.17.320 of that act, dealing with public records.

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AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-020 Definitions. (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, e-mail, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

~~((3) **Community College District Number Seven.** The Community College District Number Seven is an agency organized by statute pursuant to RCW 28B.50.040. The Community College District Number Seven shall hereinafter be referred to as the "college" and includes the institution known as Shoreline Community College. Where appropriate, the term college also refers to the board of trustees, and the officers, agents, and employees of the college.))~~

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-050 Public records available. All public records of the college, as defined in WAC 132G-276-020 and RCW 42.17.020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by ~~((RCW 42.17.310 and WAC 132G-276-100))~~ law.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-060 Public records officer. The college's public records shall be in the charge of the public records officer designated by the college president. The person so designated may in turn designate persons in the administrative office to implement this section. The public records officer and his or her designees shall be responsible for the following: The implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such

records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office on the campus. The form shall be presented to the public records officer and/or his or her designees, at the administrative office on the campus during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer and/or his or her designees, to assist the member of the public in appropriately identifying the public record requested.

(3) The public records officer and/or his or her designee to whom the request is presented shall respond promptly ~~((and shall))~~ by:

- (a) ~~((Make))~~ Making the requested document available~~((-or))~~;
- (b) ~~((State))~~ Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request;
- ~~((c))~~ Stating that such a document does not exist~~((-or))~~;
- ~~((e-Ask))~~ (d) Asking for clarification of the document requested~~((;))~~; or
- ~~((d-Deny))~~ (e) Denying access to some or all of the document because portions of the document ~~((is))~~ are exempt from public inspection ~~((under WAC 132G-276-050))~~.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-090 Copying. No fee shall be charged for the inspection of public records. The college ~~((shall))~~ imposes a charge ~~((a minimum fee of ten cents per page of copy))~~ for providing copies of public records. ~~((In the event the copying of public records would unreasonably burden existing personnel of the college, or additional personnel and/or equipment would have to be added because of the request(s) for copying public records, then a reasonable charge may be added to the ten cents per copy minimum to reflect the cost for additional personnel or equipment. The increased cost shall be determined by the public records officer and shall be stated on the form requesting the copying of public records when the same request is approved by the public records officer. In any case where the public records officer estimates that the cost of duplication of a request will exceed ten dollars, then the same officer may in his/her discretion require an advance payment of all or a percentage of the cost estimate prior to complying with the request for duplication. When, in the opinion of the public records~~

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~~officer, it would be less expensive or more practical to duplicate public records by contract with a printing company, then the public records officer shall have the authority to do the same and the actual cost of the printing shall be paid by the person requesting the duplication.))~~ Such charges shall not exceed the amount necessary to reimburse the college for the actual cost as allowed by law.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-100 Exemptions. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132G-276-080 is exempt under ~~((the provisions of))~~ chapter 42.17 RCW or other law which exempts or prohibits disclosure of specific information or records.

(2) In addition, pursuant to RCW 42.17.260, the college reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is ~~((reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW))~~ a statute or law authorizing nondisclosure of the requested material. The public records officer and/or his or her designee will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer and/or his or her designees which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer and/or his or her designee denying the request shall refer it to the college president. The college president or his or her designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(4) Once the college denies a request for public records, the requester may request the attorney general to review the denial. Pursuant to RCW 42.17.325, the attorney general will provide the requester with an opinion whether the record is exempt from disclosure.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-120 Protection of public records. Requests for public records shall be to the public records officer and/or his or her designees in the appropriate locations on the campus. Public records and a facility for their inspection will be provided by the public records officer and/or his or her designees. Such records shall not be removed from the place designated for their inspection. Copies shall be made only at Shoreline Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according the provisions of WAC 132G-276-090.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-130 Records index. (1) ~~((INDEX. The public records officer and/or his designees have available to all persons a current index which provides identifying information as to those records adopted or promulgated and indexed since June 30, 1972, in the following areas:~~

~~"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases";~~

~~"(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency";~~

~~"(c) Administrative staff manuals and instructions to staff that affect a member of the public";~~

~~"(d) Planning policies and goals, and interim and final planning decisions";~~

~~"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others";~~

~~"(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party";~~

~~(g) Financial records and budgets; and~~

~~(h) Board of trustees minutes and reports.~~

~~(2) AVAILABILITY. The current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.))~~ Purpose. This rule is enacted in compliance with chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and chapter 34.05 RCW, Administrative Procedure Act; and in particular with RCW 42.17.260 and 34.05.220.

(2) Content. The public records officer shall maintain an index of final orders, declaratory orders, interpretive statements, and policy statements, as defined by RCW 42.17.260(5), issued after June 30, 1990, by the board of trustees of the college, the president of the college, or their designees.

(3) Form. The index shall reference final orders, declaratory orders, interpretive statements, or policy statements by one or more of the following classifications: Date of implementation, organizational unit, or subject matter.

(4) Requests for access to indexes. Information regarding public inspection of indexes, their location, and a schedule for revising and updating these indexes can be obtained by contacting the public records officer.

AMENDATORY SECTION (Amending Order 3-11:74, filed 4/26/74)

WAC 132G-276-900 Appendix A—Form—Request for public record to the Shoreline Community College ((District Number Seven)).

APPENDIX "A"

REQUEST FOR PUBLIC RECORD TO SHORELINE COMMUNITY COLLEGE ((DISTRICT NUMBER SEVEN))

(a) Name (Please Print) Signature
Name of Organization, if Applicable
Mailing Address of Applicant Phone Number
(b) Date Request Made at the Shoreline Community College ((District Number Seven)) Time of Day Request Made
(c) Nature of Request
(d) Identification Reference on Current Index Please Describe
(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Shoreline Community College's Current Index
(f) Purpose of Request if the Request is for a List of Individuals
Request: Approved By

Date Public Records Officer ((and)) or his or her designee

Denied Date
Reasons for Denial:
Referred to Date
By Public Records Officer ((and)) or his or her designee

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132G-276-030 Description of central and field organization of Community College District Number Seven.
WAC 132G-276-040 Operations and procedures.

WSR 00-10-079

PERMANENT RULES

DEPARTMENT OF CORRECTIONS

[Filed May 2, 2000, 9:49 a.m.]

Date of Adoption: May 2, 2000.

Purpose: To comply with the release and settlement agreement by and between the Humanists of Washington, et al. and Joseph Lehman, et al., Number C97-5499FDB, dated October 1, 1999; to reflect changes in department policies; and to make technical corrections. The revisions will help clarify the procedural guidelines relating to general and serious infractions, and the hearings and appeals process.

Citation of Existing Rules Affected by this Order: Amending WAC 137-28-140, 137-28-160, 137-28-170, 137-28-185, 137-28-220, 137-28-230, and 137-28-260.

Statutory Authority for Adoption: RCW 72.01.090.

Adopted under notice filed as WSR 00-07-048 on March 7, 2000.

Changes Other than Editing from Proposed to Adopted Version: WAC 137-28-230(3) changed the word "general" to "serious" in third sentence, first occurrence.

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 3, Repealed 0.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 7, 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.

May 2, 2000

Joseph D. Lehman
Secretary

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-140 Purpose. The rules in this chapter provide a standardized system to determine whether misconduct by an inmate of an adult correctional institution has occurred, and to provide a system that clearly links an offender's behavior and participation in available education and work programs as determined through classification with the receipt or denial of earned early release time and other privileges.

The rules in this chapter shall not apply to proceedings of the indeterminate sentence review board (~~or the division of community corrections~~).

The following rules set forth procedural guidelines. They do not create any procedural or substantive rights in any person, including any liberty interests in time credits, levels of custody, classification status, or other privileges. In accordance with Washington statutes, such matters are governed solely by the discretion of the department of corrections.

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-160 Definitions. For the purposes of this chapter, the following words have the following meanings:

Adult correctional institution and institution - a facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - an assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - a physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to weapons, body parts, food products or bodily secretions.

Attempt - putting forth an effort to commit any infraction shall be considered the same as commission of the infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - physical pain or injury, illness, or impairment of physical condition.

Cell tag - if contraband or other violation is discovered in an area under control of the inmate (such as within the confines or contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to

that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - an agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

~~((Director - the director of the division of prisons of the Washington state department of corrections, or the director's designee.))~~ Deputy secretary - the deputy secretary of the office of correctional operations of the Washington state department of corrections, or the deputy secretary's designee.

Discovery - when a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

Earned time - means that portion of time an offender is eligible to earn for program participation approved by the classification process and consistent with his/her case management plan.

Earned release time - means the combined earned time and good conduct time credit an offender is eligible to earn off the minimum term established by the indeterminate sentence review board or the sentencing court.

Good conduct time credits - that portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - Staff member(s) designated by the superintendent to conduct disciplinary hearings.

Infraction - commission of, attempt to commit, or conspiracy with another to commit any violation of prison rules as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Infraction review officer - staff member(s) designated by the superintendent to review a serious infraction.

Lesser included offense - any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to bandaging, suturing, surgery, etc. An examination conducted by medical staff to determine whether an injury has been sustained shall not be considered medical care.

Mitigating factors - factors to be considered by the infracting officer in deciding whether to charge a #728(a) general infraction rather than a #728(b) serious infraction. Also, factors to be considered by the infraction review officer, hearings officer, and superintendent for the purpose of deciding whether a #728(b) serious infraction should be reduced to a #728(a) general infraction. Mitigating factors may include the seriousness of the sexually explicit material involved, whether the inmate has been convicted of a sexually motivated crime, the treatment needs of the inmate, the prior history of similar behavior, and the source of the material.

Possession - established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Secretary - the secretary of the Washington state department of corrections, or the secretary's designee.

Sexual harassment - any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Sexually explicit - means a depiction of one of the following:

• One of the participants in the sexual act is, or appears to be, nonconsenting;

• One of the participants in the sexual act appears to be forceful, threatening, or violent;

• One of the partners in the sexual act is dominating one of the other participants and one of the individuals is obviously in a submissive role or one of the participants is degraded, humiliated, or willingly engages in behavior that is degrading or humiliating;

• One of the participants in the sexual act is a minor, or appears to be a minor, or a minor alone is depicted in a sexually suggestive way;

• Actual penetration, be it penile/vaginal-oral, penile-anal, or penile-vaginal; digital-anal; digital-vaginal; or insertion of any inanimate object in the vaginal or anal cavity, and the depiction in the context presented is deemed to be a threat to legitimate penological objectives;

• Any bodily excretory function which is sexual in nature;

• Bestiality, sadomasochistic behavior, bondage; or
• Material reasonably deemed to be a threat to legitimate penological objectives.

Staff member - for purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-170 Supplementary rules. (1) The superintendent may promulgate local supplementary rules, policies, and procedures including((:

(a) ~~The creation of new infractions, either general or serious;~~

(b) ~~The reclassification of any infractions set out in these rules;~~

(c) ~~the creation of new sanctions.~~

(2) All new or ~~((reclassified))~~ supplemental ~~((infractions and))~~ sanctions shall be approved in writing by the ~~((director))~~ deputy secretary before being put into effect.

~~((3) The secretary, department of corrections, or designee, has the authority to amend or supplement the rules set forth in this chapter by written policy or directive.))~~

NEW SECTION

WAC 137-28-185 Creation or amendment of serious infractions. (1) The secretary or designee may create and/or amend serious infractions.

(2) Prior to the creation or amendment of a serious infraction, the secretary or designee shall follow the rule-making procedures of chapter 34.05 RCW, the Administrative Procedure Act.

(3) Nothing herein shall be construed as limiting the department of corrections' exclusion from the Administrative Procedure Act under RCW 34.05.030 (1)(c).

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-220 General infractions. (1) Any of the following types of behavior may constitute((s)) a general infraction:

Unauthorized possession/theft

- 051 - Unauthorized possession of money, stamps or negotiable instruments the total value of which is less than five dollars.
- 053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to an inmate by regular institutional channels.
- 255 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is less than ten dollars.
- 310 - Pretending or failing to take prescribed medication that the inmate has accepted by concealing or retaining a single or daily dose.
- 354 - Theft of food, the value of which is five dollars or less.
- 356 - Possession of unauthorized amount of otherwise authorized clothing, bedding, or issued supplies.

Loaning/trading

- 052 - Loaning of property for profit.
- 351 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family the value of which is less than ten dollars.

Altering/destroying property

- 055 - Mutilating, altering, defacing or destroying any item valued at less than ten dollars and that is not the personal property of the inmate.

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Disruptive behavior/lying

- 202 - Abusive language, harassment or other offensive behavior directed to or in the presence of staff, visitors, inmates, or other persons or groups.
- 203 - Lying to a staff member.
- 244 - Unauthorized displays of sexual affection with another inmate.
- 353 - Disruptive behavior.
- 355 - Horseplay, roughhousing or any other unauthorized physical contact between inmates.

Failure to follow rules and orders

- 102 - Failure to follow any written rules or policies adopted by the institution and not specified within this chapter or in local disciplinary rules.
- 103 - Refusing or failing to obey an order, oral or written, of any staff member.
- 210 - Out of bounds; being in an area where the presence of the inmate is unauthorized.
- 214 - Interfering or failing to comply with count procedures.
- 251 - Smoking and possession of tobacco products where prohibited.
- 301 - Failure to keep your person or your quarters in accordance with institution rules or policies.

Unauthorized communication/visitor contact

- 303 - Unauthorized use of mail or telephone.
- 304 - Unwanted written and telephonic communications to any person.
- 305 - Correspondence or conduct with a visitor in violation of published or posted rules and policies.
- 309 - Unauthorized display of affection with a visitor.

Inappropriate use of equipment

- 212 - Using any equipment or machinery when not specifically authorized.
- 213 - Using any equipment or machinery contrary to instructions or safety standards.

Unexcused absence/feigning illness

- 104 - Unexcused absence from work or any assignment, scheduled meeting, appointment, or call out.
- 352 - Pretending to be ill or injured contrary to medical/mental health screening results.

Inappropriate sexual behavior

- 728(a) - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act as defined in WAC 137-28-160.

(2) In determining whether a #728(a) infraction or a #728(b) infraction pursuant to WAC 137-28-260 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-230 General infraction procedure.
Infraction report.

(1) In the event of a general infraction, a staff member may make an on-site adjustment. An on-site adjustment may consist of counselling, warning, or reprimanding the inmate and/or causing the inmate to remove him/herself from the situation immediately. An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether a #657 serious infraction has occurred.

(2) In the event of a general infraction where a staff member does not make an on-site adjustment, the staff member may prepare and submit an infraction report. The infraction report shall include:

- (a) Name, number and housing location of the offender;
- (b) A description of the incident;
- (c) The time and place of the incident;
- (d) The names of witnesses, victims, and other persons involved;
- (e) The specific rule(s) alleged to have been violated;
- (f) A description of any action taken and copies of any relevant documentation or supplemental reports;
- (g) Name and signature of reporting staff.

(3) The general infraction report shall be submitted promptly to the supervisor or unit team designated by the superintendent to receive such reports. The supervisor or unit team may upgrade the general infraction to a serious infraction. If the infraction is upgraded, the supervisor or unit team shall forward the serious infraction report to the hearing clerk for preparation for a hearing on the serious infraction.

(4) The supervisor or unit team receiving a general infraction report shall decide whether the inmate is guilty or not guilty within five working days of receipt of the report. An extension to the five days may be granted by the hearing officer. This decision of the supervisor or unit team can be reached by:

- (a) Taking no further action, in which case the report shall not be retained in the inmate's files, but may be retained in other institutional files designated for statistical, record-keeping, or litigation purposes;
- (b) Deciding the infraction without a hearing upon a determination that the inmate is guilty, the supervising employee or unit team may impose any appropriate sanction; or

(c) Scheduling an informal hearing with the inmate present at which the supervising employee or unit team may allow witnesses and documentary evidence. Upon finding that an inmate is guilty, the supervising employee or unit team may impose any appropriate sanction.

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-260 Serious infractions.

(1) Assault/threatening actions/causing injury to another person

- 501 - Committing homicide.
- 502 - Aggravated assault on another offender.
- 503 - Extortion, blackmail, or demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
- 505 - Fighting with any person.
- 506 - Threatening another with bodily harm or with any offense against another person, property or family.
- 508 - Throwing objects, materials, substances or spitting at staff, visitors, or other inmates.
- 511 - Aggravated assault on a visitor.
- 520 - Unauthorized demonstration, practice or use of martial arts.
- 521 - Taking or holding any person hostage.
- 588 - Causing a valid and documented threat of transmission of a contagious disease to any person due to intentional, negligent or reckless action.
- 599 - Careless behavior that causes injury to another offender.
- 604 - Aggravated assault on a staff member.
- 633 - Assault on another offender.
- 663 - Using physical force, intimidation or coercion against any person.
- 699 - Careless behavior that causes injury to a staff member.
- 704 - Assault on a staff member.
- 711 - Assault on a visitor.
- 717 - Causing a threat of injury to another person by disregard of orders, careless behavior, resisting assisted movement or physical efforts to restrain.
- 777 - Causing injury to a staff member by resisting orders, resisting assisted movement or physical efforts to restrain.
- 799 - Careless behavior that causes injury to a visitor.

Unauthorized possession

- 559 - Gambling; possession of gambling paraphernalia.

- 601 - Possession, manufacture or introduction of an explosive device or any ammunition, or any components of an explosive device or ammunition.
- 602 - Possession, manufacture or introduction of any gun, firearm, weapon, sharpened instrument, knife, or poison or any components thereof.
- 620 - Receipt or possession of contraband during participation in off-grounds or outer perimeter activity or work detail.
- 660 - Unauthorized possession of money, stamps, or negotiable instruments, the value of which is five dollars or more.
- 702 - Possession, manufacture or introduction of an unauthorized tool.
- 736 - Possession, manufacture or introduction of unauthorized keys.
- 738 - Possession of the clothing of a staff member.

Tattooing

- 710 - Being tattooed while incarcerated, tattooing another, or possessing tattoo paraphernalia.

Theft/possession of stolen property

- 555 - Theft of property or possession of stolen property.
- 741 - Theft of food, the value of which is more than five dollars.
- 755 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is ten dollars or more.

Forgery

- 654 - Counterfeiting, forging, altering or unauthorized reproduction of any document, article of identification, money, security, or official paper.

Setting fire, damaging or destroying property

- 553 - Setting a fire.
- 554 - Mutilating, altering, defacing or destroying any item, the value of which is ten dollars or more and that is not the personal property of the inmate.
- 563 - Making a false fire alarm or tampering with, damaging, blocking or interfering with fire alarms, fire extinguishers, fire hoses, fire exits, or other fire fighting equipment or devices.
- 600 - Tampering with, damaging, blocking, or interfering with any locking or security device.
- 720 - Flooding a cell or other area of the institution.

Inciting others/participation in unacceptable group behavior

- 650 - Rioting.
- 651 - Inciting others to riot.

- 652 - Engaging in or inciting a group demonstration.
- 661 - Performing or taking part in an unauthorized marriage.
- 682 - Engaging in an organized work stoppage.
- 708 - Organizing or participating in an unauthorized group activity or meeting.
- 734 - Participating or engaging in the activities of any unauthorized club, organization, gang or security threat group; or wearing or possessing the symbols of an unauthorized club, organization, gang or security threat group.
- 746 - Participating in or inciting others to go on a hunger strike.

Inappropriate sexual behavior

- 504 - Engaging in sexual acts with others with the exception of spouses during approved extended family visits.
- 659 - Sexual harassment; any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.
- 728(b) - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act((s)) as defined in ((DOC 450.100)) WAC 137-28-160.
- 750 - Indecent exposure.

Providing false statements

- 551 - Lying to the disciplinary hearing officer or lying on a disciplinary appeal.
- 552 - Causing an innocent person to be penalized or proceeded against by lying.
- 706 - Lying or giving false information about proposed community residence when proposing a release plan, community placement, etc.

Interfering with staff/impersonating

- 558 - Interfering with staff members, medical personnel, fire fighters, or law enforcement personnel in the performance of their duties.
- 605 - Impersonating any staff member, other inmate or visitor.

Failure to follow orders and rules

- 509 - Refusing a direct order by any staff member to proceed to or disperse from a particular area.
- 556 - Refusing to submit to or cooperate in a search when ordered to do so by a staff member.
- 557 - Refusing to participate in an available education or work program or other mandatory programming assignment.
- 609 - Refusing or failing to submit to testing required by policy, statute, or court order, such as DNA blood tests, when ordered to do so by a staff member.

- 658 - Failing to comply with any administrative or posthearing sanction imposed for committing any general or serious infraction.
- 724 - Refusing a cell or housing assignment.
- 745 - Refusing a transfer to another facility.

Counts/unauthorized absence

- 653 - Causing an inaccurate count by means of unauthorized absence, hiding, concealing ones self or other form of deception or distraction.

Escape/attempted escape

- 525 - Violating conditions of furlough.
- 550 - Escape or attempted escape.
- 560 - Unauthorized possession of items or materials likely to be used in an escape attempt.

Committing crimes/excess infractions

- 507 - Committing any act that is a felony under state or federal law that is not otherwise included in these rules.
- 517 - Committing any act that is a misdemeanor under local, state, or federal law that is not otherwise included in these rules.
- 657 - Being found guilty of four or more general infractions which have been reported in writing arising out of separate incidents, all of which occur within a six-month period.

Unacceptable communication

- 718 - Use of mail or telephone in violation of court order or local, state or federal law.
- 726 - Telephoning or sending written communication or otherwise initiating communication with a minor without the approval of that minor's parent or guardian.
- 727 - Telephoning or sending written communications to any person contrary to previous written warnings and/or documented disciplinary actions.

Misuse of controlled substances, drugs, alcohol and related programs

- 603 - Possession, introduction, or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug or drug paraphernalia.
- 606 - Possession of tobacco products and/or matches in close/maximum housing units where strictly prohibited.
- 607 - Refusing to submit to a urinalysis and/or failure to provide a urine sample when ordered to do so by a staff member.
- 608 - Refusing or failing to submit to a breathalyzer or other standard sobriety test when ordered to do so by a staff member.

- 610 - Unauthorized accumulation of prescribed medication greater than a single or daily dose.
- 655 - Making intoxicants, alcohol, controlled substances, narcotics, or the possession of ingredients, equipment, items, formulas or instructions that are used in making intoxicants, alcohol, controlled substances, or narcotics.
- 707 - Possession, introduction, or transfer of any alcoholic or intoxicating beverage.
- 716 - Unauthorized use of drugs, alcohol or other intoxicants.
- 752 - Receiving a positive test for use of unauthorized drugs, alcohol, or other intoxicants.

Soliciting/fraud

- 656 - Giving, offering or receiving from any person a bribe or anything of value for an unauthorized favor or service.
- 662 - Soliciting goods or services for which the provider would expect payment when the inmate knows or should know that no funds are available to pay for those goods or services.
- 714 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family, the value of which is ten dollars or more.
- 740 - Fraud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense.

Creating an emergency situation

- 712 - Attempted suicide or self-mutilation.
- 742 - Creating a false emergency by feigning illness when contrary to medical/mental health screening results.
- 744 - Making a bomb threat.

(2) In determining whether a # 728(b) infraction or a # 728(a) infraction pursuant to WAC 137-28-220 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-270 Serious infraction procedure. Infraction report.

(1) In the event of a serious infraction, the staff member who discovers such violation shall prepare and submit an infraction report. The infraction report shall be submitted promptly upon discovery of the incident or upon completion of an investigation. The infraction report must include:

- (a) Name, number and housing assignment of offender;
- (b) A description of the incident;

- (c) The time and place of the incident;
 - (d) The names of witnesses, victims, and other persons involved;
 - (e) The specific rule alleged to have been violated;
 - (f) A description of any action taken;
 - (g) Copies of any relevant documentation or supplemental reports. Confidential information and the identities of confidential informants shall not be included;
 - (h) Name and signature of reporting staff.
- (2) The infracting staff member may recommend action to be taken on the infraction to the hearing officer. This may include a recommendation that the inmate be referred for a mental health consultation.
- (3) Serious infraction reports may be reviewed by the ~~((infracting staff member's supervisor))~~ infracting review officer who may:
- (a) Approve the report and forward it to the hearing clerk;
 - (b) Require the report be revised, rewritten or reinvestigated by the reporting staff member to ensure that the alleged facts support the charges;
 - (c) Add, dismiss, delete or reduce the indicated WAC violations as appropriate, based upon the information and/or evidence provided by the reporting staff member and any mitigating factors;
 - (d) Recommend referral to a mental health professional for consultation if there is a question whether:
 - (i) Mental illness contributed to the behavior that led to the infraction; or
 - (ii) The inmate's mental health status may need to be monitored.
- (4) If a negotiated hearing process is in place in the facility, the report may be forwarded to the designated hearings officer.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-290 Preparations for hearing. In preparation for the hearing, the hearing clerk or designee shall, at least twenty-four hours in advance of the hearing:

- (1) Provide copies of the infraction report to the inmate;
- (2) Advise the inmate in writing:
 - (a) Of his/her right to have a hearing;
 - (b) That if he/she chooses not to testify at or attend the hearing, his/her silence may be used against him/her;
 - (c) To present written statements from other inmates, staff, or other persons only if those statements would be relevant to the infraction and have a tendency to demonstrate his/her innocence;
 - (d) To request that staff members, other inmates, and other persons be present as witnesses in his/her defense for the hearing if it is determined by the hearing officer that to do so would not be unduly hazardous to institutional safety or correctional goals. Limitations may be made by the hearing officer if the information to be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the inmate's case;
 - (e) To have a staff advisor assist in preparation of the inmate's case when it is determined by appropriate staff that

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the inmate is unable to adequately represent him/herself on the basis of literacy, competence, or other disability;

(f) To have access to nonconfidential reports and records used by the hearing officer during the fact-finding stage. However, where reports and records contain information that might reasonably compromise the security or safety of the institution or its inmates, these reports and records shall be identified as confidential and withheld. A summary of the confidential information shall be provided to the inmate. This summary may be included in the infraction report.

(g) The inmate must establish that any requested witness has relevant and exculpatory evidence to present at the hearing. The inmate must list all intended witnesses on the notice of hearing. The hearing officer may, in his/her discretion, allow additional witnesses for good cause shown;

(3) Advise the inmate that he/she does not have a right:

(a) To cross-examine witnesses;

(b) To have the infracting staff member present at the hearing;

(c) To a polygraph or other supplemental tests;

(4) Obtain written acknowledgement of the inmate's receipt of the information;

(5) Determine from the inmate whether the inmate wishes to contest the allegation;

(6) Schedule the hearing within ~~((ten))~~ seven working days after discovery of the incident. If an inmate is placed in prehearing confinement, a hearing shall be held within three working days after the day of placement, unless the time is extended by the superintendent. If the hearing is continued, a determination shall be made whether the inmate should remain on prehearing confinement and the reasons for that confinement.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-300 Conduct of hearing. (1) The hearing officer shall ensure that the inmate is capable of understanding the charge against him/her, the nature of the proceedings, and is able to adequately take part in the hearing. If there is reason to doubt the inmate's understanding or ability, the hearing officer may order a continuance of the hearing in order to obtain additional information (~~(-If the hearing officer determines that the inmate is not able to understand or take part in the proceedings, the hearing officer shall assign a staff advisor to the inmate. If the inmate's mental status impairs the inmate's ability to participate in the hearing, the staff advisor appointed should be a mental health professional or a staff member with mental health training or experience)), refer the inmate to a mental health staff member for assessment, appoint a mental health staff member to represent the inmate at the hearing, or request a staff advisor.~~

(2) The inmate shall be present at all stages of the hearing except during deliberations and any inquiry the hearing officer may make concerning the source of confidential information.

(3) The hearing officer may consider relevant evidence presented outside the hearing when not feasible to present that evidence within the hearing. The inmate shall be apprised of the content of that evidence and shall be allowed

to rebut that evidence during the hearing. An inmate may waive his/her presence at a hearing. Failure without good cause to attend a scheduled hearing may be deemed a waiver of personal attendance. An inmate may be removed from his/her disciplinary hearing and the hearing may be continued in the inmate's absence if the inmate's behavior disrupts the disciplinary hearing.

(4) Where institution staff members are witnesses against the inmate, a written statement from the staff member may be considered by the hearing officer instead of in-person testimony, except where the hearing officer determines that the staff member's presence is necessary to an adequate understanding of the issues in the case.

(5) The hearing officer has the authority to question all witnesses. The inmate may submit proposed questions to be asked of witnesses, but the hearing officer has discretion over the questions asked.

(6) The inmate shall be allowed to present witnesses in his/her defense and to present documentary evidence in his/her defense when permitting him/her to do so will not be unduly hazardous to institutional safety or correctional goals. Testimony of witnesses from outside the facility will be submitted in writing.

(a) The hearing officer may deny the admission of evidence or testimony if the hearing officer determines that the testimony or evidence is irrelevant, immaterial, unnecessarily duplicative of other information before the hearing officer, or otherwise found to be unnecessary to the adequate presentation of the inmate's case.

(b) The testimony of witnesses that is adverse to the inmate may be given in person, in writing, or by telephone.

(c) The hearing officer shall document on the written record the reasons for denial of in-person testimony that is requested in writing by the inmate.

(7) If the hearing officer determines that a source of information would be subject to risk of harm if his/her identity were disclosed, testimony of the confidential source may be introduced by the testimony of a staff member. The confidential testimony may be provided by the source or by the written and signed statement of the source. If the staff member to whom the source provided information is unavailable, the written statement of this staff member may be used.

(a) The hearing officer shall, out of the presence of all inmates and off the record, identify the confidential source, and how the testifying staff member received the confidential information.

(b) The staff member presenting the information from a confidential source shall identify the source and the circumstances surrounding the receipt of the confidential information to the hearing officer, off the record. The hearing officer shall make an independent determination regarding the reliability of the confidential source, the credibility of the information, and the necessity of not revealing the source of the confidential information. In determining whether the confidential source is reliable and the confidential information is credible, the hearing officer should consider all relevant circumstances including, but not limited to:

(i) Evidence from other staff members that the confidential source has previously given reliable information;

- (ii) Evidence that the confidential source had no apparent motive to fabricate information;
- (iii) Evidence that the confidential source received no benefit from providing the information;
- (iv) Whether the confidential source is giving first-hand information;
- (v) Whether the confidential information is internally consistent and is consistent with other known facts; and
- (vi) The existence of corroborating evidence.

The hearing officer shall also determine whether safety concerns justify nondisclosure of the source of confidential information. The reliability and credibility determination and the need for confidentiality must be made on the record.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-310 Decision of hearing officer. (1) A report of the hearing shall be made.

- (a) The report shall include:
 - (i) The charge;
 - (ii) Names of witnesses;
 - (iii) Inmate plea(s);
 - (iv) Summary of the testimony and cross-examination;
 - (v) A description of the physical evidence used;
 - (vi) Reasons for denying witnesses or the fact that written witness statements were not returned to the hearing officer; and
 - (vii) The decisions and reasons.
- (b) The written report shall be placed in the inmate's institutional file if he/she is found guilty.
- (c) All reports and attachments shall be maintained by the clerk as part of the hearing officer's permanent records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the inmate's file, and may be destroyed one hundred twenty days after the date of the hearing unless the hearing officer becomes aware that an appeal or court proceeding is pending.

(2) In reaching a decision on the guilt or innocence of the inmate, the hearing officer must rely solely on evidence considered at the hearing. However, during the dispositional stage of the hearing, other factors, such as the inmate's institutional file, prior conduct, mental status, and overall institutional adjustment, may be considered.

(3) The hearing officer may not find an inmate guilty of committing a #728(a) or #728(b) infraction if the inmate possesses sexually explicit materials depicting only actual penetration and such sexually explicit material was screened and approved by a mail room staff member prior to delivery to the inmate. Nothing herein shall be construed to limit the ability to remove such material from the inmate's possession and cell.

(4) The hearing officer shall consider mitigating factors in determining whether to reduce a #728(b) serious infraction to a #728(a) general infraction.

(5) The hearing officer is authorized to find an inmate guilty of a lesser included offense without issuing a new infraction report or conducting a new hearing.

(6) Where the evidence suggests an inmate is guilty of an offense not charged and which is not a lesser included offense

to a charged offense, the hearing officer may recommend that new charges be filed to address such offenses. The inmate may waive the right to a separate hearing on the new charges and may allow the hearing officer to enter a finding of guilty or not guilty and impose sanctions.

(7) The inmate shall be informed of the decision of the hearing officer in writing within three working days of the hearing, unless extended by the superintendent.

~~((4))~~ (8) The inmate shall be informed of his/her right to appeal the decision of the hearing officer to the superintendent.

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-350 Sanctions—Authority to impose.

(1) If the hearing officer determines that an inmate is guilty of a serious infraction, he/she may impose one or more of the following sanctions:

- (a) Any of the sanctions available for general infractions;
- (b) Any of the sanctions available under ~~((DOP))~~ **DOC 320.150** ~~((disciplinary sanctions directive))~~;
- (c) Loss of a privilege or privileges as specified by the hearing officer not to exceed: Thirty days on a first offense, ninety days on a second offense, and one hundred eighty days on a third offense, within a one-year period;
- (d) Evening lockup or confinement to quarters for ten days;
- (e) Weekend and/or holiday lockup or confinement to quarters for a period of one or more weekends but not to exceed twelve consecutive weekends per incident. For purposes of this rule, a "weekend" shall begin at the end of the Friday workday and terminate at the beginning of the Monday workday;
- (f) Confinement to quarters except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed thirty days;
- (g) Recommendation to the unit team/classification committee/assignment officer for reconsideration of custody classification or program change;
- (h) Recommendations to the classification committee/classification officer for transfer to another institution when, as a result of the infraction committed, the inmate is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;
- (i) Confinement on segregation status for a period not to exceed thirty consecutive days;
- (j) Confinement on isolation status for a period not to exceed ten consecutive days; however, where a serious infraction occurs during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed. In situations where an inmate is in isolation for more than ten consecutive days, the director's prior approval is required unless the inmate is released from isolation for at least seventy-two consecutive hours between the end of one isolation sanction and the beginning of another;
- (k) Restitution ~~((or fines))~~;
- (l) Recommendation to the superintendent that he/she not certify good conduct time credit for an inmate subject to the jurisdiction of the indeterminate sentence review board,

pursuant to RCW 9.95.070 or that he/she approve the denial of good conduct time credit for those inmates not under the jurisdiction of the board.

(i) The recommendation will be consistent with guidelines established by the secretary of the department of corrections.

(ii) Any sanctions for loss of good conduct credits in excess of the guidelines established by the secretary of the department of corrections must have final approval by the ~~((director, division of prisons))~~ deputy secretary.

(iii) For inmates not under the board's jurisdiction, all awards of good conduct time shall be considered tentative and therefore all good conduct time credits earned or to be earned may be addressed under this rule;

(m) Recommendation to the indeterminate sentence review board for a disciplinary hearing or reconsideration of minimum term should occur only with infractions providing for actual time loss of twelve months or more and consistent with guidelines established by the department;

(n) Interruption of visitation between the offender and a specified individual(s) for a period of up to one hundred eighty consecutive days when there has been an infraction for visit related behavior or behavior that presents a security or safety threat. In cases of multiple or very serious offenses, recommendations may be made to the superintendent for extended or permanent loss of the privilege of visitation with a specified individual(s);

(o) Restrictions, interruption or termination of correspondence, and/or telephone privileges with specified individuals. Sanctions for offense(s) within any one-year period may not exceed: Up to ninety consecutive days for the first offense, one hundred eighty consecutive days for the second offense and permanent loss for the third offense. Termination of correspondence and/or telephone privileges may be permanent for the first offense if:

(i) The recipient so requests; or

(ii) A parent or guardian of the recipient, if a minor or an incompetent person, so requests; or

(iii) A felony was involved in the incident; or

(iv) If the contact violates a court order;

(p) The sanction for infraction # 557 shall be the loss of available earned release credits and other privileges as outlined in division directives. Progressively more severe sanctions will be utilized for subsequent infractions # 557.

(2) If the hearing officer determines that more than one infraction occurred as a result of the same incident, he/she shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The hearing officer may suspend the execution of a disciplinary sanction for a fixed period of time, not to exceed three hundred sixty-five consecutive days, subject to the good behavior of the inmate or to meeting other conditions as specified by the hearing officer. If the subsequent behavior of the inmate is appropriate, the hearing officer may, at or before the end of the fixed period, cancel the sanction. A suspended sanction may be imposed if the inmate has been found guilty of a general or serious infraction or of violating the conditions attached to the original suspension. A suspended sanc-

tion may be imposed by the hearing officer following notice to, and an in-person meeting with, the inmate.

(4) The hearing officer may review any decision he/she previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the hearing officer's decision is under consideration by the superintendent.

(6) In all cases, regardless whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

(7) Nothing in this section limits the superintendent's discretion to grant, deny, suspend, or revoke any privilege.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-380 Appeal to superintendent. (1) An inmate or the inmate's staff advisor may appeal the decision of the hearing officer to the superintendent by filing a written request for review with his/her reasons with the clerk within ~~((twenty-four hours))~~ fifteen days, exclusive of weekends and holidays, after receiving notice of the decision of the hearing officer. The superintendent may consider appeals filed beyond the ~~((twenty-four hour))~~ fifteen-day period.

(2) The clerk shall promptly transmit the appeal and the hearing record to the superintendent.

(3) The superintendent shall act on the appeal within ten working days of its receipt. The superintendent may affirm the decision of the hearing officer; reduce the charge to a lesser included offense; reduce a #728(b) serious infraction to a #728(a) general infraction based upon mitigating factors; reduce the severity of the sanctions imposed; vacate the judgment of the hearing officer; or remand the matter for a new hearing. Any new hearing may not result in an increase in the severity of the sanctions originally imposed unless the inmate is charged with related or additional offenses.

(4) Pending the decision of the superintendent, disciplinary sanctions shall not be imposed on the inmate.

(5) The inmate shall be notified promptly of the decision of the superintendent.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-420 Continuances. (1) At any time during the disciplinary process, the hearing officer may continue the hearing for any reasons, including the following:

(a) To determine the inmate's mental status or competency.

(b) To appoint a staff advisor.

(c) To obtain an interpreter.

(d) To obtain witnesses or witness statements.

(e) To order an investigation into the incident.

(f) To correct errors.

(g) To obtain a replacement hearing officer.

(h) To obtain crime lab reports or other documentation.

(i) Due to the inmate's and/or witness' unavailability.

(j) Because the inmate is on escape, court-ordered custody, at a non-DOC facility, in transit, etc.

Chapter 446-85 WAC

ACCIDENT-REPORTING THRESHOLD

NEW SECTION

WAC 446-85-005 Promulgation. By authority of RCW 46.52.030(5), the chief of the Washington state patrol hereby establishes the following rule for the accident-reporting threshold based on the inflationary index as recommended by the office of financial management.

NEW SECTION

WAC 446-85-010 Accident-reporting threshold. Beginning January 1, 2000, the accident-reporting threshold for property damage accidents shall be seven hundred dollars.

- (k) A reasonable request by the inmate.
 - (1) To determine restitution costs.
 - (2) Continuances shall be for no longer than necessary, but shall not exceed twenty working days, unless approved by the superintendent.
 - (3) Hearings for inmates on escape status, court-ordered custody, in transit at a (~~nondivision of prisons~~) nondepartment of corrections facility or otherwise unavailable may be continued up to a period not to exceed twenty working days after their return to the facility where the infraction originated.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 137-28-320 Lesser included and related infractions.

WSR 00-10-092 PERMANENT RULES WASHINGTON STATE PATROL

[Filed May 2, 2000, 3:00 p.m., effective May 3, 2000]

Date of Adoption: May 2, 2000.

Purpose: To update the accident reporting threshold from \$500 to \$700, as economic times have changed.

Statutory Authority for Adoption: RCW 46.52.030.

Adopted under notice filed as WSR 00-06-037 on February 28, 2000.

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 1, 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Under RCW 35.05.380 [(3)](c), an earlier effective date is necessary due to imminent peril to the public health, safety or welfare. This rule is needed immediately so that officers can concentrate on serious threats to public safety.

Effective Date of Rule: May 3, 2000.

April 24, 2000 Annette M. Sandberg Chief

WSR 00-10-095 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed May 2, 2000, 3:08 p.m., effective May 2, 2000]

Date of Adoption: May 2, 2000.

Purpose: These amendments implement the increased federal standards for the one-person medically needy income level, for the medically indigent program and the SSI-related categorically needy income level.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0070 and 388-478-0080.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.057, and 74.09.575.

Adopted under notice filed as WSR 00-07-075 on March 14, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, 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 2, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Implementation of federal increase in standards is required to be effective in order to continue receiving federal funds.

PERMANENT

Effective Date of Rule: May 2, 2000.

May 2, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

(2) The countable resource standards for the SSI-related CN medical program are:

- (a) One person \$2,000
- (b) A legally married couple \$3,000

AMENDATORY SECTION (Amending WSR 99-11-054, filed 5/17/99, effective 6/17/99)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and medically indigent (MI) programs. (1) Beginning January 1, ~~((1999))~~ 2000, the medically needy income level (MNIL) and MI monthly income standards are as follows:

- (a) One person ~~\$(~~527~~)~~ 539
- (b) Two persons \$592
- (c) Three persons \$667
- (d) Four persons \$742
- (e) Five persons \$858
- (f) Six persons \$975
- (g) Seven persons \$1,125
- (h) Eight persons \$1,242
- (i) Nine persons \$1,358
- (j) Ten persons and more \$1,483

(2) The MNIL standard for a person ~~((meeting))~~ who meets institutional status requirements is in WAC 388-513-1305~~((2))~~ (3).

(3) Countable resource standards for the MN and MI programs are:

- (a) One person \$2,000
- (b) ~~((A legally married couple))~~ Two persons \$3,000
- (c) For each additional family member add \$50

AMENDATORY SECTION (Amending WSR 99-11-054, filed 5/17/99, effective 6/17/99)

WAC 388-478-0080 SSI-related categorically needy income level (CNIL) and countable resource standards.

(1) The SSI-related CNIL standard is the same as the SSI monthly payment standard based upon the area of the state where the person lives. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. Area 2 is all other counties. Beginning January 1, ~~((1999))~~ 2000, the CNIL monthly income standards are as follows:

	Area 1	Area 2
(a) Single person	\$(527.00) <u>39.00</u>	\$(506.55) <u>18.55</u>
(b) A legally married couple who are both eligible	\$(772.00) <u>90.00</u>	\$(751.00) <u>69.00</u>

WSR 00-10-114

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 3, 2000, 11:42 a.m., effective July 2, 2000]

Date of Adoption: March 15, 2000.

Purpose: These rules establish time periods for initial assessment, investigation, charging, discovery, settlement and adjudication of complaints against credential health care providers and applicants for credentials. The rules also provide for management oversight and oversight by the presiding officer as enforcement mechanisms for the time periods.

Statutory Authority for Adoption: RCW 18.130.095(1).

Adopted under notice filed as WSR 99-22-091 on November 2, 1999.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 246-14-020(2), adding phrase "including risk of harm to public" to the second sentence. The added phrase clarifies that good cause includes risk of public harm. 2. WAC 246-14-040(2), change to eliminate future decrease of basic time period for initial assessment. This was changed at the request of the Medical Commission. 3. WAC 246-14-070(3), the phrase "including deliberations when the disciplining authority is a board or commission" to clarify that hearings include deliberations.

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 12, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 12, 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 12, Amended 0, Repealed 0.

Effective Date of Rule: 60 days after filing [July 2, 2000].

May 2, 2000
M. C. Selecky
Secretary

PERMANENT

Chapter 246-14 WAC

UNIFORM PROCEDURES FOR COMPLAINT RESOLUTION

NEW SECTION

WAC 246-14-010 Intent. These rules establish basic time periods for processing and resolving complaints against credentialed health care providers and applicants.

NEW SECTION

WAC 246-14-020 Definitions. (1) A "report" is information received by the department of health which raises concern about conduct, acts or conditions related to a credential holder or applicant or about the credential holder or applicant's ability to practice with reasonable skill and safety.

(2) Basic time periods may be extended for "good cause." Good cause is determined on a case-by-case basis, balancing all relevant factors including risk of harm to the public.

(3) "Days" are calendar days unless indicated. If a time period would end on a Saturday, Sunday, or state holiday, that time period will end on the next business day.

(4) "Management oversight" is enhanced direction of a case imposed by department management as an enforcement mechanism when an extension is granted. The person granting the extension will assure the case moves through the stage promptly.

NEW SECTION

WAC 246-14-030 What happens if a time period expires? If a basic time period expires, the case cannot continue in its current stage unless an extension is granted.

NEW SECTION

WAC 246-14-040 Initial assessment of reports. (1) Initial assessment is the process of determining whether a report warrants an investigation and becomes a complaint.

(2) The basic time period for initial assessment is twenty-one days.

(3) All reports will be reviewed for imminent danger within two working days. If imminent danger is identified, the report will be immediately forwarded for processing.

NEW SECTION

WAC 246-14-050 Investigation of complaints. (1) Investigation is the process of gathering information which examines the complaint and the situation surrounding the complaint.

(2) The basic time period for investigation is one hundred seventy days.

NEW SECTION

WAC 246-14-060 Case disposition. (1) Case disposition is the process of deciding whether to issue a statement of charges on a complaint, to take informal action, or to close the complaint without action.

(2) The basic time period for case disposition is one hundred forty days.

(3) If a complaint returns to the case disposition stage because a stipulation to informal disposition has been rejected, there is a new basic period of sixty days.

NEW SECTION

WAC 246-14-070 Limited extensions of basic time periods. (1) If good cause exists, limited extensions of the basic time periods may be granted by the executive director of the program for initial assessment, investigation, and case disposition stages.

(2) The maximum lengths for limited extensions are

Table with 3 columns: Stage, First extension, Second extension. Rows include Initial assessment, Investigation, Case disposition decision, and Case disposition decision if informal disposition is rejected.

(3) A request for limited extension should document the reason or reasons for the request. If the disciplining authority is a board or commission, the member of the board or commission assigned to review the case may make recommenda-

PERMANENT

tions. Those recommendations will be included in the request for limited extension and given consideration by the executive director. If the recommendation is based on professional expertise, it will be given substantial deference.

(4) Requests for limited extensions must be submitted to the assigned executive director. The reason(s) for the request and for the decision will be documented in the file.

(5) If a limited extension is granted, the executive director will take appropriate steps to supervise the work through the extension period.

(6) If a request for limited extension is denied, the denial may be appealed to the director.

(7) If department staff believe a limited extension will not be sufficient to complete a particular stage, an extension with management oversight may be requested.

NEW SECTION

WAC 246-14-080 Extension with management oversight. (1) If good cause exists, the division director or the assistant secretary may grant extensions with management oversight. Extensions with oversight may be requested for the initial assessment, investigation, and case disposition stages. There is no maximum length for an extension with management oversight, but the time granted must be based on the request.

(2) A request for extension with management oversight should document the reason(s) for the request. If the disciplining authority is a board or commission, the member of the board or commission assigned to review the case may make recommendations. Those recommendations will be included in the request for extension and given consideration by the division director or assistant secretary. If the recommendation is based on professional expertise, it will be given substantial deference.

(3) Requests for an extension with management oversight must be submitted to the division director or the assistant secretary. The reason(s) for the request and the decision will be documented in the file.

(4) If an extension with oversight is granted, the division director or assistant secretary will impose management oversight to assure that there is a plan for progress in the case and that progress is actually being made. Time limits may be imposed and progress reports may be required.

(5) If a request for extension with oversight is denied, the decision may be appealed to the secretary.

NEW SECTION

WAC 246-14-090 Adjudication of statement of charges. (1) Procedures for adjudication of statements of charges are contained in chapters 246-10 and 246-11 WAC. Those rules provide for twenty days to file an answer, with a sixty-day extension for good cause, and thirty days to issue a scheduling order. They also provide for continuances.

(2) The basic time period for settlement, discovery, and commencement of hearing is one hundred eighty days or less, to be set in the scheduling order.

(3) The basic time period for issuing an order is forty-five days from the end of the hearing including deliberations

when the disciplining authority is a board or commission. The secretary may grant a forty-five day limited extension.

(4) If no answer is filed or default occurs during the adjudication, a proposed final order of default will be submitted to the disciplining authority within sixty days of notice of failure to respond or notice of default. A final order will be issued within forty-five days of the submission.

NEW SECTION

WAC 246-14-100 Resolution of a statement of allegations. (1) If a statement of allegations is issued, the respondent will have fourteen days to make an initial response. The attorney handling the case for the program may grant a limited extension of fourteen days. If no response is made, the attorney may determine informal disposition has been rejected. The case will be returned to case disposition.

(2) If a response is made, the basic period for completion of informal resolution is sixty days. If informal resolution has not been reached within that time, the case will return to case disposition to determine appropriate action.

NEW SECTION

WAC 246-14-110 What happens if a case returns to a prior stage? If a case returns to a prior stage, any unused basic time period days or extensions in the prior stage may be used. If additional time is needed, extensions may be requested as in any other circumstance.

NEW SECTION

WAC 246-14-120 Notice of applicable time periods. (1) Affected credential holders, applicants, and complainants will be notified of applicable time periods and the possibility of extensions as soon as possible consistent with effective case management.

(2) Other information about applicable time periods and extensions will be released according to public records law.



WSR 00-10-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-53—Filed April 21, 2000, 8:31 a.m., effective May 20, 2000, 9:00 a.m.]

Date of Adoption: April 19, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-32500D; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

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: May 20, 2000, 9:00 a.m..

April 19, 2000

J. P. Koening

Director

by Larry Peck

NEW SECTION

WAC 220-56-32500D Shrimp—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for or possess shrimp from those waters of Hood Canal south of the Hood Canal floating bridge except as provided for in this section:

(1) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following dates: May 20, 24, 27 and 31, 2000.

(2) No shrimp fishers may leave shrimp fishing gear in the water between:

1:00 p.m. May 20 and 9:00 a.m. May 24;

1:00 p.m. May 24 and 9:00 a.m. May 27;

1:00 p.m. May 27 and 9:00 a.m. May 31;

or after 1:00 p.m. May 31

(3) It shall be unlawful for any vessel participating in the fishery to have more than four shrimp pots operated from the vessel.

(4) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained. After the eightieth shrimp has been retained by a fisher, the fisher must stop fishing and release all additional shrimp immediately to the water unharmed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 1:01 p.m. May 31, 2000:

WAC 220-56-32500D Shrimp—Areas and seasons.

WSR 00-10-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-54—Filed April 21, 2000, 8:34 a.m.]

Date of Adoption: April 20, 2000.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-23500E; and amending WAC 220-56-235.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to comply with federal regulations for lingcod. This rule is interim until permanent rules take effect.

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.

April 20, 2000
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-23500F Possession limits—Bottomfish.

Notwithstanding the provisions of WAC 220-56-235, effective immediately until further notice the daily limit for lingcod in Marine Areas 1 through 4 is one fish, minimum length 24 inches.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-23500E Possession limits—Bottomfish. (00-42)

WSR 00-10-035
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Adult Services)
(Office of Rates Management)
[Filed April 24, 2000, 3:37 p.m.]

Date of Adoption: April 24, 2000.

Purpose: To implement the two Medicaid nursing facility payment programs required by chapter 181, Laws of 1999, exceptional direct care and therapy care payment rates.

Citation of Existing Rules Affected by this Order: Amending WAC 388-96-901.

Statutory Authority for Adoption: RCW 74.46.800, chapter 181, Laws of 1999.

Other Authority: RCW 74.46.770 and [74.46.]780.

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: Chapter 181, Laws of 1999, requires that the department by January 1, 2000, adopt rules and implement a system of exceptional care payments for therapy to increase functioning of certain Medicaid residents residing in certain nursing facilities. Also, chapter 181, Laws of 1999, requires the department to increase the direct care component rate allocation calculated under RCW 74.46.506(5) for Medicaid residents who have unmet exceptional care needs as determined by the department in rule. The public's general welfare will be preserved and enhanced by these rules. These rules are identical to the emergency rules adopted effective January 1, 2000. On April 18, 2000, Aging and adult services filed notice of proposed rule making

to adopt the rules as permanent (WSR 00-09-080). The proposed rules will be published in the Washington State Register on May 3, 2000, with the hearing set for May 23, 2000, and the date of intended adoption is May 24, 2000.

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 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 4, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

April 24, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-96-779 Exceptional therapy care—Designated nursing facilities. (1) The department will designate a maximum of twelve nursing facilities (NF) that have demonstrated excellence in therapy care. A designated NF may request payment for exceptional therapy care provided to individual NF facility Medicaid residents that meet the criteria in WAC 388-96-780.

(2) A NF requesting exceptional therapy care payments will submit a written request to the department separate from all other requests and inquiries of the department. The NF must document by providing quantitative and narrative data that demonstrates the NF's history of providing specialized rehabilitation therapy to its residents. A complete written request will include documentation that the NF:

(a) Analyzes its effectiveness at providing rehabilitative therapy by comparing changes in resident outcome measures between admission, transition, and/or discharge status for residents;

(b) Assures that residents served make measurable improvement toward accomplishment of functional goals and that the program uses measurable criteria for initiation and termination of specific rehabilitation treatment;

(c) Has substantial experience in serving residents who are under age sixty-five, not eligible for Medicare, and able to achieve significant progress in functional status when provided with intensive therapy care services;

(d) Provides treatment to a sufficient volume of residents to ensure an environment of peer support for residents;

(e) Utilizes a medical rehabilitation case management system; and

(f) Provides or arranges for the following rehabilitation services with staff who are licensed, registered, or certified,

and who are in-house or available for treatment every day when indicated in the rehabilitation plan:

- (i) Occupational therapy;
- (ii) Physical therapy;
- (iii) Speech/language pathology; and
- (iv) Mental health that may include:
 - (A) Neuropsychological services;
 - (B) Clinical psychological services, including testing and counseling; and
 - (C) Substance abuse counseling.

(3) If the NF is accredited by the commission on accreditation of rehabilitation facilities (CARF), the NF will provide documentation detailing current accreditation status. If the NF has been CARF accredited but accreditation status was lost, the NF will provide documentation detailing the findings that led to the change in accreditation status.

(4) The criteria that the department will use to evaluate the request may include, but is not limited to, a review of the NF's:

- (a) Current licensure and certification status;
- (b) Compliance history with state and federal regulations, including a review of whether substandard care is identified;
- (c) Overall financial status;
- (d) Findings of Medicare/Medicaid fraud against a NF licensee to include individuals, partnerships, corporations, or other legal entities licensed to operate the nursing home; and
- (e) Geographic distribution related to other NF's providing demonstrated excellence in therapy care.

(5) If the initial written request is incomplete, the department will notify the NF of the documentation and information required within thirty calendar days of receipt of the initial application. The NF will submit the requested information within fifteen calendar days from the date that the NF receives the notice to provide the information. If the NF fails to complete the request by providing all the requested documentation and information within fifteen calendar days from the date of receipt of notification, the department will deny the request.

(6) Within sixty calendar days after receipt of a complete designation request, the department will respond to a NF in writing.

(7) The department will conduct monitoring and analysis of the components listed in subsection (4) of this section for any NF receiving exceptional therapy care rates. The NF will lose its designation as a NF eligible to receive exceptional therapy care rates if:

- (a) The NF provides substandard care or is subject to a stop placement or civil monetary penalties related to resident care;
- (b) Any findings of Medicare/Medicaid fraud are levied against the NF licensee, to include individuals, partnerships, corporations, or other legal entities licensed to operate a nursing home; or
- (c) It loses its CARF accreditation status as a result of poor resident care.

(8) Based on monitoring and analysis of the NF receiving exceptional therapy care rates, if the NF fails to meet the criteria established in subsections (1) through (4) of this section, the department may revoke its designation as a NF eligi-

ble to receive exceptional therapy care rates. If the department revokes a NF's exceptional therapy care designation for substandard specialized rehabilitation therapy, then payment to the NF for all exceptional therapy care will end on the date of revocation.

(9) NFs receiving exceptional therapy care rate payments will be reviewed on an annual basis utilizing the criteria established in subsections (1) through (4) of this section.

NEW SECTION

WAC 388-96-780 Exceptional therapy care—Covered Medicaid residents. (1) The department will pay an exceptional therapy care rate to a nursing facility (NF) for a Medicaid resident who:

- (a) Is less than sixty-five years of age;
- (b) Does not qualify for Medicare;
- (c) Has a functional need associated with a diagnosis of:
 - (i) Traumatic brain injury,
 - (ii) Stroke/cerebrovascular accident (CVA),
 - (iii) Paraplegia,
 - (iv) Quadriplegia, or
 - (v) Major multiple fractures;
- (d) Resides in a NF that under WAC 388-96-779 is approved to provide exceptional therapy care; and
- (e) Is assessed by a department case manager to be:
 - (i) Medically stable;
 - (ii) Physically and cognitively able to participate in the rehabilitation program;
 - (iii) Willing and able to participate in the rehabilitation program averaging a minimum of two hours per day, five days per week; and
 - (iv) Has an impairment in two or more of the following areas:

- (A) Mobility and strength;
- (B) Self-care/ADLs (activities of daily living);
- (C) Communication;
- (D) Continence-evacuation of bladder and/or bowel;
- (E) Kitchen/food preparation-safety and skill;
- (F) Cognitive/perceptual functioning; or
- (G) Pathfinding skills and safety.

(2)(a) If a NF designated under WAC 388-96-779 wants exceptional therapy care payments for a Medicaid resident, then the NF will submit a request for exceptional therapy care payments on a department-supplied application. A complete exceptional therapy care payment application will include documentation that the Medicaid resident meets the criteria of subsection (1)(a) through (c) of this subsection. The department will:

- (i) Review only complete applications; and
 - (ii) Return incomplete applications to the NF within five days of receipt.
- (b) The department will respond to a NF requesting exceptional therapy care payments for a resident, in writing, no later than five working days after receipt of a complete application.
- (i) If the department approves exceptional therapy care payments for a resident, the department will:

(A) Authorize five days of exceptional therapy care payments for observation of the resident's response to the intensive therapy;

(B) Conduct an on-site review during the five days of observation to determine whether the resident is an appropriate candidate for intensive therapy and that the NF has a viable plan to provide therapy averaging a minimum of two hours a day, five days per week; and

(C) Extend, when the department is unable to complete the on-site review during the five-day observation period, the exceptional therapy care payments until the department is able to complete the on-site review.

(ii) When the department determines a resident is:

(A) An appropriate candidate and the NF has a viable plan to meet the minimum hours and days of therapy, the department will authorize continuing exceptional therapy care payments; or

(B) An inappropriate candidate or the NF lacks a viable plan to meet the minimum hours and days of therapy, the department will discontinue the authorized days of payment per subsection (2)(b)(i) of this section effective the day after the on-site review and deny continuing exceptional therapy care payments beyond the day of the on-site review.

(iii) Before the conclusion of the on-site visit, the department will give the NF written confirmation of approval or denial of continuing exceptional therapy care payments.

(iv) All exceptional therapy care payments are contingent upon the resident being eligible for Medicaid. A NF may provide exceptional therapy care and/or seek approval for exceptional therapy care payments on residents for whom it does not have a Medicaid award letter because the determination of the resident's Medicaid eligibility is pending. If the resident is denied Medicaid coverage, then the department will not pay for any exceptional therapy care, including the authorized days per subsection (2)(b)(i) of this section.

(3)(a) For the Medicaid resident receiving exceptional therapy care, a NF must complete a FIM or department approved functional assessment measure for each exceptional therapy care Medicaid resident within:

(i) Five calendar days of initiation of the exceptional therapy care;

(ii) Fourteen calendar days of initiation of the exceptional therapy care;

(iii) Thirty calendar days of initiation of the exceptional therapy care;

(iv) Sixty calendar days of initiation of the exceptional therapy care;

(v) Ninety calendar days of initiation of the exceptional therapy care; and

(vi) At discharge or termination of the exceptional therapy care.

(b) The department case manager will review the FIM assessments to determine whether the exceptional therapy care rate continues to be necessary. The department will terminate the exceptional therapy care rate for a Medicaid resident who has made no measurable improvement in rehabilitation as demonstrated by his/her assessments.

(c) The NF will notify the department of the date it discontinues exceptional therapy care to the Medicaid resident. If the NF discontinues the exceptional therapy care because it

discharged the Medicaid resident, the NF will provide the department with the discharge disposition and date.

(4) The department will pay an exceptional therapy care rate up to a maximum of one hundred days per episode. After one hundred days, the department will pay for any therapy treatment the Medicaid resident may receive under RCW 74.46.511.

NEW SECTION

WAC 388-96-781 Exceptional direct care component rate allocation—Covered Medicaid residents. A nursing facility (NF) may receive an increase in its direct care component rate allocation for providing exceptional care to a Medicaid resident who:

(1) Receives specialized services to meet chronic complex medical conditions and neurodevelopment needs of medically fragile children; and

(2) Resides in a NF where all residents are under age twenty-one with at least fifty percent of the residents entering the facility before the age of fourteen.

NEW SECTION

WAC 388-96-782 Exceptional therapy care and exceptional direct care—Payment. (1)(a) The department will pay for exceptional therapy care authorized under WAC 388-96-780 according to the current therapy fee for service schedule maintained by the department.

(b) All payments for therapy care from third-party payers and/or other department programs, e.g., physical medicine and rehabilitation (PM&R) will be deducted before billing the department under the exceptional therapy program. The nursing facility (NF) will bill the department for the authorized exceptional therapy care according to the department's billing instructions, including but not limited to WAC 388-545-0300, 388-545-0500, and 388-545-0700.

(2) For WAC 388-96-781 residents, the department will pay the resident's total rate in effect on December 31, 1999, inflated by the industry weighted average economic trends and conditions adjustment factor.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-901 Disputes. (1) If a contractor wishes to contest the way in which a statute or department rule relating to the nursing facility Medicaid payment system was applied to the contractor by the department, the contractor shall pursue the administrative review process prescribed in WAC 388-96-904.

(a) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW subject to administrative review under WAC 388-96-904 include but are not limited to:

- (i) Determining a nursing facility payment rate;
- (ii) Calculating a nursing facility settlement;
- (iii) Imposing a civil fine on the nursing facility;
- (iv) Suspending payment to a nursing facility; or
- (v) Refusing to contract with a nursing facility.

EMERGENCY

(b) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW not subject to administrative review under WAC 388-96-904 include but are not limited to those taken under the authority of RCW 74.46.421 and sections of this chapter implementing RCW 74.46.421.

(2) The administrative review process prescribed in WAC 388-96-904 shall not be used to contest or review unrelated or ancillary department actions, whether review is sought to obtain a ruling on the merits of a claim or to make a record for subsequent judicial review or other purpose. If an issue is raised that is not subject to review under WAC 388-96-904, the presiding office shall dismiss such issue with prejudice to further review under the provisions of WAC 388-96-904, but without prejudice to other administrative or judicial review as may be provided by law. Unrelated or ancillary actions not eligible for administrative review under WAC 388-96-904 include but are not limited to:

(a) Challenges to the adequacy or validity of the public process followed by department in proposing or making a change to the nursing facility Medicaid payment rate methodology, as required by 42 U.S.C. 1396a (a)(13)(A) and WAC 388-96-718;

(b) Challenges to the nursing facility Medicaid payment system that are based in whole or in part on federal laws, regulations, or policies;

(c) Challenges to a contractor's rate that are based in whole or in part of federal laws, regulations, or policies;

(d) Challenges to the legal validity of a statute or regulation;

(e) Issues relating to case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;

(f) Quarterly rate updates to reflect changes in a facility's resident case mix; ~~((and))~~

(g) Issues relating to any action of the department affecting a Medicaid beneficiary or provider that were not commenced by the office of rates management, aging and adult services administration, for example, entitlement to or payment for durable medical equipment or other services; and

(h) Issues relating to exceptional therapy care and exceptional direct care programs codified at WAC 388-96-779 through 388-96-782.

(3) If a contractor wishes to challenge the legal validity of a statute or regulation relating to the nursing facility Medicaid payment system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000E; and amending WAC 220-56-360.

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: Test results show that adequate clams are available for harvest in Razor Clam Area 2. Washington Department of Health has certified clams from this beach to be safe for human consumption. There is insufficient time to promulgate permanent rules.

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: May 5, 2000, 12:01 a.m.

April 26, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-36000E Razor clams—Areas and seasons Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 a.m. May 5 through 11:59 a.m. May 5, 2000, razor clam digging is allowed in Razor Clam Area 2. Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(2) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon May 5, 2000:

WAC 220-56-36000E Razor clams—Areas and seasons.

WSR 00-10-049

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 00-55—Filed April 26, 2000, 4:27 p.m., effective May 5, 2000, 12:01 a.m.]

Date of Adoption: April 26, 2000.

**WSR 00-10-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-52—Filed April 26, 2000, 4:29 p.m., effective May 1, 2000, 12:01 a.m.]

Date of Adoption: April 26, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-24000C; and amending WAC 220-56-240.

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 fifteen day extension on the seasonal sturgeon spawning sanctuary is needed to conserve sturgeon broodstock and to reduce stress from handling in the sport catch and release fishery. There is insufficient time to promulgate permanent rules.

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: May 1, 2000, 12:01 a.m.

April 26, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-24000C Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for. Notwithstanding the provisions of WAC 220-56-240, it is unlawful to fish from a floating device May 1, through July 15, 2000 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 16, 2000:

WAC 220-56-24000C Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for.

**WSR 00-10-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-56—Filed April 26, 2000, 4:31 p.m.]

Date of Adoption: April 26, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100A; and amending WAC 220-52-051, 220-52-075, and 220-69-240.

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: The provisions of this emergency rule are necessitated by federal court order. The state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. Agreed plans with applicable tribes have been entered as required by the court order. Such plans have the effect of a federal court order. 898 F. Supp. 1453, 1466, 3.1. Pursuant to RCW 34.04.350 [34.05.350], the need to comply with such federal court orders in the form of allocative management plans constitutes an emergency that requires bypassing the time periods inherent in permanent rule making. The 2000 state/tribal Puget Sound shrimp harvest management plan requires adoption of the harvest seasons and the prohibition on night time fishing contained in this emergency rule. Failure to comply with the conservation and/or allocation requirements of such plans may result in contempt of federal court or failure of all commercial shrimp fishing in a given region addressed by a plan. Under current rules, the spot shrimp quotas established in the 2000 state/tribal Puget Sound shrimp harvest management plan can be far exceeded in one day of fishing. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest. The additional catch reporting rules are necessary to maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. Area, time, and depth closures for shellfish pot and shrimp beam trawl fishing were inadvertently omitted from permanent rules during recent housekeeping revisions. There is insufficient time to promulgate permanent rules.

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 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, 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: Immediately.

April 26, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-52-05100B Shrimp fishery—Puget Sound.

Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except as provided for in this section:

(1) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to shellfish pot gear harvest of all shrimp species except spot shrimp from 8:00 a.m. May 1 until further notice, with the following exceptions: Marine Fish-Shellfish Catch and Reporting Areas 23A, and 23B will remain closed until 8:00 a.m. on June 1, 2000.

(2) All waters of Crustacean Management Regions 1A, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species from 8:00 a.m. on June 1, 2000 until further notice.

(3) It is unlawful to harvest shrimp for commercial purposes using shellfish pot gear in Marine Fish-Shellfish Catch and Reporting Area 26B except in those waters south of a line from West Point to Skiff Point and north of a line from Alki Point to Orchard Point, and in those waters north of the Richmond Beach Park (47 degrees and 46 minutes latitude), south of Edmonds Point, and east of the 100 fathom depth contour.

(4) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 800 pounds per week or to exceed 300 pounds per week from Crustacean Management Regions 2 or 4. Any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 23D, 29, or the western portion of Marine Fish-Shellfish Catch and Reporting Area 23A (west of a line projected true north from the new Dungeness light), or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday.

(5) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch

Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(a) The number of pots being moved to a new area.

(b) The Marine Fish-Shellfish Management and Catch Reporting Area that pots are being moved to.

(6) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 5 above.

(7) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear except:

(a) Crustacean management area 1 - Open 8:00 a.m. on May 1 until further notice.

(b) Crustacean management area 3 - Open until further notice.

(8) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(9) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(10) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(a) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(b) Closed in waters shallower than 20 fathoms.

(c) Closed in waters shallower than fifty fathoms from April 16 through July 15.

(11) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(12) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in Shrimp Districts 1, 2, 3, 4, 5, and 6.

(13) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in waters of Lopez Sound (22A) south of a line projected east and west from the northern tip of Trump Island until 8:00 a.m. on July 10.

(14) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

NEW SECTION

WAC 220-52-07500A Shellfish harvest logs. Notwithstanding the provisions of WAC 220-52-075, effective immediately until further notice, vessel operators engaged in commercial harvest of shrimp from Puget Sound with shellfish pot gear must include the following additional information in their daily telephone harvest report:

- (a) The vessel operator's first and last name, and
- (b) The total number of pot pulls. The total number of pot pulls is defined as the total number of pots pulled from the water multiplied by the number of times those pots were checked.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100A Shrimp fishery—Puget Sound (00-49)

NEW SECTION

WAC 220-69-24000P Puget Sound shrimp dealer reporting -required information Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice: It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice (360) 466-4345 extension 245, or facsimile (360) 466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice (360) 796-4601, extension 800, or facsimile (360) 586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket.

welfare. Unfortunately many employers inadvertently allow individuals to drive business vehicles who have criminal violations as described in WAC 204-96-010, thus causing that business vehicle to be impounded and thus not available for business use. This creates a significant economic hardship for the employer. This amendment will allow the district commander to review releasing the business vehicle prior to the expiration of the mandated impound period if the employer establishes significant economic hardship.

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 0, Repealed 0.

Effective Date of Rule: Immediately.

April 28, 2000

Annette M. Sandberg
Chief

AMENDATORY SECTION (Amending WSR 99-18-026, filed 8/24/99, effective 9/24/99)

WAC 204-96-010 Vehicle impounds. When a driver of a vehicle is arrested for a violation of:

RCW 46.61.502	Driving under the influence,
RCW 46.61.504	Physical control of vehicle under the influence,
RCW 46.20.342	Driving while license suspended or revoked,
RCW 46.20.420	Operation of motor vehicle under other license/permit prohibited while suspended or revoked,

the arresting officer shall cause the vehicle to be impounded.

If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle shall be impounded, but no suspended driver hold shall be placed on the vehicle. If the driver is also the registered owner then the vehicle shall be held until all outstanding penalties, fines, and forfeitures owed by him/her are satisfied. The driver/registered owner must present proof from a court of law that he/she has no outstanding penalties, fines, or forfeitures.

EMERGENCY

WSR 00-10-059
EMERGENCY RULES
WASHINGTON STATE PATROL

[Filed April 28, 2000, 2:03 p.m.]

Date of Adoption: April 27, 2000.

Purpose: To allow employers to retrieve company vehicles when an employee has been arrested for driving with a suspended license and to require that employers and spouses show *significant* hardship before the vehicle can be released to them.

Citation of Existing Rules Affected by this Order: Amending WAC 204-96-010.

Statutory Authority for Adoption: RCW 46.55.113 and 46.55.120.

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 amendment is necessary for the preservation of the public safety and general

If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has any prior convictions for violations of RCW 46.20.342 in the past five years, the vehicle shall be held for thirty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle shall be held for thirty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) in the past five years, the vehicle shall be held for sixty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) two or more times in the past five years, the vehicle shall be held for ninety days.

The release of all vehicles impounded under this WAC shall be governed by RCW 46.55.120. Commercially rented vehicles may be impounded, however no suspended driver holds shall be placed upon the vehicle. The rental company shall be notified by phone.

A vehicle may be released prior to the mandated hold period if the employer or spouse of the arrested driver establishes significant economic or personal hardship with the district commander of the district in which the vehicle was impounded. In making a hardship determination, the district commander shall consider public safety factors, including the driver's criminal history and driving record. All hardship release requests shall be in writing. Any denial or approval of a hardship release shall be in writing and shall include factors considered by the district commander in reaching the decision.

WSR 00-10-065

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Juvenile Rehabilitation Administration)

[Filed April 28, 2000, 3:32 p.m.]

Date of Adoption: April 28, 2000.

Purpose: To effect community safety by allowing for parole revocation due process to occur with youth that have been detained in other states pending a return to Washington. Without this change, youth returned to Washington, as parole absconders can not be detained.

Citation of Existing Rules Affected by this Order: Amending WAC 275-30-010, 275-30-030, 275-30-060, and 275-30-070.

Statutory Authority for Adoption: RCW 72.01.090, 72.05.130.

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: Without this change we are unable to complete a parole revocation on Washington state parolees who have been detained in other states. These youth are offenders who have absconded from parole supervision or are displaying high-risk behaviors, which indicate that they are close to reoffending/committing new offenses. This change will allow JRA to carry out our primary mission of public safety by permitting us to execute the parole revocation process with these offenders.

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 0, Repealed 0.

Effective Date of Rule: Immediately.

April 28, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-03-077, filed 1/19/99, effective 2/19/99)

WAC 275-30-010 Definitions. "Department" means the department of social and health services.

"Detention" means physical custody in Washington state by the department of social and health services in a juvenile rehabilitation administration operated or contracted facility or a Washington state detention facility as defined in RCW 13.40.020(9).

"Juvenile parole officer" means a state employee, or person under contract to the state, whose responsibilities include supervising juvenile parolees.

"Juvenile parolee" means a person under age twenty-one released from a juvenile rehabilitation administration residential facility and placed under the supervision of a juvenile parole officer.

"Modification of parole conditions" means a change in the "order of parole conditions" provided by the juvenile parole officer with full knowledge of the change by the juvenile parolee.

"Parole" means a period of supervision following release from a juvenile rehabilitation administration residential facility, during which time certain parole conditions are to be followed.

"Parole conditions" mean interventions or expectations that include, but are not limited to, those listed in RCW

13.40.210, intended to facilitate the juvenile parolee's reintegration into the community and/or to reduce the likelihood of reoffending.

"**Secretary**" means secretary of the department of social and health services or his/her designee.

"**Violation**" means behavior by a juvenile parolee contrary to written parole conditions which may result in sanctions that include, but are not limited to, modification of parole conditions and/or confinement.

WSR 00-10-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-57—Filed April 28, 2000, 4:39 p.m., effective May 1, 2000,
12:01 a.m.]

Date of Adoption: April 28, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-02000L; 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. There is insufficient time to promulgate permanent rules.

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: May 1, 2000, 12:01 a.m.

April 28, 2000

J. P. Koenings

Director

NEW SECTION

WAC 220-24-02000L 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 Line, 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) Effective 12:01 a.m. May 1, through 11:59 p.m. June 15, 2000 it is lawful to fish for and possess salmon except coho salmon taken from these waters, except for Washington waters in a closed control zone at the mouth of the Columbia River, described as:

(a) Columbia River Control Zone - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(2) In the fisheries authorized in this section:

(a) No chinook salmon smaller than 28 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.

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 effective 12:01 a.m. June 16, 2000:

WAC 220-24-02000L Commercial salmon troll.

WSR 00-10-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-58—Filed April 28, 2000, 4:40 p.m., effective May 1, 2000,
 12:01 a.m.]

Date of Adoption: April 28, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-350, 220-56-380, 220-56-115, 220-56-123, 220-56-128, 220-56-190, 220-56-191, 220-56-195, 220-56-199, and 232-12-619.

Statutory Authority for Adoption: RCW 75.08.080 and 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: These rules implement recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council, and are interim until permanent rule take effect.

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 10, 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: May 1, 2000, 12:01 a.m.

April 28, 2000

J. P. Koenings

Director

NEW SECTION

WAC 220-56-35000G Clam seasons. Notwithstanding the provisions of WAC 220-56-350:

Kayak Point County Park - Open to mussels until further notice.

NEW SECTION

WAC 220-56-38000Y Oyster seasons. Notwithstanding the provisions of WAC 220-56-380:

Brown Point (DNR 57-B) - Closed until further notice.

NEW SECTION

WAC 220-56-11500D Angling gear. Notwithstanding the provisions of WAC 220-56-115, effective July 1 until further notice there are no limitations on use of a downrigger or fishing weight restrictions in Catch Record Card Areas 9, 10, or 12.

NEW SECTION

WAC 220-56-12300A Unlawful provisions—Ocean Shores boat basin Notwithstanding the provisions of WAC 220-56-123, effective August 16 until further notice fishing for salmon prohibited with nonbuoyant lures that do not meet the specifications in WAC 220-56-205, with nonbuoyant natural bait lures having more than two single hooks measuring more than 3/4 inch point to shank, or baitfish jigger gear. Night closure.

NEW SECTION

WAC 220-56-12800E Closed area—Finch Creek tidal channel. Notwithstanding the provisions of WAC 220-56-128, effective May 1 until further notice fishing is closed in the waters within the channel of Finch Creek created when the tidelands are exposed.

NEW SECTION

WAC 220-56-19000C Coastal salmon seasons. Notwithstanding the provisions of WAC 220-56-190, effective May 1 until further notice it is unlawful to fish for or possess salmon taken from Catch Record Card Areas 1 through 4 except as provided for in this section:

Area 1 - Open July 10 until further notice, Sundays through Thursdays only. Daily limit 2 salmon, not more than one of which may be a chinook. Release wild coho. No cumulative limit.

Area 2 and 2-2 west of the Buoy 13 line - Open July 3 until further notice, Sundays through Thursdays only. Daily limit 2 salmon, not more than one of which may be a chinook. Release wild coho. No cumulative limit. Closed July 3 through August 10 inside a line from the Westport Light to Grays Harbor Buoy No. 2, to Grays Harbor Buoy No. 3, to the Grays Harbor North Jetty.

Area 2-2 east of the Buoy 13 line - Closed except waters of the Westport and Ocean Shores Boat Basins open August 16 until further notice, daily limit six salmon not more than four of which may be adult salmon. Chinook and coho salmon minimum size 12 inches.

Area 2-1 - Open August 16 until further notice. Daily limit 6 salmon, not more than 2 of which may be adult salmon. Release wild coho salmon. Single point barbless hooks required.

Areas 3 and 4 - Open July 3 until further notice. Daily limit 2 salmon, not more than one of which may be a chinook. Release wild coho.

NEW SECTION**WAC 220-56-19100L Puget Sound salmon seasons.**

Notwithstanding the provisions of WAC 220-56-191, effective May 1 until further notice it is unlawful to fish for or possess salmon taken from Catch Record Card Areas 5 through 13 except as provided for in this section:

Areas 5 and 6 - Open August 1 until further notice. Daily limit 2 salmon, except release chinook, chum and wild coho.

Area 7 - Open July 1 until further notice. Daily limit 2 salmon, not more than one of which may be a chinook salmon, except August 16 until further notice in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) daily limit 4 salmon not more than one of which may be a chinook salmon, except closed in Samish Bay south of a line due east from Fish Point until further notice.

Areas 8-1 and 8-2 - Closed until further notice, except Tulalip Bay waters described in WAC 220-56-191 (4)(b) open July 14 until further notice each Friday through 11:59 a.m. the following Monday, daily limit 2 salmon not more than one of which may be a chinook.

Area 9 - Closed until further notice except when fishing from the Edmonds fishing pier, daily limit 2 salmon not more than one of which may be a chinook salmon and from the Hood Canal Floating Bridge pontoon May 1 through June 30, daily limit 2 salmon not more than one of which may be a chinook.

Area 10 - Open July 1 until further notice. Daily limit 2 salmon, except release chinook salmon, except:

(a) July 1 through August 15 Elliott Bay east of a line from West Point to Alki Point closed, except waters east of a line from Pier 91 to Duwamish Head open noon August 4 to noon August 7 and noon August 11 to noon August 14. During openings it is lawful to retain up to one chinook in the daily limit.

(b) July 1 until further notice Shilshole Bay east of a line from Meadow Point to West Point is closed.

(c) July 16 until further notice in Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point and west of a line projected true south from Point White the daily limit may contain up to two chinook.

(d) July 1 until further notice waters east of a line from Point Wells to Meadow Point are closed.

(e) Fishing from the Elliott Bay and Seacrest fishing piers is allowed May 1 until further notice, daily limit 2 salmon not more than one of which may be a chinook.

Area 11 - Open June 1 until further notice. Daily limit 2 salmon not more than one of which may be a chinook salmon. Fishing from the Dash Point Dock and the Point Defiance Boat House Dock from May 1 until further notice.

Area 12 - Open July 1 until further notice south of Ayock Point. Daily limit 2 salmon not more than one of which may be a chinook salmon. Release chum salmon. Open August 16 until further notice in waters northeast of a true east-west line from Point Whitney to the Toandos Peninsula. Daily limit 4 salmon. Release chinook and chum. The Hoodspout Hatchery fishery is managed separately under WAC 220-56-124.

Area 13 - Open May 1 until further notice. Daily limit 2 salmon not more than one of which may be a chinook salmon May 1 through June 30. Release wild coho July 1 until further notice. Fishing from the Fox Island Public Fishing Pier open May 1 until further notice, daily limit 2 salmon not more than one of which may be a chinook, and release wild coho July 1 until further notice.

NEW SECTION

WAC 220-56-19500F Closed areas—Saltwater salmon fishing. Notwithstanding the provisions of WAC 220-56-195, effective May 1 until further notice:

Area 7 waters southerly of a line from Sandy Point to Point Migley, following the west shore of Lummi Island to a straight line from shore through Lummi Rocks Buoy to Peapod Rocks Buoy, then to Lydia Shoal buoy, then to the easternmost point on Obstruction Island, then true south to Blakely Island, then from the southernmost point on Blakely Island to Fauntleroy Point, then from the southernmost point on Decatur Island to Lopez Island, then from Iceberg Point to Cattle Point, then to the Salmon Bank buoy then true west to the Area 7 boundary closed to fishing for salmon July 1 through July 31.

NEW SECTION

WAC 220-56-19900A Closed areas—Chinook salmon angling. Notwithstanding the provisions of WAC 220-56-199, Effective May 1 until further notice chinook only closures—None.

NEW SECTION

WAC 232-12-61900L Exceptions to statewide rules—North of Falcon 2000 emergency rules. Notwithstanding the provisions of WAC 220-56-205, Chapters 220-57 and 220-57A WAC and WAC 232-28-619:

1. Bear River (Pacific County) - Effective immediately until further notice the river is closed to salmon fishing and single point barbless hooks, nonbouyant lures and night closure not required until August 16, 2000.

2. Beaver Creek (Thurston County) - Effective immediately until further notice when open trout minimum size 14 inches.

3. Blooms Ditch (Thurston County) - Effective immediately until further notice when open trout minimum size 14 inches.

4. Bogachiel River (Clallam County) - Effective immediately until further notice when open for salmon release wild adult coho and wild adult chinook.

5. Calawah River (Clallam County) - Effective immediately until further notice when open for salmon release wild adult coho and wild adult chinook.

6. Canyon Creek (Clark County) - Effective immediately until further notice when open trout daily limit five fish.

7. Canyon Creek (Klickitat County) - Effective immediately until further notice when open statewide rules apply.

8. Carbon River (Pierce County) - Effective August 1 until further notice nonbuoyant lure restriction and night closure from mouth to Voight Creek.

9. Clover Creek (Pierce County) - Effective immediately until further notice when open trout daily limit two fish.

10. Columbia River -

(a) Effective immediately until further notice rules applicable from Buoy 10 to the Megler-Astoria Bridge are extended to a line between Tongue Point in Oregon to Rocky Point in Washington

(b) Effective May 15 through July 31, from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek: Fishing allowed only from the bank on the hatchery side of the river. Trout: release all fish except hatchery steelhead. Salmon: Daily limit two fish.

11. Copalis River (Grays Harbor County) - Effective immediately until further notice closed to salmon angling.

12. Cowlitz River (Cowlitz/Lewis Counties) - Effective August 1 until further notice: Salmon daily limit 6 fish of which no more than 2 may be adult fish. Release chum, chinook and wild coho.

13. Deep River (Wahkiakum County) - Effective May 1 until further notice: Salmon open. Daily limit 6 fish of which no more than 2 may be adult fish. Release chum and wild coho.

14. Dickey River (Clallam County) - Effective July 1 until further notice release wild adult coho and wild adult chinook.

15. Elwha River (Clallam County) - Effective August 1 until further notice fly fishing only from mouth to marker at the outfall of the WDFW rearing channel.

16. Green River (Cowlitz County) - Effective August 1 until further notice release chinook.

17. Hoh River (Jefferson County) - Effective June 1 until further notice the daily limit may contain up to two adult salmon from mouth to DNR oxbow campground boat launch, except release wild adult chinook

18. Hoko River (Clallam County) - Effective May 1 until further notice from upper Hoko Bridge to Ellis Creek Bridge: Trout: Fly fishing only and release all fish.

19. Kalama River (Cowlitz County) - Effective May 1 until further notice fishing from a floating device equipped with a motor prohibited in all waters upstream from the Modrow Bridge. From mouth to 1000 feet below fishway at upper salmon hatchery: Salmon: daily limit 6 fish of which no more than 2 may be adult fish. Release chum and wild coho.

20. Kilickitat River (Klickitat County) - Effective June 1 until further notice release wild coho.

21. Little Quilcene River (Jefferson County) - Effective June 1 until further notice statewide rules except trout minimum length fourteen inches.

22. Naselle River (Pacific/Whakiakum Counties) - Effective August 16 until further notice nonbuoyant lure and night closure downstream from North Fork and fishers may not allow their line, lures or bait to remain stationary in the water from the Crown Main Line Bridge downstream.

23. Nemah River, North, Middle and South (Pacific County) - Effective August 16 until further notice nonbuoyant lure restriction and night closure on North and Middle

Nemah and South Nemah from mouth to confluence with Middle Nemah.

24. Niawiakum River (Pacific County) - Single point barbless hooks, nonbuoyant lure restriction and night closure not required until August 16. Effective July 1 until further notice closed to salmon fishing.

25. Nooksack River (Whatcom County) - Effective June 1 until further notice mainstem closed from Mount Baker High School bus barn to confluence of North and South forks.

26. North River (Grays Harbor/Pacific Counties) - Single point barbless hooks, nonbuoyant lure restriction and night closure not required until August 16. Effective July 1 until further notice closed to salmon fishing.

27. Palix River, including all forks (Pacific County) - Single point barbless hooks, nonbuoyant lure restriction and night closure not required until August 16. Effective July 1 until further notice closed to salmon fishing.

28. Quillayute River (Clallam County) - Effective July 1 through August 31 release wild adult coho and wild adult chinook.

29. Sauk River, South Fork (Skagit/Snohomish Counties) - Upstream from Elliott Creek: Trout: Statewide rules.

30. Skokomish River (Mason County) - Effective August 1 until further notice from mouth to Highway 101 Bridge, salmon daily limit 6 fish of which no more than 2 may be adult salmon, of which not more than one may be a chinook. Release chum.

31. Smith Creek (Pacific County) - Effective July 1 until further notice closed to salmon fishing. Effective August 16 until further notice nonbuoyant lure restriction and night closure from mouth to Highway 101 Bridge.

32. Sol Duc River (Clallam County) - Effective July 1 through August 31 release wild adult coho and wild adult chinook.

33. Tapps Lake Intake Canal (Pierce County) - Effective May 1 until further notice, bass: release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

34. Tilton River (Lewis County) - Effective June 1 until further notice release wild coho.

35. Toutle River (Cowlitz County) - Effective August 1 until further notice in mainstem from mouth to forks and North Fork to posted deadline below fish collection facility: salmon daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and chinook. Release wild coho downstream of the forks.

36. Vancouver Lake (Clark County) - Effective May 1 through May 30 the Vancouver Lake flushing channel is closed and fishing from the lake shore line within 400 feet of the flushing channel is closed.

37. Washougal River (Clark County) - Effective August 1 until further notice closed.

38. Willapa River (Pacific County) - Effective August 16 nonbuoyant lure restriction and night closure.

39. Wind River (Skamania County) - Effective May 1 through June 30 nonbuoyant lure restriction and night closure from mouth to Burlington Northern Railroad Bridge. Effective August 1 until further notice nonbuoyant lure restriction

and night closure from mouth to Burlington Northern Railroad Bridge.

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.

WSR 00-10-069
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-59—Filed April 28, 2000, 4:41 p.m., effective May 1, 2000,
12:01 a.m.]

Date of Adoption: April 28, 2000.

Purpose: Fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-20-015, 220-20-020, 220-20-025, 220-16-740, 220-16-750, and 232-12-011.

Statutory Authority for Adoption: RCW 75.08.080 and 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: The Fish and Wildlife Commission has approved changing the status of the marine preserves to conservation areas. These rules are interim until permanent rules take effect.

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 6, 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: May 1, 2000, 12:01 a.m.

April 28, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-20-01500A Colvos Passage Marine Preserve Area—Salmon fishery. Notwithstanding the provisions of WAC 220-20-015, effective May 1 until further notice it is unlawful to fish for or possess salmon taken from

the waters of the Colvos Passage Marine Preserve Area, except salmon taken for personal use by trolling, defined as fishing from a vessel underway in forward gear.

NEW SECTION

WAC 220-20-02000A Colvos Passage Marine Preserve Area—Food fish closure. Notwithstanding the provisions of WAC 220-20-020, effective May 1 until further notice it is unlawful to fish for or possess food fish other than salmon taken from the waters of the Colvos Passage Marine Preserve Area.

NEW SECTION

WAC 220-20-02500A Colvos Passage Marine Preserve Area—Shellfish closure. Notwithstanding the provisions of WAC 220-20-025, effective May 1 until further notice it is unlawful to fish for or possess shellfish taken from the waters of the Colvos Passage Marine Preserve Area.

NEW SECTION

WAC 220-16-74000A Waketickeh Creek Conservation Area. Notwithstanding the provisions of WAC 220-16-740, effective May 1 until further notice Waketickeh Creek Marine Preserve is redesignated as Waketickeh Creek Conservation Area.

NEW SECTION

WAC 220-16-75000A Saltar's Point Beach Conservation Area. Notwithstanding the provisions of WAC 220-16-750, effective May 1 until further notice Saltar's Point Beach Marine Preserve is redesignated as Saltar's Point Beach Conservation Area..

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

NEW SECTION

WAC 232-12-01100A Protected wildlife—Colvos Passage Marine Preserve. Notwithstanding the provisions of WAC 232-12-011, effective May 1 until further notice all wildlife species within Colvos Passage Marine Preserve are classified as protected wildlife.

WSR 00-10-070

EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-60—Filed April 28, 2000, 4:42 p.m., effective May 1, 2000,
12:01 a.m.]

Date of Adoption: April 28, 2000.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to bring state regulations for recreational halibut in conformance to federal regulations. The federal regulations were adopted on March 20, 2000, and there is insufficient time to promulgate permanent rules.

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: May 1, 2000, 12:01 a.m.

April 28, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-25500M Halibut—Seasons—Daily limits. Notwithstanding the provisions of WAC 220-56-255, effective May 1, 2000, until further notice it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Catch Record Card Area 1: Open May 1, 2000, until further notice. Minimum size 32 inches in length. The daily limit is the first halibut 32 inches in length or greater brought aboard the vessel.

(2) Catch Record Card Area 2:

(a) Waters south of the Queets River, north of 47°N and east of 124°40'W: Open May 1, 2000, until further notice.

(b) All other open waters in Area 2: Open May 1, 2000, until further notice, except closed 12:01 a.m. each Friday through 11:59 p.m. each Saturday.

(c) Closed waters: Waters inside a rectangle defined by the following four corners: 47°19'N, 124°53'W; 47°19'N, 124°48'W; 47°16'N, 124°53'W; 47°16'N, 124°48'W;

(d) The daily bag limit is one halibut with no length restrictions

(3) Catch Record Card Areas 3 and 4:

(a) Open May 2, 2000, until further notice, except closed 12:01 a.m. each Sunday through 11:59 p.m. each Monday and in the closed waters of a rectangle defined by the following four corners: 48°18'N, 125°11'W; 48°18'N, 124°59'W; 48°04'N, 125°11'W; 48°04'N, 124°59'W

(b) The daily bag limit is one halibut with no length restrictions

(4) Catch Record Cards 5 through 13:

(a) Open May 25 through July 27, 2000, except closed 12:01 a.m. each Tuesday through 11:59 p.m. each Wednesday.

(b) The daily bag limit is one halibut with no length restrictions.

**WSR 00-10-071
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-61—Filed April 28, 2000, 4:43 p.m., effective May 1, 2000,
12:01 a.m.]

Date of Adoption: April 28, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88B-05000A; and amending WAC 220-88B-040 and 220-88B-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: The coastal spot shrimp pot fishery does not have an incidental bottom fish allowance, but fishers are not precluded from simultaneously participating in the coastal bottomfish under federal open access rules. This rule clarifies that retention of bottomfish is not prohibited, provided they are not taken with shrimp gear. The coastal spot shrimp fishery is to be allocated between pot and trawl fishers, and a trawl area closure will allow such allocation. Permanent rule making has been started, but there is insufficient time to have the permanent rules in place before the beginning trawl season.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2000, 12:01 a.m.
April 28, 2000
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-88B-04000A Coastal spot shrimp—Bottom fish possession. Notwithstanding the provisions of WAC 220-88B-040, it is lawful for persons fishing in the coastal spot prawn experimental fishery to fish in the coastal groundfish fishery under WAC 220-44-050, and to retain on board bottom fish taken in that fishery while fishing for spot shrimp.

NEW SECTION

WAC 220-88B-05000A Coastal spot shrimp—Trawl closure. Notwithstanding the provisions of WAC 220-88B-050, effective May 1 through June 30, 2000, it is unlawful to fish for spot shrimp with trawl gear between 46°54.50' and 47°04.00'N. latitude.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 1, 2000:

WAC 220-88B-05000A Coastal spot shrimp—Trawl closure.

ments and earn a wage while they learn the skills they need to progress towards living wage employment. The department has just recently received approval to fund a new type of work study, the WorkFirst work study program, with TANF funds. This program will expand the number of work study slots available for TANF participants. Under federal food stamp rules, however, the department must budget WorkFirst work study earnings differently than other types of work study (due to its TANF funding source). The department must file this emergency adoption to clarify food assistance eligibility rules for the WorkFirst work study program, before participants can enter the program, receive wages and start to learn new skills.

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 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: Immediately.

May 2, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0035 Educational benefits. This section applies to TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs. Unless otherwise stated, exclusions and disregards of educational benefits apply to clients engaged in undergraduate studies only.

(1) We exclude the educational assistance in the form of grants, loans or work study, issued from Title IV of the Higher Education Amendments (Title IV - HEA) and Bureau of Indian Affairs (BIA) education assistance programs. Examples of Title IV - HEA and BIA educational assistance include but are not limited to:

- (a) College work study (federal and state);
- (b) Pell grants; and
- (c) BIA higher education grants.

(2) We do not count the following types of educational assistance, in the form of grants, loans, or work study when determining a student's need:

- (a) Assistance under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391 for attendance costs identified by the institution as specified in subsections (3) and (4) of this section; and

WSR 00-10-088
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed May 2, 2000, 2:41 p.m.]

Date of Adoption: May 2, 2000.

Purpose: Amend WAC 388-450-0035, to describe the eligibility rules for the new WorkFirst work study program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0035.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 74.08A.320.

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: Community and technical colleges receive funding from various state and federal sources to provide college work study opportunities. College work study allows TANF participants to meet WorkFirst require-

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(b) Educational assistance made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include but are not limited to:

- (i) Christa McAuliffe Fellowship Program;
- (ii) Jacob K. Javits Fellowship Program; and
- (iii) Library Career Training Program.

(3) Educational assistance under subsection (2)(a) of this section is disregarded when used for the following attendance costs when a student is attending school less than half-time:

- (a) Tuition;
- (b) Fees; and
- (c) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.

(4) Educational assistance under subsection (2)(a) of this section that is used for the following expenses is disregarded in addition to the costs specified in subsection (3) of this section when the student is attending school at least half-time:

- (a) Books;
- (b) Supplies;
- (c) Transportation;
- (d) Dependent care; and
- (e) Miscellaneous personal expenses.

(5) For TANF/SFA, RCA, GA, and TANF/SFA-related medical assistance, the amount of a student's remaining educational assistance equal to the difference between the student's appropriate need standard and payment standard is excluded.

(6) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.

(7) When a student participates in WorkFirst work study, educational assistance made available to the student is:

- (a) Disregarded for cash and medical assistance;
- (b) Counted as earned income for food assistance.

(8) When a student participates in a work study program that is not excluded by subsections (1) and (2) or (7)(a) of this section, the income received is treated as earned income:

- (a) Applying the applicable earned income disregards;
- (b) For TANF/SFA, RCA, GA, and TANF/SFA-related medical assistance, excluding the difference between the student's appropriate need standard and payment standard; and
- (c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.

~~((8))~~ (9) When a student receives Veteran's Administration Educational Assistance:

- (a) All applicable attendance costs are subtracted; and
- (b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.

~~((9))~~ (10) When a student participates in graduate school studies, educational assistance made available to the student is counted as:

- (a) Assistance from another agency for cash and medical assistance;
- (b) Earned income for food assistance if there are work requirements; or
- (c) Unearned income for food assistance if there are no work requirements.

WSR 00-10-090
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 2, 2000, 2:52 p.m.]

Date of Adoption: May 2, 2000.

Purpose: The purpose of this rule is to: 1. Raise the working connections child care (WCCC) upper income limit from 175% FPL to 225% FPL; and 2. Change the WCCC copayment schedule.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-290-550; and amending WAC 388-290-015, 388-290-280, 388-290-350, 388-290-450, 388-290-475, 388-290-600, 388-290-650, 388-290-920, and 388-290-950.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.0903, and P.L. 104-193, Sections 407 and 605.

Other Authority: 45 C.F.R. Parts 98 and 99 (Child Care and Development Fund rule).

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: By directive from the governor's office, the working connections child care (WCCC) program is raising its upper-income limit and moderating its copayment schedule. This change will make an estimated 5000 additional families state-wide eligible for WCCC.

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 11, 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.

May 2, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-015 What basic steps does the department take to decide if I'm eligible for WCCC? We take the following basic steps to decide if you're eligible for WCCC:

"We," for the purposes of this chapter, means the department of social and health services.

(1) We determine:

(a) If you're participating in an approved activity (see WAC 388-290-125, 388-290-150, or 388-290-200);

(b) If you and your children are otherwise eligible for WCCC (see WAC 388-290-300);

(c) Your family size under WCCC guidelines (see WAC 388-290-400);

(d) Your countable income, which must be at or below ~~((one))~~ two hundred ~~((seventy))~~ twenty-five percent of the Federal Poverty Level (FPL) (see WAC 388-290-600);

(e) Your share of the child care cost, called a copayment (see WAC 388-290-650);

(2) After you make your own child care arrangements, we decide if we can pay your child care provider under WCCC guidelines (see WAC 388-290-850).

(3) We look at other WCCC program requirements, when needed (see WAC 388-290-900, ~~((1000, 1050, 1100, 1150, 1200, 1250, and 1300))~~ 905, 910, 915, 920, 925, 930, and 935).

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-280 Can the department pay WCCC for activity fees or bonuses? (1) We can pay initial and ongoing annual registration fees up to fifty dollars per child to your child care provider, only if the fees are:

(a) Required of all parents whose child(ren) are in care with that provider; and

(b) Needed to maintain a child care arrangement.

(2) We can pay ongoing activity fees of up to twenty dollars per month per child to your child care provider if the conditions in subsections (1)(a) and (1)(b) of this section are met.

(3) We can pay child care providers a one-time bonus of up to two hundred fifty dollars for each infant they newly enroll in care if all the following conditions are met:

(a) The child being cared for is less than twelve months of age;

(b) The child care provider is licensed or certified by the department; and

(c) We expect care to be provided for five days or more.

(4) We can pay child care providers a nonstandard hour bonus under ~~((chapter 388-15))~~ WAC 388-165-195 and 388-165-200.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-350 If I'm in an approved activity, what are the steps the department takes to figure my WCCC copayment? If you're in an approved activity, we take the following steps to figure your WCCC copayment:

(1) Determine your family size (see WAC 388-290-400);

(2) Verify and calculate all nonexempt income that is received directly by your family (see WAC 388-290-450);

(3) ~~((Figure))~~ Add together your family's expected average monthly earned and unearned income ~~((see WAC 388-290-500 and 525))~~ to get total income;

(4) ~~((Figure your family's adjusted earned income based on your expected average monthly earnings (see WAC 388-290-550);~~

~~((5) Add your expected average monthly unearned income and the result of subsection (4) of this section together))~~ Subtract the amount of child support you pay out to get your family's countable income (see WAC 388-290-600).

~~((6))~~ (5) Use your family's countable income to figure your WCCC copayment (see WAC 388-290-650).

~~((7))~~ (6) Assess the minimum copayment if:

(a) You're a minor parent and meet certain guidelines (see WAC 388-290-700); or

(b) You meet other guidelines not specifically for minor parents (see WAC 388-290-750).

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-450 What income does the department count in WCCC? (1) We count the following as earned income when figuring your copayment:

(a) Earnings from employment or self-employment;

(b) Military housing and food allowance;

(c) Income in-kind.

"Income in-kind" means income received in a form other than cash, such as goods, services, or room and board.

(2) We count the following as unearned income when figuring your WCCC copayment:

(a) Your TANF grant, except when exempt under WAC 388-290-475;

(b) Child support payments received;

(c) General assistance;

(d) Supplemental Security Income (SSI);

(e) Other social security payments, such as SSA and SSDI;

(f) Refugee assistance payments;

(g) Payments from the Veterans' Administration, disability payments, or payments from labor and industries (L&I);

(h) Unemployment compensation; and

(i) Other types of unearned income not exempted in WAC 388-290-475.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-475 What income does the department exempt in WCCC? We exempt the following when figuring your copayment:

(1) Income types in WAC 388-450-0015, WAC 388-450-0035, WAC 388-450-0040, and WAC 388-450-0055;

(2) The earned income of a child, unless otherwise indicated in WAC 388-290-400;

(3) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(4) Reimbursements, such as an income tax refund;

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(5) Diversion Cash Assistance; ~~((and))~~

(6) Child support you pay out under court order, DCS administrative order, or tribal government order.

(7) The TANF grant for the first three consecutive calendar months after you start a new job. The first calendar month is the month in which you start working.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-600 How does the department figure my countable income, and what is countable income used for? ~~((1))~~ To get your countable income, we add together the following kinds of expected average monthly income:

- (a) ~~Adjusted earned income; and~~
- (b) ~~Unearned income that is not exempt (see WAC 388-290-450).~~

(2)) All countable income received directly by your family is used to determine WCCC eligibility and calculate your WCCC copayment except if you automatically pay the minimum copayment under WAC 388-290-700 or 388-290-750.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-650 How does the department figure my copayment, once my countable income is known?

If your family's countable income falls within this range...	...Then your copayment is...
(1) At or below ((seventy-four)) <u>eighty-two</u> percent of the Federal Poverty Level (FPL).	Ten dollars.
(2) Above ((seventy-four)) <u>eighty-two</u> percent and up to one hundred <u>thirty-seven and one-half</u> percent FPL.	Twenty dollars.
(3) Over one hundred <u>thirty-seven and one-half</u> percent of the FPL.	The ((greater of: (a) Twenty dollars, or: (b) Forty-seven percent of your countable income over one hundred percent of the FPL)) <u>dollar amount equal to subtracting one hundred thirty-seven and one-half of FPL from countable income, multiplying by forty-four percent, then adding twenty.</u>

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-920 When does the department provide me with advance and adequate notice of WCCC pay-

ment changes? (1) We provide you with advance and adequate notice for changes in payment when the change results in a suspension, reduction, termination, or forces a change in child care arrangements, except as noted in WAC ~~((388-290-1200))~~ 388-290-925, below.

(2) "**Advance notice**," means a notice of a WCCC reduction, suspension, or termination that is mailed at least ten days before the date of the intended action.

(3) "**Adequate notice**" means a written statement of the action the department intends to take, the facts relating to the decision, the Washington Administrative Code (WAC) supporting the action, and your right to request a fair hearing.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-950 When does the department collect overpayments? (1) In areas not covered by this section, WCCC consumers are subject to chapter 388-410 WAC (Benefit errors).

(2) When setting up an overpayment, we reduce the WCCC overpayment by the amount of the WCCC underpayment when applicable.

(3) We recover WCCC overpayments from you, regardless of whether you are a current or past WCCC consumer, if:

- (a) The amount we overpay is more than three hundred dollars; and
- (b) Your child(ren) attend child care when not authorized by the department to do so;
- (c) A member of a different overpaid family later becomes a member of your family;
- (d) Cost of recovery does not exceed the overpayment amount;

(e) You:

- (i) Do not report a change of circumstance within ten days under WAC ~~((388-290-1050))~~ 388-290-910; and
- (ii) Use WCCC during a period of time when you would otherwise have been ineligible or eligible for a smaller amount of care; or

(f) You knowingly fail to give the department information that affects the amount of WCCC you are eligible for.

(4) Recovery of overpayments cannot force a change in your child care arrangements.

(5) We recover WCCC overpayments from child care providers, if:

- (a) The amount we overpay is more than three hundred dollars;
- (b) The provider receives payment for WCCC services not provided; or
- (c) We pay the provider more than the cost of providing WCCC under ~~((chapter 388-15))~~ WAC 388-165-180 and 388-165-185; and

(d) The cost of recovery does not exceed the overpayment amount.

(6) We set up overpayments starting the date that:

- (a) You use WCCC when not authorized by the department to do so; or
- (b) The child care provider provides care when not authorized by the department to do so.

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REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-290-550 How does the department figure my adjusted earned income?

**WSR 00-10-097
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-62—Filed May 2, 2000, 3:45 p.m.]

Date of Adoption: May 2, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500Z and 220-32-05500A; and amending WAC 220-32-055.

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 surplus is projected in all hatchery tributaries based on preseason forecasts and allows subsistence catch from the Columbia, Wind, White Salmon, and Klickitat rivers to be sold. Seasons were discussed with Yakama Indian Nation and Regions 2, 3 and 5 and is consistent with Compact Action of April 28, 2000, and conforms state and tribal regulations. There is insufficient time to promulgate permanent rules.

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 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: Immediately.

May 2, 2000
J. P. Koenings
Director

NEW SECTION

WAC 220-32-05500A Columbia River tributaries—Subsistence. Notwithstanding the provisions of WAC 220-32-055 effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Wind River, White Salmon River, Klickitat River, Yakima River, Icicle River, Drano Lake and Ringold except under the following provisions:

1) The Wind River from the mouth to a marker 400 feet downstream of Shipperd Falls is open 7 days per week immediately through June 24, 2000. From 200 feet above Shipperd Falls upstream to a marker 30 feet below the mouth of Tye Springs (the outlet stream for Carson National Fish Hatchery) is open 7 days per week from May 29 through June 24, 2000. Legal fishing gear are dipnets, setbag nets, and hook and line.

2) The White Salmon River from the mouth to Condit Dam is open 7 days per week immediately through June 17, 2000. Legal fishing gear are dipnets, setbag nets, and hook and line. Fishing is not allowed from boats or other floating devices. It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 25 feet of any fish ladder, fishway, or fish bypass pipes. It shall be unlawful to leave a net in fishing position unattended.

3) The Klickitat River from the site of the former Swinging Bridge (RM 1.5) to Fishway Number 5 (RM2.2) is open noon Tuesdays to 6:00 p.m. Saturdays of each week immediately to June 3, 2000. Legal fishing gear are dipnets, setbag nets, and hook and line. Fishing is not allowed from boats or other floating devices. It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 25 feet of any fish ladder, fishway, or fish bypass pipes. It shall be unlawful to leave a net in fishing position unattended.

4) The Yakima River from Horn Rapids Dam to Wapato Dam fishing is open from noon Tuesdays to 6:00 p.m. Saturdays of each week from April 18 to July 29, 2000. Legal fishing gear are dipnets, setbag nets, and hook and line. Fishing is not allowed from boats or other floating devices. It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 30 feet of any fish ladder, fishway, or fish bypass pipes.

5) Ringold. The waters of the Columbia River from a marker approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a marker approximately 1/4 mile downstream of Ringold wasteway outlet are open 7 days per week from May 15 through July 31, 2000 on the hatchery side of the river only. Legal fishing gear are dipnets, setbag nets, and hook and line. Fishing is not allowed from boats or other floating devices.

6) The Icicle River where it borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth is open from 9 p.m. Thursdays through 6 p.m. Saturdays, weekly from May 4 through July 22, 2000. Legal fishing gear are dipnets, and setbag nets. Fishing is not allowed from boats or any other floating devices. It shall be unlawful to place fishing platforms, or to take, molest, injure, or fish for salmon within 30 feet of any fish ladder, fishway, or fish bypass pipes.

EMERGENCY

7) Effective Noon Saturday May 6 through 6:00 p.m. Sunday May 28, 2000, fish caught in the Wind, White Salmon and Klickitat River may be sold.

8) Effective Noon Saturday May 6 through 6:00 p.m. Sunday May 28, 2000, spring chinook taken with dipnets, hoopnets, setbag nets or hook and line from the Columbia River may be sold.

9) All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500Z Columbia River tributaries—
Subsistence. (00-45)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2000:

WAC 220-32-05500A Columbia River tributaries—
Subsistence.

EMERGENCY



WSR 00-09-016
RULES OF COURT
STATE SUPREME COURT

[April 6, 2000]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO APR 11) NO. 25700-A-679
AND THE REGULATIONS)

The Washington State Bar Association Board of Governors recommended the adoption of the proposed amendments to APR 11 and the Regulations. Amendments were made based on comments received from the Supreme Court Clerk and Attorney General's Office. The Court having determined that the proposed amendments and regulations will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments and regulations as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments to APR 11 and the Regulations will be published expeditiously and become effective upon publication. The effective date of APR 11.6 will be delayed until January 1, 2001.

DATED at Olympia, Washington this 6th day of April 2000.

Guy, C. J.

Madsen, J.

Johnson, J.

Alexander, J.

Talmadge, J.

Ireland, J.

Bridge, J.

RULES OF COURT

APR 11

CONTINUING LEGAL EDUCATION

Rule 11.1 Purpose

It is of primary importance to the members of the Washington State Bar Association (referred to in these rules as the Bar Association) and to the public that attorneys continue their legal education throughout the period of their active practice of law. These rules will establish the minimum requirements for continuing legal education.

RULE 11.2 Educational Requirement

(a) Minimum Requirement. Each active member of the Bar Association shall complete a minimum of 45 credit hours of approved or accredited legal education (as provided in APR 11.4) every 3 years, as provided in the regulations to this rule. If a member completes more than 45 credits in a 3-year reporting period, up to 15 of the excess credits may be carried forward and applied to that members education requirement for the next reporting period.

(b) New Admission. Newly admitted members shall complete 45 continuing legal education credits anytime during the year in which he or she is admitted after the member's date of admission or the next 4 full calendar years. If the newly admitted member earns more than 45 credits during that new admission period, up to 15 of the excess credits may be carried forward to the next reporting period. Following the new admission period, the member shall complete 45 credits every 3 years as required by APR 11.2(a).

(c) Ethics/Professionalism Component. Commencing January 1, 1996, The 45 continuing legal education credit hours required in section (a) shall include a minimum of 6 credit hours devoted exclusively to the areas of legal ethics, professionalism, or professional responsibility. The 15 credit hours that may be carried forward pursuant to section (b) may include 2 credit hours toward the legal ethics, professionalism, or the professional responsibility requirement of this section.

(d) Implementation of Ethics/Professionalism Component. Members whose reporting period terminates on December 31, 1996, shall complete and report a minimum of 2 credit hours of approved or accredited legal ethics, professionalism, or professional responsibility continuing education. Members whose reporting period terminates on December 31, 1997, shall complete and report a minimum of 4 credit hours of approved or accredited legal ethics, professionalism, or professional responsibility continuing education. Members whose reporting period terminates on December 31, 1998, shall complete and report a minimum of 6 credit hours of approved or accredited legal ethics, professionalism, or the professional responsibility continuing education.

RULE 11.3 Board of Continuing Legal Education

There is hereby established a Board of Continuing Legal Education (referred to herein as the CLE Board) consisting of seven members. Six of the members of the CLE Board must be active members of the Washington State Bar Association (referred to herein as the Bar Association). The seventh member shall not be a member of the Bar Association. The Supreme Court shall designate a chairperson of the CLE Board, who shall serve at the pleasure of the Court. The members of the CLE Board shall be nominated by the Board of Governors of the Bar Association and appointed by the Supreme Court. Of the members first appointed, two shall be appointed for 1 year, three for 2 years, and two for 3 years. Thereafter, appointments shall be staggered for a 3-year term. No member may serve more than two consecutive terms. Terms shall end on September 30 of the applicable

MISC.

year, ~~except that no term shall end prior to September 30, 1977.~~

RULE 11.4 Powers of the Board of Continuing Legal Education

The CLE Board shall approve individual courses and may accredit all or portions of the entire legal educational program of a given organization which, in the CLE Board's judgment, will satisfy the education requirements of these rules. It shall determine the number of credit hours to be allowed for each such course. It shall discover and encourage the offering of such courses and programs by established organizations, whether offered within or outside of this state. The CLE Board may adopt regulations pertinent to these powers subject to the approval of the ~~Bar Association Board of Governors~~ and the Supreme Court. Individual compliance with the educational or time requirements of these rules may be waived or modified by the CLE Board upon a showing of undue hardship, age or infirmity. The CLE Board may set fees and fines for failure to comply with these rules, and may from time to time adjust such fees and fines, with the approval of the Bar Association Board of Governors. The CLE Board has authority to waive or reduce the fee or fine on a proper showing by the petitioner.

RULE 11.5 Expenses of the CLE Board

Members of the CLE Board shall not be compensated for their services. For their actual and necessary expenses incurred in the performance of their duties, they shall be reimbursed by the Bar Association in a manner consistent with the Association's reimbursement of its committee members. The Bar Association shall furnish the CLE Board with the necessary staff and clerical help to carry out its duties and shall pay all expenses reasonably and necessarily incurred by the CLE Board, pursuant to a budget for the CLE Board which the CLE Board shall submit annually to the Bar Association, subject to approval by the ~~Association Board of Governors~~. The CLE Board and Board of Governors shall clarify in writing their relationship regarding the CLE Board's budget and personnel issues.

RULE 11.6 Reports and Enforcement

(a) Compliance Reports and Other Activities

(1) Sponsor Report. The sponsor of each approved program (or each program for which approval is sought) will make available attendance reports to be completed by those attorneys in attendance. The form of the reports will be determined by the CLE Board. Attorneys who wish credit for attending the program will complete the report and return it to the sponsor at the conclusion of the program (or earlier if the attorney does not attend the entire program). Attorneys who fail to return their forms to the sponsor may send them directly to the Bar Association. All forms must be sent to the Bar Association not later than 30 days after conclusion of the program.

(2) Other Activities. In the case of programs for which approval has not been sought or obtained, or for other activities which may qualify for CLE credit under these rules, indi-

vidual attorneys may apply for credit by direct application to the CLE Board, using the form or forms specified by the CLE Board for that purpose.

(3) Confidential Reports. Not later than July 1 of each year, the Bar Association shall advise each active member required to report in the current reporting cycle of the credit hours and courses posted to their credit. A similar report shall be provided to all active members of the Bar not later than December 15 of each year. Attorneys may request changes to the reported credits for a period of forty-five days from the receipt of the report, after which the reported credits will be considered to be correct. They may be changed by a showing of good cause.

(ab) Compliance Report. Each active member shall submit a CLE compliance report as specified in the Regulations, or as approved by the CLE Board pursuant to Rule 11.4. If a member has not completed the minimum education requirement for that members reporting period, compliance may still be accomplished, as specified in the Regulations, by making up the deficiency within the first 4 months of the next succeeding calendar year, filing a supplemental report with the Bar Association by May 1 of that year and by paying a special filing late compliance fee.

(bc) Delinquency. Any member required to do so who has not complied by May 1 of each year, or such other date as is set forth in an agreement or order extending the time for compliance, hereafter, commencing with May 1, 1978, may be ordered suspended from the practice by the Supreme Court removed (or conditionally removed) from the roll of active members of the Bar and transferred to inactive status pending such members compliance with Section (a) above. To effect such suspension removal the CLE Board may by written notice to the non-complying-member advise of the pendency of suspension removal proceedings unless within 10 days of receipt of such notice such member shall complete and return to the CLE Board an accompanying form of petition which may be accompanied by affidavit(s) in support of request for extension of time for or exemption from compliance with Section (a) above or for a ruling by the CLE Board of complete compliance therewith.

(c)(1) Unless such petition be so filed, the CLE Board shall report such fact to the Supreme Court with its recommendations for appropriate action. The Supreme Court shall enter such order or conditional order as it deems appropriate. The provisions of RPA 17.4 and RAP 17.5 shall apply to any motion for reconsideration of such order.

(2) If such petition be so filed, the CLE Board may, in its discretion, approve the same without hearing, or may enter into agreement on terms with such member as to time and requirements for achieving compliance with the provisions of section (a).

(3) If the CLE Board does not so approve such petition or enter into such agreement with terms, the CLE Board (or a subcommittee of one or more CLE Board members) shall hold a hearing upon the petition and shall give the member at least 10 days notice of the time and place thereof. Testimony taken at the hearing shall be under oath and audio-recorded. The oath shall be administered by the chairperson of the CLE Board or the chairperson of the subcommittee. For good cause shown the CLE Board may rule that the member

has substantially complied with these rules for the year reporting period in question or, if he or she has not done so, it may grant the member an extension of time within which to comply and may do so upon terms as it may deem appropriate. As to each such application the CLE Board shall enter written findings of fact and an appropriate order, a copy of which shall be mailed forthwith to the member at the address on file with the Bar Association. Any such order shall be final unless within 10 days from the date thereof the member shall file with the Bar Association at its office a written notice of appeal to the Board of Governors of the Bar Association with the Supreme Court and serve a copy of the Washington State Bar Association. The member shall pay to the clerk of the Supreme Court a docket fee of \$250.00.

(4) In its consideration of petitions for relief hereunder, the CLE Board shall consider factors of hardship such as age or disability, or of restricted practice.

(d) ~~Appeal Review to Board of Governors the Supreme Court.~~ Any ~~To perfect~~ such ~~review~~ appeal shall be considered by the Board of Governors as its next regular meeting (unless that meeting takes place less than 5 days following the perfection of the appeal in which event it shall be the second meeting following thereafter). ~~To perfect such appeal the member shall, at the member shall at the member's expense, within 15 days of the filing of the notice of such appeals reviews, cause to be transcribed and filed with the Bar Association a narrative report of proceedings in compliance with RAP 9.3. The CLE Board Chairperson or chairperson of the subcommittee shall certify that the any such narrative report of proceedings contains a fair and accurate report of the occurrences in and evidence introduced in the cause. Upon the filing of any such notice of appeal to the Board of Governors, the Bar Association The CLE Board shall prepare a transcript of all orders, findings, and other documents pertinent to the proceeding before the CLE Board; which transcript shall be certified by the CLE Board chairperson or chairperson of the subcommittee. The CLE Board shall then file promptly with the Clerk of the Supreme Court the narrative report of proceedings and the transcripts pertinent to the proceedings before the CLE Board. The Board of Governors may require the member to submit his or her argument in writing and it may, but shall not be obligated to, permit the member or his or her counsel to appear in person before it. The Board of Governors may affirm, reverse, or modify the ruling of the Board of Continuing Legal Education as it deems appropriate. The decision of the Board of Governors shall be reduced to writing and a copy thereof shall be mailed forthwith to the member at the member's address. The decision of the Board of Governors shall be final, unless within 10 days from the date thereof, the member shall file with the Bar Association as its office a written notice of appeal to the Supreme Court.~~

~~(d) Appeal to the Supreme Court.~~ To perfect such appeal to the Supreme Court, the member shall at the member's expense, if testimony was taken before the Board of Governors, cause to be transmitted and filed with the Bar Association as to proceedings before the Board of Governors, a narrative report of proceedings in compliance with RAP 9.3. The president of the Bar Association shall certify that

~~any such narrative report of proceedings contains a fair and accurate report of the occurrences in and evidence introduced in the case. The Bar Association shall prepare a transcript of all orders and other documents pertinent to the proceeding before the Board of Governors, which transcript shall be certified by the president of the Bar Association. The Bar Association shall then file promptly with the Clerk of the Supreme Court said narrative report of proceedings and the transcripts pertinent to the proceeding before the board and the Board of Governors. The matter shall be heard in the Supreme Court on the motion calendar and the provisions of RAP 17.4 and RAP 17.5 shall be applicable thereto pursuant to procedures established by order of the Court.~~

(e) Time. The times set forth in this rule for filing notices of appeal are jurisdictional. The Board of Governors or the Supreme Court, as to appeals pending before it each such body respectively, may, for good cause shown:

(1) extend the time for the filing or certification of said statement of facts, or

(2) dismiss the appeal for failure to prosecute the same diligently.

(f) Costs. If the member prevails in his or her appeal before the Board of Governors or in his or her appeal to the Supreme Court, the member shall be awarded costs against the Bar Association in an amount equal to his or her reasonable expenditures for the preparation of the statement or statements of fact.

(g) Change of Status. Once an attorney has been ordered suspended from practice transferred to inactive membership status for non-compliance with these rules, the attorney affected must comply with the then applicable regulations of the CLE Board for transfer from suspended inactive to active status.

RULE 11.7 Confidentiality

The files and records of the Bar Association, as they may relate to or arise out of any failure of a member of the Association to satisfy these continuing legal education requirements, shall be deemed confidential and shall not be discussed expect in furtherance of its duties, or upon request of the attorney affected, or pursuant to a proper subpoena duces tecum, or as direct by this court. The records and information contained therein should not be available to any sponsoring organization, including the Continuing Legal Education Department of the Bar Association. In any matter referred to the Supreme Court under these rules, the file, record, briefs, and arguments shall not be subject to this confidentiality rule.

REGULATIONS OF THE WASHINGTON STATE BOARD OF CONTINUING LEGAL EDUCATION

Approved as Amended by the Board of Governors and Supreme Court

xx/xx/xx

Regulation 101. Definitions

As used in these Regulations, the following definitions shall apply:

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(a) "Legal education" shall mean training obtained by lawyers already admitted to practice that maintains or enhances their competence as lawyers. It is recognized that education is important to lawyers. However, not all education is legal education within the meaning of these rules.

(b) An "Approved" or accredited legal education activity shall mean an individual seminar, course or other continuing legal education activity approved by the Washington State Board of Continuing Legal Education (Continuing Legal Education Board).

(ac) An "Active member" shall mean any person licensed to practice law in the state of Washington as an active member of the Washington State Bar Association.

(ed) An "Accredited sponsor" shall mean an organization whose entire continuing legal education program has been accredited by the Washington State Board of Continuing Legal Education, pursuant to Regulation 106 herein. A specific, individual continuing legal education activity presented by such a sponsor constitutes an "approved" legal education activity.

(de) The "CLE Board" shall mean the Washington State Board of Continuing Legal Education.

(ef) A "Quorum" of the CLE Board shall consist of four (4) or more members of the Board.

(fg) The term "Chairperson" shall mean the chairperson of the CLE Board, *except where other usage of that term is indicated.*

(gh) The "Executive Secretary" shall mean the executive secretary of the CLE Board.

(hi) "APR 11" shall mean Admission to Practice Rule 11, together with any subsequent amendments thereto, as adopted by the Supreme Court of the State of Washington.

(ij) "Teaching" in an approved continuing legal education activity shall mean and encompass the delivery of a prepared talk, lecture or address at such activity.

(jk) "Participating" in an approved continuing legal education activity shall mean and encompass ~~(1) acting as the planning and organizing chairperson of such activity or (2) taking part in such activity as a member of a panel discussion, without the preparation of written materials or the delivery of a prepared talk, lecture or address.~~

(kl) "Attending" an approved continuing legal education activity shall include and encompass:

(1) Presence in an audience of two or more persons being addressed by participants in an approved continuing legal education activity, and

(2) Viewing or listening individually to video or audio tapes, CD-ROM, motion pictures, simultaneous broadcast or other such systems or devices approved by the CLE Board.

(m) "Groups 1, 2, and 3": the active members of the bar shall be divided into three groups. Group 1 shall be those admitted through 1975 and in 1991, 1994, 1997, 2000. Group 2 shall be those admitted 1976 through 1983, and in 1992, 1995, 1998. Group 3 shall be those admitted 1984 through 1990 and in 1993, 1996, 1999. Members shall continue to be assigned to Groups upon admission in the same consecutive manner.

(n) "Professionalism" is no more, and no less, than conducting one's self at all times in such a manner as to demon-

strate complete candor, honesty, courtesy and avoidance of unnecessary conflict in all relationships with clients, associates, courts and the general public. It is the personification of the accepted standard of conduct that a lawyer's word is his or her bond. It includes respectful behavior towards others, including sensitivity to substance abuse prevention, anti-bias or diversity concerns. It encompasses the fundamental belief that a lawyer's primary obligation is to serve his or her clients' interests faithfully and completely, with compensation only a secondary concern, acknowledging the need for a balance between the role of advocate and the role of an officer of the court, and with ultimate justice at a reasonable cost as the final goal. The area of professionalism shall include the issues of and training in diversity, anti-bias, and substance abuse training in order to improve public confidence in the legal profession and to make lawyers more aware of their ethical and professional responsibilities.

(o) "Ethics" shall include discussion, analysis, interpretation, or application of the Rules of Professional Conduct, Rules for Lawyer Discipline, Code of Judicial Conduct, judicial decisions interpreting these rules, and ethics opinions published by bar associations relating to these rules, as well as the general subject of standards of professional conduct expected of lawyers acting in the representation of clients and in the public interest.

(p) "Practicing law," for the purpose of this rule, is defined as the representation of one or more clients under the authority of a license to practice law in the state of Washington.

Regulation 102. Continuing Legal Education Requirement

(a) As provided for in APR 11.2(a), each active member shall complete a minimum of 45 credit hours of approved legal education every three years. At least six of the 45 continuing legal education credit hours required during the reporting period shall be devoted exclusively to the areas of legal ethics, professionalism, or professional responsibility. If an active member completes more than 45 credits during a three-year reporting period, 15 of the excess credits may be carried forward and applied to that member's education requirement for the next reporting period. This requirement shall be prorated during the implementation period for active members who are assigned an initial reporting period of less than three years. The fifteen credit hours that may be carried forward may include two credit hours toward the legal ethics, professionalism, or professional responsibility requirement.

(e)(b) **Ethics/Professionalism Requirement.** As provided for in APR 11.2(c)(d), ~~implementation of the ethics/professionalism requirement commenced on January 1, 1996. Members of Group 2 shall complete and report a minimum of two credit hours of accredited legal ethics, professionalism, or professional responsibility continuing education for the reporting period terminating December 31, 1996. Members of Group 3 shall complete and report a minimum of four credit hours of accredited legal ethics, professionalism or professional responsibility continuing education for the reporting period terminating on December 31, 1997. Members of Group 1: all active members shall complete and~~

report a minimum of six credit hours of approved or accredited legal ethics, professionalism, or professional responsibility continuing education for the reporting period terminating on December 31, 1998 and for each reporting period thereafter.

~~(a) **Implementation.** All members active in 1992, except those admitted in 1991 and 1992, will be assigned to three reporting groups of approximately equal numbers. Group 1 shall have a one year initial reporting period. Group 2 shall have a two year reporting period. Group 3 shall have a three year reporting period. All subsequent reporting periods shall be three years.~~

~~(b) **New Admission.** Attorneys admitted in 1991, 1992 and all subsequent years report credits as specified in APR 11.2(b).~~

~~(c) **Carryover Credits Earned Prior to January 1, 1992.** Any credits earned and reported for 1991 as carryover credits shall be claimed in the reporting period(s) covering 1992 or 1993.~~

~~(d) **Carryover Credits Earned During the Initial Reporting Period.** If, during the initial reporting period, an active member earns more credits than required during that period, 15 of the excess credits may be carried forward to the next reporting period, consistent with APR 11.2(a). The combined carryover from credits earned prior to January 1, 1992 and the initial reporting period shall not, however, exceed 30 credits.~~

Regulation 103. Credits: Computation

(a) Continuing legal education credit may be obtained by attending, or teaching or participating in, continuing legal education activities which have been (1) ~~been previously~~ approved by the CLE Board, or (2) ~~been~~ afforded retroactive approval by the CLE Board pursuant to APR 11.42 and these Regulations, or (3) conducted by an accredited sponsor, as set forth herein.

(b) Credit shall be awarded on the basis of one (1) hour for each sixty (60) minutes actually spent by an active member in attendance at an approved activity ~~after September 1, 1976.~~ Otherwise stated, a "credit hour" equals one (1) clock hour of actual attendance.

~~(c) **Meals and Banquets.** Credit will not be given for time spent in luncheon breaks. Credit will not be given for speeches presented at, and attendance at meals luncheon breaks and banquets. Credit may not be denied merely because continuing legal education activities are presented at a meal or banquet.~~

~~(d) An active member shall not receive credit for any course attended in preparation for admission to practice law in Washington.~~

~~(e) [RESERVED]~~

~~(f)(d) **Teaching or participating.** Credit toward the continuing legal education requirement set forth in APR 11.2(a) and Regulation 102 may be earned through teaching or participating in an approved continuing legal education activity on the following basis:~~

~~(1) An active member teaching in an approved activity shall receive credit on the basis of one credit for each sixty (60) minutes actually spent by such member in attendance at~~

and teaching in presentation of such activity. Additionally, an active member teaching in such an activity shall also be awarded further credit on the basis of one credit hour for each sixty (60) minutes actually spent in preparation time, *provided* that in no event shall more than ten (10) hours of credit be awarded for the preparation of one hour or less of actual presentation.

EXAMPLES: Attorney X, an active member, gives a one hour lecture presentation at a six (6) credit hour seminar presented in each of three cities. Attorney X is entitled to one credit hour for each sixty (60) minutes of actual attendance and teaching at a presentation of the seminar. In addition, attorney X may be awarded up to ten (10) additional credits for time spent in preparation. Accordingly, Attorney X, if he attends and teaches in an entire presentation of the seminar, may claim a total of sixteen (16) credits maximum for his involvement in the three-city series of seminars.

Attorney Y, an active member, gives a two (2) hour lecture at the same seminar. Attorney Y is entitled to one credit hour for each sixty (60) minutes of actual attendance and teaching at a presentation of the seminar. In addition, Attorney Y may be awarded up to twenty (20) additional credits for time spent in preparation. Accordingly, Attorney Y, if he attends and teaches in an entire presentation of the seminar, may claim a total of twenty-six (26) credits maximum for his involvement in the three-city series of seminars.

(2) An active member participating in an approved activity shall receive credit on the basis of one credit hour for each sixty (60) minutes actually spent by such member in attendance at a presentation of such activity. Additionally, an active member participating in such an activity shall also be awarded further credit on the basis of one hour for each sixty (60) minutes actually spent in preparation time, *provided* that in no event shall more than five (5) hours of credit be awarded for such preparation time in any one such continuing legal education activity.

EXAMPLE: Attorney Z, an active member, participates in a one hour panel discussion at a six (6) credit hour seminar presented in each of three cities. Attorney Z is entitled to one credit hour for each sixty (60) minutes of actual attendance at a presentation of the seminar. In addition, Attorney Z may be awarded additional credits for preparation time for the panel discussion. Accordingly, Attorney Z, if he actually attends an entire presentation of the seminar, may claim a total of eleven (11) credits maximum for his involvement in the three-city series of seminars.

~~(g) An active member shall receive a maximum of one third of the continuing legal education credit required under APR 11.2(a) by viewing or listening individually to video or audio tapes approved by the Board.~~

(e) **Law School Courses.** Credit under the provisions of APR 11 shall be computed on the basis of one (1) credit for each clock hour of instructed law school class time actually attended up to a maximum of 15.00 hours per course. For example, under this formula an active member who actually attends 30 hours of instruction in a law school course may claim a maximum of 15.00 hours of credit under APR 11, with the remaining 15.00 hours being inapplicable toward the requirement and not capable of being carried over to the next

reporting period. However, an active member attending two separate courses may earn a maximum of 15.00 hours of credit per course and in such instance may carry the excess 15.00 hours of credit over to the next reporting period.

An active member taking such a course shall arrange with the instructor for verification of the active member's actual attendance at the various sessions of the course and for the reporting of such attendance to the Board.

Success on any examination given in connection with such a course is not a prerequisite to obtaining CLE credit for attendance at the a course under the provisions of APR 11.

(f) An active member shall receive a maximum of one-third of the continuing legal education required under APR 11.2(a) ~~by viewing or listening to video or audio tapes approved by the Board through self-study credits or audio/videotaped instruction (defined in Regulations Section 104 (b)(1)).~~

(g) **Pro Bono Legal Services:** A member may earn up to six (6) hours of credit annually by certifying that the member has fulfilled the following requirements under the auspices of a qualified legal services provider:

(1) Each attorney seeking CLE credit will have received at least two (2) hours of education, under the auspices of a qualified legal services provider, which may consist of:

(i) not less than two (2) hours of training with live presentation(s); or

(ii) not less than two (2) hours viewing or listening individually to video or audio tapes approved by the CLE Board; or

(iii) any combination of the foregoing training; or

(iv) serving as a mentor to a participating attorney who has completed the foregoing training; and

(2) Each attorney seeking CLE credit also will have subsequently completed not less than four (4) hours of pro bono work in providing direct representation to a low-income client(s) through a qualified legal services provider or in serving as a mentor to other participating attorney(s) who are providing such direct representation.

Regulation 104. Standards for Approval

(a) **Basis for approval of courses.** Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the practice of law. In evaluating content, course presenters and audience may be considered but those will not be the principal criteria for approval. Courses involving federal or state taxation issues, arbitration or alternative dispute resolution, as examples, may appeal to persons from disciplines other than law, but may still be approved courses.

(1) Definition. The course shall constitute an organized program of learning dealing with matter directly relating to the practice of law, legal ethics, or professionalism, including anti-bias and diversity training, and substance abuse prevention training.

(2) Factors in evaluating. Factors which should be considered in evaluating a course include:

(i) The topic, depth, and skill level of the material.

(ii) The level of practical or academic experience or expertise of the presenters or faculty.

(iii) The intended audience.

(iv) The quality of the written, electronic, or presentation materials, which should be high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented. In some cases, written material may not be necessary, but that is the exception and not the rule.

(v) The physical setting is suitable to the educational activity, free from unscheduled interruption, and should include a writing surface where feasible.

(b) **Basis for approval of activities.** Credit will also be given for certain activities which are not approved courses. The following activities will qualify for continuing legal education credit, subject to the restrictions set forth below.

(1) Self-Study Credits. Attorneys may receive credit by watching or listening to video or audio tapes, CD-ROM, motion pictures, simultaneous broadcast, electronic or other such systems or devices approved by the CLE Board or by engaging on computer-assisted legal study programs, which meet the content requirements of (a), above.

(i) To claim CLE credits earned through self-study, attorneys are required to report on their CLE Certification the number of credits for which the tape, CD-ROM, motion pictures, electronic or other such systems or devices, or computer assisted self-study program was approved, the sponsor, the title of the ~~taped~~ seminar or program, and the date ~~tape~~ seminar or program was originally recorded or, in the case of computer assisted self-study programs, its most recent edition year. By signing the CLE Certification, attorneys will declare that they have not violated any copyright laws in earning credits reported in the Certification.

(ii) Sponsors are required to affix on the outside of each audio or video tape, CD-ROM, motion pictures, electronic or other such systems or devices approved for credit by the Board, the name of the sponsor, the name of the program, the date originally recorded, the length of the tape in hours and minutes and the number of credits for which it has been approved. Computer assisted self-study programs are not subject to this provision.

(iii) Sponsors are not required to submit copies of audio or video tape, CD-ROM, motion pictures, electronic or other such systems or devices with applications for approval. The CLE Board, however, reserves the right to obtain on demand a copy of any tape, CD-ROM, motion pictures, electronic or other such systems or devices, submitted for approval.

(iv) If a live seminar is approved by the Board, the video or audio tape or electronic version of that seminar is deemed approved without the sponsor submitting a second application for approval. Written materials distributed at the live seminar must also be distributed with the taped or electronic seminar.

(v) Regulation 104(a) regarding the distribution of written materials applies to taped or electronic seminars as well as live seminars. It does not necessarily apply to computer assisted self-study programs.

(vi) As a general rule, the accreditation of all tapes, except skills training tapes, expires five years after the date the tape was originally recorded.

(2) Attendance at courses that have not applied for or received approval as courses. Applicants may receive indi-

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vidual approval for attendance at a course which would have been approved if the sponsor has applied for credit by submitting Form I.

(3) Nexus credit. Attending or teaching at a course where there is a substantial relationship to the lawyers's field of practice and the lawyer demonstrates that the topic, depth, and skill level will improve the lawyer's competence to practice law. A course which does not directly deal with the practice of law, such as a medical course, a child abuse program or some similar offering, may not qualify for approval of a course under Regulation 104(a). Individual attorneys who practice in those areas will have a direct benefit from attending such a course, however. Upon a showing of nexus between an individual's law practice and such a course. CLE credit may be give to that individual attorney even though the course itself does not qualify for credit.

(4) Writing and Editing Activities. Credit for writing and editing activities may be granted on a case by case basis under the condition that prior approval is secured and the writing or editing in question meets the standards of Regulation 104(a), and that it is actually published for the education of the Bar by an entity recognized in the legal community as a publisher of legal works. Writing or editing for or on behalf of a client or prospective client, for marketing purposes, or in the course of the regular practice of law, is not eligible for credit. See Regulation 104 (d)(3). Credit for writing or editing activities shall be granted sparingly, and only on a case by case basis. In appropriate circumstances, the CLE Board may waive the prior approval requirement and grant credit retroactively if the quality standards are met. The CLE Board may also waive the prior approval requirement where the publisher has demonstrated uniform adherence to the Standards of 104(a). Writers or editors whose work has been approved, may claim up to a maximum of 10.00 CLE credit hours. The number of actual hours claimed should be based on the number of hours spent in preparing the material, but in no case may more than 10.00 credit hours be claimed.

(c) Examples of courses or activities that may qualify for credit.

(1) Attending or participating in programs that deal with the problems of running a law office may be approved. In particular, docket control, malpractice avoidance, and education on substance abuse by lawyers or assistants will qualify for approval. Programs that are designed to improve an attorney's communication skills with his or her clients and improve the attorney-client relationship will be approved.

(2) Courses or self study programs on how to conduct electronic legal research may be approved subject to the other provisions of these regulations.

(3) Alternate dispute resolution courses may be approved subject to the other provisions of these regulations.

(4) CLE credit will be given for attending law school courses, including courses offered at the J.D. or advanced education levels based upon the actual hours of attendance. Applicants need not take exams to qualify for credit, but must otherwise comply with the applicable regulations of the law school or university involved. Credit for teaching law school courses by full-time teachers will not qualify for credit. However, for the first preparation leading to the teaching of a

specific law school course by an adjunct (not a full-time) professor, credit will be given on the basis of ten hours of credit for each hour of preparation time, and one credit will be given for each hour of class presentation time to a maximum of 15 credit hours each year.

(5) Credit will not be giver for attending bar review/refresher courses offered in preparation for the Washington State Bar examination, but credit may be given for attending bar review/refresher course offered in jurisdictions other than Washington, on the basis of 1.00 credit for each classroom hour of instruction or audio/videotaped instruction.

(6) Programs outside the United States may be given credit, subject to the following provisions.

(i) Seminars concerning laws of jurisdictions outside the United States can qualify for CLE credit. It is not necessary to return to the United States or to Washington State in order to obtain CLE credits.

(ii) In recognition of the potential unavailability, in certain geographical areas, or courses and programs meeting the criteria of Regulation 104, the CLE Board, or its Executive Secretary, may grant approval of courses, offered in such areas, which do not fully meet the standards of Regulation 104 and which, accordingly, would not be approved if offered within the United States. Decisions relative to the approval of such courses are within the discretion of the CLE Board, which shall, among other things, consider the availability of programs in the area involved and the good faith attempts of the member affected to comply with the requirements of APR 11.

(iii) If the foreign location is very remote and removed from reasonable opportunities for attendance at live CLE programs, it is possible to fully comply with CLE requirements by viewing videotapes, listening to audio tapes or by attending informal CLE programs developed and presented by lawyers in the foreign jurisdiction, with approval of the CLE Board. Under any of these circumstances, CLE credits may be awarded on the basis of 1.00 credit per hour. Applications should be made in advance of the activity in question, in order to confirm that CLE credit is available, prior to the commitment of time and resources to the activity.

(iv) CLE credit may be given for attending law school courses, including courses offered at the J.D. or advanced education levels based upon actual hours of attendance. Applicants need not take exams to qualify for credit, but must otherwise comply with the applicable regulations of the law school or university involved.

(d) The following activities will not qualify for credit:

(1) Teaching a legal subject to non-lawyers in an activity or course that would Not qualify those attending for CLE credit.

(2) Programs that are primarily designed to teach attorneys how to improve market share, attract clients or increase profits will not be approved, nor will programs primary designed to be a sales vehicle for a service or product. While a company which provides services or products to the legal community may wish to participate in or sponsor law office management seminars, those courses will be approved for credit only if there is no discussion or literature promoting that company, other than the biographical materials of alter-

nate vendors of the particular product or service, and the written material does not include prepared promotional literature.

(3) Writing for or on behalf of a client, or for the regular practice of law.

(4) As a reward for meritorious legal work, such as pro bono work, except as provided in Reg. 103(g).

(5) Jury duty.

(6) Programs to enhance a person's ability to present or prepare a continuing education program will not be approved.

(7) Judging or participating in law school competitions.

(e) Private law firm education. In addition to compliance with the requirements of Regulation 104(a) and the limitations described below, private law firm courses may be approved for credit under the provisions of APR 11 on the following bases:

(1) Approval of such courses may be granted only on a case by case basis. Accredited sponsor status (as set forth in Regulation 106) will not be available for private law firm sponsors. The CLE Board may, however, consider the sponsoring organization's experience in presenting similar programs.

(2) A complete course schedule with time allocations must be submitted in advance. High quality written materials are required and should be distributed to all attendees at or before the time the course is presented. A critique form or evaluation sheet and an attendance sheet which attendees will complete must be submitted to the CLE Board within 30 days after the program.

(3) The course must be attended by five (5) or more lawyers admitted to any Bar Association, excluding the instructors.

(4) Private law firm courses shall be open to non-members of the sponsoring firm provided that there is space available.

(5) Marketing of the private law firm in any manner is not permitted including but not limited to the display of brochures, pamphlets or other firm advertising. Approval for credit may be denied or withdrawn if the program material is presented in such a way that it is necessary for particular firm to be retained or associated in order to adequately handle the type of matter being discussed. Persons or organizations may not state or imply that the CLE Board approves or endorses any person or organization.

(f) Governmental Agencies. In addition to compliance with the requirements of Regulation 104(a) and the limitations described below, the courses of federal, state, local, and military agencies or organizations may be approved for credit under the provisions of APR 11 on the following bases:

(1) Approval of such courses may be granted only on a case by case basis. Accredited sponsor status (as set forth in Regulation 106) will not be available for governmental agencies. The Board may, however, consider the sponsoring organization's experience in presenting similar programs.

(2) A complete course schedule with time allocations must be submitted in advance. High quality written materials are required and should be distributed to all attendees at or before the time the course is presented. A critique form or evaluation sheet and an attendance sheet which attendees will

complete must be submitted to the CLE Board within 30 days after the program.

(3) The course must be attended by five (5) or more lawyers admitted to any Bar Association, excluding the instructors.

(4) Governmental agency courses may be open or closed to nonmembers of the governmental agency or organization, provided that notice of them will be published on the WSBA web page, and that any written materials are available to any inquirer.

The following standards shall be met by any course or activity for which approval is sought:

(a) The course shall have significant intellectual or practical content and its primary objective shall be to increase the attendee's professional competence as a lawyer.

(b) The course shall constitute an organized program of learning dealing with matters directly relating to the practice of law and/or to the professional responsibility or ethical obligations of a lawyer.

(c) Each faculty member shall be qualified by practical or academic experience to teach the subject he or she covers.

(d) Thorough, high quality, readable and carefully prepared written materials should be distributed to all attendees at or before the time the course is presented. It is recognized that written materials are not suitable or readily available for some types of subjects; the absence of written materials for distribution should, however, be the exception and not the rule.

(e) Courses should be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.

(f) [RESERVED]

(g) Activities which involve the crossing of disciplinary lines, such as a medicolegal symposium or an accounting-tax law seminar, may be approved.

Regulation 105. Procedure for Approval of Continuing Legal Education Activities

(a) An active member or sponsoring agency organization desiring approval of a continuing legal education activity shall submit to the CLE Board all information called for by Form No. 1.

(b) Approval shall be granted or denied in accordance with the provisions of Regulation 108 herein.

(c) As to a course that has been approved within the last twelve months, the sponsoring agency organization may announce, in informational brochures and/or registration materials: "This course had has been approved for by the Washington State Board of Continuing Legal Education ___ hours of Washington MCLE credit, including ___ hours of ethics/professionalism credit."

(d) The CLE Board may establish and assess sponsoring organizations or individuals a fee for the purpose of defraying the costs of processing applications for accreditation of courses submitted for CLE credit, such fee to be established from time to time by the CLE Board and approved by the Board of Governors.

Regulation 106. Accreditation of Sponsoring Agencies Organizations

(a) The CLE Board may extend approval to a sponsoring agency organization for all of the continuing legal education activities sponsored by such agency organization which conform to Regulation 104. A sponsoring agency to which such general approval has been extended shall be known as an "accredited sponsor".

(b) A sponsoring agency organization desiring to apply for status as an accredited sponsor shall submit to the CLE Board all information called for by Form No. 5 in the form required by the Board. Accreditation shall be granted or denied in accordance with the provisions of Regulation 108; herein. A primary consideration in the evaluation of such a request for status as an accredited sponsor shall be the previous experience of the agency organization in sponsoring and presenting continuing legal education activities. A reasonable fee may be assessed by the CLE Board, with approval of the Board of Governors, with regard to the application. A private law firm shall not qualify for accredited sponsor status.

(c) Once a sponsoring agency organization has been granted the status of an accredited sponsor, it shall be exempt from the requirement of Regulation 105(a) concerning the submission of Form No. 1, provided, however, that the number of hours of credit to be awarded for any individual continuing legal education activity sponsored by such agency shall continue to be determined by the Board. Submission of information relative to the determination of the number of such hours of credit shall be in and on such form as the Board shall prescribe. it is not required to seek approval for individual educational activities sponsored while an accredited sponsor. It shall be responsible for calculating the number of credit hours to be awarded and reporting those determinations to the CLE Board in such manner as the CLE Board determines. Accredited sponsors are entitled to include in any materials which promote such activity, language that indicates the activity has been approved for Washington State MCLE credit in the amount of _____ hours (of which _____ hours will apply to ethics credit requirements).

(d) A sponsoring agency organization which has been granted the status of an accredited sponsor shall, except as otherwise provided in this Regulation 106, continue to be subject to and governed by all provisions of APR 11 and these Regulations.

(e) ~~The Board may at any time re-evaluate and revoke the status of an accredited sponsor. A sponsoring organization which has been granted the status of accredited sponsor shall provide the CLE Board at least yearly with a list of all its course offerings, identifying the number attorneys and non-attorneys attending each program, and such additional information as the CLE Board may require. The sponsoring organization shall also solicit critiques or evaluations from participants at each program, retain copies, and provide them to the CLE Board upon request. The CLE Board may, upon review of such information, advise the organization that its manner of compliance is improper, and may terminate the organization's status as an accredited sponsor for future offerings.~~

~~(f) The Board may establish and assess sponsoring organizations a fee for the purpose of defraying the fully allocated costs of processing applications for accredited sponsor status, such fee to be established from time to time by the Board.~~

Regulation 107. Delegation

(a) To facilitate the orderly and prompt administration of APR 11 and these Regulations, and to expedite the processes of, inter alia, course approval, sponsor accreditation and the interpretation of these Regulations, the Executive Secretary may act on behalf of the CLE Board, or a quorum of the Board pursuant to delegated authority from the Board, under APR 11 and these Regulations. Any adverse determinations and all questions of interpretation of these Regulations or APR 11 by the Executive Secretary shall be subject to review by the CLE Board upon written application by the person adversely affected.

(b) The CLE Board may organize itself into committees for the purpose of considering and deciding matters arising under APR 11 and these Regulations.

Regulation 108. Executive Secretary's Determinations and Review

(a) Pursuant the guidelines established by the CLE Board, the Executive Secretary shall, in response to written requests for approval of courses or accreditation of sponsors, awarding of credit for attending, teaching or participating in approved courses, writing and editing, waivers, extensions of time deadlines and interpretations of these Regulations make a written response describing the action taken. The Executive Secretary may seek a determination of the Board before making such response. At each meeting of the CLE Board the Executive Secretary shall report on all determinations made since the last meeting of the CLE Board.

(b) The CLE Board shall review any appeals of adverse determinations made by or of the Executive Secretary or his or her delegate. The active member or the sponsoring agency organization affected may present information to the CLE Board in writing or in person or both. If the CLE Board finds that the Executive Secretary has incorrectly interpreted the facts, the provisions of APR 11, or the provisions of these Regulations, it may take such action as may be appropriate. The CLE Board shall advise the active member or sponsoring agency organization affected of its findings and any action taken.

Regulation 109. Submission of Information — Reporting Attendance

~~(a) **Compliance Report.** Pursuant to APR 11.6(a), each active member shall file a completed compliance report with the Board on the form provided by the Washington State Bar Association, on the date specified on the form. A compliance report is deemed completed only if all of the requested information is provided on the report and if that information is accurate.~~

~~(b) **Supplemental Report.** If an active member has not completed the minimum education requirement for that member's reporting period, compliance may still be accomplished by filing the compliance report required by Regula-~~

tion 109(a), showing any continuing legal education credits earned during the reporting period, and by making up the deficiency within the first four (4) months of the next succeeding calendar year, filing with the Board by May 1 a supplemental affidavit setting forth the information showing compliance, in a format similar to the compliance report, and paying, at the time of filing the supplemental affidavit, a special \$150.00 fee. The filing fee shall, however, increase by \$300.00 for each consecutive reporting period in which a member has deficient credits.

(e) An active member who fails to comply with the provisions of this Regulation shall be subject to the procedures and provisions of Regulation 112.

Regulation ~~110~~ 109. Submission of Information _ Credit for Teaching or Participating

An active member who seeks credit for teaching or participating in an approved continuing legal education activity pursuant to Regulation 103(f), shall, on or before January 31st of the year next following the year in which such teaching or participating was accomplished, submit an affidavit to the Board setting forth all information required by the appropriate portion(s) of Form No. 4, concerning such teaching and/or participating in approved courses or activities during the preceding calendar year shall report additional credits pursuant to Regulation 103(d) in the member's CLE certification every three years.

Regulation ~~111~~ 110. Exemptions, Waivers, Modifications

(a) As a general proposition, all active members of the Bar Association are required to comply with the provisions of APR 11. The alternative to compliance is transfer to inactive status. The CLE Board may grant extensions, waivers or modifications of the time deadlines or education requirements specified in APR 11 and these Regulations in cases of undue hardship, age or infirmity. Requests for extensions, waivers or modifications shall be made in writing.

(b) Exemptions based on age, restricted practice or disability. Exemptions from the continuing legal education requirement based upon age and/or restricted practice should be granted only sparingly. Consequently, before the CLE Board will consider requests for exemptions or waivers based upon those grounds, it must be satisfied, by appropriate and properly executed affidavit, that the individual making such request is not, or will not, be engaged in the unsupervised practice of law. Such affidavit may be in the form of a sworn statement that the affiant has completely retired from the practice of law.

Upon the receipt of such an affidavit, the CLE Board may, in its discretion, grant the exemption or waiver requested on the basis of the statements contained therein. Affidavits so submitted shall be retained in the files of the CLE Board.

Individuals granted an exemption from the continuing legal education requirements on the above-stated basis may continue to hold the status of active member of the Bar Association. The granting of such an exemption does not, in any way, affect or diminish active member's duties and obliga-

tions as established by the bylaws, rules and regulations of the Bar Association or the Supreme Court.

Exemptions from the continuing legal education requirements may be revoked by the CLE Board upon change in the facts or circumstances upon which such exemption was granted.

(c) Exemptions based on judicial status. Full-time judges, magistrates, court commissioners, administrative law judge, and members of the judiciary, who are prohibited from practicing law, are exempt from the continuing legal education requirement established by APR 11.

Part-time or pro-tem judges who are active members of the Bar Association, are fully subject to the requirements of APR 11.

Judges who have been exempt, upon return to active membership status, are fully subject to the continuing legal education requirements during the year in which they return to practice.

(d) Exemptions based on legislative status. Members of the Washington State Congressional Delegation and Members of the Washington State Legislature, otherwise subject to the continuing legal education requirements of APR 11 as active members of the Bar Association, are specifically exempted, during terms of office and while otherwise members in good standing of the Bar Association, from the requirement of APR 11.

This exemption applies only to the members of the Washington State Congressional Delegation, and to members of the Washington State Legislature, under the terms and conditions stated above. The exemption does not extend to active members of the Bar Association: (a) serving in the legislature of any other state; (b) serving in the administrative branch of any state government; or (c) serving on the staff of any member of the Washington State Congressional Delegation or the Washington State Legislature.

(e) Active members living outside the United States. Active members of the Bar Association who live or are employed outside the United States are required to comply with the continuing legal education requirements as provided for in Reg. 104 (c)(6), or to transfer to inactive status until such time as compliance can be attained.

Regulation ~~112~~ 111. Noncompliance: Board Procedures

An active member who has not complied with the educational or reporting requirements of APR 11 and these Regulations by May 1st of each calendar year, may be ordered suspended from the practice of law by the Supreme Court commencing with May 1, 1978, may be removed (or conditionally removed) from the roll of active members of the Washington State Bar Association and transferred to inactive status pending compliance with APR 11 said Regulations.

To effect such removal, the CLE Board shall send to the non-complying active member, by certified mail directed to the member's last known address as maintained on the records of the Washington State Bar Association, a written notice of non-compliance advising such active member of the pendency of suspension removal proceedings unless within ten (10) days of receipt of such notice such active member

completes and returns to the CLE Board an accompanying form of petition, which may itself be accompanied by supportive affidavit(s), in support of a request for extension of time for, or waiver of, compliance with the requirements of APR 11 and these Regulations or for a ruling by the CLE Board of substantial compliance with said requirements.

(a) If such petition is not so filed, such lack of action shall be deemed acquiescence by the active member in the finding of non-compliance. The CLE Board shall, pursuant to APR 11.6 (c)(1), report such fact to the Supreme Court with the CLE Board's recommendations for appropriate action. The Supreme Court shall enter such order ~~or conditional order~~ as it deems appropriate.

(b) If such petition be so filed, the CLE Board may, in its discretion, approve the same without hearing, or may enter into an agreement on terms with such active member as to time and other requirements for achieving compliance with APR 11 and these Regulations.

(c) If the CLE Board does not so approve such petition or enter into such agreement, the CLE Board shall hold a hearing upon the petition and shall give the active member at least ten (10) days notice of the time and place thereof. Such hearing shall be conducted in accordance with APR 11.6 (c)(3). At the discretion of the chairperson, the hearing may be held before the entire Board or before a committee thereof. A full stenographic or tape record of the hearing may be taken at the request and expense of the active member affected. Testimony taken at the hearing shall be under oath and the oath shall be administered by the chairperson. The CLE Board or committee thereof may admit any relevant evidence, including hearsay evidence. As to each such petition and hearing, the CLE Board or committee thereof shall enter written findings of fact and an appropriate order, a copy of which shall be transmitted by certified mail to the active member affected at the address of such member on file with the Washington State Bar Association. Any such order shall be final and, in case of an adverse determination, shall be transmitted to the Supreme Court unless within ten (10) days from the date thereof the active member shall file with the ~~Washington State Bar Association at its office~~ a written appeal ~~to~~ of the CLE Board's of ~~Governors of said Bar Association~~ decision to the Supreme Court.

Regulation ~~113~~ 112. Appeal

(a) ~~Appeal to the Board of Governor~~ Supreme Court. An adverse decision of the CLE Board may be appealed, by the active member affected, to the ~~Board of Governors of the Washington State Bar Association~~ Supreme Court in accordance with the applicable provisions of APR 11.6. As to such appeals, ~~the Board of Governors, in its discretion, may direct that the~~ CLE Board shall be represented by its chairperson, such other member of the CLE Board as shall be designated by the chairperson, or by the Executive Secretary, or other counsel designated by the chairperson.

Regulation ~~114~~ 113. Reinstatement of Members Who Voluntarily Transferred to Inactive Status

(a) A person who transferred to inactive status while in full compliance with APR 11 and who desires reinstatement

to active status must comply with the applicable bylaws and procedures of the Washington State Bar Association pertaining to such change of membership status, including the filing of an application with the Board of Governors of the Bar Association in such form as is prescribed by the Board of Governors. The Board of Governors shall determine whether such application shall be granted and compliance with APR 11 and these Regulations is only one factor pertaining to such determination. Upon reinstatement to active status, if the person missed a reporting period during the time he or she was on inactive status, the person must report 15.00 credit hours per year since the person last reported credits.

(b) An active member who voluntarily transfers to inactive status when he or she has not complied with APR 11 and its Regulations, must make up any deficiency remaining at the time of the transfer to inactive status, complete an additional 15.00 credit hours for each year following the transfer to inactive status, and fully comply with the provisions of ~~Regulation 109(b) and any other applicable provisions of~~ APR 11 and these Regulations before he or she can be reinstated as an active member.

(1) Upon compliance with the immediately preceding provision of this Regulation, the CLE Board shall notify the Board of Governors of the Bar Association that the inactive member has satisfied the minimum continuing legal education requirements of APR 11 and these Regulations. A copy of that notification shall be sent to the inactive member.

(2) Once notification of compliance has been received, the inactive member may seek reinstatement pursuant to Regulation 114(a).

(c) A person who has been transferred from inactive to active status by the Board of Governors shall, immediately upon transfer, be subject to the provisions of APR 11 and these Regulations as any other active member of the Bar Association.

(d) The reinstated member ~~shall be assigned to the reporting group which, at the time of the reinstatement, is in its first year of its current~~ retains the original reporting period to which he or she was initially admitted to the Bar Association.

(e) An inactive member who is reinstated to active status in the second or third year of the member's assigned group reporting period will be required to report 15.00 credits per year of active status within the reporting period, i.e. second year reinstatement - 30.00 credits; third year reinstatement - 15.00 credits. These credits must be reported at the end of the reporting period.

Regulation ~~115~~ 114. Reinstatement of Members Suspended from Practice Involuntarily Transferred to Inactive Status for Failure to Comply with APR 11

(a) An active member who, pursuant to APR 11.6 (c)-(g) ~~(b)-(f), Regulation 112 or 113, is~~ suspended from practice transferred involuntarily to inactive status for failure to comply with APR 11 and its Regulations, must make up the deficiency and fully comply with the provisions of ~~Regulation 109(b) and any other applicable provisions of~~ APR 11 and these Regulations before he or she can be reinstated as an active member.

(b) Once a suspended member ~~an inactive member~~ has complied with the immediately preceding provisions of this Regulation, the Board shall notify the Supreme Court that the suspended member ~~inactive member~~ has satisfied the requirements of APR 11 and these Regulations. A copy of that notification shall be sent to the suspended member ~~inactive member~~.

(c) Once the Supreme Court has reinstated the suspended member ~~inactive member~~, the reinstated member shall be subject to all provisions of APR 11 and its regulations and shall be assigned to a reporting period according to the provisions of Regulation 115(d) retains the original reporting period to which he or she was initially admitted to the Bar.

(d) ~~If reinstatement occurs during the period in effect at the time of the transfer, the reinstated member retains that original reporting period. If however, reinstatement occurs after the end of the reporting period in effect at the time of the transfer, then the provisions of Regulations 114(d) apply. A suspended member who is reinstated to active status in the second or third year of the member's assigned group reporting period will be required to report 15.00 credits per year of active status within the reporting period, i.e. second year reinstatement - 30.00 credits; third year reinstatement - 15.00 credits. These credits must be reported at the end of the reporting period.~~

Regulation 446 115. Rulemaking Authority

The CLE Board, subject to the approval of the Board of Governors and the Supreme Court, ~~in such cases as the same is required,~~ has continuing authority to make Regulations consistent with APR 11 in furtherance of the development of continuing legal education for Washington attorneys and the regulation thereof. The CLE Board may adopt policies, consistent with these regulations, to provide guidance in the administration of these regulations and APR 11. The CLE Board will notify the Board of Governors of any policies which it adopts. The Board of Governors will review any such policies at their next regularly scheduled meeting. Unless the Board of Governors objects, such policy will become effective 60 days after promulgation by the CLE Board.

Regulation 447 116. Confidentiality

The files and records of the CLE Board, as they may relate to or arise out of any failure of a member of the Washington State Bar Association to satisfy the continuing legal education requirements of APR 11 and these Regulations, shall be deemed confidential and shall not be disclosed except in furtherance of the CLE Board's duties, or upon the request of the member affected, or pursuant to a proper subpoena duces tecum, or as directed by the Supreme Court.

Regulation 448 117. Out-of-state Compliance

(a) An active member whose principal office for the practice of law is not in the State of Washington may comply with these rules by filing a compliance report as required by APR 11.6(b) ~~and Regulation 109~~ in which the member certifies that the member is subject to the CLE Requirements of that jurisdiction and that the member has complied with the

CLE Requirements of that jurisdiction during the member's reporting period, provided that the CLE Board has determined that the requirements established by these rule are substantially met by the requirements of the other jurisdiction.

(b) The CLE Board has determined that the Continuing Legal Education requirements in Washington are substantially met by the Continuing Legal Education requirements of the following other jurisdictions: Oregon, Idaho, and Utah.

~~(c) This regulation shall apply to compliance reports required to be filed after June 30, 1997.~~

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

WSR 00-10-013

**NOTICE OF PUBLIC MEETINGS
CASCADIA COMMUNITY COLLEGE**

[Memorandum—April 18, 2000]

**2000 Revised Schedule of Board Meetings for Cascadia
Community College**

Following is a list of the revisions to the 2000 board meeting dated beginning with July of 2000 and locations for Cascadia Community College for publication.

**Cascadia Community College
2000 Board of Trustees - Meeting Dates**

- Wednesday, July 19, 2000
- Wednesday, August 16, 2000
- Wednesday, September 20, 2000
- Wednesday, October 18, 2000
- Wednesday, November 15, 2000
- Wednesday, December 20, 2000

- Location:**
- January - August 2000**
Seattle Times Building
19200 120th Avenue N.E.
Bothell, WA 98011
 - September - December, 2000**
Cascadia Community College
18345 Campus Way N.E.
Bothell, WA 98011

Meetings from July - December will begin at 8:30 a.m.

WSR 00-10-014

**PROCLAMATION
OFFICE OF THE GOVERNOR**

[Filed April 21, 2000, 1:34 p.m.]

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the

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Legislature adjourned its 2000 regular session on March 9, 2000, the 60th day of the session; and

WHEREAS, the Legislature adjourned its first 2000 special session on April 7, 2000, the 29th day of the special session; and

WHEREAS, supplemental operating, transportation and capital budgets for the state, and measures necessary to implement them, were not passed in either the regular or first special session; and

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at one o'clock p.m. on Monday, April 24, 2000 for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 21st day of April, A.D., two thousand.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 00-10-021
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
[Memorandum—April 24, 2000]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

2405 East College Way
Mount Vernon, WA 98273
Monday, April 24, 2000
Board Room
3:30 p.m.

Chairperson, Katie Philbrick, has called a special meeting of the board of trustees for Monday, April 24, 2000, 3:30 p.m. This meeting is being held as a work session, for the board of trustees. Business to be transacted will address college policies and procedures, governance, and the college's strategic plan. Action items, if any, made necessary by the foregoing discussion. The board of trustees will adjourn to executive session after the open portion of the meeting; no action will be taken.

WSR 00-10-037

NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE

[Memorandum—April 19, 2000]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a change in the date of a regular meeting.

Original Meeting Date Time
Wednesday, June 14, 2000 12:30 p.m.
Board Room, Fort Steilacoom Campus
9401 Farwest Drive S.W.
Lakewood, WA

New Meeting Date
Wednesday, June 21, 2000 12:30 p.m.
Same location

WSR 00-10-039

NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE

(Salmon Recovery Funding Board)

[Memorandum—April 22, 2000]

At its regular meeting on April 20 and 21, 2000, the Salmon Recovery Funding Board adopted the following revisions to the meeting schedule for 2000 and meeting locations.

Table with 3 columns: Date, Meeting Type, Location. Rows include dates from May 23 to December 1, 2000, with meeting types like 'Regular Meeting' and 'Board Workshop or Tour', and locations like 'White Salmon', 'Snoqualmie Pass', 'La Conner', 'Vancouver', 'Clarkston', and 'Olympia'.

WSR 00-10-040

NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING

(Board of Registration for Landscape Architects)

[Memorandum—April 26, 2000]

REGULAR MEETING

DATE: April 21, 2000
TIME: 9:30 a.m. until business is completed
PLACE: University of Washington
Room 100, Gould Hall
Seattle, Washington

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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) 664-1388 or TDD (360) 586-2788.

**WSR 00-10-041
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE**

(Hop Commission)
[Memorandum—April 24, 2000]

Regular Meeting Change

The Washington Hop Commission has adopted a schedule for 2000 regular and annual meetings. The 2000 regular meeting dates were filed with your office in December 1999.

However, we now need to file a change in one of these meeting dates:

The regular meeting of the Washington Hop Commission that was previously scheduled for October 12, 2000, in Sunnyside has been changed to October 17, 2000, in Sunnyside.

Interested parties may call the Washington Hop Commission at (509) 453-4749 for the time and site of each meeting.

**WSR 00-10-042
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE**

[Memorandum—April 25, 2000]

Please accept this letter as notification that as vice-president for the Office of Human Resources and Employee Relations at Shoreline Community College, my name should replace Charles Whiteside as the official rules coordinator for the college.

My address is as follows: Paulette Fleming, Vice-President for the Office of Human Resources and Employee Relations, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, phone (206) 546-4694, fax (206) 546-5850, e-mail pflemin@ctc.edu.

Paulette Fleming
Vice-President for the Office of
Human Resources/Employee Relations

**WSR 00-10-044
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR**

[EO 00-03]

PUBLIC RECORDS PRIVACY PROTECTIONS

PREAMBLE

Citizens of the state of Washington are gravely concerned about their privacy, and that concern is well founded. As the

Internet comes of age, we are experiencing an explosion in the growth of commercial and government electronic databases that contain highly sensitive personal information about individuals. The businesses and governments that control those databases *must* be responsible. It is state government's added responsibility to protect the personal privacy rights of Washington's citizens and lead the private sector by example and by law.

I am a strong believer in open government and the people's right to know. The very existence of our democracy depends on the fundamental principles embodied in our laws ensuring that we never have secret government. People must be able to trust their government.

There is a critical distinction, however, between public information and private personal information that happens to be held by the government or a business. Simply because certain personal information is in the hands of a third party does not mean that it should be made public or available to anybody willing to pay for it. A taxpayer's sensitive tax information has never been subject to public scrutiny. Nor do citizens expect that their health records, bank account, or credit card numbers will be open for inspection or available to others.

Unfortunately, as citizens, our expectations may exceed the privacy protections provided in law and the practices and policies established by the private sector and public agencies to protect personal information. The information age has created an urgent need for the custodians of data to exercise special care in safeguarding that information.

With this executive order, it is my intent to ensure that state agencies comply fully with state public disclosure and open government laws, while protecting personal information to the maximum extent possible by:

- Placing the government of Washington state at the forefront in protecting the personal information of its citizens;
- Minimizing as much as possible the collection, retention, and release of personal information by the state;
- Prohibiting the unauthorized sale of citizens' personal information by state government;
- Providing citizens with broad opportunities to know what personal information about them the state holds, and to review and correct that information; and
- Making certain that businesses that contract with the state use personal information only for the contract purposes and cannot keep or sell the information for other purposes - and that those who violate this trust are held accountable.

NOW THEREFORE, I, Gary Locke, Governor of the State of Washington, declare my commitment to strengthen privacy protections for personal information held by state agencies, and to the principles of open government and the people's right to know.

WHEREAS, an increasing number of citizens are concerned that personal information held by the state might be used inappropriately, that unauthorized people may have access to

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it, and that some information may be inaccurate, incomplete, or unnecessary.

WHEREAS, citizens have a right to know how information about them is handled by state agencies and the extent to which that information may be disclosed or kept confidential under the law.

WHEREAS, many state agencies collect, maintain, and dispose of public records that contain highly confidential and sensitive personal information that must be carefully safeguarded. These records contain sensitive and private health, financial, business, or other personally identifiable information. Their inadvertent release, careless storage, or improper disposal could result in embarrassment or harm to individuals and potential liability for the state.

WHEREAS, state agencies have an obligation to protect personal information about citizens, as required by law. They must exercise particular care in protecting records containing sensitive and private health, financial, and other personally identifiable information about individuals, such as social security numbers.

WHEREAS, the purpose of this executive order is to direct state agencies, as responsible information custodians, to institute additional privacy protections for personal information and to ensure that people who supply personal information to state agencies know how it will be handled and protected under state law.

I HEREBY ORDER as follows:

For purposes of this executive order, "personal information" means information collected by a state agency about a natural person that is readily identifiable to that specific individual.

1. **Protecting the Confidentiality of Sensitive Personal Information.** Each state agency shall immediately establish procedures and practices for the handling and disposal of public records and copies to provide reasonable assurances that those containing confidential personal information are properly safeguarded.
2. **Protecting Social Security Numbers and other Sensitive Personal Identifiers.** To the extent practicable, each state agency shall eliminate the use of Social Security numbers and other sensitive personal and financial identifying numbers from documents that may be subject to public scrutiny. Each state agency shall also take steps designed reasonably to ensure that appropriate personnel are aware of the new confidentiality requirement under Ch. 56, Laws of 2000, for credit card and debit card numbers, electronic check numbers, card expiration dates, and other financial account numbers connected with the electronic transfer of funds.
3. **Prohibiting the Sale of Personal Information.** Except as otherwise provided by law, state agencies may not sell personal information that they collect from the public or obtain from other public or private entities.

4. **Limitation on Collection and Retention of Personal Information.** State agencies shall limit the collection of personal information to that reasonably necessary for purposes of program implementation, authentication of identity, security, and other legally appropriate agency operations. Agencies shall examine their record retention schedules and retain personal information only as long as needed to carry out the purpose for which it was originally collected, or the minimum period required by law.
5. **Protection of Personal Information used by Contractors.** State agencies that enter into contracts or data sharing agreements with private entities and other governments that involve the use of personal information collected by the agencies shall provide in those contracts that the information may be used solely for the purposes of the contract and shall not be shared with, transferred, or sold to unauthorized third parties. A state agency that receives personal information from another state agency must protect it in the same manner as the original agency that collected the information. Each state agency shall establish reasonable procedures to review, monitor, audit, or investigate the use of personal information by contractors, including, when appropriate, the "salting" of databases to detect unauthorized use, sale, sharing, or transfer of data. Contractual provisions related to breach of the privacy protection of state contracts or agreements shall include, as appropriate, return of all personal information, termination, indemnification of the state, provisions to hold the state harmless, monetary or other sanctions, debarment, or other appropriate ways to maximize protection of citizens' personal information.
6. **Prohibiting the Release of Lists of Individuals for Commercial Purposes.** RCW 42.17.260 prohibits public agencies from giving, selling, or allowing the inspection of lists of individuals, unless specifically authorized or directed by law, if the requester intends to use the information for commercial purposes. The Attorney General in AGO 1998 No. 2 has interpreted "commercial purposes" broadly and has not limited those purposes only to situations in which individuals are contacted for commercial solicitation. For that reason, unless specifically authorized or directed by law, state agencies shall not release lists of individuals if it is known that the requester plans to use the lists for any commercial purpose, which includes any profit expecting business activity.
7. **Internet Privacy Policies.** Within 30 days of the effective date of this executive order, the Department of Information Services shall, in consultation with other state agencies and affected constituency groups as appropriate, develop a clear and concise model privacy policy for use by state agencies that operate an Internet web site. The privacy policy shall contain at least the following elements: a) the manner in which the personal information is collected; b) the intended uses of the information; c) a brief description of the laws relating to the disclosure and confidentiality of the informa-

tion with a link to the state public records act and other laws, as appropriate; d) information on the purpose and anticipated effects of the web site's data security practices; e) the consequences of providing or withholding information; f) the agency's procedures for accessing personal information, verifying its accuracy, and making corrections; g) the method by which an individual may make a request or provide notice to the agency concerning the use or misuse of a person's personal information; and h) how the agency may be contacted. Within 60 days of the completion of the model policy, each state agency that operates an Internet web site shall, after consultation with affected constituency groups, adopt the model policy, modified to the minimum extent necessary to address practical and legal considerations specific to that agency. Links to agency privacy policies should be located prominently on each agency's web site home page and on any other page where personal information is collected.

- 8. **Notification and Correction.** Each state agency that collects personal information shall, to the extent practicable, provide notice to the public at the point of collection that the law may require disclosure of the information as a public record. Upon request, state agencies shall provide a written statement generally identifying a) the known circumstances under which personal information in public records may be disclosed, and b) the agency's procedures for individuals to review their personal information and recommend corrections to information that they believe to be inaccurate or incomplete. This notice and statement may be included in an agency privacy policy, as specified in item 7 above.
- 9. **Citizen Complaints and Oversight.** Citizen complaints, questions, or recommendations regarding the implementation of this executive order or the collection and use of personal information by state agencies shall be submitted to the agency that is the custodian or collector of the information. Each agency shall designate a person to handle complaints, questions or recommendations from, and provide information to, the public regarding the collection and use of personal information and the agency's privacy policies. I will designate a person within the Governor's office to monitor and oversee the administration of this executive order and to serve as a point of contact for complaints from the public not addressed by an agency.
- 10. **Miscellaneous.** Nothing in this executive order shall be construed to prohibit or otherwise impair a lawful investigative or protective activity undertaken by or on behalf of the state. This order does not create any right or benefit, substantive or procedural, at law or in equity, that may be asserted against the state, its officers or employees, or any other person. It prohibits the release of public records only to the extent allowable under law. State agencies shall, in all cases, comply with applicable law. This order is intended only to improve the internal management of the executive branch and enhance compliance with the law. The Governor may grant exceptions to the requirements of

this executive order if an agency can demonstrate that strict compliance results in excessive and unreasonable administrative burdens or interferes with effective administration of the law.

This executive order shall take effect immediately.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia on this 25th day of April, A.D., Two-Thousand.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Tracy Guerin

Deputy Secretary of State

WSR 00-10-047
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 (Forest Fire Advisory Board)
 [Memorandum—April 26, 2000]

The Forest Fire Advisory Board members will be holding their next meeting on Friday, May 26, 2000, at 9:30 in Room 461, in the Natural Resources Building, at 1111 Washington Street.

If you have any questions, please feel free to contact (360) 902-1308.

WSR 00-10-057
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES OF SPOKANE
 [Memorandum—April 24, 2000]

The location of the regular May 2000 board meeting of the board of trustees of Community Colleges of Spokane (Washington State Community College District #17) has been changed.

The regular meeting of the board of trustees of Community Colleges of Spokane originally scheduled at the Institute for Extended Learning, Fairchild Center, #6 West Castle Street, Fairchild Air Force Base, Washington, on May 16, 2000, has been moved to Spokane Falls Community College, The Falls Conference Room, Administration Building, 3410 West Fort George Wright Drive, Spokane, WA. The meeting will convene at 8:30 a.m.

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WSR 00-10-058
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE PATROL
 (Fire Protection Policy Board)
 [Memorandum—April 24, 2000]

The June 2000, meeting of the Washington State Fire Protection Policy Board has been changed to June 22, 2000, beginning at 3:30 p.m.

This meeting is being held at the WestCoast Wenatchee Center Hotel and Convention Center, Wenatchee.

For further information, please contact Ellen Tombleson at (360) 753-0411.

WSR 00-10-072
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
TECHNICAL COLLEGE
 [Memorandum—April 27, 2000]

Pursuant to RCW 42.30.075, we are hereby notifying you of the following amended date when the Lake Washington Technical College board of trustees is scheduled to hold regular meetings during 2000.

Instead of holding a meeting on July 10, 2000, the board of trustees will meet on Monday, June 26, 2000.

Appropriate advertising of this meeting change will take place ten days prior to the meeting. Work sessions begin at 6 p.m. in Room W302E at the college; the regular meeting agenda begins at 7 p.m. in Room W305 at the college.

WSR 00-10-073
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—May 1, 2000]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, May 18, 2000, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 00-10-075
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
 [Filed May 1, 2000, 2:44 p.m.]

The Washington State Department of Community, Trade and Economic Development (CTED) will be accepting applications for funding under the community services facilities program. Applications will be mailed on June 9, 2000, and are due no later than July 14, 2000. The program awards state grants to help qualifying organizations defray the capital costs of new facilities or major renovations. Eligibility is

limited to nonprofit organizations that provide nonresidential social services. The state grants are available on a matching basis, with the state grant providing a maximum of 25% of the total project cost. The remaining project costs must come from nonstate sources.

As an outcome of this competitive grant process, CTED will provide the Governor's Office and the Washington state legislature with a prioritized list of recommended projects. The governor and the 2001 legislature must approve the list, and determine the amount of funds available for those projects. Any funds appropriated will become available on or about August 1, 2001.

Organizations interested in applying should contact Daniel Aarthun, Capital Projects Manager, at (360) 568-1237 or by e-mail at dana@cted.wa.gov.

WSR 00-10-080
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Chiropractic Commission)
 [Memorandum—May 2, 2000]

MEETING SCHEDULE 2000 - 2001

These are some changes for the rest of this year and tentative dates for 2001. With case management occurring frequently, via telephone conference calls, it is suggested that we meet eight weeks apart and when possible coincide our meeting with Winter and Summer Association meetings.

In proposing this schedule the agenda could be fuller. It is very important for members to attend the entire meeting, mostly for your input but more importantly to keep each other up to speed on issues.

May 18, 2000	CANCEL
June 22, 2000	CANCEL
July 27, 2000	Commission Meeting - Rules Hearing Leavenworth, Washington
July 29, 2000	New Licensee Orientation "Back to Basics" - four hour seminar
August 3, 2000	CANCEL
September 14, 2000	Commission Meeting 1101 Eastside Olympia, WA
November 9, 2000	

PROPOSED DATES 2001
 (These will be confirmed at our next meeting)

- January 11, 2001
- March 8, 2001
- May 3, 2001
- July 15, 2001
- September 13, 2001
- November 15, 2001

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WSR 00-10-100
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—May 1, 2000]

EDMONDS COMMUNITY COLLEGE

BOARD OF TRUSTEES

NOTICE OF SPECIAL MEETINGS

TO MEDIA/OTHER

- May 1-3, 2000* Trustees Association of Community and Technical Colleges Spring Conference, Rosario Resort, Orcas Island, Washington, 8:00 a.m.-5:00 p.m.
Purpose: To attend spring trustee conference.
- May 2, 2000* Public Social Security Forum, EdCC, Triton Union Building, 20000 68th Avenue West, Lynnwood, WA, 11 a.m.-12:30 p.m.
Purpose: Discussion of the United States Social Security system.
- May 6, 2000* Edmonds Community College Foundation Dinner/Auction, "Opening Doors," Chateau St. Michelle Winery, Woodinville, Washington, 6:00 p.m.
Purpose: EdCC fundraising event.
- May 11, 2000* High School Counselor Appreciation Breakfast, EdCC, Triton Union Building, 20000 68th Avenue West, Lynnwood, WA, 7:30-9:00 a.m.
Purpose: Informational breakfast to recognize area high school counselors.
- May 17, 2000 Edmonds Community College Board of Trustees Special Board Meeting, EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
Purpose: To address routine college business issues.
Note: Change of date from original schedule.

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 00-10-103
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—May 3, 2000]

Eastern Washington University

BOARD OF TRUSTEES

May 3, 2000

3:30 p.m.

Spokane Center, Room 222

705 West First

Spokane, WA 99204

ANNOUNCEMENT

of

Special Meeting

A special meeting has been called by the EWU board of trustees. It is expected that the board will go into executive session for the purpose of reviewing and discussing the United Faculty of Eastern Contract. No action will be taken at this meeting.

WSR 00-10-113
DEPARTMENT OF HEALTH
(Board of Pharmacy)

[Filed May 3, 2000, 11:40 a.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

RCW 69.50.201 (2)(e) allows the Board of Pharmacy to adopt DEA scheduling orders without the need for issuance of a Notice of Proposed Rule under chapter 34.05 RCW. Notice of proposed rule making was published in the March 15, 2000, Washington State Register, WSR 00-06-080. No objection to the proposed rule was received. On April 5, 2000, the board adopted the rule.

C. A. Leon Alzola
Board Chair

AMENDATORY SECTION (Amending WSR 00-01-075, filed 12/13/99)

WAC 246-887-160 Schedule III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13 (b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing:
 - (i) Amobarbital;

- (ii) Secobarbital;
- (iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

- (i) Amobarbital;
- (ii) Secobarbital;
- (iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

(4) Chlorhexadol;

(5) Ketamine, its salts, isomers, and salts of isomers—some other names for ketamine: (<plus-minus>)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;

(6) Lysergic acid;

~~((6))~~ (7) Lysergic acid amide;

~~((7))~~ (8) Methpyrlyon;

~~((8))~~ (9) Sulfondiethylmethane;

~~((9))~~ (10) Sulfonethylmethane;

~~((10))~~ (11) Sulfonmethane;

~~((11))~~ (12) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4] diazepin 7 (1H)-one flupyrazapon.

(d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

- (1) Boldenone;
- (2) Chlorotestosterone;
- (3) Clostebol;
- (4) Dehydrochlormethyltestosterone;
- (5) Dehydroepiandrosterone;
- (6) Dihydrotestosterone;
- (7) Drostanolone;
- (8) Ethylestrenol;
- (9) Fluoxymesterone;
- (10) Formebolone (Formebolone);
- (11) Mesterolone;
- (12) Methandienone;
- (13) Methandranone;
- (14) Methandriol;
- (15) Methandrostenolone;
- (16) Methenolone;
- (17) Methyltestosterone;
- (18) Mibolerone;
- (19) Nandrolone;
- (20) Norethandrolone;
- (21) Oxandrolone;
- (22) Oxymesterone;
- (23) Oxymetholone;

- (24) Stanolone;
- (25) Stanozolol;
- (26) Testolactone;
- (27) Testosterone;
- (28) Trenbolone; and

(29) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

The following are implants or pellets which are exempt:

Ingredients	Trade Name	Company
Testosterone Propionate, Estradiol Benzoate	F-TO	Animal Health Div. Upjohn International Kalamazoo, MI
Trenbolone Acetate	Finaplix-H	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Trenbolone Acetate	Finaplix-S	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Anchor Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Bio-Ceutic Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Ivy Laboratories, Inc. Overland Park, KS
Testosterone Propionate, Estradiol Benzoate	Implus	The Upjohn Co. Kalamazoo, MI
Trenbolone Acetate, Estradiol	Revalor-s	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Synovex H	Syntex Laboratories Palo Alto, CA

(f) The following anabolic steroid products containing compounds, mixtures, or preparations are exempt from the recordkeeping, refill restrictions, and other Controlled Substances Act requirements:

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Androgyn L.A.	Forest Pharmaceuticals St. Louis, MO
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Andro-Estro 90-4	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depANDROGYN	Forest Pharmaceuticals St. Louis, MO

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Ingredients	Trade Name	Company
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DEPO-T.E.	Quality Research Laboratories Carmel, IN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depTESTROGEN	Martica Pharmaceuticals Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Duomone	Wintec Pharmaceutical Pacific, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DURATESTRIN	W.E. Hauck Alpharetta, GA
Testosterone cypionate 50 mg/ml Esterified cypionate 2 mg/ml	DUO-SPAN II	Primedics Laboratories Gardena, CA
Esterified estrogens 1.25 mg. Methyltestosterone 2.5 mg.	Estratest	Solvay Pharmaceuticals Marietta, GA
Esterified estrogens 0.525 mg. Methyltestosterone 1.25 mg.	Estratest HS	Solvay Pharmaceuticals Marietta, GA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	PAN ESTRA TEST	Pan American Labs Covington, LA
Conjugated estrogens 1.25 mg. Methyltestosterone 10 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Conjugated estrogens 0.625 mg. Methyltestosterone 5 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Testosterone propionate 25 mg Estradiol benzoate 2.5 mg	Synovex H Pellets in process	Syntex Animal Health Palo Alto, CA
Testosterone propionate 10 parts Estradiol benzoate 1 part	Synovex H Pellets in process, granulation	Syntex Animal Health Palo Alto, CA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testagen	Clint Pharmaceutical Nashville, TN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	TEST-ESTRO Cypionates	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cyp 50 Estradiol Cyp 2	I.D.E.-Interstate Amityville, NY

Ingredients	Trade Name	Company
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Best Generics No. Miami Beach, FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Steris Labs, Inc. Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Steris Labs, Inc. Phoenix, AZ

(g) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per

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dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(h) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved product. (Some other names for dronabinol [6aR-trans]-6a,7,8, 10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d] pyran-i-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

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.



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
 OBJECT = 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 of existing section
 REVIEW = Review of previously adopted rule
 SUSP = Suspending an existing section

Suffixes:
 -C = Continuance of previous proposal
 -E = Emergency action
 -P = Proposed action
 -S = Supplemental notice
 -W = Withdrawal of proposed action
 -XA = Expedited adoption
 -XR = Expedited repeal
 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 #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-400	AMD-P	00-07-004	16-80-007	AMD-P	00-03-068	16-147-020	AMD	00-05-025
4-25-510	PREP	00-03-032	16-80-007	AMD	00-06-066	16-147-030	AMD	00-05-025
4-25-510	AMD-P	00-07-005	16-80-010	AMD-P	00-03-068	16-200-512	REP-XR	00-07-068
4-25-522	REP-P	00-07-006	16-80-010	AMD	00-06-066	16-200-695	PREP	00-03-076
4-25-540	AMD-P	00-07-007	16-80-015	AMD-P	00-03-068	16-202-1000	PREP	00-03-076
4-25-631	AMD-P	00-07-008	16-80-015	AMD	00-06-066	16-202-2000	PREP	00-03-076
4-25-660	AMD-P	00-07-009	16-80-020	AMD-P	00-03-068	16-212	PREP	00-10-104
4-25-661	AMD-P	00-07-010	16-80-020	AMD	00-06-066	16-213-010	REP-P	00-05-048
4-25-750	AMD-P	00-07-011	16-80-025	AMD-P	00-03-068	16-213-010	REP	00-08-041
4-25-780	REP-P	00-07-012	16-80-025	AMD	00-06-066	16-213-100	REP-P	00-05-048
4-25-781	NEW-P	00-07-013	16-80-030	AMD-P	00-03-068	16-213-100	REP	00-08-041
4-25-782	NEW-P	00-07-013	16-80-030	AMD	00-06-066	16-213-110	REP-P	00-05-048
4-25-783	NEW-P	00-07-013	16-80-035	AMD-P	00-03-068	16-213-110	REP	00-08-041
4-25-830	PREP	00-03-033	16-80-035	AMD	00-06-066	16-213-120	REP-P	00-05-048
4-25-830	AMD-P	00-07-014	16-80-040	AMD-P	00-03-068	16-213-120	REP	00-08-041
4-25-910	AMD-P	00-07-015	16-80-040	AMD	00-06-066	16-213-130	REP-P	00-05-048
16-42	PREP	00-08-095	16-80-045	AMD-P	00-03-068	16-213-130	REP	00-08-041
16-70-001	REP-P	00-03-070	16-80-045	AMD	00-06-066	16-213-200	AMD-P	00-05-048
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16-70-010	AMD-P	00-03-070	16-80-050	REP	00-06-066	16-213-230	REP-P	00-05-048
16-70-010	AMD	00-06-064	16-101	PREP	00-02-077	16-213-230	REP	00-08-041
16-70-030	REP-P	00-03-070	16-101X	PREP	00-07-115	16-213-240	REP-P	00-05-048
16-70-030	REP	00-06-064	16-112-001	REP	00-05-024	16-213-240	REP	00-08-041
16-71	PREP	00-08-094	16-112-010	REP	00-05-024	16-213-250	REP-P	00-05-048
16-74-001	REP-P	00-03-069	16-112-020	REP	00-05-024	16-213-250	REP	00-08-041
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16-74-005	NEW-P	00-03-069	16-143-010	NEW-P	00-08-107	16-213-260	AMD	00-08-041
16-74-005	NEW	00-06-065	16-143-020	NEW-P	00-08-107	16-213-270	AMD-P	00-05-048
16-74-010	AMD-P	00-03-069	16-143-030	NEW-P	00-08-107	16-213-270	AMD	00-08-041
16-74-010	AMD	00-06-065	16-143-040	NEW-P	00-08-107	16-228-1010	PREP	00-03-080
16-74-020	AMD-P	00-03-069	16-143-050	NEW-P	00-08-107	16-228-1040	PREP	00-03-080
16-74-020	AMD	00-06-065	16-143-060	NEW-P	00-08-107	16-228-1110	AMD-P	00-10-098
16-74-030	AMD-P	00-03-069	16-143-070	NEW-P	00-08-107	16-228-1120	AMD-P	00-10-098
16-74-030	AMD	00-06-065	16-143-080	NEW-P	00-08-107	16-228-1125	NEW-P	00-10-098
16-74-040	REP-P	00-03-069	16-143-090	NEW-P	00-08-107	16-228-1130	AMD-P	00-10-098
16-74-040	REP	00-06-065	16-143-100	NEW-P	00-08-107	16-228-1140	REP-P	00-10-098
16-80-005	AMD-P	00-03-068	16-143-110	NEW-P	00-08-107	16-228-1150	PREP	00-03-080
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16-228-1200	PREP	00-03-080	16-557-070	REP-C	00-07-136	132E-120-140	NEW-P	00-06-063
16-228-1220	PREP	00-03-077	16-557-070	REP-W	00-10-066	132E-120-150	NEW-P	00-06-063
16-228-1230	PREP	00-03-080	16-557-080	REP-C	00-07-136	132E-120-160	RECOD-P	00-06-063
16-228-1240	PREP	00-03-077	16-557-080	REP-W	00-10-066	132E-120-170	RECOD-P	00-06-063
16-228-1250	PREP	00-03-077	16-565-020	AMD-XA	00-05-092	132E-120-180	RECOD-P	00-06-063
16-228-1270	PREP	00-03-080	16-565-020	AMD	00-10-023	132E-120-190	RECOD-P	00-06-063
16-228-1300	PREP	00-03-077	16-570	PREP	00-10-109	132E-120-200	NEW-P	00-06-063
16-228-1320	PREP	00-03-077	16-573	PREP	00-10-108	132E-120-210	NEW-P	00-06-063
16-228-1380	PREP	00-03-080	16-662-105	AMD-P	00-09-090	132E-120-220	RECOD-P	00-06-063
16-228-1385	PREP	00-03-080	44- 10-010	AMD	00-08-068	132E-120-230	RECOD-P	00-06-063
16-228-1400	PREP	00-03-078	44- 10-170	AMD	00-08-068	132E-120-240	NEW-P	00-06-063
16-228-1500	PREP	00-03-079	44- 10-200	AMD	00-08-068	132E-120-250	NEW-P	00-06-063
16-228-1520	PREP	00-03-079	82- 50-021	AMD-XA	00-05-016	132E-120-260	NEW-P	00-06-063
16-228-1540	PREP	00-03-080	82- 50-021	AMD	00-09-088	132E-120-270	NEW-P	00-06-063
16-228-1545	PREP	00-03-079	112- 10-010	AMD	00-05-036	132E-120-280	NEW-P	00-06-063
16-228-1580	PREP	00-03-080	112- 10-020	AMD	00-05-036	132E-120-290	NEW-P	00-06-063
16-228-2000	PREP	00-03-077	112- 10-030	AMD	00-05-036	132E-120-300	NEW-P	00-06-063
16-230	PREP	00-04-020	112- 10-040	AMD	00-05-036	132E-120-310	NEW-P	00-06-063
16-230	PREP	00-04-021	112- 10-050	AMD	00-05-036	132E-120-320	NEW-P	00-06-063
16-230	PREP	00-04-022	112- 10-060	AMD	00-05-036	132E-120-330	NEW-P	00-06-063
16-233	PREP	00-09-029	112- 10-070	NEW	00-05-036	132E-120-340	NEW-P	00-06-063
16-404	PREP	00-03-083	112- 10-080	NEW	00-05-036	132E-120-350	NEW-P	00-06-063
16-409	PREP	00-03-085	118- 03-330	REP	00-05-012	132E-120-360	NEW-P	00-06-063
16-414	PREP	00-07-132	118- 06-010	REP	00-05-011	132E-120-370	NEW-P	00-06-063
16-439	PREP	00-07-134	118- 06-020	REP	00-05-011	132E-120-380	NEW-P	00-06-063
16-442	PREP	00-07-133	118- 06-030	REP	00-05-011	132E-120-390	NEW-P	00-06-063
16-445	PREP	00-03-084	118- 06-040	REP	00-05-011	132E-120-400	NEW-P	00-06-063
16-463	PREP	00-07-135	118- 06-050	REP	00-05-011	132E-120-410	NEW-P	00-06-063
16-483	AMD-C	00-04-066	118- 06-060	REP	00-05-011	132E-121-010	AMD-P	00-06-063
16-483-001	AMD	00-05-105	118- 06-070	REP	00-05-011	132E-121-010	DECOD-P	00-06-063
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16-483-010	AMD	00-05-105	118- 07-010	REP	00-05-011	132E-124-020	DECOD-P	00-06-063
16-483-020	AMD	00-05-105	118- 07-020	REP	00-05-011	132G-276-010	AMD-P	00-02-074
16-483-030	AMD	00-05-105	118- 07-030	REP	00-05-011	132G-276-010	AMD-S	00-06-074
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16-550-020	AMD	00-10-022	118- 08-050	REP	00-05-011	132G-276-040	REP-P	00-02-074
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16-555-020	AMD	00-10-024	118- 08-070	REP	00-05-011	132G-276-040	REP	00-10-048
16-557	REP-C	00-08-066	131- 16	PREP	00-08-029	132G-276-040	REP	00-10-048
16-557	REP-C	00-09-026	131- 16-021	AMD-E	00-09-050	132G-276-050	AMD-P	00-02-074
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16-557-010	REP-W	00-10-066	131- 16-031	AMD-E	00-09-050	132G-276-060	AMD	00-10-048
16-557-020	REP-C	00-07-136	131- 16-031	AMD-P	00-10-099	132G-276-060	AMD-P	00-02-074
16-557-020	REP-W	00-10-066	131- 16-450	PREP	00-07-128	132G-276-060	AMD-S	00-06-074
16-557-025	REP-C	00-07-136	132E-120	PREP	00-02-082	132G-276-060	AMD	00-10-048
16-557-025	REP-W	00-10-066	132E-120	AMD-P	00-06-063	132G-276-080	AMD-P	00-02-074
16-557-030	REP-C	00-07-136	132E-120-010	DECOD-P	00-06-063	132G-276-080	AMD-S	00-06-074
16-557-030	REP-W	00-10-066	132E-120-020	AMD-P	00-06-063	132G-276-080	AMD	00-10-048
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16-557-060	REP-C	00-07-136	132E-120-120	NEW-P	00-06-063	132G-276-110	AMD-P	00-02-074
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132G-276-120	AMD	00-10-048	132Q- 04-083	REP-P	00-08-075	132X- 10-110	AMD	00-05-023
132G-276-130	AMD-P	00-02-074	132Q- 04-085	REP-P	00-08-075	132X- 20-010	REP	00-05-022
132G-276-130	AMD-S	00-06-074	132Q- 04-090	REP-P	00-08-075	132X- 20-020	REP	00-05-022
132G-276-130	AMD	00-10-048	132Q- 04-094	REP-P	00-08-075	132X- 20-030	REP	00-05-022
132G-276-900	AMD-P	00-02-074	132Q- 04-095	REP-P	00-08-075	132X- 20-040	REP	00-05-022
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132G-276-900	AMD	00-10-048	132Q- 04-100	AMD-P	00-08-075	132X- 20-060	REP	00-05-022
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132L- 20-070	REP	00-07-113	132Q- 04-140	AMD-P	00-08-075	132X- 20-100	REP	00-05-022
132L- 20-080	REP	00-07-113	132Q- 04-150	AMD-P	00-08-075	132X- 20-110	REP	00-05-022
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132L-120-015	NEW	00-07-113	132Q- 05-040	AMD-P	00-08-075	132X- 50-140	AMD	00-05-023
132L-120-020	AMD	00-07-113	132Q- 05-050	AMD-P	00-08-075	132X- 50-150	AMD	00-05-023
132L-120-030	NEW	00-07-113	132Q- 05-060	AMD-P	00-08-075	132X- 50-160	AMD	00-05-023
132L-120-040	NEW	00-07-113	132Q- 05-070	AMD-P	00-08-075	132X- 50-170	AMD	00-05-023
132L-120-070	NEW	00-07-113	132Q- 05-080	AMD-P	00-08-075	132X- 50-180	AMD	00-05-023
132L-120-080	NEW	00-07-113	132Q- 05-090	AMD-P	00-08-075	132X- 50-190	AMD	00-05-023
132L-120-090	NEW	00-07-113	132Q- 05-100	AMD-P	00-08-075	132X- 50-210	AMD	00-05-023
132L-120-100	NEW	00-07-113	132Q- 20-010	AMD-P	00-08-075	132X- 50-230	AMD	00-05-023
132L-120-110	NEW	00-07-113	132Q- 20-020	AMD-P	00-08-075	132X- 50-240	AMD	00-05-023
132L-120-120	NEW	00-07-113	132Q- 20-040	AMD-P	00-08-075	132X- 50-260	AMD	00-05-023
132L-120-130	NEW	00-07-113	132Q- 20-060	AMD-P	00-08-075	132X- 50-270	AMD	00-05-023
132L-120-140	NEW	00-07-113	132Q- 20-080	AMD-P	00-08-075	132X- 50-280	AMD	00-05-023
132L-120-150	NEW	00-07-113	132Q- 20-090	AMD-P	00-08-075	132X- 60-010	AMD	00-05-023
132L-120-160	NEW	00-07-113	132Q- 20-110	AMD-P	00-08-075	132X- 60-015	NEW	00-05-023
132L-120-170	NEW	00-07-113	132Q- 20-130	AMD-P	00-08-075	132X- 60-020	AMD	00-05-023
132L-120-180	NEW	00-07-113	132Q- 20-150	AMD-P	00-08-075	132X- 60-035	NEW	00-05-023
132L-120-190	NEW	00-07-113	132Q- 20-160	AMD-P	00-08-075	132X- 60-037	NEW	00-05-023
132L-120-200	NEW	00-07-113	132Q- 20-170	AMD-P	00-08-075	132X- 60-040	AMD	00-05-023
132L-120-210	NEW	00-07-113	132Q- 20-180	AMD-P	00-08-075	132X- 60-045	NEW	00-05-023
132L-120-220	NEW	00-07-113	132Q- 20-200	AMD-P	00-08-075	132X- 60-046	NEW	00-05-023
132N-156	PREP	00-10-043	132Q- 20-210	AMD-P	00-08-075	132X- 60-050	AMD	00-05-023
132Q- 04-010	AMD-P	00-08-075	132Q- 20-220	AMD-P	00-08-075	132X- 60-060	AMD	00-05-023
132Q- 04-020	AMD-P	00-08-075	132Q- 20-240	AMD-P	00-08-075	132X- 60-065	NEW	00-05-023
132Q- 04-031	NEW-P	00-08-075	132Q- 20-250	AMD-P	00-08-075	132X- 60-075	NEW	00-05-023
132Q- 04-035	REP-P	00-08-075	132Q- 20-260	AMD-P	00-08-075	132X- 60-080	AMD	00-05-023
132Q- 04-040	REP-P	00-08-075	132Q- 20-270	AMD-P	00-08-075	132X- 60-090	AMD	00-05-023
132Q- 04-050	REP-P	00-08-075	132Q- 94-010	AMD-P	00-08-075	132X- 60-100	AMD	00-05-023
132Q- 04-060	REP-P	00-08-075	132Q- 94-020	AMD-P	00-08-075	132X- 60-110	AMD	00-05-023
132Q- 04-061	REP-P	00-08-075	132Q- 94-030	AMD-P	00-08-075	132X- 60-120	AMD	00-05-023
132Q- 04-067	REP-P	00-08-075	132Q- 94-125	AMD-P	00-08-075	132X- 60-130	AMD	00-05-023
132Q- 04-068	REP-P	00-08-075	132Q- 94-150	AMD-P	00-08-075	132X- 60-140	AMD	00-05-023
132Q- 04-070	REP-P	00-08-075	132X- 10-010	AMD	00-05-023	132X- 60-150	AMD	00-05-023
132Q- 04-075	REP-P	00-08-075	132X- 10-030	AMD	00-05-023	132X- 60-160	AMD	00-05-023
132Q- 04-076	AMD-P	00-08-075	132X- 10-050	AMD	00-05-023	132X- 60-170	AMD	00-05-023

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132X- 60-180	AMD	00-05-023	137- 32-002	AMD	00-09-063	139- 01-435	REP-P	00-07-097
132Z-112-010	NEW-P	00-07-121	137- 32-005	AMD	00-09-063	139- 01-440	REP-P	00-07-097
132Z-112-020	NEW-P	00-07-121	137- 32-010	AMD	00-09-063	139- 01-445	REP-P	00-07-097
132Z-112-030	NEW-P	00-07-121	137- 32-015	AMD	00-09-063	139- 01-450	REP-P	00-07-097
132Z-112-040	NEW-P	00-07-121	137- 32-020	AMD	00-09-063	139- 01-455	REP-P	00-07-097
132Z-112-050	NEW-P	00-07-121	137- 32-025	AMD	00-09-063	139- 01-460	REP-P	00-07-097
132Z-115-010	NEW-P	00-07-121	137- 32-030	AMD	00-09-063	139- 01-465	REP-P	00-07-097
132Z-115-020	NEW-P	00-07-121	137- 32-035	AMD	00-09-063	139- 01-470	REP-P	00-07-097
132Z-115-030	NEW-P	00-07-121	137- 32-045	AMD	00-09-063	139- 01-475	REP-P	00-07-097
132Z-115-040	NEW-P	00-07-121	137-125-005	NEW-E	00-05-044	139- 01-510	REP-P	00-07-097
132Z-115-050	NEW-P	00-07-121	137-125-010	NEW-E	00-05-044	139- 01-515	REP-P	00-07-097
132Z-115-060	NEW-P	00-07-121	137-125-015	NEW-E	00-05-044	139- 01-520	REP-P	00-07-097
132Z-115-070	NEW-P	00-07-121	137-125-040	NEW-E	00-05-044	139- 01-525	REP-P	00-07-097
132Z-115-080	NEW-P	00-07-121	137-125-042	NEW-E	00-05-044	139- 01-530	REP-P	00-07-097
132Z-115-090	NEW-P	00-07-121	137-125-044	NEW-E	00-05-044	139- 01-535	REP-P	00-07-097
132Z-115-100	NEW-P	00-07-121	137-125-046	NEW-E	00-05-044	139- 01-540	REP-P	00-07-097
132Z-115-110	NEW-P	00-07-121	137-125-048	NEW-E	00-05-044	139- 01-545	REP-P	00-07-097
132Z-115-120	NEW-P	00-07-121	137-125-052	NEW-E	00-05-044	139- 01-550	REP-P	00-07-097
132Z-115-130	NEW-P	00-07-121	137-125-054	NEW-E	00-05-044	139- 01-555	REP-P	00-07-097
132Z-115-140	NEW-P	00-07-121	137-125-060	NEW-E	00-05-044	139- 01-560	REP-P	00-07-097
132Z-115-150	NEW-P	00-07-121	137-125-070	NEW-E	00-05-044	139- 01-565	REP-P	00-07-097
132Z-115-160	NEW-P	00-07-121	137-125-072	NEW-E	00-05-044	139- 01-570	REP-P	00-07-097
132Z-115-170	NEW-P	00-07-121	137-125-076	NEW-E	00-05-044	139- 01-575	REP-P	00-07-097
132Z-115-180	NEW-P	00-07-121	137-125-078	NEW-E	00-05-044	139- 01-610	REP-P	00-07-097
132Z-115-190	NEW-P	00-07-121	137-125-090	NEW-E	00-05-044	139- 01-615	REP-P	00-07-097
132Z-115-200	NEW-P	00-07-121	137-125-095	NEW-E	00-05-044	139- 01-620	REP-P	00-07-097
132Z-115-210	NEW-P	00-07-121	137-125-100	NEW-E	00-05-044	139- 01-625	REP-P	00-07-097
132Z-115-220	NEW-P	00-07-121	137-125-105	NEW-E	00-05-044	139- 01-630	REP-P	00-07-097
132Z-115-230	NEW-P	00-07-121	137-125-110	NEW-E	00-05-044	139- 01-710	REP-P	00-07-097
136-167-020	AMD	00-05-043	137-125-115	NEW-E	00-05-044	139- 01-715	REP-P	00-07-097
136-167-030	AMD	00-05-043	137-125-120	NEW-E	00-05-044	139- 01-720	REP-P	00-07-097
137- 28	PREP	00-02-070	137-125-125	NEW-E	00-05-044	139- 01-725	REP-P	00-07-097
137- 28-140	AMD-P	00-07-048	137-125-130	NEW-E	00-05-044	139- 01-730	REP-P	00-07-097
137- 28-140	AMD	00-10-079	137-125-135	NEW-E	00-05-044	139- 01-735	REP-P	00-07-097
137- 28-160	AMD-P	00-07-048	137-125-140	NEW-E	00-05-044	139- 01-810	REP-P	00-07-097
137- 28-160	AMD	00-10-079	137-125-195	NEW-E	00-05-044	139- 01-820	REP-P	00-07-097
137- 28-170	AMD-P	00-07-048	137-130-005	NEW-E	00-05-045	139- 02-010	NEW-P	00-07-097
137- 28-170	AMD	00-10-079	137-130-010	NEW-E	00-05-045	139- 02-020	NEW-P	00-07-097
137- 28-185	NEW-P	00-07-048	137-130-020	NEW-E	00-05-045	139- 02-030	NEW-P	00-07-097
137- 28-185	NEW	00-10-079	137-130-030	NEW-E	00-05-045	139- 02-040	NEW-P	00-07-097
137- 28-220	AMD-P	00-07-048	137-130-040	NEW-E	00-05-045	139- 02-050	NEW-P	00-07-097
137- 28-220	AMD	00-10-079	137-130-050	NEW-E	00-05-045	139- 02-060	NEW-P	00-07-097
137- 28-230	AMD-P	00-07-048	137-130-060	NEW-E	00-05-045	139- 02-070	NEW-P	00-07-097
137- 28-230	AMD	00-10-079	137-130-070	NEW-E	00-05-045	139- 02-080	NEW-P	00-07-097
137- 28-260	AMD-P	00-07-048	137-130-080	NEW-E	00-05-045	139- 02-090	NEW-P	00-07-097
137- 28-260	AMD	00-10-079	137-130-090	NEW-E	00-05-045	139- 02-100	NEW-P	00-07-097
137- 28-270	AMD-P	00-07-048	137-130-100	NEW-E	00-05-045	139- 02-110	NEW-P	00-07-097
137- 28-270	AMD	00-10-079	137-130-110	NEW-E	00-05-045	139- 03-010	NEW-P	00-07-097
137- 28-290	AMD-P	00-07-048	137-130-120	NEW-E	00-05-045	139- 03-020	NEW-P	00-07-097
137- 28-290	AMD	00-10-079	137-130-130	NEW-E	00-05-045	139- 03-030	NEW-P	00-07-097
137- 28-300	AMD-P	00-07-048	137-130-140	NEW-E	00-05-045	139- 03-040	NEW-P	00-07-097
137- 28-300	AMD	00-10-079	137-130-150	NEW-E	00-05-045	139- 03-050	NEW-P	00-07-097
137- 28-310	AMD-P	00-07-048	139- 01	PREP	00-04-048	139- 03-060	NEW-P	00-07-097
137- 28-310	AMD	00-10-079	139- 01-100	AMD-P	00-07-097	139- 03-070	NEW-P	00-07-097
137- 28-320	REP-P	00-07-048	139- 01-110	REP-P	00-07-097	139- 03-080	NEW-P	00-07-097
137- 28-320	REP	00-10-079	139- 01-320	REP-P	00-07-097	139- 05	PREP	00-04-048
137- 28-350	AMD-P	00-07-048	139- 01-330	REP-P	00-07-097	139- 05-200	AMD-P	00-07-097
137- 28-350	AMD	00-10-079	139- 01-410	REP-P	00-07-097	139- 05-210	AMD-P	00-07-097
137- 28-380	AMD-P	00-07-048	139- 01-415	REP-P	00-07-097	139- 05-220	AMD-P	00-07-097
137- 28-380	AMD	00-10-079	139- 01-420	REP-P	00-07-097	139- 05-230	AMD-P	00-07-097
137- 28-420	AMD-P	00-07-048	139- 01-425	REP-P	00-07-097	139- 05-240	AMD-P	00-07-097

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139-05-250	AMD-P	00-07-097	173-245-084	AMD-XA	00-09-025	173-305-015	AMD-XA	00-10-053
139-05-810	AMD-P	00-07-097	173-245-090	AMD-XA	00-09-025	173-305-020	AMD-XA	00-10-053
139-05-912	AMD-P	00-07-097	173-303-010	AMD-P	00-02-081	173-305-040	AMD-XA	00-10-053
139-05-915	AMD-P	00-07-097	173-303-016	AMD-P	00-02-081	173-305-050	AMD-XA	00-10-053
139-10	PREP	00-04-048	173-303-040	AMD-P	00-02-081	173-305-110	AMD-XA	00-10-053
139-10-210	AMD-P	00-07-097	173-303-045	AMD-P	00-02-081	173-305-120	AMD-XA	00-10-053
139-10-212	AMD-P	00-07-097	173-303-060	AMD-P	00-02-081	173-305-210	AMD-XA	00-10-053
139-10-215	AMD-P	00-07-097	173-303-070	AMD-P	00-02-081	173-305-220	AMD-XA	00-10-053
139-10-220	AMD-P	00-07-097	173-303-071	AMD-P	00-02-081	173-305-230	AMD-XA	00-10-053
139-10-221	NEW-P	00-07-097	173-303-073	AMD-P	00-02-081	173-305-240	AMD-XA	00-10-053
139-10-222	AMD-P	00-07-097	173-303-077	AMD-P	00-02-081	173-307-010	AMD-XA	00-10-052
139-10-230	AMD-P	00-07-097	173-303-100	AMD-P	00-02-081	173-307-015	AMD-XA	00-10-052
139-10-235	AMD-P	00-07-097	173-303-110	AMD-P	00-02-081	173-307-020	AMD-XA	00-10-052
139-10-236	NEW-P	00-07-097	173-303-120	AMD-P	00-02-081	173-307-030	AMD-XA	00-10-052
139-10-237	AMD-P	00-07-097	173-303-160	AMD-P	00-02-081	173-307-040	AMD-XA	00-10-052
139-10-240	AMD-P	00-07-097	173-303-170	AMD-P	00-02-081	173-307-050	AMD-XA	00-10-052
139-10-310	AMD-P	00-07-097	173-303-180	AMD-P	00-02-081	173-307-060	AMD-XA	00-10-052
139-10-320	AMD-P	00-07-097	173-303-190	AMD-P	00-02-081	173-307-070	AMD-XA	00-10-052
139-10-410	AMD-P	00-07-097	173-303-200	AMD-P	00-02-081	173-307-080	AMD-XA	00-10-052
139-10-420	AMD-P	00-07-097	173-303-201	AMD-P	00-02-081	173-307-090	AMD-XA	00-10-052
139-10-510	AMD-P	00-07-097	173-303-240	AMD-P	00-02-081	173-307-100	AMD-XA	00-10-052
139-10-520	AMD-P	00-07-097	173-303-280	AMD-P	00-02-081	173-307-110	AMD-XA	00-10-052
139-25	PREP	00-04-048	173-303-281	AMD-P	00-02-081	173-307-130	AMD-XA	00-10-052
139-25-110	AMD-P	00-07-097	173-303-300	AMD-P	00-02-081	173-307-140	AMD-XA	00-10-052
173-98-030	AMD-XA	00-04-085	173-303-320	AMD-P	00-02-081	173-321-010	AMD-W	00-09-083
173-98-030	AMD	00-09-010	173-303-360	AMD-P	00-02-081	173-321-020	AMD-W	00-09-083
173-181	PREP	00-05-096	173-303-370	AMD-P	00-02-081	173-321-040	AMD-W	00-09-083
173-202-010	REP-XR	00-06-038	173-303-380	AMD-P	00-02-081	173-321-050	AMD-W	00-09-083
173-202-020	REP-XR	00-06-038	173-303-390	AMD-P	00-02-081	173-321-060	AMD-W	00-09-083
173-224-040	AMD-XA	00-07-112	173-303-400	AMD-P	00-02-081	173-321-080	AMD-W	00-09-083
173-240-020	AMD-XA	00-10-054	173-303-505	AMD-P	00-02-081	173-322	AMD-W	00-09-083
173-240-030	AMD-XA	00-10-054	173-303-510	AMD-P	00-02-081	173-322-020	AMD-W	00-09-083
173-240-035	AMD-XA	00-10-054	173-303-515	AMD-P	00-02-081	173-322-030	AMD-W	00-09-083
173-240-040	AMD-XA	00-10-054	173-303-520	AMD-P	00-02-081	173-322-040	AMD-W	00-09-083
173-240-050	AMD-XA	00-10-054	173-303-522	AMD-P	00-02-081	173-322-050	AMD-W	00-09-083
173-240-060	AMD-XA	00-10-054	173-303-573	AMD-P	00-02-081	173-322-060	AMD-W	00-09-083
173-240-070	AMD-XA	00-10-054	173-303-578	NEW-P	00-02-081	173-322-070	AMD-W	00-09-083
173-240-075	AMD-XA	00-10-054	173-303-600	AMD-P	00-02-081	173-322-090	AMD-W	00-09-083
173-240-080	AMD-XA	00-10-054	173-303-610	AMD-P	00-02-081	173-322-100	AMD-W	00-09-083
173-240-090	AMD-XA	00-10-054	173-303-620	AMD-P	00-02-081	173-322-110	AMD-W	00-09-083
173-240-095	AMD-XA	00-10-054	173-303-630	AMD-P	00-02-081	173-322-120	AMD-W	00-09-083
173-240-100	AMD-XA	00-10-054	173-303-640	AMD-P	00-02-081	173-340-100	AMD-W	00-09-083
173-240-104	AMD-XA	00-10-054	173-303-645	AMD-P	00-02-081	173-340-120	AMD-W	00-09-083
173-240-110	AMD-XA	00-10-054	173-303-646	AMD-P	00-02-081	173-340-130	AMD-W	00-09-083
173-240-120	AMD-XA	00-10-054	173-303-650	AMD-P	00-02-081	173-340-140	AMD-W	00-09-083
173-240-130	AMD-XA	00-10-054	173-303-680	AMD-P	00-02-081	173-340-200	AMD-W	00-09-083
173-240-140	AMD-XA	00-10-054	173-303-690	AMD-P	00-02-081	173-340-210	AMD-W	00-09-083
173-240-150	AMD-XA	00-10-054	173-303-691	AMD-P	00-02-081	173-340-300	AMD-W	00-09-083
173-240-160	AMD-XA	00-10-054	173-303-692	NEW-P	00-02-081	173-340-310	AMD-W	00-09-083
173-240-170	AMD-XA	00-10-054	173-303-693	NEW-P	00-02-081	173-340-320	AMD-W	00-09-083
173-240-180	AMD-XA	00-10-054	173-303-800	AMD-P	00-02-081	173-340-330	AMD-W	00-09-083
173-245-010	AMD-XA	00-09-025	173-303-803	NEW-P	00-02-081	173-340-340	AMD-W	00-09-083
173-245-015	AMD-XA	00-09-025	173-303-804	AMD-P	00-02-081	173-340-350	AMD-W	00-09-083
173-245-020	AMD-XA	00-09-025	173-303-805	AMD-P	00-02-081	173-340-360	AMD-W	00-09-083
173-245-030	AMD-XA	00-09-025	173-303-806	AMD-P	00-02-081	173-340-370	NEW-W	00-09-083
173-245-040	AMD-XA	00-09-025	173-303-807	AMD-P	00-02-081	173-340-380	NEW-W	00-09-083
173-245-050	AMD-XA	00-09-025	173-303-810	AMD-P	00-02-081	173-340-390	NEW-W	00-09-083
173-245-055	AMD-XA	00-09-025	173-303-830	AMD-P	00-02-081	173-340-400	AMD-W	00-09-083
173-245-060	AMD-XA	00-09-025	173-303-840	AMD-P	00-02-081	173-340-410	AMD-W	00-09-083
173-245-070	AMD-XA	00-09-025	173-303-9904	AMD-P	00-02-081	173-340-420	AMD-W	00-09-083
173-245-075	AMD-XA	00-09-025	173-303-9907	AMD-P	00-02-081	173-340-430	AMD-W	00-09-083

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173-340-450	AMD-W	00-09-083	180- 51-075	PREP	00-06-054	192- 16-021	REP-W	00-08-076
173-340-510	AMD-W	00-09-083	180- 51-075	AMD-P	00-10-081	192-150-005	NEW-E	00-05-063
173-340-515	NEW-W	00-09-083	180- 52-041	NEW	00-03-046	192-150-085	NEW-E	00-05-063
173-340-520	AMD-W	00-09-083	180- 56-230	PREP	00-07-046	192-170-050	NEW-W	00-08-076
173-340-530	AMD-W	00-09-083	180- 56-230	AMD-P	00-10-020	192-170-060	NEW-W	00-08-076
173-340-545	NEW-W	00-09-083	180- 57-070	PREP	00-07-016	192-270-005	NEW-E	00-05-063
173-340-550	AMD-W	00-09-083	180- 57-070	AMD-P	00-10-019	192-270-010	NEW-E	00-05-063
173-340-600	AMD-W	00-09-083	180- 78A-010	AMD	00-03-049	192-270-015	NEW-E	00-05-063
173-340-610	AMD-W	00-09-083	180- 78A-100	AMD-P	00-05-082	192-270-020	NEW-E	00-05-063
173-340-700	AMD-W	00-09-083	180- 78A-100	AMD	00-09-049	192-270-025	NEW-E	00-05-063
173-340-702	AMD-W	00-09-083	180- 78A-209	AMD-P	00-05-079	192-270-030	NEW-E	00-05-063
173-340-704	AMD-W	00-09-083	180- 78A-209	AMD	00-09-046	192-270-035	NEW-E	00-05-063
173-340-705	AMD-W	00-09-083	180- 78A-500	PREP	00-05-078	192-270-040	NEW-E	00-05-063
173-340-706	AMD-W	00-09-083	180- 78A-500	AMD-P	00-10-083	192-270-045	NEW-E	00-05-063
173-340-708	AMD-W	00-09-083	180- 78A-505	AMD	00-03-049	192-270-050	NEW-E	00-05-063
173-340-709	NEW-W	00-09-083	180- 78A-510	AMD	00-03-049	192-270-055	NEW-E	00-05-063
173-340-710	AMD-W	00-09-083	180- 78A-515	AMD	00-03-049	192-270-060	NEW-E	00-05-063
173-340-720	AMD-W	00-09-083	180- 78A-520	AMD	00-03-049	192-270-065	NEW-E	00-05-063
173-340-730	AMD-W	00-09-083	180- 78A-525	AMD	00-03-049	192-270-070	NEW-E	00-05-063
173-340-740	AMD-W	00-09-083	180- 78A-530	AMD	00-03-049	192-300-050	NEW	00-05-068
173-340-745	AMD-W	00-09-083	180- 78A-535	AMD	00-03-049	192-300-170	NEW	00-05-064
173-340-747	NEW-W	00-09-083	180- 78A-540	AMD	00-03-049	192-300-190	NEW	00-05-067
173-340-7490	NEW-W	00-09-083	180- 79A-006	AMD	00-03-048	192-320-050	NEW	00-05-068
173-340-7491	NEW-W	00-09-083	180- 79A-007	AMD	00-03-048	192-320-070	NEW	00-05-069
173-340-7492	NEW-W	00-09-083	180- 79A-123	AMD-P	00-05-080	192-330-100	NEW	00-05-066
173-340-7493	NEW-W	00-09-083	180- 79A-123	AMD	00-09-048	192-340-010	NEW	00-05-065
173-340-7494	NEW-W	00-09-083	180- 79A-130	AMD	00-03-048	194- 20-010	AMD	00-08-039
173-340-750	AMD-W	00-09-083	180- 79A-140	PREP	00-05-076	194- 20-010	DECOD	00-08-039
173-340-760	AMD-W	00-09-083	180- 79A-140	AMD-P	00-10-084	194- 20-020	AMD	00-08-039
173-340-800	AMD-W	00-09-083	180- 79A-145	AMD	00-03-048	194- 20-020	DECOD	00-08-039
173-340-810	AMD-W	00-09-083	180- 79A-206	AMD	00-03-048	194- 20-030	AMD	00-08-039
173-340-820	AMD-W	00-09-083	180- 79A-231	PREP	00-05-076	194- 20-030	DECOD	00-08-039
173-340-830	AMD-W	00-09-083	180- 79A-231	AMD-P	00-10-084	194- 20-040	AMD	00-08-039
173-340-840	AMD-W	00-09-083	180- 79A-250	AMD	00-03-048	194- 20-040	DECOD	00-08-039
173-340-850	AMD-W	00-09-083	180- 79A-257	AMD	00-03-048	194- 20-050	AMD	00-08-039
173-340-990	NEW-W	00-09-083	180- 79A-260	AMD	00-03-050	194- 20-050	DECOD	00-08-039
173-425	AMD	00-07-066	180- 82-204	AMD-P	00-05-083	194- 20-060	REP	00-08-039
173-425-010	AMD	00-07-066	180- 82-204	AMD	00-09-047	194- 20-070	REP	00-08-039
173-425-020	AMD	00-07-066	180- 82-311	NEW-P	00-05-083	194- 20-080	AMD	00-08-039
173-425-030	AMD	00-07-066	180- 82-311	NEW	00-09-047	194- 20-080	DECOD	00-08-039
173-425-040	AMD	00-07-066	180- 82-313	NEW-P	00-05-083	196- 31-010	NEW-P	00-04-059
173-425-050	AMD	00-07-066	180- 82-313	NEW	00-09-047	196- 31-010	NEW	00-08-042
173-425-060	AMD	00-07-066	180- 82-335	NEW-P	00-05-083	196- 31-020	NEW-P	00-04-059
173-425-070	AMD	00-07-066	180- 82-335	NEW	00-09-047	196- 31-020	NEW	00-08-042
173-425-080	AMD	00-07-066	180- 82-340	NEW-P	00-05-083	196- 31-030	NEW-P	00-04-059
173-425-090	REP	00-07-066	180- 82-340	NEW	00-09-047	196- 31-030	NEW	00-08-042
173-425-100	REP	00-07-066	180- 82-341	NEW-P	00-05-083	196- 31-040	NEW-P	00-04-059
173-425-110	REP	00-07-066	180- 82-341	NEW	00-09-047	196- 31-040	NEW	00-08-042
180- 27-032	AMD	00-04-007	180- 82-342	AMD-P	00-05-083	196- 31-050	NEW-P	00-04-059
180- 27-102	AMD-P	00-05-104	180- 82-342	AMD	00-09-047	196- 31-050	NEW	00-08-042
180- 27-102	AMD	00-09-045	180- 82-343	AMD-P	00-05-083	196- 31-060	NEW-P	00-04-059
180- 29-068	NEW	00-04-008	180- 82-343	AMD	00-09-047	196- 31-060	NEW	00-08-042
180- 29-085	AMD-P	00-10-060	180- 85-030	PREP	00-05-077	196- 31-070	NEW-P	00-04-059
180- 40-270	AMD	00-07-018	180- 85-030	AMD-P	00-10-082	196- 31-070	NEW	00-08-042
180- 40-285	AMD	00-07-018	182- 16	PREP	00-10-101	197- 11	PREP	00-07-051
180- 40-305	AMD	00-07-018	182- 25-100	PREP	00-10-101	204- 24-030	PREP	00-08-111
180- 40-315	AMD	00-07-018	182- 25-105	PREP	00-10-101	204- 24-050	AMD	00-03-081
180- 51-063	NEW	00-04-047	182- 25-110	PREP	00-10-101	204- 38-030	AMD	00-03-023
180- 51-063	PREP	00-07-017	192- 12-025	REP	00-05-064	204- 38-040	AMD	00-03-023
180- 51-063	AMD-P	00-10-018	192- 12-072	REP	00-05-068	204- 38-050	AMD	00-03-023
180- 51-064	NEW	00-04-047	192- 12-405	REP	00-05-069	204- 96-010	AMD-E	00-10-059

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
208-440	PREP	00-04-074	220-32-05700E	NEW-E	00-07-109	220-56-08500U	REP-E	00-08-046
208-440-010	PREP	00-04-074	220-33-01000B	NEW-E	00-05-047	220-56-103	AMD	00-08-038
208-440-020	PREP	00-04-074	220-33-01000B	REP-E	00-05-047	220-56-105	AMD	00-08-038
208-440-040	PREP	00-04-074	220-33-01000B	REP-E	00-06-011	220-56-11500D	NEW-E	00-10-068
208-440-050	PREP	00-04-074	220-33-01000C	NEW-E	00-06-011	220-56-12300A	NEW-E	00-10-068
208-680	PREP	00-10-102	220-33-01000C	REP-E	00-06-036	220-56-12800D	NEW-E	00-08-001
210-01-120	AMD-P	00-03-040	220-33-01000D	NEW-E	00-06-036	220-56-12800D	REP-E	00-08-001
210-01-120	AMD	00-07-003	220-33-04000I	REP-E	00-06-017	220-56-12800E	NEW-E	00-10-068
210-02-010	NEW-P	00-08-069	220-33-04000J	NEW-E	00-06-017	220-56-130	AMD	00-08-038
210-02-020	NEW-P	00-08-069	220-33-04000J	REP-E	00-06-017	220-56-145	AMD	00-08-038
210-02-030	NEW-P	00-08-069	220-44-050	AMD-XA	00-10-038	220-56-175	AMD-P	00-06-084
210-02-040	NEW-P	00-08-069	220-44-05000A	NEW-E	00-04-041	220-56-175	AMD	00-08-038
210-02-050	NEW-P	00-08-069	220-44-05000Z	REP-E	00-04-041	220-56-185	AMD	00-08-038
210-02-060	NEW-P	00-08-069	220-44-080	AMD-XA	00-10-038	220-56-19000C	NEW-E	00-10-068
210-02-070	NEW-P	00-08-069	220-48-01500K	NEW-E	00-08-037	220-56-19100L	NEW-E	00-10-068
210-02-080	NEW-P	00-08-069	220-52-040	AMD-W	00-08-077	220-56-19500F	NEW-E	00-10-068
210-02-090	NEW-P	00-08-069	220-52-04000Q	REP-E	00-04-084	220-56-19900A	NEW-E	00-10-068
210-02-100	NEW-P	00-08-069	220-52-04000R	NEW-E	00-04-084	220-56-205	AMD	00-08-038
210-02-110	NEW-P	00-08-069	220-52-043	AMD-W	00-08-077	220-56-235	AMD	00-08-038
210-02-120	NEW-P	00-08-069	220-52-04600U	NEW-E	00-04-084	220-56-235	AMD-XA	00-10-038
210-02-130	NEW-P	00-08-069	220-52-04600U	REP-E	00-06-009	220-56-23500E	NEW-E	00-08-084
210-02-140	NEW-P	00-08-069	220-52-04600V	REP-E	00-04-084	220-56-23500E	REP-E	00-10-012
210-02-150	NEW-P	00-08-069	220-52-04600X	NEW-E	00-06-009	220-56-23500F	NEW-E	00-10-012
210-02-160	NEW-P	00-08-069	220-52-04600X	REP-E	00-08-037	220-56-240	AMD	00-08-038
210-02-170	NEW-P	00-08-069	220-52-04600Y	NEW-E	00-08-037	220-56-24000C	NEW-E	00-10-050
210-02-180	NEW-P	00-08-069	220-52-04600Y	REP-E	00-08-037	220-56-24000C	REP-E	00-10-050
210-02-190	NEW-P	00-08-069	220-52-04600Y	REP-E	00-08-044	220-56-250	AMD	00-08-038
210-02-200	NEW-P	00-08-069	220-52-04600Z	NEW-E	00-08-044	220-56-250	AMD-XA	00-10-038
220-16-257	AMD	00-08-038	220-52-04600Z	REP-E	00-08-044	220-56-25000A	REP-E	00-08-084
220-16-345	AMD	00-08-038	220-52-05100A	NEW-E	00-09-055	220-56-25000B	NEW-E	00-08-084
220-16-590	AMD-P	00-06-083	220-52-05100A	REP-E	00-10-051	220-56-25500	NEW-E	00-10-070
220-16-590	AMD-W	00-07-019	220-52-05100B	NEW-E	00-10-051	220-56-27000G	NEW-E	00-06-017
220-16-590	AMD	00-08-038	220-52-06900A	NEW-E	00-04-015	220-56-27000G	REP-E	00-06-017
220-16-730	NEW	00-08-038	220-52-071	AMD	00-03-042	220-56-280	AMD	00-08-038
220-16-740	NEW-P	00-06-083	220-52-073	AMD	00-03-042	220-56-28500U	NEW-E	00-08-031
220-16-740	NEW-W	00-07-019	220-52-07300Q	REP-E	00-03-006	220-56-28500U	REP-E	00-08-031
220-16-740	NEW	00-08-038	220-52-07300R	NEW-E	00-03-006	220-56-28500V	NEW-E	00-08-046
220-16-74000A	NEW-E	00-10-069	220-52-07300R	REP-E	00-03-006	220-56-295	AMD	00-08-038
220-16-750	NEW-P	00-06-083	220-52-07300R	REP-E	00-03-044	220-56-310	AMD	00-08-038
220-16-750	NEW-W	00-07-019	220-52-07300S	NEW-E	00-03-044	220-56-315	AMD	00-08-038
220-16-750	NEW	00-08-038	220-52-07300S	REP-E	00-03-044	220-56-32500D	NEW-E	00-10-011
220-16-75000A	NEW-E	00-10-069	220-52-07300S	REP-E	00-04-013	220-56-32500D	REP-E	00-10-011
220-20-010	AMD	00-08-038	220-52-07300T	NEW-E	00-04-013	220-56-330	AMD	00-08-038
220-20-015	AMD-P	00-06-083	220-52-07300T	REP-E	00-05-041	220-56-33000V	REP-E	00-08-037
220-20-015	AMD-W	00-07-019	220-52-07300U	NEW-E	00-05-041	220-56-33000	NEW-E	00-06-009
220-20-01500A	NEW-E	00-10-069	220-52-07300U	REP-E	00-06-044	220-56-33000	REP-E	00-08-037
220-20-020	AMD-P	00-06-083	220-52-07300V	NEW-E	00-06-044	220-56-33000X	NEW-E	00-07-098
220-20-020	AMD-W	00-07-019	220-52-07300V	REP-E	00-06-044	220-56-33000Y	NEW-E	00-08-037
220-20-02000A	NEW-E	00-10-069	220-52-07300	NEW-E	00-07-064	220-56-33000Y	REP-E	00-09-053
220-20-025	AMD-P	00-06-083	220-52-07300	REP-E	00-07-114	220-56-33000Z	NEW-E	00-09-053
220-20-025	AMD-W	00-07-019	220-52-075	AMD	00-05-054	220-56-350	AMD	00-08-038
220-20-02500A	NEW-E	00-10-069	220-52-07500A	NEW-E	00-10-051	220-56-35000F	NEW-E	00-08-045
220-24-02000L	NEW-E	00-10-067	220-55-005	AMD-P	00-06-084	220-56-35000G	NEW-E	00-10-068
220-24-02000L	REP-E	00-10-067	220-55-010	AMD-P	00-06-084	220-56-36000A	REP-E	00-06-010
220-32-05100R	NEW-E	00-04-071	220-55-015	AMD-P	00-06-084	220-56-36000B	NEW-E	00-06-010
220-32-05100R	REP-E	00-04-071	220-55-070	AMD-P	00-06-084	220-56-36000B	REP-E	00-06-010
220-32-05100R	REP-E	00-07-099	220-55-105	AMD-P	00-06-084	220-56-36000C	NEW-E	00-09-001
220-32-05500A	NEW-E	00-10-097	220-55-110	AMD-P	00-06-084	220-56-36000C	REP-E	00-09-001
220-32-05500A	REP-E	00-10-097	220-55-115	AMD-P	00-06-084	220-56-36000D	NEW-E	00-09-054
220-32-05500Z	NEW-E	00-09-024	220-55-132	NEW-P	00-06-084	220-56-36000D	REP-E	00-09-054
220-32-05500Z	REP-E	00-09-024	220-55-170	AMD-P	00-06-042	220-56-36000E	NEW-E	00-10-049
220-32-05500Z	REP-E	00-10-097	220-55-180	AMD-P	00-06-043	220-56-36000E	REP-E	00-10-049

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220- 56-372	AMD	00-08-038	222- 21-020	NEW-P	00-08-104	222- 38-030	AMD-C	00-08-103
220- 56-380	AMD	00-08-038	222- 21-030	NEW-P	00-08-104	222- 38-040	AMD-E	00-06-026
220- 56-38000X	NEW-E	00-08-045	222- 21-035	NEW-P	00-08-104	222- 46-012	NEW-E	00-06-026
220- 56-38000Y	NEW-E	00-10-068	222- 21-040	NEW-P	00-08-104	222- 46-055	NEW-C	00-08-103
220- 57-160	AMD	00-08-038	222- 21-045	NEW-P	00-08-104	222- 46-060	AMD-E	00-06-026
220- 57-16000V	NEW-E	00-07-073	222- 21-050	NEW-P	00-08-104	222- 46-060	AMD-C	00-08-103
220- 57-16000	NEW-E	00-08-006	222- 21-060	NEW-P	00-08-104	222- 46-065	AMD-C	00-08-103
220- 57-17000U	NEW-E	00-07-002	222- 21-065	NEW-P	00-08-104	222- 46-070	AMD-E	00-06-026
220- 57-18700D	NEW-E	00-07-002	222- 21-070	NEW-P	00-08-104	230- 02-108	AMD-P	00-04-099
220- 57-25500G	NEW-E	00-07-002	222- 21-080	NEW-P	00-08-104	230- 02-108	AMD	00-07-140
220- 57-31500J	NEW-E	00-08-022	222- 21-090	NEW-P	00-08-104	230- 02-109	NEW-P	00-05-101
220- 57-31500J	REP-E	00-08-022	222- 22-010	AMD-C	00-08-103	230- 02-109	NEW	00-09-052
220- 57-31900Z	NEW-E	00-07-002	222- 22-030	AMD-C	00-08-103	230- 02-110	AMD-P	00-05-101
220- 57-32100D	NEW-E	00-08-022	222- 22-035	NEW-C	00-08-103	230- 02-110	AMD	00-09-052
220- 57-32100D	REP-E	00-08-022	222- 22-040	AMD-C	00-08-103	230- 02-123	AMD-P	00-04-099
220- 57-34500A	NEW-E	00-03-007	222- 22-050	AMD-C	00-08-103	230- 02-123	AMD	00-07-140
220- 57-34500A	REP-E	00-03-007	222- 22-060	AMD-C	00-08-103	230- 02-183	AMD-P	00-04-099
220- 57-50500G	NEW-E	00-08-022	222- 22-065	NEW-C	00-08-103	230- 02-183	AMD	00-07-140
220- 57-51500S	NEW-E	00-08-022	222- 22-070	AMD-E	00-06-026	230- 02-205	AMD	00-05-102
220- 57-51500S	REP-E	00-08-022	222- 22-070	AMD-C	00-08-103	230- 02-206	AMD	00-05-102
220- 69-236	AMD-P	00-06-084	222- 22-075	NEW-E	00-06-026	230- 02-380	AMD-W	00-02-067
220- 69-24000P	NEW-E	00-10-051	222- 22-075	NEW-C	00-08-103	230- 02-400	REP-P	00-05-101
220- 88B-04000	NEW-E	00-10-071	222- 22-076	NEW-E	00-06-026	230- 02-400	REP	00-09-052
220- 88B-05000	NEW-E	00-10-071	222- 22-076	NEW-C	00-08-103	230- 02-415	AMD-P	00-05-101
220- 88B-05000	REP-E	00-10-071	222- 22-080	AMD-E	00-06-026	230- 02-415	AMD	00-09-052
222- 08-035	AMD-E	00-06-026	222- 22-090	AMD-E	00-06-026	230- 02-425	REP-P	00-05-101
222- 08-035	AMD-C	00-08-103	222- 22-090	AMD-C	00-08-103	230- 02-425	REP	00-09-052
222- 10-010	AMD-E	00-06-026	222- 24-010	AMD-E	00-06-026	230- 04-022	AMD-P	00-05-101
222- 10-020	NEW-C	00-08-103	222- 24-010	AMD-C	00-08-103	230- 04-022	AMD	00-09-052
222- 10-030	NEW-E	00-06-026	222- 24-015	NEW-E	00-06-026	230- 04-119	AMD	00-05-102
222- 10-030	NEW-C	00-08-103	222- 24-020	AMD-E	00-06-026	230- 04-140	AMD-P	00-05-101
222- 10-035	NEW-E	00-06-026	222- 24-020	AMD-C	00-08-103	230- 04-140	AMD	00-09-052
222- 12-010	AMD-E	00-06-026	222- 24-025	REP-E	00-06-026	230- 04-142	REP-P	00-05-101
222- 12-020	AMD-P	00-08-104	222- 24-026	NEW-E	00-06-026	230- 04-203	AMD-P	00-05-101
222- 12-041	NEW-E	00-06-026	222- 24-030	AMD-E	00-06-026	230- 04-204	AMD-P	00-05-101
222- 12-044	NEW-E	00-06-026	222- 24-030	AMD-C	00-08-103	230- 04-207	NEW-P	00-05-101
222- 12-044	NEW-C	00-08-103	222- 24-035	AMD-E	00-06-026	230- 04-207	NEW	00-09-052
222- 12-045	AMD-E	00-06-026	222- 24-035	AMD-C	00-08-103	230- 04-255	AMD-P	00-05-101
222- 12-045	AMD-C	00-08-103	222- 24-040	AMD-E	00-06-026	230- 04-255	AMD	00-09-052
222- 12-090	AMD-E	00-06-026	222- 24-040	AMD-C	00-08-103	230- 04-450	AMD-P	00-05-101
222- 12-090	AMD-C	00-08-103	222- 24-050	AMD-E	00-06-026	230- 04-450	AMD	00-09-052
222- 12-090	AMD-P	00-08-104	222- 24-050	AMD-C	00-08-103	230- 08-027	NEW-P	00-05-101
222- 16-010	AMD-E	00-06-026	222- 24-051	NEW-E	00-06-026	230- 08-027	NEW	00-09-052
222- 16-010	AMD-C	00-08-103	222- 24-052	NEW-E	00-06-026	230- 08-040	AMD-P	00-05-101
222- 16-030	AMD-E	00-06-026	222- 24-060	AMD-E	00-06-026	230- 08-040	AMD	00-09-052
222- 16-030	AMD-C	00-08-103	222- 24-060	AMD-C	00-08-103	230- 08-080	AMD-P	00-04-099
222- 16-035	AMD-E	00-06-026	222- 30-010	AMD-E	00-06-026	230- 08-080	AMD	00-07-140
222- 16-036	NEW-E	00-06-026	222- 30-010	AMD-C	00-08-103	230- 08-090	AMD-P	00-05-101
222- 16-050	AMD-E	00-06-026	222- 30-020	AMD-E	00-06-026	230- 08-090	AMD	00-09-052
222- 16-050	AMD-C	00-08-103	222- 30-020	AMD-C	00-08-103	230- 08-100	REP-P	00-04-099
222- 16-080	AMD-E	00-06-026	222- 30-021	NEW-E	00-06-026	230- 08-100	REP	00-07-140
222- 20-010	AMD-E	00-06-026	222- 30-022	NEW-E	00-06-026	230- 08-105	AMD-P	00-04-099
222- 20-010	AMD-C	00-08-103	222- 30-023	NEW-E	00-06-026	230- 08-105	AMD	00-07-140
222- 20-015	NEW-E	00-06-026	222- 30-040	AMD-E	00-06-026	230- 08-160	AMD-P	00-05-101
222- 20-015	NEW-C	00-08-103	222- 30-045	NEW-E	00-06-026	230- 08-160	AMD	00-09-052
222- 20-020	AMD-E	00-06-026	222- 30-060	AMD-E	00-06-026	230- 12-050	AMD-P	00-04-099
222- 20-020	AMD-C	00-08-103	222- 30-070	AMD-E	00-06-026	230- 12-050	AMD-P	00-05-101
222- 20-055	NEW-E	00-06-026	222- 30-070	AMD-C	00-08-103	230- 12-050	AMD	00-07-140
222- 20-070	AMD-C	00-08-103	222- 38-010	AMD-E	00-06-026	230- 12-050	AMD	00-09-052
222- 20-080	AMD-E	00-06-026	222- 38-020	AMD-E	00-06-026	230- 12-072	NEW-P	00-05-101
222- 21-005	NEW-P	00-08-104	222- 38-020	AMD-C	00-08-103	230- 12-072	NEW	00-09-052
222- 21-010	NEW-P	00-08-104	222- 38-030	AMD-E	00-06-026	230- 12-073	NEW-P	00-05-101

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230- 12-073	NEW	00-09-052	230- 40-600	NEW	00-09-052	232- 12-011	AMD-W	00-07-019
230- 12-078	AMD-P	00-04-099	230- 40-610	NEW-P	00-05-101	232- 12-011	AMD	00-10-001
230- 12-078	AMD	00-07-140	230- 40-610	NEW	00-09-052	232- 12-01100A	NEW-E	00-10-069
230- 12-310	AMD-P	00-05-103	230- 40-615	NEW-P	00-05-101	232- 12-014	AMD	00-04-017
230- 12-310	AMD	00-09-051	230- 40-615	NEW	00-09-052	232- 12-018	REP	00-08-038
230- 20-110	REP-P	00-04-099	230- 40-800	NEW-P	00-05-101	232- 12-047	AMD-P	00-06-088
230- 20-110	REP	00-07-140	230- 40-800	NEW	00-09-052	232- 12-051	AMD-P	00-06-089
230- 20-120	REP-P	00-04-099	230- 40-803	NEW-P	00-05-101	232- 12-054	AMD-P	00-06-090
230- 20-120	REP	00-07-140	230- 40-803	NEW	00-09-052	232- 12-068	AMD-P	00-06-091
230- 20-220	AMD-P	00-04-099	230- 40-805	NEW-P	00-05-101	232- 12-161	REP-XR	00-08-027
230- 20-220	AMD	00-07-140	230- 40-805	NEW	00-09-052	232- 12-168	AMD	00-08-038
230- 20-243	AMD-P	00-04-099	230- 40-810	NEW-P	00-05-101	232- 12-257	AMD-W	00-02-066
230- 20-243	AMD	00-07-140	230- 40-810	NEW	00-09-052	232- 12-257	AMD-P	00-06-094
230- 20-244	AMD-P	00-04-099	230- 40-815	NEW-P	00-05-101	232- 12-31500G	NEW-E	00-04-014
230- 20-244	AMD	00-07-140	230- 40-815	NEW	00-09-052	232- 12-619	AMD	00-08-038
230- 40-010	AMD-P	00-05-101	230- 40-820	NEW-P	00-05-101	232- 12-61900L	NEW-E	00-10-068
230- 40-010	AMD	00-09-052	230- 40-820	NEW	00-09-052	232- 16-700	AMD-P	00-06-093
230- 40-015	REP-P	00-05-101	230- 40-823	NEW-P	00-05-101	232- 28-02201	AMD	00-04-017
230- 40-015	REP	00-09-052	230- 40-823	NEW	00-09-052	232- 28-02202	AMD	00-04-017
230- 40-030	AMD-P	00-05-101	230- 40-825	NEW-P	00-05-101	232- 28-02202	AMD-P	00-06-097
230- 40-030	AMD	00-09-052	230- 40-825	NEW	00-09-052	232- 28-02203	AMD	00-04-017
230- 40-040	NEW-P	00-05-101	230- 40-830	NEW-P	00-05-101	232- 28-02204	AMD	00-04-017
230- 40-040	NEW	00-09-052	230- 40-830	NEW	00-09-052	232- 28-02205	AMD	00-04-017
230- 40-050	AMD-P	00-05-101	230- 40-833	NEW-P	00-05-101	232- 28-02206	AMD	00-04-017
230- 40-050	AMD	00-09-052	230- 40-833	NEW	00-09-052	232- 28-02220	AMD	00-04-017
230- 40-055	AMD-P	00-07-139	230- 40-835	NEW-P	00-05-101	232- 28-02240	AMD	00-04-017
230- 40-060	REP-P	00-05-101	230- 40-835	NEW	00-09-052	232- 28-24102	REP	00-04-017
230- 40-060	REP	00-09-052	230- 40-840	NEW-P	00-05-101	232- 28-248	AMD-P	00-06-095
230- 40-070	AMD-P	00-05-101	230- 40-840	NEW	00-09-052	232- 28-255	REP	00-04-017
230- 40-070	AMD	00-09-052	230- 40-845	NEW-P	00-05-101	232- 28-255	NEW-E	00-03-025
230- 40-120	AMD-P	00-05-101	230- 40-845	NEW	00-09-052	232- 28-261	REP	00-04-017
230- 40-120	AMD	00-09-052	230- 40-850	NEW-P	00-05-101	232- 28-262	REP	00-04-017
230- 40-125	REP-P	00-05-101	230- 40-850	NEW	00-09-052	232- 28-263	REP	00-04-017
230- 40-125	AMD	00-09-052	230- 40-855	NEW-P	00-05-101	232- 28-266	AMD-P	00-06-096
230- 40-125	AMD	00-09-087	230- 40-855	NEW	00-09-052	232- 28-269	REP	00-04-017
230- 40-130	AMD-P	00-05-101	230- 40-860	NEW-P	00-05-101	232- 28-270	REP	00-04-017
230- 40-130	AMD	00-09-052	230- 40-860	NEW	00-09-052	232- 28-271	AMD	00-04-017
230- 40-150	REP-P	00-05-101	230- 40-865	NEW-P	00-05-101	232- 28-272	AMD-P	00-06-099
230- 40-150	REP	00-09-052	230- 40-865	NEW	00-09-052	232- 28-273	AMD-P	00-06-092
230- 40-160	REP-P	00-05-101	230- 40-870	NEW-P	00-05-101	232- 28-275	AMD	00-04-017
230- 40-160	REP	00-09-052	230- 40-870	NEW	00-09-052	232- 28-276	NEW-P	00-06-086
230- 40-200	AMD-P	00-05-101	230- 40-875	NEW-P	00-05-101	232- 28-277	NEW	00-04-017
230- 40-200	AMD	00-09-052	230- 40-875	NEW	00-09-052	232- 28-278	NEW-P	00-06-087
230- 40-225	AMD-P	00-05-101	230- 40-880	NEW-P	00-05-101	232- 28-279	NEW-P	00-06-085
230- 40-225	AMD	00-09-052	230- 40-880	NEW	00-09-052	232- 28-619	AMD	00-08-038
230- 40-400	AMD-P	00-05-101	230- 40-885	NEW-P	00-05-101	232- 28-61900D	NEW-E	00-03-041
230- 40-400	AMD	00-09-052	230- 40-885	NEW	00-09-052	232- 28-61900D	REP-E	00-03-041
230- 40-550	NEW-P	00-05-101	230- 40-890	NEW-P	00-05-101	232- 28-61900D	REP-E	00-03-055
230- 40-550	NEW	00-09-052	230- 40-890	NEW	00-09-052	232- 28-61900E	NEW-E	00-03-055
230- 40-552	NEW-P	00-05-101	230- 40-895	NEW-P	00-05-101	232- 28-61900E	REP-E	00-03-055
230- 40-552	NEW	00-09-052	230- 40-895	NEW	00-09-052	232- 28-61900E	REP-E	00-05-085
230- 40-554	NEW-P	00-05-101	230- 40-897	NEW-P	00-05-101	232- 28-61900F	NEW-E	00-05-085
230- 40-554	NEW	00-09-052	230- 40-897	NEW	00-09-052	232- 28-61900F	REP-E	00-05-085
230- 40-556	NEW-P	00-05-101	230- 40-900	REP-P	00-05-101	232- 28-61900G	NEW-E	00-06-008
230- 40-556	NEW	00-09-052	230- 40-900	REP	00-09-052	232- 28-61900H	NEW-E	00-07-001
230- 40-558	NEW-P	00-05-101	230- 46-020	AMD-W	00-07-070	232- 28-61900I	NEW-E	00-07-073
230- 40-558	NEW	00-09-052	230- 46-035	NEW-W	00-07-070	232- 28-61900I	REP-E	00-07-073
230- 40-560	NEW-P	00-05-101	230- 50-010	AMD-P	00-05-101	232- 28-61900J	NEW-E	00-08-006
230- 40-560	NEW	00-09-052	230- 50-010	AMD	00-09-052	232- 28-61900K	NEW-E	00-08-001
230- 40-562	NEW-P	00-05-101	232- 12-011	AMD	00-04-017	232- 28-61900K	REP-E	00-08-001
230- 40-562	NEW	00-09-052	232- 12-011	AMD-P	00-06-083	236- 18-040	AMD	00-06-052
230- 40-600	NEW-P	00-05-101	232- 12-011	AMD-P	00-06-100	236- 18-070	AMD	00-06-052

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
236-18-080	AMD	00-06-052	246-243-047	NEW-P	00-04-088	246-326	PREP	00-05-097
236-70-040	AMD	00-08-040	246-243-047	NEW	00-08-013	246-338-001	AMD-P	00-03-073
236-70-050	AMD	00-08-040	246-243-050	AMD-P	00-04-088	246-338-001	AMD	00-06-079
236-70-060	AMD	00-08-040	246-243-050	AMD	00-08-013	246-338-010	AMD-P	00-03-073
236-70-080	AMD	00-08-040	246-243-060	AMD-P	00-04-088	246-338-010	AMD	00-06-079
236-200-010	RECOD	00-08-039	246-243-060	AMD	00-08-013	246-338-020	AMD-P	00-03-073
236-200-020	RECOD	00-08-039	246-243-080	AMD-P	00-04-088	246-338-020	AMD	00-06-079
236-200-030	RECOD	00-08-039	246-243-080	AMD	00-08-013	246-338-022	NEW-P	00-03-073
236-200-040	RECOD	00-08-039	246-243-090	AMD-P	00-04-088	246-338-022	NEW	00-06-079
236-200-050	RECOD	00-08-039	246-243-090	AMD	00-08-013	246-338-024	NEW-P	00-03-073
236-200-060	RECOD	00-08-039	246-243-100	AMD-P	00-04-088	246-338-024	NEW	00-06-079
242-02-052	AMD-P	00-05-021	246-243-100	AMD	00-08-013	246-338-026	NEW-P	00-03-073
242-02-052	AMD	00-09-094	246-243-110	AMD-P	00-04-088	246-338-026	NEW	00-06-079
242-02-255	NEW-P	00-05-021	246-243-110	AMD	00-08-013	246-338-028	NEW-P	00-03-073
242-02-255	NEW	00-09-094	246-243-120	AMD-P	00-04-088	246-338-028	NEW	00-06-079
242-02-522	AMD-P	00-05-021	246-243-120	AMD	00-08-013	246-338-030	REP-P	00-03-073
242-02-522	AMD	00-09-094	246-243-130	AMD-P	00-04-088	246-338-030	REP	00-06-079
242-02-832	AMD-P	00-05-021	246-243-130	AMD	00-08-013	246-338-040	AMD-P	00-03-073
242-02-832	AMD	00-09-094	246-243-140	AMD-P	00-04-088	246-338-040	AMD	00-06-079
242-02-834	AMD-P	00-05-021	246-243-140	AMD	00-08-013	246-338-050	AMD-P	00-03-073
242-02-834	AMD	00-09-094	246-243-141	NEW-P	00-04-088	246-338-050	AMD	00-06-079
242-04-030	AMD-P	00-05-021	246-243-141	NEW	00-08-013	246-338-060	AMD-P	00-03-073
242-04-030	AMD	00-09-094	246-243-150	AMD-P	00-04-088	246-338-060	AMD	00-06-079
242-04-050	AMD-P	00-05-021	246-243-150	AMD	00-08-013	246-338-070	AMD-P	00-03-073
242-04-050	AMD	00-09-094	246-243-160	AMD-P	00-04-088	246-338-070	AMD	00-06-079
246-14-010	NEW	00-10-114	246-243-160	AMD	00-08-013	246-338-080	AMD-P	00-03-073
246-14-020	NEW	00-10-114	246-243-170	AMD-P	00-04-088	246-338-080	AMD	00-06-079
246-14-030	NEW	00-10-114	246-243-170	AMD	00-08-013	246-338-090	AMD-P	00-03-073
246-14-040	NEW	00-10-114	246-243-180	AMD-P	00-04-088	246-338-090	AMD	00-06-079
246-14-050	NEW	00-10-114	246-243-180	AMD	00-08-013	246-338-100	AMD-P	00-03-073
246-14-060	NEW	00-10-114	246-243-190	AMD-P	00-04-088	246-338-100	AMD	00-06-079
246-14-070	NEW	00-10-114	246-243-190	AMD	00-08-013	246-338-110	AMD-P	00-03-073
246-14-080	NEW	00-10-114	246-243-195	AMD-P	00-04-088	246-338-110	AMD	00-06-079
246-14-090	NEW	00-10-114	246-243-195	AMD	00-08-013	246-358-001	AMD	00-06-082
246-14-100	NEW	00-10-114	246-243-200	AMD-P	00-04-088	246-358-010	AMD	00-06-082
246-14-110	NEW	00-10-114	246-243-200	AMD	00-08-013	246-358-020	REP	00-06-082
246-14-120	NEW	00-10-114	246-243-203	NEW-P	00-04-088	246-358-025	AMD	00-06-082
246-220-007	AMD-P	00-04-088	246-243-203	NEW	00-08-013	246-358-027	NEW	00-06-082
246-220-007	AMD	00-08-013	246-243-210	REP-P	00-04-088	246-358-029	NEW	00-06-082
246-220-010	AMD-P	00-04-088	246-243-210	REP	00-08-013	246-358-030	REP	00-06-082
246-220-010	AMD	00-08-013	246-243-220	AMD-P	00-04-088	246-358-040	NEW	00-06-082
246-221-020	AMD-P	00-04-088	246-243-220	AMD	00-08-013	246-358-045	AMD	00-06-082
246-221-020	AMD	00-08-013	246-243-230	AMD-P	00-04-088	246-358-055	AMD	00-06-082
246-221-270	AMD	00-07-085	246-243-230	AMD	00-08-013	246-358-065	AMD	00-06-082
246-232-060	AMD	00-07-085	246-243-250	NEW-P	00-04-088	246-358-070	NEW	00-06-082
246-235-075	AMD	00-07-085	246-243-250	NEW	00-08-013	246-358-075	AMD	00-06-082
246-235-080	AMD-P	00-04-088	246-246-001	NEW	00-07-085	246-358-090	AMD	00-06-082
246-235-080	AMD	00-08-013	246-246-010	NEW	00-07-085	246-358-095	AMD	00-06-082
246-235-084	NEW-P	00-04-088	246-246-020	NEW	00-07-085	246-358-100	AMD	00-06-082
246-235-084	NEW	00-08-013	246-246-030	NEW	00-07-085	246-358-125	AMD	00-06-082
246-235-086	NEW-P	00-04-088	246-246-040	NEW	00-07-085	246-358-135	AMD	00-06-082
246-235-086	NEW	00-08-013	246-246-050	NEW	00-07-085	246-358-140	REP	00-06-082
246-235-090	AMD-P	00-04-088	246-246-060	NEW	00-07-085	246-358-145	AMD	00-06-082
246-235-090	AMD	00-08-013	246-252-001	AMD-P	00-04-088	246-358-155	AMD	00-06-082
246-243-020	AMD-P	00-04-088	246-252-001	AMD	00-08-013	246-358-165	AMD	00-06-082
246-243-020	AMD	00-08-013	246-252-030	AMD-P	00-04-088	246-358-175	AMD	00-06-082
246-243-030	AMD-P	00-04-088	246-252-030	AMD	00-08-013	246-358-600	REP	00-06-082
246-243-030	AMD	00-08-013	246-254-150	AMD-P	00-04-088	246-358-610	REP	00-06-082
246-243-042	NEW-P	00-04-088	246-254-150	AMD	00-08-013	246-358-620	REP	00-06-082
246-243-042	NEW	00-08-013	246-292	PREP	00-10-112	246-358-630	REP	00-06-082
246-243-044	NEW-P	00-04-088	246-323	PREP	00-05-097	246-358-640	REP	00-06-082
246-243-044	NEW	00-08-013	246-325	PREP	00-05-097	246-358-650	REP	00-06-082

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-358-660	REP	00-06-082	246-790-100	AMD-P	00-07-084	246-976-020	REP	00-08-102
246-358-670	REP	00-06-082	246-790-120	AMD-P	00-07-084	246-976-021	NEW-P	00-03-075
246-358-680	REP	00-06-082	246-790-130	AMD-P	00-07-084	246-976-021	NEW	00-08-102
246-361-001	NEW	00-06-082	246-808-105	PREP	00-10-110	246-976-025	REP-P	00-03-075
246-361-010	NEW	00-06-082	246-808-115	PREP	00-10-110	246-976-025	REP	00-08-102
246-361-020	NEW	00-06-082	246-808-120	PREP	00-10-110	246-976-030	REP-P	00-03-075
246-361-025	NEW	00-06-082	246-808-135	PREP	00-10-110	246-976-030	REP	00-08-102
246-361-030	NEW	00-06-082	246-808-700	REP-XR	00-04-087	246-976-031	NEW-P	00-03-075
246-361-035	NEW	00-06-082	246-810-600	NEW	00-03-075A	246-976-031	NEW	00-08-102
246-361-045	NEW	00-06-082	246-810-610	NEW	00-03-075A	246-976-035	REP-P	00-03-075
246-361-055	NEW	00-06-082	246-810-620	NEW	00-03-075A	246-976-035	REP	00-08-102
246-361-065	NEW	00-06-082	246-810-630	NEW	00-03-075A	246-976-040	REP-P	00-03-075
246-361-070	NEW	00-06-082	246-810-640	NEW	00-03-075A	246-976-040	REP	00-08-102
246-361-075	NEW	00-06-082	246-810-650	NEW	00-03-075A	246-976-041	NEW-P	00-03-075
246-361-080	NEW	00-06-082	246-810-660	NEW	00-03-075A	246-976-041	NEW	00-08-102
246-361-090	NEW	00-06-082	246-811-090	NEW-P	00-08-100	246-976-045	REP-P	00-03-075
246-361-095	NEW	00-06-082	246-811-100	NEW-P	00-08-100	246-976-045	REP	00-08-102
246-361-100	NEW	00-06-082	246-811-110	NEW-P	00-08-100	246-976-050	REP-P	00-03-075
246-361-125	NEW	00-06-082	246-812-990	AMD	00-07-050	246-976-050	REP	00-08-102
246-361-135	NEW	00-06-082	246-830-485	NEW	00-07-086	246-976-055	REP-P	00-03-075
246-361-145	NEW	00-06-082	246-841-400	PREP	00-03-072	246-976-055	REP	00-08-102
246-361-155	NEW	00-06-082	246-841-410	PREP	00-03-072	246-976-060	REP-P	00-03-075
246-361-165	NEW	00-06-082	246-841-420	PREP	00-03-072	246-976-060	REP	00-08-102
246-361-175	NEW	00-06-082	246-841-430	PREP	00-03-072	246-976-065	REP-P	00-03-075
246-361-990	NEW	00-06-082	246-841-440	PREP	00-03-072	246-976-065	REP	00-08-102
246-490-010	NEW-P	00-05-098	246-841-450	PREP	00-03-072	246-976-070	REP-P	00-03-075
246-490-020	NEW-P	00-05-098	246-841-460	PREP	00-03-072	246-976-070	REP	00-08-102
246-490-030	NEW-P	00-05-098	246-841-470	PREP	00-03-072	246-976-075	REP-P	00-03-075
246-490-055	NEW-P	00-05-098	246-841-480	PREP	00-03-072	246-976-075	REP	00-08-102
246-490-065	NEW-P	00-05-098	246-841-490	PREP	00-03-072	246-976-076	REP-P	00-03-075
246-490-070	NEW-P	00-05-098	246-841-500	PREP	00-03-072	246-976-076	REP	00-08-102
246-780-001	AMD-P	00-03-074	246-841-510	PREP	00-03-072	246-976-077	REP-P	00-03-075
246-780-001	AMD	00-07-129	246-883-020	AMD	00-06-078	246-976-077	REP	00-08-102
246-780-010	AMD-P	00-03-074	246-887-160	AMD-P	00-06-080	246-976-080	REP-P	00-03-075
246-780-010	AMD	00-07-129	246-887-160	AMD	00-10-113	246-976-080	REP	00-08-102
246-780-020	AMD-P	00-03-074	246-901	AMD-P	00-08-101	246-976-085	REP-P	00-03-075
246-780-020	AMD	00-07-129	246-901-010	AMD-P	00-08-101	246-976-085	REP	00-08-102
246-780-022	NEW-P	00-03-074	246-901-020	AMD-P	00-08-101	246-976-110	REP-P	00-03-075
246-780-022	NEW	00-07-129	246-901-030	AMD-P	00-08-101	246-976-110	REP	00-08-102
246-780-025	NEW-P	00-03-074	246-901-035	AMD-P	00-08-101	246-976-120	REP-P	00-03-075
246-780-025	NEW	00-07-129	246-901-040	AMD-P	00-08-101	246-976-120	REP	00-08-102
246-780-028	NEW-P	00-03-074	246-901-050	AMD-P	00-08-101	246-976-140	REP-P	00-03-075
246-780-028	NEW	00-07-129	246-901-060	AMD-P	00-08-101	246-976-140	REP	00-08-102
246-780-030	AMD-P	00-03-074	246-901-065	AMD-P	00-08-101	246-976-141	NEW-P	00-03-075
246-780-030	AMD	00-07-129	246-901-070	AMD-P	00-08-101	246-976-141	NEW	00-08-102
246-780-040	AMD-P	00-03-074	246-901-080	AMD-P	00-08-101	246-976-150	REP-P	00-03-075
246-780-040	AMD	00-07-129	246-901-090	AMD-P	00-08-101	246-976-150	REP	00-08-102
246-780-050	REP-P	00-03-074	246-901-100	AMD-P	00-08-101	246-976-151	NEW-P	00-03-075
246-780-050	REP	00-07-129	246-901-110	REP-P	00-08-101	246-976-151	NEW	00-08-102
246-780-060	AMD-P	00-03-074	246-901-120	AMD-P	00-08-101	246-976-160	REP-P	00-03-075
246-780-060	AMD	00-07-129	246-901-130	AMD-P	00-08-101	246-976-160	REP	00-08-102
246-780-070	REP-P	00-03-074	246-901-140	NEW-P	00-08-101	246-976-161	NEW-P	00-03-075
246-780-070	REP	00-07-129	246-930-010	PREP	00-08-099	246-976-161	NEW	00-08-102
246-790	AMD-P	00-07-084	246-930-030	PREP	00-08-099	246-976-165	REP-P	00-03-075
246-790-010	AMD-P	00-07-084	246-930-040	PREP	00-08-099	246-976-165	REP	00-08-102
246-790-050	AMD-P	00-07-084	246-930-200	PREP	00-08-099	246-976-170	REP-P	00-03-075
246-790-060	AMD-P	00-07-084	246-930-410	PREP	00-08-099	246-976-170	REP	00-08-102
246-790-065	NEW-P	00-07-084	246-976-001	AMD-P	00-03-075	246-976-171	NEW-P	00-03-075
246-790-070	AMD-P	00-07-084	246-976-001	AMD	00-08-102	246-976-171	NEW	00-08-102
246-790-080	AMD-P	00-07-084	246-976-010	AMD-P	00-03-075	246-976-180	REP-P	00-03-075
246-790-085	AMD-P	00-07-084	246-976-010	AMD	00-08-102	246-976-180	REP	00-08-102
246-790-090	AMD-P	00-07-084	246-976-020	REP-P	00-03-075	246-976-181	REP-P	00-03-075

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246-976-181	REP	00-08-102	246-976-940	AMD	00-08-102	251- 20-030	AMD-W	00-05-060
246-976-182	NEW-P	00-03-075	246-976-950	AMD-P	00-03-075	251- 20-030	AMD-C	00-06-051
246-976-182	NEW	00-08-102	246-976-950	AMD	00-08-102	251- 20-030	AMD	00-10-027
246-976-190	REP-P	00-03-075	246-976-960	AMD-P	00-03-075	251- 23-040	AMD-P	00-04-052
246-976-190	REP	00-08-102	246-976-960	AMD	00-08-102	251- 23-040	AMD-C	00-06-050
246-976-191	NEW-P	00-03-075	246-976-970	AMD-P	00-03-075	251- 23-040	AMD	00-10-026
246-976-191	NEW	00-08-102	246-976-970	AMD	00-08-102	260- 28-230	AMD	00-06-072
246-976-200	REP-P	00-03-075	246-976-990	AMD-P	00-03-075	260- 34-030	AMD-P	00-03-088
246-976-200	REP	00-08-102	246-976-990	AMD	00-08-102	260- 34-030	AMD	00-07-038
246-976-210	REP-P	00-03-075	250- 66-020	AMD	00-08-081	260- 34-080	AMD-P	00-03-088
246-976-210	REP	00-08-102	250- 66-030	AMD	00-08-081	260- 34-080	AMD	00-07-038
246-976-220	REP-P	00-03-075	250- 66-040	AMD	00-08-081	260- 34-090	AMD-P	00-03-088
246-976-220	REP	00-08-102	250- 66-045	NEW	00-08-081	260- 34-090	AMD	00-07-038
246-976-230	REP-P	00-03-075	250- 66-050	AMD	00-08-081	260- 34-100	AMD-P	00-03-088
246-976-230	REP	00-08-102	250- 80-010	NEW	00-08-082	260- 34-100	AMD	00-07-038
246-976-240	REP-P	00-03-075	250- 80-010	NEW-E	00-08-083	260- 34-140	AMD-P	00-03-088
246-976-240	REP	00-08-102	250- 80-020	NEW	00-08-082	260- 34-140	AMD-W	00-07-037
246-976-260	AMD-P	00-03-075	250- 80-020	NEW-E	00-08-083	260- 34-150	AMD-P	00-03-088
246-976-260	AMD	00-08-102	250- 80-030	NEW	00-08-082	260- 34-150	AMD-W	00-07-037
246-976-270	AMD-P	00-03-075	250- 80-030	NEW-E	00-08-083	260- 40-100	AMD-P	00-03-089
246-976-270	AMD	00-08-102	250- 80-040	NEW	00-08-082	260- 40-100	AMD	00-07-039
246-976-280	REP-P	00-03-075	250- 80-040	NEW-E	00-08-083	260- 44-070	AMD	00-06-071
246-976-280	REP	00-08-102	250- 80-050	NEW	00-08-082	260- 48-600	AMD	00-06-070
246-976-290	AMD-P	00-03-075	250- 80-050	NEW-E	00-08-083	260- 48-620	AMD	00-06-070
246-976-290	AMD	00-08-102	250- 80-060	NEW	00-08-082	260- 52-010	AMD	00-06-069
246-976-300	AMD-P	00-03-075	250- 80-060	NEW-E	00-08-083	260- 52-030	AMD	00-06-069
246-976-300	AMD	00-08-102	250- 80-070	NEW	00-08-082	260- 52-040	AMD	00-06-069
246-976-310	AMD-P	00-03-075	250- 80-070	NEW-E	00-08-083	260- 52-060	AMD-P	00-03-091
246-976-310	AMD	00-08-102	250- 80-080	NEW	00-08-082	260- 52-060	AMD	00-07-041
246-976-320	AMD-P	00-03-075	250- 80-080	NEW-E	00-08-083	260- 70-700	AMD-P	00-03-092
246-976-320	AMD	00-08-102	250- 80-090	NEW	00-08-082	260- 70-700	AMD	00-07-042
246-976-320	PREP	00-10-111	250- 80-090	NEW-E	00-08-083	260- 75-020	NEW-P	00-03-090
246-976-330	AMD-P	00-03-075	250- 80-100	NEW	00-08-082	260- 75-020	NEW	00-07-040
246-976-330	AMD	00-08-102	250- 80-100	NEW-E	00-08-083	260- 75-030	NEW-P	00-03-090
246-976-340	AMD-P	00-03-075	250- 81-010	NEW-P	00-05-084	260- 75-030	NEW	00-07-040
246-976-340	AMD	00-08-102	250- 81-010	NEW	00-08-080	260- 88-010	AMD-P	00-03-093
246-976-350	REP-P	00-03-075	250- 81-020	NEW-P	00-05-084	260- 88-010	AMD	00-07-043
246-976-350	REP	00-08-102	250- 81-020	NEW	00-08-080	262- 01-140	NEW	00-06-030
246-976-370	REP-P	00-03-075	250- 81-030	NEW-P	00-05-084	275- 30-010	AMD-E	00-10-065
246-976-370	REP	00-08-102	250- 81-030	NEW	00-08-080	275- 35	PREP	00-03-028
246-976-390	AMD-P	00-03-075	250- 81-040	NEW-P	00-05-084	275- 54	PREP	00-08-048
246-976-390	AMD	00-08-102	250- 81-040	NEW	00-08-080	275- 55	PREP	00-08-048
246-976-390	PREP	00-10-111	250- 81-050	NEW-P	00-05-084	275- 57	PREP	00-08-048
246-976-400	AMD-P	00-03-075	250- 81-050	NEW	00-08-080	284- 02-070	AMD-E	00-08-011
246-976-400	AMD	00-08-102	250- 81-060	NEW-P	00-05-084	284- 43-120	AMD	00-04-034
246-976-420	AMD-P	00-03-075	250- 81-060	NEW	00-08-080	284- 43-125	NEW	00-04-034
246-976-420	AMD	00-08-102	251- 01-345	AMD-P	00-04-053	284- 43-200	AMD	00-04-034
246-976-430	AMD-P	00-03-075	251- 01-345	AMD-W	00-05-060	284- 43-210	AMD	00-04-034
246-976-430	AMD	00-08-102	251- 01-345	AMD-C	00-06-051	284- 43-220	AMD	00-04-034
246-976-440	REP-P	00-03-075	251- 01-345	AMD	00-10-027	284- 43-250	AMD	00-04-034
246-976-440	REP	00-08-102	251- 08-115	AMD-P	00-04-052	284- 43-710	AMD	00-04-034
246-976-450	REP-P	00-03-075	251- 08-115	AMD-C	00-06-050	284- 43-710	AMD-E	00-08-011
246-976-450	REP	00-08-102	251- 08-115	AMD	00-10-026	284- 43-720	AMD	00-04-034
246-976-890	AMD-P	00-03-075	251- 09-080	AMD-P	00-04-052	284- 43-720	AMD-E	00-08-011
246-976-890	AMD	00-08-102	251- 09-080	AMD-C	00-06-050	284- 43-730	AMD-E	00-08-011
246-976-910	AMD-P	00-03-075	251- 09-080	AMD	00-10-026	284- 43-915	AMD-E	00-08-011
246-976-910	AMD	00-08-102	251- 19-085	NEW-P	00-06-048	284- 43-930	AMD-E	00-08-011
246-976-920	AMD-P	00-03-075	251- 20-020	AMD-P	00-04-053	284- 43-945	AMD-E	00-08-011
246-976-920	AMD	00-08-102	251- 20-020	AMD-W	00-05-060	284- 74-300	NEW-P	00-04-090
246-976-930	AMD-P	00-03-075	251- 20-020	AMD-C	00-06-051	284- 74-300	NEW	00-07-069
246-976-930	AMD	00-08-102	251- 20-020	AMD	00-10-027	284- 74-310	NEW-P	00-04-090
246-976-940	AMD-P	00-03-075	251- 20-030	AMD-P	00-04-053	284- 74-310	NEW	00-07-069

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284- 74-320	NEW-P	00-04-090	296- 17-779	AMD-P	00-07-138	296- 19-480	NEW-P	00-10-106
284- 74-320	NEW	00-07-069	296- 17-855	AMD-P	00-07-138	296- 20-022	AMD-P	00-05-111
284- 74-330	NEW-P	00-04-090	296- 17-885	AMD-P	00-07-138	296- 20-022	AMD	00-09-078
284- 74-330	NEW	00-07-069	296- 17-895	AMD-P	00-07-138	296- 20-12401	NEW-P	00-05-111
284- 74-340	NEW-P	00-04-090	296- 18A	PREP	00-05-002	296- 20-12401	NEW	00-09-078
284- 74-340	NEW	00-07-069	296- 18A-420	REP-P	00-10-106	296- 20-135	AMD-P	00-05-112
284- 74-350	NEW-P	00-04-090	296- 18A-440	REP-P	00-10-106	296- 20-135	AMD	00-09-077
284- 74-350	NEW	00-07-069	296- 18A-445	REP-P	00-10-106	296- 21-290	AMD-P	00-05-111
284- 74-360	NEW-P	00-04-090	296- 18A-450	REP-P	00-10-106	296- 21-290	AMD	00-09-078
284- 74-360	NEW	00-07-069	296- 18A-460	REP-P	00-10-106	296- 23-220	AMD-P	00-05-112
284- 74-370	NEW-P	00-04-090	296- 18A-470	REP-P	00-10-106	296- 23-220	AMD	00-09-077
284- 74-370	NEW	00-07-069	296- 18A-480	REP-P	00-10-106	296- 23-230	AMD-P	00-05-112
284- 74-380	NEW-P	00-04-090	296- 18A-490	REP-P	00-10-106	296- 23-230	AMD	00-09-077
284- 74-380	NEW	00-07-069	296- 18A-500	REP-P	00-10-106	296- 23A-0200	AMD	00-06-027
286- 40-020	AMD	00-05-008	296- 18A-510	REP-P	00-10-106	296- 23A-0210	AMD	00-06-027
296- 15-500	NEW-P	00-10-106	296- 18A-515	REP-P	00-10-106	296- 23A-0220	AMD	00-06-027
296- 15-510	NEW-P	00-10-106	296- 18A-520	REP-P	00-10-106	296- 23A-0230	AMD-P	00-05-111
296- 17	PREP	00-02-090	296- 19-010	NEW-P	00-10-106	296- 23A-0230	AMD	00-09-078
296- 17-31011	AMD-P	00-07-138	296- 19-020	NEW-P	00-10-106	296- 23A-0240	AMD	00-06-027
296- 17-31012	AMD-P	00-07-138	296- 19-030	NEW-P	00-10-106	296- 24	PREP	00-05-057
296- 17-31021	AMD-P	00-07-138	296- 19-040	NEW-P	00-10-106	296- 24	PREP	00-10-046
296- 17-501	AMD-P	00-07-138	296- 19-050	NEW-P	00-10-106	296- 24-14519	AMD	00-08-078
296- 17-50601	AMD-P	00-07-138	296- 19-060	NEW-P	00-10-106	296- 24-23027	AMD	00-08-078
296- 17-510	AMD-P	00-07-138	296- 19-070	NEW-P	00-10-106	296- 24-23533	AMD	00-08-078
296- 17-521	AMD-P	00-07-138	296- 19-080	NEW-P	00-10-106	296- 24-825	REP	00-08-078
296- 17-52102	AMD-P	00-07-138	296- 19-090	NEW-P	00-10-106	296- 24-82501	REP	00-08-078
296- 17-52106	AMD-P	00-07-138	296- 19-100	NEW-P	00-10-106	296- 24-82503	REP	00-08-078
296- 17-527	AMD-P	00-07-138	296- 19-110	NEW-P	00-10-106	296- 24-82505	REP	00-08-078
296- 17-529	AMD-P	00-07-138	296- 19-120	NEW-P	00-10-106	296- 24-82507	REP	00-08-078
296- 17-537	AMD-P	00-07-138	296- 19-130	NEW-P	00-10-106	296- 24-82509	REP	00-08-078
296- 17-53803	AMD-P	00-07-138	296- 19-140	NEW-P	00-10-106	296- 24-82511	REP	00-08-078
296- 17-542	AMD-P	00-07-138	296- 19-170	NEW-P	00-10-106	296- 24-82513	REP	00-08-078
296- 17-544	AMD-P	00-07-138	296- 19-180	NEW-P	00-10-106	296- 24-82515	REP	00-08-078
296- 17-54401	AMD-P	00-07-138	296- 19-190	NEW-P	00-10-106	296- 24-82517	REP	00-08-078
296- 17-54403	NEW-P	00-07-138	296- 19-200	NEW-P	00-10-106	296- 24-82519	REP	00-08-078
296- 17-545	AMD-P	00-07-138	296- 19-210	NEW-P	00-10-106	296- 24-82521	REP	00-08-078
296- 17-546	AMD-P	00-07-138	296- 19-220	NEW-P	00-10-106	296- 24-82523	REP	00-08-078
296- 17-562	AMD-P	00-07-138	296- 19-230	NEW-P	00-10-106	296- 24-82525	REP	00-08-078
296- 17-57001	AMD-P	00-07-138	296- 19-240	NEW-P	00-10-106	296- 24-82527	REP	00-08-078
296- 17-583	AMD-P	00-07-138	296- 19-250	NEW-P	00-10-106	296- 24-82529	REP	00-08-078
296- 17-58503	AMD-P	00-07-138	296- 19-260	NEW-P	00-10-106	296- 24-82531	REP	00-08-078
296- 17-597	AMD-P	00-07-138	296- 19-270	NEW-P	00-10-106	296- 24-82533	REP	00-08-078
296- 17-615	AMD-P	00-07-138	296- 19-280	NEW-P	00-10-106	296- 24-82535	REP	00-08-078
296- 17-618	AMD-P	00-07-138	296- 19-290	NEW-P	00-10-106	296- 24-82537	REP	00-08-078
296- 17-643	AMD-P	00-07-138	296- 19-300	NEW-P	00-10-106	296- 24-82539	REP	00-08-078
296- 17-649	AMD-P	00-07-138	296- 19-310	NEW-P	00-10-106	296- 24-82541	REP	00-08-078
296- 17-66003	AMD-P	00-07-138	296- 19-320	NEW-P	00-10-106	296- 24-82543	REP	00-08-078
296- 17-675	AMD-P	00-07-138	296- 19-330	NEW-P	00-10-106	296- 24-82545	REP	00-08-078
296- 17-678	AMD-P	00-07-138	296- 19-340	NEW-P	00-10-106	296- 24-84001	REP	00-08-078
296- 17-679	AMD-P	00-07-138	296- 19-350	NEW-P	00-10-106	296- 24-84003	REP	00-08-078
296- 17-686	AMD-P	00-07-138	296- 19-360	NEW-P	00-10-106	296- 24-84005	REP	00-08-078
296- 17-689	AMD-P	00-07-138	296- 19-370	NEW-P	00-10-106	296- 24-84007	REP	00-08-078
296- 17-690	AMD-P	00-07-138	296- 19-380	NEW-P	00-10-106	296- 24-84009	REP	00-08-078
296- 17-694	AMD-P	00-07-138	296- 19-390	NEW-P	00-10-106	296- 24-84011	REP	00-08-078
296- 17-695	AMD-P	00-07-138	296- 19-400	NEW-P	00-10-106	296- 24-84013	REP	00-08-078
296- 17-712	AMD-P	00-07-138	296- 19-410	NEW-P	00-10-106	296- 24-860	NEW	00-08-078
296- 17-713	AMD-P	00-07-138	296- 19-420	NEW-P	00-10-106	296- 24-86005	NEW	00-08-078
296- 17-729	AMD-P	00-07-138	296- 19-430	NEW-P	00-10-106	296- 24-86010	NEW	00-08-078
296- 17-740	AMD-P	00-07-138	296- 19-440	NEW-P	00-10-106	296- 24-86015	NEW	00-08-078
296- 17-748	AMD-P	00-07-138	296- 19-450	NEW-P	00-10-106	296- 24-86020	NEW	00-08-078
296- 17-749	AMD-P	00-07-138	296- 19-460	NEW-P	00-10-106	296- 24-861	NEW	00-08-078
296- 17-751	AMD-P	00-07-138	296- 19-470	NEW-P	00-10-106	296- 24-86105	NEW	00-08-078

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296-24-86110	NEW	00-08-078	296-30-100	NEW	00-03-056	296-104-245	PREP	00-10-002
296-24-86115	NEW	00-08-078	296-30-105	NEW	00-03-056	296-104-265	PREP	00-10-002
296-24-86120	NEW	00-08-078	296-30-120	AMD	00-03-056	296-104-502	PREP	00-10-002
296-24-86125	NEW	00-08-078	296-30-130	AMD-P	00-02-091	296-104-700	PREP	00-10-002
296-24-86130	NEW	00-08-078	296-30-130	AMD	00-10-003	296-104-701	PREP	00-10-002
296-24-862	NEW	00-08-078	296-30-170	AMD	00-03-056	296-127	PREP	00-07-122
296-24-870	REP	00-08-078	296-30-180	AMD	00-03-056	296-127-013	AMD-E	00-07-123
296-24-87001	REP	00-08-078	296-31-012	AMD-P	00-02-091	296-127-01301	NEW-E	00-07-123
296-24-87009	REP	00-08-078	296-31-012	AMD	00-10-003	296-127-01303	NEW-E	00-07-123
296-24-87011	REP	00-08-078	296-31-020	REP-P	00-02-091	296-127-01305	NEW-E	00-07-123
296-24-87013	REP	00-08-078	296-31-020	REP	00-10-003	296-127-01306	NEW-E	00-07-123
296-24-87015	REP	00-08-078	296-31-030	AMD	00-03-056	296-127-01308	NEW-E	00-07-123
296-24-87017	REP	00-08-078	296-31-035	NEW	00-03-056	296-127-01309	NEW-E	00-07-123
296-24-87019	REP	00-08-078	296-31-045	NEW	00-03-056	296-127-01310	NEW-E	00-07-123
296-24-87031	REP	00-08-078	296-31-050	REP	00-03-056	296-127-01312	NEW-E	00-07-123
296-24-87033	REP	00-08-078	296-31-055	NEW	00-03-056	296-127-01315	NEW-E	00-07-123
296-24-87035	REP	00-08-078	296-31-056	NEW	00-03-056	296-127-01317	NEW-E	00-07-123
296-24-87037	REP	00-08-078	296-31-057	NEW	00-03-056	296-127-01318	NEW-E	00-07-123
296-24-875	NEW	00-08-078	296-31-058	NEW	00-03-056	296-127-01320	NEW-E	00-07-123
296-24-87505	NEW	00-08-078	296-31-070	AMD	00-03-056	296-127-01322	NEW-E	00-07-123
296-24-87510	NEW	00-08-078	296-31-074	NEW	00-03-056	296-127-01323	NEW-E	00-07-123
296-24-87515	NEW	00-08-078	296-31-090	REP	00-03-056	296-127-01325	NEW-E	00-07-123
296-24-880	NEW	00-08-078	296-46	PREP	00-10-116	296-127-01327	NEW-E	00-07-123
296-24-88005	NEW	00-08-078	296-46-930	AMD-E	00-06-076	296-127-01328	NEW-E	00-07-123
296-24-88010	NEW	00-08-078	296-62	PREP	00-10-045	296-127-01329	NEW-E	00-07-123
296-24-88015	NEW	00-08-078	296-62	PREP	00-10-046	296-127-01331	NEW-E	00-07-123
296-24-88020	NEW	00-08-078	296-62-051	NEW-C	00-04-075	296-127-01332	NEW-E	00-07-123
296-24-88025	NEW	00-08-078	296-62-05101	NEW-C	00-04-075	296-127-01333	NEW-E	00-07-123
296-24-88030	NEW	00-08-078	296-62-05103	NEW-C	00-04-075	296-127-01335	NEW-E	00-07-123
296-24-88035	NEW	00-08-078	296-62-05105	NEW-C	00-04-075	296-127-01337	NEW-E	00-07-123
296-24-88040	NEW	00-08-078	296-62-05110	NEW-C	00-04-075	296-127-01339	NEW-E	00-07-123
296-24-88045	NEW	00-08-078	296-62-05120	NEW-C	00-04-075	296-127-01340	NEW-E	00-07-123
296-24-88050	NEW	00-08-078	296-62-05122	NEW-C	00-04-075	296-127-01342	NEW-E	00-07-123
296-24-88055	NEW	00-08-078	296-62-05130	NEW-C	00-04-075	296-127-01344	NEW-E	00-07-123
296-24-885	REP	00-08-078	296-62-05140	NEW-C	00-04-075	296-127-01346	NEW-E	00-07-123
296-24-88501	REP	00-08-078	296-62-05150	NEW-C	00-04-075	296-127-01347	NEW-E	00-07-123
296-24-88503	REP	00-08-078	296-62-05160	NEW-C	00-04-075	296-127-01349	NEW-E	00-07-123
296-24-88505	REP	00-08-078	296-62-05170	NEW-C	00-04-075	296-127-01351	NEW-E	00-07-123
296-24-90001	AMD	00-08-078	296-62-05172	NEW-C	00-04-075	296-127-01352	NEW-E	00-07-123
296-24-90003	AMD	00-08-078	296-62-05174	NEW-C	00-04-075	296-127-01354	NEW-E	00-07-123
296-24-90005	AMD	00-08-078	296-62-05176	NEW-C	00-04-075	296-127-01356	NEW-E	00-07-123
296-24-90007	AMD	00-08-078	296-62-07515	AMD	00-06-075	296-127-01358	NEW-E	00-07-123
296-24-90009	AMD	00-08-078	296-62-07709	AMD	00-06-075	296-127-01360	NEW-E	00-07-123
296-27-150	REP-P	00-05-058	296-62-07713	AMD	00-06-075	296-127-01362	NEW-E	00-07-123
296-27-160	REP-P	00-05-058	296-62-07722	AMD	00-06-075	296-127-01364	NEW-E	00-07-123
296-27-16001	REP-P	00-05-058	296-62-07727	AMD	00-06-075	296-127-01367	NEW-E	00-07-123
296-27-16002	REP-P	00-05-058	296-62-07745	AMD	00-06-075	296-127-01369	NEW-E	00-07-123
296-27-16003	REP-P	00-05-058	296-65-003	AMD	00-06-075	296-127-01370	NEW-E	00-07-123
296-27-16004	REP-P	00-05-058	296-67	PREP	00-10-045	296-127-01372	NEW-E	00-07-123
296-27-16007	REP-P	00-05-058	296-79	PREP	00-10-045	296-127-01374	NEW-E	00-07-123
296-27-16011	REP-P	00-05-058	296-104	PREP	00-10-002	296-127-01375	NEW-E	00-07-123
296-27-16018	REP-P	00-05-058	296-104-010	PREP	00-10-002	296-127-01376	NEW-E	00-07-123
296-27-16020	REP-P	00-05-058	296-104-102	PREP	00-10-002	296-127-01377	NEW-E	00-07-123
296-27-16022	REP-P	00-05-058	296-104-180	PREP	00-10-002	296-127-01378	NEW-E	00-07-123
296-27-16026	REP-P	00-05-058	296-104-200	PREP	00-10-002	296-127-01379	NEW-E	00-07-123
296-30-010	AMD-P	00-02-091	296-104-205	PREP	00-10-002	296-127-01382	NEW-E	00-07-123
296-30-010	AMD	00-10-003	296-104-210	PREP	00-10-002	296-127-01384	NEW-E	00-07-123
296-30-080	AMD	00-03-056	296-104-215	PREP	00-10-002	296-127-01386	NEW-E	00-07-123
296-30-081	AMD	00-03-056	296-104-220	PREP	00-10-002	296-127-01387	NEW-E	00-07-123
296-30-085	NEW	00-03-056	296-104-230	PREP	00-10-002	296-127-01389	NEW-E	00-07-123
296-30-090	NEW	00-03-056	296-104-235	PREP	00-10-002	296-127-01391	NEW-E	00-07-123
296-30-095	NEW	00-03-056	296-104-240	PREP	00-10-002	296-150C	PREP	00-06-077

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-150F	PREP	00-06-077	296-307-16315	NEW	00-06-081	296-350-60035	NEW-P	00-05-058
296-150M	PREP	00-06-077	296-307-16320	NEW	00-06-081	296-350-60040	NEW-P	00-05-058
296-150P	PREP	00-06-077	296-307-16325	NEW	00-06-081	296-350-60045	NEW-P	00-05-058
296-150R	PREP	00-06-077	296-307-16330	NEW	00-06-081	296-350-700	NEW-P	00-05-058
296-150V	PREP	00-06-077	296-307-16335	NEW	00-06-081	296-350-70010	NEW-P	00-05-058
296-155	PREP	00-04-002	296-307-16340	NEW	00-06-081	296-350-70015	NEW-P	00-05-058
296-155	PREP	00-05-057	296-307-16345	NEW	00-06-081	296-350-70020	NEW-P	00-05-058
296-155-110	AMD	00-08-078	296-307-16350	NEW	00-06-081	296-350-70025	NEW-P	00-05-058
296-155-24501	AMD-XA	00-08-079	296-307-16355	NEW	00-06-081	296-350-70030	NEW-P	00-05-058
296-155-24503	AMD-XA	00-08-079	296-307-16360	NEW	00-06-081	296-350-70035	NEW-P	00-05-058
296-155-24505	AMD-XA	00-08-079	296-307-16365	NEW	00-06-081	296-350-70040	NEW-P	00-05-058
296-155-24510	AMD-XA	00-08-079	296-307-16370	NEW	00-06-081	296-350-70045	NEW-P	00-05-058
296-155-24515	AMD-XA	00-08-079	296-307-16375	NEW	00-06-081	296-350-70050	NEW-P	00-05-058
296-155-24520	AMD-XA	00-08-079	296-307-16380	NEW	00-06-081	296-350-70055	NEW-P	00-05-058
296-155-24521	AMD-XA	00-08-079	296-307-16385	NEW	00-06-081	296-350-70060	NEW-P	00-05-058
296-155-24525	AMD-XA	00-08-079	296-307-16390	NEW	00-06-081	296-350-70065	NEW-P	00-05-058
296-155-483	AMD-XA	00-08-079	296-307-16395	NEW	00-06-081	296-350-70070	NEW-P	00-05-058
296-155-505	AMD-XA	00-08-079	296-350	AMD-P	00-05-058	296-401A	PREP	00-10-116
296-155-526	NEW-P	00-06-056	296-350-010	AMD-P	00-05-058	296-401A-140	AMD-E	00-06-076
296-155-680	AMD-XA	00-08-079	296-350-020	REP-P	00-05-058	296-402-010	REP-P	00-07-137
296-305	PREP	00-10-045	296-350-030	REP-P	00-05-058	296-402-020	REP-P	00-07-137
296-307	PREP	00-10-046	296-350-040	REP-P	00-05-058	296-402-030	REP-P	00-07-137
296-307-160	REP	00-06-081	296-350-050	REP-P	00-05-058	296-402-040	REP-P	00-07-137
296-307-16001	REP	00-06-081	296-350-060	REP-P	00-05-058	296-402-050	REP-P	00-07-137
296-307-16003	REP	00-06-081	296-350-070	REP-P	00-05-058	296-402-060	REP-P	00-07-137
296-307-16004	REP	00-06-081	296-350-080	REP-P	00-05-058	296-402-070	REP-P	00-07-137
296-307-16005	REP	00-06-081	296-350-090	REP-P	00-05-058	296-402-080	REP-P	00-07-137
296-307-16007	REP	00-06-081	296-350-095	REP-P	00-05-058	296-402-090	REP-P	00-07-137
296-307-16009	REP	00-06-081	296-350-100	NEW-P	00-05-058	296-402-100	REP-P	00-07-137
296-307-16011	REP	00-06-081	296-350-10010	NEW-P	00-05-058	296-402-110	REP-P	00-07-137
296-307-16013	REP	00-06-081	296-350-10020	NEW-P	00-05-058	296-402-120	REP-P	00-07-137
296-307-16015	REP	00-06-081	296-350-10030	NEW-P	00-05-058	296-402-130	REP-P	00-07-137
296-307-16017	REP	00-06-081	296-350-10040	NEW-P	00-05-058	296-402-140	REP-P	00-07-137
296-307-16019	REP	00-06-081	296-350-10050	NEW-P	00-05-058	296-402-150	REP-P	00-07-137
296-307-16021	REP	00-06-081	296-350-150	NEW-P	00-05-058	296-402-160	REP-P	00-07-137
296-307-16023	REP	00-06-081	296-350-15010	NEW-P	00-05-058	296-402-170	REP-P	00-07-137
296-307-161	NEW	00-06-081	296-350-15015	NEW-P	00-05-058	296-402-180	REP-P	00-07-137
296-307-16101	NEW	00-06-081	296-350-15020	NEW-P	00-05-058	296-402-190	REP-P	00-07-137
296-307-16103	NEW	00-06-081	296-350-15025	NEW-P	00-05-058	296-402-200	REP-P	00-07-137
296-307-16105	NEW	00-06-081	296-350-15030	NEW-P	00-05-058	296-402A-010	NEW-P	00-07-137
296-307-16110	NEW	00-06-081	296-350-15035	NEW-P	00-05-058	296-402A-020	NEW-P	00-07-137
296-307-16115	NEW	00-06-081	296-350-15040	NEW-P	00-05-058	296-402A-030	NEW-P	00-07-137
296-307-16120	NEW	00-06-081	296-350-15045	NEW-P	00-05-058	296-402A-040	NEW-P	00-07-137
296-307-16125	NEW	00-06-081	296-350-200	REP-P	00-05-058	296-402A-050	NEW-P	00-07-137
296-307-16130	NEW	00-06-081	296-350-210	REP-P	00-05-058	296-402A-060	NEW-P	00-07-137
296-307-16135	NEW	00-06-081	296-350-230	REP-P	00-05-058	296-402A-070	NEW-P	00-07-137
296-307-16140	NEW	00-06-081	296-350-240	REP-P	00-05-058	296-402A-080	NEW-P	00-07-137
296-307-16145	NEW	00-06-081	296-350-250	REP-P	00-05-058	296-402A-090	NEW-P	00-07-137
296-307-16150	NEW	00-06-081	296-350-255	REP-P	00-05-058	296-402A-100	NEW-P	00-07-137
296-307-16155	NEW	00-06-081	296-350-260	REP-P	00-05-058	296-402A-110	NEW-P	00-07-137
296-307-16160	NEW	00-06-081	296-350-270	REP-P	00-05-058	296-402A-130	NEW-P	00-07-137
296-307-16165	NEW	00-06-081	296-350-280	REP-P	00-05-058	296-402A-140	NEW-P	00-07-137
296-307-16170	NEW	00-06-081	296-350-400	REP-P	00-05-058	296-402A-150	NEW-P	00-07-137
296-307-16175	NEW	00-06-081	296-350-450	REP-P	00-05-058	296-402A-160	NEW-P	00-07-137
296-307-16180	NEW	00-06-081	296-350-460	REP-P	00-05-058	296-402A-170	NEW-P	00-07-137
296-307-16185	NEW	00-06-081	296-350-470	REP-P	00-05-058	296-402A-180	NEW-P	00-07-137
296-307-16190	NEW	00-06-081	296-350-600	NEW-P	00-05-058	296-402A-190	NEW-P	00-07-137
296-307-163	NEW	00-06-081	296-350-60010	NEW-P	00-05-058	296-402A-200	NEW-P	00-07-137
296-307-16301	NEW	00-06-081	296-350-60015	NEW-P	00-05-058	296-402A-210	NEW-P	00-07-137
296-307-16303	NEW	00-06-081	296-350-60020	NEW-P	00-05-058	296-402A-220	NEW-P	00-07-137
296-307-16305	NEW	00-06-081	296-350-60025	NEW-P	00-05-058	296-402A-230	NEW-P	00-07-137
296-307-16310	NEW	00-06-081	296-350-60030	NEW-P	00-05-058	296-402A-240	NEW-P	00-07-137

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-402A-250	NEW-P	00-07-137	308- 56A-500	AMD-P	00-09-007	308- 65-020	AMD-P	00-09-071
296-402A-260	NEW-P	00-07-137	308- 56A-505	AMD	00-06-004	308- 65-030	AMD-P	00-09-071
296-402A-270	NEW-P	00-07-137	308- 56A-510	REP	00-06-004	308- 65-040	AMD-P	00-09-071
296-402A-290	NEW-P	00-07-137	308- 56A-515	REP	00-06-004	308- 65-050	AMD-P	00-09-071
296-402A-300	NEW-P	00-07-137	308- 56A-520	REP	00-06-004	308- 65-060	AMD-P	00-09-071
296-402A-310	NEW-P	00-07-137	308- 56A-610	REP	00-06-020	308- 65-080	AMD-P	00-09-071
296-402A-320	NEW-P	00-07-137	308- 56A-620	AMD	00-06-020	308- 65-090	AMD-P	00-09-071
296-402A-330	NEW-P	00-07-137	308- 56A-620	REP-P	00-09-007	308- 65-100	AMD-P	00-09-071
296-402A-340	NEW-P	00-07-137	308- 56A-640	AMD	00-06-020	308- 65-110	AMD-P	00-09-071
296-402A-350	NEW-P	00-07-137	308- 56A-650	REP	00-06-020	308- 65-130	AMD-P	00-09-071
296-402A-360	NEW-P	00-07-137	308- 56A-660	REP	00-06-020	308- 65-140	AMD-P	00-09-071
296-402A-370	NEW-P	00-07-137	308- 56A-670	REP	00-06-020	308- 65-150	AMD-P	00-09-071
296-402A-380	NEW-P	00-07-137	308- 56A-680	REP	00-06-020	308- 65-170	AMD-P	00-09-071
296-402A-390	NEW-P	00-07-137	308- 56A-690	REP	00-06-020	308- 65-180	REP-P	00-09-071
296-402A-400	NEW-P	00-07-137	308- 57-005	PREP	00-06-001	308- 65-190	AMD-P	00-09-071
296-402A-410	NEW-P	00-07-137	308- 57-005	REP-P	00-09-019	308- 72-500	PREP	00-08-063
296-402A-420	NEW-P	00-07-137	308- 57-010	PREP	00-06-001	308- 72-665	PREP	00-08-063
296-402A-425	NEW-P	00-07-137	308- 57-010	REP-P	00-09-019	308- 72-690	PREP	00-08-063
296-402A-430	NEW-P	00-07-137	308- 57-020	PREP	00-06-001	308- 72-700	PREP	00-08-063
296-402A-440	NEW-P	00-07-137	308- 57-020	REP-P	00-09-019	308- 72-710	PREP	00-08-063
296-402A-450	NEW-P	00-07-137	308- 57-030	PREP	00-06-001	308- 72-720	NEW-P	00-05-014
296-402A-460	NEW-P	00-07-137	308- 57-030	REP-P	00-09-019	308- 72-720	NEW	00-08-032
296-402A-470	NEW-P	00-07-137	308- 57-110	PREP	00-06-001	308- 77	PREP	00-03-037
296-402A-480	NEW-P	00-07-137	308- 57-110	REP-P	00-09-019	308- 77-045	PREP	00-03-037
296-402A-490	NEW-P	00-07-137	308- 57-120	PREP	00-06-001	308- 77-155	PREP	00-03-037
296-402A-500	NEW-P	00-07-137	308- 57-120	REP-P	00-09-019	308- 77-165	PREP	00-03-037
296-402A-510	NEW-P	00-07-137	308- 57-130	PREP	00-06-001	308- 77-170	PREP	00-03-037
296-402A-520	NEW-P	00-07-137	308- 57-130	REP-P	00-09-019	308- 77-180	PREP	00-03-037
296-402A-530	NEW-P	00-07-137	308- 57-135	PREP	00-06-001	308- 77-215	PREP	00-08-062
296-402A-540	NEW-P	00-07-137	308- 57-135	REP-P	00-09-019	308- 77-240	PREP	00-03-037
296-402A-550	NEW-P	00-07-137	308- 57-140	PREP	00-06-001	308- 77-265	PREP	00-03-037
296-402A-560	NEW-P	00-07-137	308- 57-140	REP-P	00-09-019	308- 77-270	PREP	00-03-037
296-402A-570	NEW-P	00-07-137	308- 57-210	PREP	00-06-001	308- 77-280	PREP	00-03-037
296-402A-580	NEW-P	00-07-137	308- 57-210	REP-P	00-09-019	308- 77-290	NEW-P	00-05-014
296-402A-590	NEW-P	00-07-137	308- 57-230	PREP	00-06-001	308- 77-290	NEW	00-08-032
296-402A-600	NEW-P	00-07-137	308- 57-230	REP-P	00-09-019	308- 78-010	PREP	00-08-064
296-402A-610	NEW-P	00-07-137	308- 57-240	PREP	00-06-001	308- 78-100	NEW-P	00-05-014
296-402A-620	NEW-P	00-07-137	308- 57-240	REP-P	00-09-019	308- 78-100	NEW	00-08-032
296-402A-630	NEW-P	00-07-137	308- 57-500	PREP	00-06-001	308- 80	PREP	00-06-032
296-402A-640	NEW-P	00-07-137	308- 57-500	REP-P	00-09-019	308- 80-015	AMD-P	00-09-070
296-402A-650	NEW-P	00-07-137	308- 58-010	REP	00-06-025	308- 80-020	AMD-P	00-09-070
296-402A-660	NEW-P	00-07-137	308- 58-020	REP	00-06-025	308- 88-010	REP	00-06-024
296-402A-670	NEW-P	00-07-137	308- 58-030	REP	00-06-025	308- 88-020	AMD	00-06-024
296-402A-680	NEW-P	00-07-137	308- 58-040	REP	00-06-025	308- 88-030	REP	00-06-024
296-402A-690	NEW-P	00-07-137	308- 58-050	REP	00-06-025	308- 88-040	REP	00-06-024
296-403	PREP	00-10-116	308- 63	PREP	00-06-007	308- 88-050	REP	00-06-024
308- 04-020	AMD-P	00-05-014	308- 63-020	AMD-P	00-09-069	308- 88-170	REP	00-06-024
308- 04-020	AMD	00-08-032	308- 63-030	AMD-P	00-09-069	308- 90	PREP	00-06-033
308- 56A	PREP	00-07-092	308- 63-040	AMD-P	00-09-069	308- 91-090	PREP	00-03-038
308- 56A-020	PREP	00-07-092	308- 63-050	AMD-P	00-09-069	308- 91-150	AMD-P	00-05-014
308- 56A-021	PREP	00-07-092	308- 63-060	AMD-P	00-09-069	308- 91-150	AMD	00-08-032
308- 56A-022	PREP	00-07-092	308- 63-070	AMD-P	00-09-069	308- 93-010	AMD-P	00-07-065
308- 56A-023	PREP	00-07-092	308- 63-080	AMD-P	00-09-069	308- 93-010	PREP	00-07-107
308- 56A-090	PREP	00-07-092	308- 63-090	AMD-P	00-09-069	308- 93-030	PREP	00-07-107
308- 56A-335	PREP	00-09-018	308- 63-100	AMD-P	00-09-069	308- 93-050	PREP	00-07-107
308- 56A-355	PREP	00-09-018	308- 63-110	AMD-P	00-09-069	308- 93-055	PREP	00-07-107
308- 56A-450	AMD	00-04-046	308- 63-120	AMD-P	00-09-069	308- 93-056	PREP	00-07-107
308- 56A-455	AMD	00-04-046	308- 63-130	AMD-P	00-09-069	308- 93-060	PREP	00-07-105
308- 56A-460	AMD	00-06-025	308- 63-140	AMD-P	00-09-069	308- 93-069	PREP	00-07-105
308- 56A-465	REP	00-04-046	308- 63-150	REP-P	00-09-069	308- 93-070	PREP	00-07-105
308- 56A-470	REP	00-04-046	308- 63-160	AMD-P	00-09-069	308- 93-071	PREP	00-07-105
308- 56A-500	AMD	00-06-004	308- 65	PREP	00-06-031	308- 93-073	PREP	00-07-105

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-93-078	PREP	00-07-105	308-96A-203	PREP	00-06-001	308-124H-029	NEW	00-08-035
308-93-079	PREP	00-07-107	308-96A-203	AMD-P	00-09-019	308-124H-031	NEW-P	00-03-063
308-93-090	PREP	00-07-107	308-96A-306	PREP	00-08-043	308-124H-031	NEW	00-08-035
308-93-145	AMD-P	00-05-056	308-96A-311	PREP	00-08-043	308-124H-034	NEW-P	00-03-063
308-93-145	AMD	00-09-065	308-96A-312	PREP	00-08-043	308-124H-034	NEW	00-08-035
308-93-165	REP-P	00-05-049	308-96A-313	PREP	00-08-043	308-124H-039	NEW-P	00-03-063
308-93-165	REP	00-09-065	308-96A-314	PREP	00-08-043	308-124H-039	NEW	00-08-035
308-93-200	PREP	00-07-106	308-96A-316	PREP	00-08-043	308-124H-041	AMD-P	00-03-063
308-93-220	PREP	00-07-106	308-96A-345	AMD	00-03-057	308-124H-041	AMD	00-08-035
308-93-230	PREP	00-07-106	308-96A-350	AMD	00-03-057	308-124H-042	NEW-P	00-03-063
308-93-241	PREP	00-07-104	308-96A-355	AMD	00-03-057	308-124H-042	NEW	00-08-035
308-93-242	PREP	00-07-104	308-96A-360	REP	00-03-057	308-124H-051	AMD-P	00-03-063
308-93-243	PREP	00-07-104	308-96A-365	AMD	00-03-057	308-124H-051	AMD	00-08-035
308-93-244	PREP	00-07-104	308-96A-370	REP	00-03-057	308-124H-061	AMD-P	00-03-063
308-93-245	PREP	00-07-104	308-96A-375	REP	00-03-057	308-124H-061	AMD	00-08-035
308-93-285	PREP	00-07-105	308-96A-380	REP	00-03-057	308-124H-062	AMD-P	00-03-063
308-93-295	PREP	00-07-106	308-96A-400	PREP	00-06-001	308-124H-062	AMD	00-08-035
308-93-350	PREP	00-07-105	308-96A-400	REP-P	00-09-019	308-124H-210	AMD-P	00-03-063
308-93-360	PREP	00-07-105	308-96A-410	PREP	00-06-001	308-124H-210	AMD	00-08-035
308-93-440	PREP	00-07-093	308-96A-410	REP-P	00-09-019	308-124H-220	REP-P	00-03-063
308-93-450	PREP	00-07-093	308-96A-550	PREP	00-07-108	308-124H-220	REP	00-08-035
308-93-460	PREP	00-07-093	308-96A-560	PREP	00-07-108	308-124H-221	NEW-P	00-03-063
308-93-470	PREP	00-07-093	308-97-011	NEW	00-07-053	308-124H-221	NEW	00-08-035
308-93-640	PREP	00-07-105	308-97-230	PREP	00-06-001	308-124H-230	AMD-P	00-03-063
308-93-650	AMD-P	00-05-049	308-97-230	AMD-P	00-09-019	308-124H-230	AMD	00-08-035
308-93-650	AMD	00-09-065	308-99-010	REP-P	00-07-126	308-124H-240	REP-P	00-03-063
308-94	PREP	00-06-034	308-99-010	REP-W	00-09-009	308-124H-240	REP	00-08-035
308-94-010	REP-P	00-05-050	308-99-020	AMD-P	00-07-126	308-124H-245	NEW-P	00-03-063
308-94-010	REP	00-09-066	308-99-020	AMD-W	00-09-009	308-124H-245	NEW	00-08-035
308-94-030	PREP	00-07-094	308-99-021	REP-P	00-07-126	308-124H-246	NEW-P	00-03-063
308-94-050	PREP	00-07-094	308-99-021	REP-W	00-09-009	308-124H-246	NEW	00-08-035
308-94-080	PREP	00-07-094	308-99-025	REP-P	00-07-126	308-124H-260	AMD-P	00-03-063
308-94-100	PREP	00-07-094	308-99-025	REP-W	00-09-009	308-124H-260	AMD	00-08-035
308-94-160	REP-P	00-05-050	308-99-030	REP-P	00-07-126	308-124H-270	AMD-P	00-03-063
308-94-160	REP	00-09-066	308-99-030	REP-W	00-09-009	308-124H-270	AMD	00-08-035
308-96A-005	AMD-P	00-03-094	308-99-040	AMD-P	00-07-126	308-124H-290	AMD-P	00-03-063
308-96A-005	AMD	00-09-008	308-99-040	AMD-W	00-09-009	308-124H-290	AMD	00-08-035
308-96A-065	PREP	00-07-108	308-99-050	REP-P	00-07-126	308-124H-300	AMD-P	00-03-063
308-96A-066	PREP	00-07-108	308-99-050	REP-W	00-09-009	308-124H-300	AMD	00-08-035
308-96A-067	PREP	00-07-108	308-99-060	NEW-P	00-07-126	308-124H-310	AMD-P	00-03-063
308-96A-068	PREP	00-07-108	308-99-060	NEW-W	00-09-009	308-124H-310	AMD	00-08-035
308-96A-070	PREP	00-07-108	308-124-021	AMD-P	00-03-063	308-124H-320	AMD-P	00-03-063
308-96A-071	PREP	00-07-108	308-124-021	AMD	00-08-035	308-124H-320	AMD	00-08-035
308-96A-072	PREP	00-07-108	308-124E-013	AMD-P	00-03-063	308-124H-510	AMD-P	00-03-063
308-96A-073	PREP	00-07-108	308-124E-013	AMD	00-08-035	308-124H-510	AMD	00-08-035
308-96A-074	PREP	00-07-108	308-124H-011	AMD-P	00-03-063	308-124H-520	REP-P	00-03-063
308-96A-099	PREP	00-06-001	308-124H-011	AMD	00-08-035	308-124H-520	REP	00-08-035
308-96A-099	AMD-P	00-09-019	308-124H-012	NEW-P	00-03-063	308-124H-525	NEW-P	00-03-063
308-96A-135	PREP	00-06-001	308-124H-012	NEW	00-08-035	308-124H-525	NEW	00-08-035
308-96A-135	REP-P	00-09-019	308-124H-013	NEW-P	00-03-063	308-124H-530	AMD-P	00-03-063
308-96A-145	PREP	00-06-001	308-124H-013	NEW	00-08-035	308-124H-530	AMD	00-08-035
308-96A-145	AMD-P	00-09-019	308-124H-021	REP-P	00-03-063	308-124H-551	NEW-P	00-03-063
308-96A-175	PREP	00-06-001	308-124H-021	REP	00-08-035	308-124H-551	NEW	00-08-035
308-96A-175	PREP	00-07-108	308-124H-025	AMD-P	00-03-063	308-124H-580	AMD-P	00-03-063
308-96A-175	AMD-P	00-09-019	308-124H-025	AMD	00-08-035	308-124H-580	AMD	00-08-035
308-96A-176	PREP	00-06-001	308-124H-026	NEW-P	00-03-063	308-124H-800	AMD-P	00-03-063
308-96A-176	PREP	00-07-108	308-124H-026	NEW	00-08-035	308-124H-800	AMD	00-08-035
308-96A-176	AMD-P	00-09-019	308-124H-027	NEW-P	00-03-063	308-125-200	AMD	00-04-057
308-96A-180	PREP	00-06-001	308-124H-027	NEW	00-08-035	308-129-100	AMD-P	00-08-005
308-96A-180	AMD-P	00-09-019	308-124H-028	NEW-P	00-03-063	308-129-230	REP-P	00-08-005
308-96A-202	PREP	00-06-001	308-124H-028	NEW	00-08-035	308-300-010	PREP	00-08-067
308-96A-202	AMD-P	00-09-019	308-124H-029	NEW-P	00-03-063	308-300-020	PREP	00-08-067

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-300-030	PREP	00-08-067	314- 16-115	REP	00-07-117	315- 11A-194	REP-XR	00-02-055
308-300-040	PREP	00-08-067	314- 16-130	REP-P	00-09-095	315- 11A-194	REP	00-07-131
308-300-050	PREP	00-08-067	314- 16-140	REP	00-07-117	315- 11A-195	REP-XR	00-02-055
308-300-060	PREP	00-08-067	314- 16-180	REP	00-07-117	315- 11A-195	REP	00-07-131
308-300-070	PREP	00-08-067	314- 16-190	AMD-XA	00-07-116	315- 11A-196	REP-XR	00-02-055
308-300-075	PREP	00-08-067	314- 16-196	AMD-XA	00-07-116	315- 11A-196	REP	00-07-131
308-300-080	PREP	00-08-067	314- 16-197	REP	00-07-117	315- 11A-197	REP-XR	00-02-055
308-300-090	PREP	00-08-067	314- 16-199	REP	00-07-117	315- 11A-197	REP	00-07-131
308-300-100	PREP	00-08-067	314- 16-200	REP	00-07-117	315- 11A-198	REP-XR	00-02-055
308-300-110	PREP	00-08-067	314- 16-205	REP	00-07-117	315- 11A-198	REP	00-07-131
308-300-120	PREP	00-08-067	314- 16-210	REP	00-07-117	315- 11A-199	REP-XR	00-02-055
308-300-130	PREP	00-08-067	314- 16-240	REP	00-07-117	315- 11A-199	REP	00-07-131
308-300-140	PREP	00-08-067	314- 19-005	NEW-P	00-09-095	315- 11A-200	REP-XR	00-02-055
308-300-150	PREP	00-08-067	314- 19-010	NEW-P	00-09-095	315- 11A-200	REP	00-07-131
308-300-160	PREP	00-08-067	314- 19-015	NEW-P	00-09-095	315- 11A-201	REP-XR	00-02-055
308-300-170	PREP	00-08-067	314- 19-020	NEW-P	00-09-095	315- 11A-201	REP	00-07-131
308-300-180	PREP	00-08-067	314- 19-025	NEW-P	00-09-095	315- 11A-202	REP-XR	00-02-055
308-300-190	PREP	00-08-067	314- 19-030	NEW-P	00-09-095	315- 11A-202	REP	00-07-131
308-300-200	PREP	00-08-067	314- 19-035	NEW-P	00-09-095	315- 11A-203	REP-XR	00-02-055
308-320	PREP	00-10-029	314- 19-040	NEW-P	00-09-095	315- 11A-203	REP	00-07-131
308-320-010	PREP	00-10-029	314- 20-010	REP-P	00-09-095	315- 11A-204	REP-XR	00-02-055
308-320-020	PREP	00-10-029	314- 20-015	AMD-P	00-09-095	315- 11A-204	REP	00-07-131
308-320-030	PREP	00-10-029	314- 20-040	REP-P	00-09-095	315- 11A-205	REP-XR	00-02-055
308-320-040	PREP	00-10-029	314- 20-060	REP-P	00-09-095	315- 11A-205	REP	00-07-131
308-320-050	PREP	00-10-029	314- 20-150	REP-P	00-09-095	315- 11A-206	REP-XR	00-02-055
308-320-060	PREP	00-10-029	314- 20-160	AMD-P	00-09-095	315- 11A-206	REP	00-07-131
308-320-070	PREP	00-10-029	314- 20-170	AMD-P	00-09-095	315- 11A-207	REP-XR	00-02-055
308-320-080	PREP	00-10-029	314- 20-180	REP-P	00-09-095	315- 11A-207	REP	00-07-131
308-320-090	PREP	00-10-029	314- 24-095	REP-P	00-09-095	315- 11A-208	REP-XR	00-02-055
314- 02-005	NEW	00-07-091	314- 24-110	REP-P	00-09-095	315- 11A-208	REP	00-07-131
314- 02-010	NEW	00-07-091	314- 24-120	AMD-P	00-09-095	315- 11A-209	REP-XR	00-02-055
314- 02-015	NEW	00-07-091	314- 24-160	AMD-P	00-09-095	315- 11A-209	REP	00-07-131
314- 02-020	NEW	00-07-091	314- 26-010	REP-P	00-09-095	315- 11A-210	REP-XR	00-02-055
314- 02-025	NEW	00-07-091	314- 37	PREP	00-02-087	315- 11A-210	REP	00-07-131
314- 02-030	NEW	00-07-091	314- 42-010	NEW-P	00-02-089	315- 11A-211	REP-XR	00-02-055
314- 02-035	NEW	00-07-091	314- 42-010	NEW	00-06-016	315- 11A-211	REP	00-07-131
314- 02-040	NEW	00-07-091	314- 48-010	PREP	00-02-087	315- 11A-212	REP-XR	00-02-055
314- 02-045	NEW	00-07-091	314- 56-010	REP-XR	00-02-086	315- 11A-212	REP	00-07-131
314- 02-050	NEW	00-07-091	314- 56-020	REP-XR	00-02-086	315- 11A-213	REP-XR	00-02-055
314- 02-055	NEW	00-07-091	314- 60	PREP	00-02-088	315- 11A-213	REP	00-07-131
314- 02-060	NEW	00-07-091	314- 62	PREP	00-02-088	315- 11A-214	REP-XR	00-02-055
314- 02-065	NEW	00-07-091	314- 64	PREP	00-02-087	315- 11A-214	REP	00-07-131
314- 02-070	NEW	00-07-091	314- 76-010	PREP	00-02-087	317- 10	PREP	00-05-096
314- 02-075	NEW	00-07-091	314- 78-010	REP-XR	00-02-086	326- 30-041	PREP	00-10-105
314- 02-080	NEW	00-07-091	315- 06-120	PREP	00-05-059	332-130-050	AMD-P	00-08-034
314- 02-085	NEW	00-07-091	315- 06-120	AMD-P	00-07-130	352- 32	PREP	00-04-081
314- 02-090	NEW	00-07-091	315- 11A-165	REP-XR	00-02-055	352- 32-010	AMD-P	00-10-117
314- 02-095	NEW	00-07-091	315- 11A-165	REP	00-07-131	352- 32-011	AMD-P	00-10-117
314- 02-100	NEW	00-07-091	315- 11A-187	REP-XR	00-02-055	352- 32-030	AMD-P	00-10-117
314- 02-105	NEW	00-07-091	315- 11A-187	REP	00-07-131	352- 32-040	AMD-P	00-10-117
314- 02-110	NEW	00-07-091	315- 11A-188	REP-XR	00-02-055	352- 32-045	AMD-P	00-10-117
314- 02-115	NEW	00-07-091	315- 11A-188	REP	00-07-131	352- 32-050	AMD-P	00-10-117
314- 02-120	NEW	00-07-091	315- 11A-189	REP-XR	00-02-055	352- 32-053	AMD-P	00-10-117
314- 02-125	NEW	00-07-091	315- 11A-189	REP	00-07-131	352- 32-056	AMD-P	00-10-117
314- 02-130	NEW	00-07-091	315- 11A-190	REP-XR	00-02-055	352- 32-060	AMD-P	00-10-117
314- 15-010	REP	00-07-117	315- 11A-190	REP	00-07-131	352- 32-070	AMD-P	00-10-117
314- 15-020	REP	00-07-117	315- 11A-191	REP-XR	00-02-055	352- 32-075	AMD-P	00-10-117
314- 15-030	REP	00-07-117	315- 11A-191	REP	00-07-131	352- 32-080	AMD-P	00-10-117
314- 15-040	REP	00-07-117	315- 11A-192	REP-XR	00-02-055	352- 32-085	AMD-P	00-10-117
314- 15-050	REP	00-07-117	315- 11A-192	REP	00-07-131	352- 32-090	AMD-P	00-10-117
314- 16-040	AMD-XA	00-07-116	315- 11A-193	REP-XR	00-02-055	352- 32-100	AMD-P	00-10-117
314- 16-055	REP	00-07-117	315- 11A-193	REP	00-07-131	352- 32-110	AMD-P	00-10-117

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
352- 32-120	AMD-P	00-10-117	359- 40-020	NEW	00-10-028	388- 02-0085	NEW-P	00-10-034
352- 32-130	AMD-P	00-10-117	359- 40-050	NEW-P	00-04-054	388- 02-0090	NEW-P	00-10-034
352- 32-150	AMD-P	00-10-117	359- 40-050	NEW-C	00-06-049	388- 02-0095	NEW-P	00-10-034
352- 32-15001	AMD-P	00-10-117	359- 40-050	NEW	00-10-028	388- 02-0100	NEW-P	00-10-034
352- 32-155	AMD-P	00-10-117	359- 40-060	NEW-P	00-04-054	388- 02-0105	NEW-P	00-10-034
352- 32-157	AMD-P	00-10-117	359- 40-060	NEW-C	00-06-049	388- 02-0110	NEW-P	00-10-034
352- 32-165	AMD-P	00-10-117	359- 40-060	NEW	00-10-028	388- 02-0115	NEW-P	00-10-034
352- 32-195	AMD-P	00-10-117	363-116-185	AMD-P	00-10-074	388- 02-0120	NEW-P	00-10-034
352- 32-200	AMD-P	00-10-117	363-116-300	AMD-P	00-08-106	388- 02-0125	NEW-P	00-10-034
352- 32-210	AMD-P	00-10-117	365- 18-010	NEW	00-09-060	388- 02-0130	NEW-P	00-10-034
352- 32-215	AMD-P	00-10-117	365- 18-020	NEW	00-09-060	388- 02-0135	NEW-P	00-10-034
352- 32-230	AMD-P	00-10-117	365- 18-030	NEW	00-09-060	388- 02-0140	NEW-P	00-10-034
352- 32-235	AMD-P	00-10-117	365- 18-040	NEW	00-09-060	388- 02-0145	NEW-P	00-10-034
352- 32-250	AMD-P	00-10-117	365- 18-050	NEW	00-09-060	388- 02-0150	NEW-P	00-10-034
352- 32-251	AMD-P	00-10-117	365- 18-060	NEW	00-09-060	388- 02-0155	NEW-P	00-10-034
352- 32-255	AMD-P	00-10-117	365- 18-070	NEW	00-09-060	388- 02-0160	NEW-P	00-10-034
352- 32-280	AMD-P	00-10-117	365- 18-080	NEW	00-09-060	388- 02-0165	NEW-P	00-10-034
352- 32-285	PREP	00-04-081	365- 18-090	NEW	00-09-060	388- 02-0170	NEW-P	00-10-034
352- 32-285	AMD-P	00-10-117	365- 18-100	NEW	00-09-060	388- 02-0175	NEW-P	00-10-034
352- 32-290	AMD-P	00-10-117	365- 18-110	NEW	00-09-060	388- 02-0180	NEW-P	00-10-034
352- 32-330	AMD-P	00-10-117	365- 18-120	NEW	00-09-060	388- 02-0185	NEW-P	00-10-034
356- 14-045	AMD-P	00-04-052	365-120	AMD	00-05-020	388- 02-0190	NEW-P	00-10-034
356- 14-045	AMD-C	00-06-050	365-120-010	AMD	00-05-020	388- 02-0195	NEW-P	00-10-034
356- 14-045	AMD	00-10-026	365-120-020	AMD	00-05-020	388- 02-0200	NEW-P	00-10-034
356- 15-100	AMD-W	00-10-025	365-120-030	AMD	00-05-020	388- 02-0205	NEW-P	00-10-034
356- 15-110	AMD-W	00-10-025	365-120-040	AMD	00-05-020	388- 02-0210	NEW-P	00-10-034
356- 26-040	AMD-P	00-04-052	365-120-050	AMD	00-05-020	388- 02-0215	NEW-P	00-10-034
356- 26-040	AMD-C	00-06-050	365-120-060	AMD	00-05-020	388- 02-0220	NEW-P	00-10-034
356- 26-040	AMD	00-10-026	365-120-070	NEW	00-05-020	388- 02-0225	NEW-P	00-10-034
356- 30-075	AMD-P	00-04-052	365-120-080	NEW	00-05-020	388- 02-0230	NEW-P	00-10-034
356- 30-075	AMD-C	00-06-050	365-120-090	NEW	00-05-020	388- 02-0235	NEW-P	00-10-034
356- 30-075	AMD	00-10-026	365-135-020	AMD	00-02-061	388- 02-0240	NEW-P	00-10-034
356- 30-331	AMD-P	00-06-047	365-195-900	NEW-P	00-03-066	388- 02-0245	NEW-P	00-10-034
359- 14-010	NEW-P	00-04-054	365-195-905	NEW-P	00-03-066	388- 02-0250	NEW-P	00-10-034
359- 14-010	NEW-C	00-06-049	365-195-910	NEW-P	00-03-066	388- 02-0255	NEW-P	00-10-034
359- 14-010	NEW	00-10-028	365-195-915	NEW-P	00-03-066	388- 02-0260	NEW-P	00-10-034
359- 14-020	NEW-P	00-04-054	365-195-920	NEW-P	00-03-066	388- 02-0265	NEW-P	00-10-034
359- 14-020	NEW-C	00-06-049	365-195-925	NEW-P	00-03-066	388- 02-0270	NEW-P	00-10-034
359- 14-020	NEW	00-10-028	365-197-010	NEW-P	00-03-067	388- 02-0275	NEW-P	00-10-034
359- 14-030	NEW-P	00-04-054	365-197-020	NEW-P	00-03-067	388- 02-0280	NEW-P	00-10-034
359- 14-030	NEW-C	00-06-049	365-197-030	NEW-P	00-03-067	388- 02-0285	NEW-P	00-10-034
359- 14-030	NEW	00-10-028	365-197-040	NEW-P	00-03-067	388- 02-0290	NEW-P	00-10-034
359- 14-050	NEW-P	00-04-054	365-197-050	NEW-P	00-03-067	388- 02-0295	NEW-P	00-10-034
359- 14-050	NEW-C	00-06-049	365-197-060	NEW-P	00-03-067	388- 02-0300	NEW-P	00-10-034
359- 14-050	NEW	00-10-028	365-197-070	NEW-P	00-03-067	388- 02-0305	NEW-P	00-10-034
359- 14-070	NEW-P	00-04-054	365-197-080	NEW-P	00-03-067	388- 02-0310	NEW-P	00-10-034
359- 14-070	NEW-C	00-06-049	388- 02-0005	NEW-P	00-10-034	388- 02-0315	NEW-P	00-10-034
359- 14-070	NEW	00-10-028	388- 02-0010	NEW-P	00-10-034	388- 02-0320	NEW-P	00-10-034
359- 14-080	NEW-P	00-04-054	388- 02-0015	NEW-P	00-10-034	388- 02-0325	NEW-P	00-10-034
359- 14-080	NEW-C	00-06-049	388- 02-0020	NEW-P	00-10-034	388- 02-0330	NEW-P	00-10-034
359- 14-080	NEW	00-10-028	388- 02-0025	NEW-P	00-10-034	388- 02-0335	NEW-P	00-10-034
359- 14-100	NEW-P	00-04-054	388- 02-0030	NEW-P	00-10-034	388- 02-0340	NEW-P	00-10-034
359- 14-100	NEW-C	00-06-049	388- 02-0035	NEW-P	00-10-034	388- 02-0345	NEW-P	00-10-034
359- 14-100	NEW	00-10-028	388- 02-0040	NEW-P	00-10-034	388- 02-0350	NEW-P	00-10-034
359- 14-130	NEW-P	00-04-054	388- 02-0045	NEW-P	00-10-034	388- 02-0355	NEW-P	00-10-034
359- 14-130	NEW-C	00-06-049	388- 02-0050	NEW-P	00-10-034	388- 02-0360	NEW-P	00-10-034
359- 14-130	NEW	00-10-028	388- 02-0055	NEW-P	00-10-034	388- 02-0365	NEW-P	00-10-034
359- 40-010	NEW-P	00-04-054	388- 02-0060	NEW-P	00-10-034	388- 02-0370	NEW-P	00-10-034
359- 40-010	NEW-C	00-06-049	388- 02-0065	NEW-P	00-10-034	388- 02-0375	NEW-P	00-10-034
359- 40-010	NEW	00-10-028	388- 02-0070	NEW-P	00-10-034	388- 02-0380	NEW-P	00-10-034
359- 40-020	NEW-P	00-04-054	388- 02-0075	NEW-P	00-10-034	388- 02-0385	NEW-P	00-10-034
359- 40-020	NEW-C	00-06-049	388- 02-0080	NEW-P	00-10-034	388- 02-0390	NEW-P	00-10-034

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-02-0395	NEW-P	00-10-034	388-03-117	NEW	00-06-014	388-11-155	PREP	00-06-039
388-02-0400	NEW-P	00-10-034	388-03-118	NEW	00-06-014	388-11-170	PREP	00-06-039
388-02-0405	NEW-P	00-10-034	388-03-120	NEW	00-06-014	388-11-180	PREP	00-06-039
388-02-0410	NEW-P	00-10-034	388-03-122	NEW	00-06-014	388-11-205	PREP	00-06-039
388-02-0415	NEW-P	00-10-034	388-03-123	NEW	00-06-014	388-11-210	PREP	00-06-039
388-02-0420	NEW-P	00-10-034	388-03-124	NEW	00-06-014	388-11-215	PREP	00-06-039
388-02-0425	NEW-P	00-10-034	388-03-125	NEW	00-06-014	388-11-220	PREP	00-06-039
388-02-0430	NEW-P	00-10-034	388-03-126	NEW	00-06-014	388-11-280	PREP	00-06-039
388-02-0435	NEW-P	00-10-034	388-03-130	NEW	00-06-014	388-11-285	PREP	00-06-039
388-02-0440	NEW-P	00-10-034	388-03-132	NEW	00-06-014	388-11-285	REP-P	00-10-096
388-02-0445	NEW-P	00-10-034	388-03-133	NEW	00-06-014	388-11-290	PREP	00-06-039
388-02-0450	NEW-P	00-10-034	388-03-135	NEW	00-06-014	388-11-290	REP-P	00-10-096
388-02-0455	NEW-P	00-10-034	388-03-138	NEW	00-06-014	388-11-295	PREP	00-06-039
388-02-0460	NEW-P	00-10-034	388-03-140	NEW	00-06-014	388-11-295	REP-P	00-10-096
388-02-0465	NEW-P	00-10-034	388-03-150	NEW	00-06-014	388-11-300	PREP	00-06-039
388-02-0470	NEW-P	00-10-034	388-03-152	NEW	00-06-014	388-11-305	PREP	00-06-039
388-02-0475	NEW-P	00-10-034	388-03-154	NEW	00-06-014	388-11-305	AMD-P	00-10-096
388-02-0480	NEW-P	00-10-034	388-03-156	NEW	00-06-014	388-11-310	PREP	00-06-039
388-02-0485	NEW-P	00-10-034	388-03-170	NEW	00-06-014	388-11-310	AMD-P	00-10-096
388-02-0490	NEW-P	00-10-034	388-03-172	NEW	00-06-014	388-11-315	PREP	00-06-039
388-02-0495	NEW-P	00-10-034	388-03-174	NEW	00-06-014	388-11-315	REP-P	00-06-068
388-02-0500	NEW-P	00-10-034	388-03-176	NEW	00-06-014	388-11-315	REP	00-09-076
388-02-0505	NEW-P	00-10-034	388-08-410	REP-P	00-10-094	388-11-320	PREP	00-06-039
388-02-0510	NEW-P	00-10-034	388-08-413	REP-P	00-10-094	388-11-325	PREP	00-06-039
388-02-0515	NEW-P	00-10-034	388-08-425	REP-P	00-10-094	388-11-330	PREP	00-06-039
388-02-0520	NEW-P	00-10-034	388-08-428	REP-P	00-10-094	388-11-335	PREP	00-06-039
388-02-0525	NEW-P	00-10-034	388-08-431	REP-P	00-10-094	388-11-340	PREP	00-06-039
388-02-0530	NEW-P	00-10-034	388-08-434	REP-P	00-10-094	388-11-400	PREP	00-06-039
388-02-0535	NEW-P	00-10-034	388-08-437	REP-P	00-10-094	388-11-400	REP-P	00-10-096
388-02-0540	NEW-P	00-10-034	388-08-440	REP-P	00-10-094	388-11-410	PREP	00-06-039
388-02-0545	NEW-P	00-10-034	388-08-446	REP-P	00-10-094	388-11-410	REP-P	00-10-096
388-02-0550	NEW-P	00-10-034	388-08-449	REP-P	00-10-094	388-11-415	PREP	00-06-039
388-02-0555	NEW-P	00-10-034	388-08-452	REP-P	00-10-094	388-11-415	REP-P	00-10-096
388-02-0560	NEW-P	00-10-034	388-08-461	REP-P	00-10-094	388-11-420	PREP	00-06-039
388-02-0565	NEW-P	00-10-034	388-08-462	REP-P	00-10-094	388-11-420	REP-P	00-10-096
388-02-0570	NEW-P	00-10-034	388-08-464	REP-P	00-10-094	388-11-425	PREP	00-06-039
388-02-0575	NEW-P	00-10-034	388-08-466	REP-P	00-10-094	388-11-425	REP-P	00-10-096
388-02-0580	NEW-P	00-10-034	388-08-470	REP-P	00-10-094	388-11-430	PREP	00-06-039
388-02-0585	NEW-P	00-10-034	388-08-515	REP-P	00-10-094	388-11-430	REP-P	00-10-096
388-02-0590	NEW-P	00-10-034	388-08-525	REP-P	00-10-094	388-13	PREP	00-06-039
388-02-0595	NEW-P	00-10-034	388-08-535	REP-P	00-10-094	388-14-010	PREP	00-06-039
388-02-0600	NEW-P	00-10-034	388-08-545	REP-P	00-10-094	388-14-020	PREP	00-06-039
388-02-0605	NEW-P	00-10-034	388-08-555	REP-P	00-10-094	388-14-030	PREP	00-06-039
388-02-0610	NEW-P	00-10-034	388-08-565	REP-P	00-10-094	388-14-035	PREP	00-06-039
388-02-0615	NEW-P	00-10-034	388-08-575	REP-P	00-10-094	388-14-040	PREP	00-06-039
388-02-0620	NEW-P	00-10-034	388-08-585	REP-P	00-10-094	388-14-045	PREP	00-06-039
388-02-0625	NEW-P	00-10-034	388-11-011	PREP	00-06-039	388-14-050	PREP	00-06-039
388-02-0630	NEW-P	00-10-034	388-11-011	AMD-P	00-10-096	388-14-100	PREP	00-06-039
388-02-0635	NEW-P	00-10-034	388-11-015	PREP	00-06-039	388-14-200	PREP	00-06-039
388-02-0640	NEW-P	00-10-034	388-11-045	PREP	00-06-039	388-14-201	PREP	00-06-039
388-02-0645	NEW-P	00-10-034	388-11-048	PREP	00-06-039	388-14-202	PREP	00-06-039
388-02-0650	NEW-P	00-10-034	388-11-065	PREP	00-06-039	388-14-203	PREP	00-06-039
388-03-010	NEW	00-06-014	388-11-067	PREP	00-06-039	388-14-205	PREP	00-06-039
388-03-020	NEW	00-06-014	388-11-100	PREP	00-06-039	388-14-210	PREP	00-06-039
388-03-030	NEW	00-06-014	388-11-100	AMD-P	00-10-096	388-14-220	PREP	00-06-039
388-03-050	NEW	00-06-014	388-11-120	PREP	00-06-039	388-14-250	PREP	00-06-039
388-03-060	NEW	00-06-014	388-11-120	AMD-P	00-10-096	388-14-260	PREP	00-06-039
388-03-110	NEW	00-06-014	388-11-135	PREP	00-06-039	388-14-270	PREP	00-06-039
388-03-112	NEW	00-06-014	388-11-140	PREP	00-06-039	388-14-271	PREP	00-06-039
388-03-114	NEW	00-06-014	388-11-145	PREP	00-06-039	388-14-272	PREP	00-06-039
388-03-115	NEW	00-06-014	388-11-150	PREP	00-06-039	388-14-273	PREP	00-06-039
388-03-116	NEW	00-06-014	388-11-150	AMD-P	00-10-096	388-14-274	PREP	00-06-039

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 14-276	PREP	00-06-039	388- 14A-3870	NEW-P	00-06-068	388- 15-830	REP	00-04-056
388- 14-300	PREP	00-06-039	388- 14A-3870	NEW	00-09-076	388- 15-880	REP	00-04-056
388- 14-310	PREP	00-06-039	388- 14A-3875	NEW-P	00-06-068	388- 15-890	REP	00-04-056
388- 14-350	PREP	00-06-039	388- 14A-3875	NEW	00-09-076	388- 15-895	REP	00-04-056
388- 14-360	PREP	00-06-039	388- 15-120	REP	00-03-029	388- 17-010	REP	00-04-056
388- 14-365	PREP	00-06-039	388- 15-145	REP	00-04-056	388- 17-020	REP	00-04-056
388- 14-370	PREP	00-06-039	388- 15-196	REP	00-03-043	388- 17-100	REP	00-04-056
388- 14-376	PREP	00-06-039	388- 15-19600	REP	00-03-043	388- 17-120	REP	00-04-056
388- 14-385	PREP	00-06-039	388- 15-19610	REP	00-03-043	388- 17-160	REP	00-04-056
388- 14-386	PREP	00-06-039	388- 15-19620	REP	00-03-043	388- 17-180	REP	00-04-056
388- 14-387	PREP	00-06-039	388- 15-19630	REP	00-03-043	388- 17-500	REP	00-04-056
388- 14-388	PREP	00-06-039	388- 15-19640	REP	00-03-043	388- 17-510	REP	00-04-056
388- 14-390	PREP	00-06-039	388- 15-19650	REP	00-03-043	388- 24-2070	REP	00-03-012
388- 14-395	PREP	00-06-039	388- 15-19660	REP	00-03-043	388- 24-2100	REP	00-03-012
388- 14-410	PREP	00-06-039	388- 15-19670	REP	00-03-043	388- 24-2150	REP	00-03-012
388- 14-415	PREP	00-06-039	388- 15-19680	REP	00-03-043	388- 24-2200	REP	00-03-012
388- 14-420	PREP	00-06-039	388- 15-198	REP	00-03-043	388- 24-2250	REP	00-03-012
388- 14-421	PREP	00-06-039	388- 15-200	REP	00-04-056	388- 24-2350	REP	00-03-012
388- 14-422	PREP	00-06-039	388- 15-201	REP	00-04-056	388- 24-2430	REP	00-03-012
388- 14-423	PREP	00-06-039	388- 15-206	REP	00-04-056	388- 31	PREP	00-09-034
388- 14-424	PREP	00-06-039	388- 15-207	REP	00-04-056	388- 71-0100	NEW	00-03-029
388- 14-427	PREP	00-06-039	388- 15-209	REP	00-04-056	388- 71-0105	NEW	00-03-029
388- 14-435	PREP	00-06-039	388- 15-214	REP	00-04-056	388- 71-0110	NEW	00-03-029
388- 14-440	PREP	00-06-039	388- 15-215	REP	00-04-056	388- 71-0115	NEW	00-03-029
388- 14-445	PREP	00-06-039	388- 15-219	REP	00-04-056	388- 71-0120	NEW	00-03-029
388- 14-445	REP-P	00-10-096	388- 15-222	REP	00-04-056	388- 71-0150	NEW	00-03-029
388- 14-450	PREP	00-06-039	388- 15-548	REP	00-04-056	388- 71-0155	NEW	00-03-029
388- 14-460	PREP	00-06-039	388- 15-551	REP	00-04-056	388- 71-0400	NEW	00-04-056
388- 14-480	PREP	00-06-039	388- 15-552	REP	00-04-056	388- 71-0405	NEW	00-04-056
388- 14-490	PREP	00-06-039	388- 15-553	REP	00-04-056	388- 71-0410	NEW	00-04-056
388- 14-495	PREP	00-06-039	388- 15-554	REP	00-04-056	388- 71-0415	NEW	00-04-056
388- 14-500	PREP	00-06-039	388- 15-555	REP	00-04-056	388- 71-0420	NEW	00-04-056
388- 14-510	PREP	00-06-039	388- 15-560	REP	00-04-056	388- 71-0425	NEW	00-04-056
388- 14-520	PREP	00-06-039	388- 15-562	REP	00-04-056	388- 71-0430	NEW	00-04-056
388- 14-530	PREP	00-06-039	388- 15-563	REP	00-04-056	388- 71-0430	AMD-P	00-10-033
388- 14-540	PREP	00-06-039	388- 15-564	REP	00-04-056	388- 71-0435	NEW-P	00-10-033
388- 14-550	PREP	00-06-039	388- 15-566	REP	00-04-056	388- 71-0440	NEW	00-04-056
388- 14-560	PREP	00-06-039	388- 15-568	REP	00-04-056	388- 71-0445	NEW	00-04-056
388- 14-570	PREP	00-06-039	388- 15-600	REP	00-04-056	388- 71-0445	PREP	00-07-100
388- 14A-3100	NEW-P	00-10-096	388- 15-610	REP-P	00-10-033	388- 71-0450	NEW	00-04-056
388- 14A-3102	NEW-P	00-10-096	388- 15-620	REP	00-04-056	388- 71-0455	NEW	00-04-056
388- 14A-3105	NEW-P	00-10-096	388- 15-630	REP	00-04-056	388- 71-0460	NEW	00-04-056
388- 14A-3110	NEW-P	00-10-096	388- 15-650	PREP	00-08-049	388- 71-0465	NEW	00-04-056
388- 14A-3115	NEW-P	00-10-096	388- 15-651	PREP	00-08-049	388- 71-0470	NEW	00-04-056
388- 14A-3120	NEW-P	00-10-096	388- 15-652	PREP	00-08-049	388- 71-0470	PREP	00-07-100
388- 14A-3125	NEW-P	00-10-096	388- 15-653	PREP	00-08-049	388- 71-0475	NEW	00-04-056
388- 14A-3130	NEW-P	00-10-096	388- 15-654	PREP	00-08-049	388- 71-0480	NEW	00-04-056
388- 14A-3131	NEW-P	00-10-096	388- 15-655	PREP	00-08-049	388- 71-0480	PREP	00-07-100
388- 14A-3132	NEW-P	00-10-096	388- 15-656	PREP	00-08-049	388- 71-0500	NEW	00-03-043
388- 14A-3133	NEW-P	00-10-096	388- 15-657	PREP	00-08-049	388- 71-0505	NEW	00-03-043
388- 14A-3135	NEW-P	00-10-096	388- 15-658	PREP	00-08-049	388- 71-0510	NEW	00-03-043
388- 14A-3140	NEW-P	00-10-096	388- 15-659	PREP	00-08-049	388- 71-0515	NEW	00-03-043
388- 14A-3200	NEW-P	00-10-096	388- 15-660	PREP	00-08-049	388- 71-0520	NEW	00-03-043
388- 14A-3205	NEW-P	00-10-096	388- 15-661	PREP	00-08-049	388- 71-0525	NEW	00-03-043
388- 14A-3850	NEW-P	00-06-068	388- 15-662	PREP	00-08-049	388- 71-0530	NEW	00-03-043
388- 14A-3850	NEW	00-09-076	388- 15-690	REP	00-04-056	388- 71-0535	NEW	00-03-043
388- 14A-3855	NEW-P	00-06-068	388- 15-695	REP	00-04-056	388- 71-0540	NEW	00-03-043
388- 14A-3855	NEW	00-09-076	388- 15-700	REP	00-04-056	388- 71-0545	NEW	00-03-043
388- 14A-3860	NEW-P	00-06-068	388- 15-705	REP	00-04-056	388- 71-0550	NEW	00-03-043
388- 14A-3860	NEW	00-09-076	388- 15-710	REP	00-04-056	388- 71-0555	NEW	00-03-043
388- 14A-3865	NEW-P	00-06-068	388- 15-715	REP	00-04-056	388- 71-0560	NEW	00-03-043
388- 14A-3865	NEW	00-09-076	388- 15-810	REP	00-04-056	388- 71-0580	NEW	00-03-043

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-71-0600	NEW	00-04-056	388-96-781	NEW-P	00-09-080	388-97-105	REP	00-06-028
388-71-0605	NEW	00-04-056	388-96-781	NEW-E	00-10-035	388-97-110	AMD	00-06-028
388-71-0610	NEW	00-04-056	388-96-782	NEW-P	00-09-080	388-97-115	AMD	00-06-028
388-71-0615	NEW	00-04-056	388-96-782	NEW-E	00-10-035	388-97-120	AMD	00-06-028
388-71-0620	NEW	00-04-056	388-96-901	AMD-P	00-09-080	388-97-12010	NEW	00-06-028
388-71-1000	NEW	00-04-056	388-96-901	AMD-E	00-10-035	388-97-12020	NEW	00-06-028
388-71-1005	NEW	00-04-056	388-97-005	AMD	00-06-028	388-97-12030	NEW	00-06-028
388-71-1010	NEW	00-04-056	388-97-010	REP	00-06-028	388-97-12040	NEW	00-06-028
388-71-1015	NEW	00-04-056	388-97-012	NEW	00-06-028	388-97-12050	NEW	00-06-028
388-71-1020	NEW	00-04-056	388-97-015	REP	00-06-028	388-97-12060	NEW	00-06-028
388-71-1025	NEW	00-04-056	388-97-017	NEW	00-06-028	388-97-12070	NEW	00-06-028
388-71-1030	NEW	00-04-056	388-97-020	REP	00-06-028	388-97-125	AMD	00-06-028
388-71-1035	NEW	00-04-056	388-97-022	NEW	00-06-028	388-97-130	AMD	00-06-028
388-71-1065	NEW	00-04-056	388-97-025	REP	00-06-028	388-97-135	AMD	00-06-028
388-71-1070	NEW	00-04-056	388-97-027	NEW	00-06-028	388-97-140	AMD	00-06-028
388-71-1075	NEW	00-04-056	388-97-030	REP	00-06-028	388-97-145	REP	00-06-028
388-71-1080	NEW	00-04-056	388-97-032	NEW	00-06-028	388-97-147	NEW	00-06-028
388-71-1085	NEW	00-04-056	388-97-035	REP	00-06-028	388-97-150	REP	00-06-028
388-71-1090	NEW	00-04-056	388-97-037	NEW	00-06-028	388-97-155	AMD	00-06-028
388-71-1095	NEW	00-04-056	388-97-040	REP	00-06-028	388-97-160	AMD	00-06-028
388-71-1100	NEW	00-04-056	388-97-042	NEW	00-06-028	388-97-162	NEW	00-06-028
388-71-1105	NEW	00-04-056	388-97-043	NEW	00-06-028	388-97-165	AMD	00-06-028
388-71-1110	NEW	00-04-056	388-97-045	REP	00-06-028	388-97-170	AMD	00-06-028
388-76-61510	PREP	00-07-057	388-97-047	NEW	00-06-028	388-97-175	AMD	00-06-028
388-76-640	PREP	00-07-057	388-97-050	REP	00-06-028	388-97-180	AMD	00-06-028
388-81	PREP	00-07-055	388-97-051	NEW	00-06-028	388-97-185	AMD	00-06-028
388-86	PREP	00-03-011	388-97-052	NEW	00-06-028	388-97-190	AMD	00-06-028
388-86-012	PREP	00-03-011	388-97-053	NEW	00-06-028	388-97-195	AMD	00-06-028
388-86-012	REP-XR	00-08-057	388-97-055	AMD	00-06-028	388-97-200	REP	00-06-028
388-86-017	PREP	00-05-108	388-97-060	AMD	00-06-028	388-97-202	NEW	00-06-028
388-86-019	PREP	00-03-011	388-97-065	AMD	00-06-028	388-97-205	AMD	00-06-028
388-86-024	REP-P	00-09-041	388-97-070	REP	00-06-028	388-97-210	REP	00-06-028
388-86-035	PREP	00-07-056	388-97-07005	NEW	00-06-028	388-97-212	NEW	00-06-028
388-86-067	REP	00-05-039	388-97-07010	NEW	00-06-028	388-97-215	REP	00-06-028
388-86-071	PREP	00-09-033	388-97-07015	NEW	00-06-028	388-97-220	AMD	00-06-028
388-86-087	PREP	00-07-056	388-97-07020	NEW	00-06-028	388-97-225	REP	00-06-028
388-86-090	REP	00-04-019	388-97-07025	NEW	00-06-028	388-97-230	REP	00-06-028
388-86-105	REP-XR	00-09-039	388-97-07030	NEW	00-06-028	388-97-235	REP	00-06-028
388-86-110	PREP	00-03-011	388-97-07035	NEW	00-06-028	388-97-240	REP	00-06-028
388-86-115	PREP	00-03-011	388-97-07040	NEW	00-06-028	388-97-245	REP	00-06-028
388-86-120	PREP	00-03-011	388-97-07045	NEW	00-06-028	388-97-247	NEW	00-06-028
388-86-300	PREP	00-03-011	388-97-07050	NEW	00-06-028	388-97-249	NEW	00-06-028
388-87	PREP	00-03-011	388-97-07055	NEW	00-06-028	388-97-250	REP	00-06-028
388-87-005	REP-P	00-09-043	388-97-07060	NEW	00-06-028	388-97-251	NEW	00-06-028
388-87-007	REP-P	00-09-043	388-97-07065	NEW	00-06-028	388-97-253	NEW	00-06-028
388-87-008	REP-P	00-09-043	388-97-07070	NEW	00-06-028	388-97-255	REP	00-06-028
388-87-010	REP-P	00-09-043	388-97-075	AMD	00-06-028	388-97-260	AMD	00-06-028
388-87-011	REP-P	00-09-043	388-97-076	NEW	00-06-028	388-97-265	REP	00-06-028
388-87-012	REP-P	00-09-043	388-97-077	NEW	00-06-028	388-97-270	REP	00-06-028
388-87-015	REP-P	00-09-042	388-97-080	REP	00-06-028	388-97-275	REP	00-06-028
388-87-027	PREP	00-03-011	388-97-08010	NEW	00-06-028	388-97-280	REP	00-06-028
388-87-045	REP-XR	00-09-040	388-97-08020	NEW	00-06-028	388-97-285	NEW	00-06-028
388-87-067	REP	00-05-039	388-97-08030	NEW	00-06-028	388-97-295	AMD	00-06-028
388-87-077	REP	00-05-039	388-97-08040	NEW	00-06-028	388-97-29510	NEW	00-06-028
388-87-090	REP	00-04-019	388-97-08050	NEW	00-06-028	388-97-29520	NEW	00-06-028
388-87-200	PREP	00-07-056	388-97-08060	NEW	00-06-028	388-97-29530	NEW	00-06-028
388-87-200	REP-P	00-09-043	388-97-08070	NEW	00-06-028	388-97-29540	NEW	00-06-028
388-90-010	RE?	00-07-045	388-97-085	AMD	00-06-028	388-97-29550	NEW	00-06-028
388-96-779	NEW-P	00-09-080	388-97-090	AMD	00-06-028	388-97-29560	NEW	00-06-028
388-96-779	NEW-E	00-10-035	388-97-095	REP	00-06-028	388-97-300	REP	00-06-028
388-96-780	NEW-P	00-09-080	388-97-097	NEW	00-06-028	388-97-305	REP	00-06-028
388-96-780	NEW-E	00-10-035	388-97-100	REP	00-06-028	388-97-310	AMD	00-06-028

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-97-315	AMD	00-06-028	388-97-390	REP	00-06-028	388-155-085	AMD-XA	00-09-089
388-97-320	REP	00-06-028	388-97-395	REP	00-06-028	388-155-090	AMD-XA	00-09-089
388-97-325	AMD	00-06-028	388-97-400	AMD	00-06-028	388-155-092	AMD-XA	00-09-089
388-97-32510	NEW	00-06-028	388-97-40010	NEW	00-06-028	388-155-093	AMD-XA	00-09-089
388-97-32520	NEW	00-06-028	388-97-401	NEW	00-06-028	388-155-094	AMD-XA	00-09-089
388-97-32530	NEW	00-06-028	388-97-402	NEW	00-06-028	388-155-095	AMD-XA	00-09-089
388-97-32540	NEW	00-06-028	388-97-403	NEW	00-06-028	388-155-098	AMD	00-06-040
388-97-32550	NEW	00-06-028	388-97-405	AMD	00-06-028	388-155-100	AMD	00-06-040
388-97-32560	NEW	00-06-028	388-97-410	AMD	00-06-028	388-155-110	AMD	00-06-040
388-97-32570	NEW	00-06-028	388-97-415	AMD	00-06-028	388-155-120	AMD	00-06-040
388-97-32580	NEW	00-06-028	388-97-420	AMD	00-06-028	388-155-130	AMD	00-06-040
388-97-330	AMD	00-06-028	388-97-425	AMD	00-06-028	388-155-140	AMD	00-06-040
388-97-33010	NEW	00-06-028	388-97-430	AMD	00-06-028	388-155-150	AMD	00-06-040
388-97-33020	NEW	00-06-028	388-97-43010	NEW	00-06-028	388-155-160	AMD-XA	00-09-089
388-97-33030	NEW	00-06-028	388-97-43020	NEW	00-06-028	388-155-165	AMD	00-06-040
388-97-33040	NEW	00-06-028	388-97-43030	NEW	00-06-028	388-155-170	AMD	00-06-040
388-97-33050	NEW	00-06-028	388-97-43040	NEW	00-06-028	388-155-180	AMD	00-06-040
388-97-335	AMD	00-06-028	388-97-43050	NEW	00-06-028	388-155-190	AMD-XA	00-09-089
388-97-33510	NEW	00-06-028	388-97-435	REP	00-06-028	388-155-200	AMD	00-06-040
388-97-33520	NEW	00-06-028	388-97-440	REP	00-06-028	388-155-210	REP	00-06-040
388-97-33530	NEW	00-06-028	388-97-445	REP	00-06-028	388-155-220	AMD	00-06-040
388-97-33540	NEW	00-06-028	388-97-445	REP	00-06-028	388-155-230	AMD	00-06-040
388-97-33550	NEW	00-06-028	388-97-450	REP	00-06-028	388-155-240	AMD	00-06-040
388-97-33560	NEW	00-06-028	388-97-455	AMD	00-06-028	388-155-250	AMD	00-06-040
388-97-33570	NEW	00-06-028	388-97-45510	NEW	00-06-028	388-155-260	REP	00-06-040
388-97-33580	NEW	00-06-028	388-97-460	AMD	00-06-028	388-155-270	AMD	00-06-040
388-97-340	AMD	00-06-028	388-97-46010	NEW	00-06-028	388-155-270	AMD-XA	00-09-089
388-97-34010	NEW	00-06-028	388-97-465	AMD	00-06-028	388-155-280	AMD	00-06-040
388-97-34020	NEW	00-06-028	388-97-46510	NEW	00-06-028	388-155-290	AMD	00-06-040
388-97-345	AMD	00-06-028	388-97-46520	NEW	00-06-028	388-155-295	AMD	00-06-040
388-97-347	NEW	00-06-028	388-97-46530	NEW	00-06-028	388-155-310	AMD	00-06-040
388-97-350	AMD	00-06-028	388-97-46540	NEW	00-06-028	388-155-320	AMD	00-06-040
388-97-35010	NEW	00-06-028	388-97-46550	NEW	00-06-028	388-155-330	AMD-XA	00-09-089
388-97-35020	NEW	00-06-028	388-97-46560	NEW	00-06-028	388-155-340	AMD	00-06-040
388-97-35030	NEW	00-06-028	388-97-46570	NEW	00-06-028	388-155-350	AMD	00-06-040
388-97-35040	NEW	00-06-028	388-97-46580	NEW	00-06-028	388-155-360	AMD	00-06-040
388-97-35050	NEW	00-06-028	388-97-46590	NEW	00-06-028	388-155-370	AMD-XA	00-09-089
388-97-35060	NEW	00-06-028	388-97-470	AMD	00-06-028	388-155-380	AMD-XA	00-09-089
388-97-352	NEW	00-06-028	388-97-47010	NEW	00-06-028	388-155-390	AMD	00-06-040
388-97-353	NEW	00-06-028	388-97-47020	NEW	00-06-028	388-155-400	AMD	00-06-040
388-97-355	AMD	00-06-028	388-97-475	REP	00-06-028	388-155-410	AMD	00-06-040
388-97-357	NEW	00-06-028	388-97-480	AMD	00-06-028	388-155-420	AMD-XA	00-09-089
388-97-35710	NEW	00-06-028	388-97-48010	NEW	00-06-028	388-155-430	AMD	00-06-040
388-97-35720	NEW	00-06-028	388-97-48020	NEW	00-06-028	388-155-440	AMD	00-06-040
388-97-360	AMD	00-06-028	388-97-48030	NEW	00-06-028	388-155-450	AMD	00-06-040
388-97-36010	NEW	00-06-028	388-97-48040	NEW	00-06-028	388-155-460	AMD	00-06-040
388-97-36020	NEW	00-06-028	388-97-550	NEW	00-06-028	388-155-470	AMD	00-06-040
388-97-36030	NEW	00-06-028	388-97-555	NEW	00-06-028	388-155-480	AMD-XA	00-09-089
388-97-36040	NEW	00-06-028	388-97-560	NEW	00-06-028	388-155-490	AMD	00-06-040
388-97-36050	NEW	00-06-028	388-97-565	NEW	00-06-028	388-155-500	AMD	00-06-040
388-97-36060	NEW	00-06-028	388-97-570	NEW	00-06-028	388-155-600	AMD	00-06-040
388-97-36070	NEW	00-06-028	388-97-575	NEW	00-06-028	388-155-605	AMD-XA	00-09-089
388-97-365	AMD	00-06-028	388-97-580	NEW	00-06-028	388-155-610	AMD-XA	00-09-089
388-97-36510	NEW	00-06-028	388-97-585	NEW	00-06-028	388-155-620	AMD-XA	00-09-089
388-97-36520	NEW	00-06-028	388-97-590	NEW	00-06-028	388-155-630	AMD-XA	00-09-089
388-97-36530	NEW	00-06-028	388-97-595	NEW	00-06-028	388-155-640	AMD-XA	00-09-089
388-97-370	AMD	00-06-028	388-97-600	NEW	00-06-028	388-155-650	AMD-XA	00-09-089
388-97-37010	NEW	00-06-028	388-155-010	AMD	00-06-040	388-155-660	AMD-XA	00-09-089
388-97-37020	NEW	00-06-028	388-155-020	AMD	00-06-040	388-155-670	AMD-XA	00-09-089
388-97-375	AMD	00-06-028	388-155-040	AMD-XA	00-09-089	388-155-680	AMD-XA	00-09-089
388-97-380	REP	00-06-028	388-155-050	AMD-XA	00-09-089	388-200-1160	REP	00-03-035
388-97-385	AMD	00-06-028	388-155-060	AMD-XA	00-09-089	388-200-1300	PREP	00-04-036
			388-155-070	AMD	00-06-040			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-200-1350	PREP	00-04-036	388-310-1800	PREP	00-07-102	388-478-0085	PREP	00-07-054
388-235	PREP	00-08-051	388-310-1850	AMD-E	00-03-013	388-478-0085	AMD-E	00-07-089
388-235-9000	AMD	00-05-007	388-310-1850	AMD-P	00-04-091	388-480-0001	AMD	00-05-007
388-255	PREP	00-08-054	388-310-1850	AMD	00-08-021	388-490-0005	AMD-P	00-04-092
388-265-1650	PREP	00-07-101	388-400-0005	AMD	00-05-007	388-490-0005	AMD	00-08-091
388-265-1750	PREP	00-07-101	388-400-0010	AMD	00-05-007	388-492	PREP	00-08-088
388-290-015	AMD-P	00-10-089	388-400-0025	PREP	00-08-056	388-501-0050	PREP	00-10-032
388-290-015	AMD-E	00-10-090	388-404-0005	AMD	00-05-007	388-501-0125	PREP	00-03-011
388-290-280	AMD-P	00-10-089	388-406-0015	AMD	00-06-015	388-501-0150	REP-XR	00-09-038
388-290-280	AMD-E	00-10-090	388-406-0060	PREP	00-06-060	388-501-0160	AMD	00-03-035
388-290-350	AMD-P	00-10-089	388-406-0060	AMD-P	00-10-093	388-501-0165	AMD	00-03-035
388-290-350	AMD-E	00-10-090	388-408-0020	AMD	00-05-007	388-501-0200	AMD-XA	00-07-044
388-290-450	AMD-P	00-10-089	388-408-0025	PREP	00-08-050	388-502-0010	NEW-P	00-09-043
388-290-450	AMD-E	00-10-090	388-408-0035	PREP	00-08-052	388-502-0020	NEW-P	00-09-043
388-290-475	AMD-P	00-10-089	388-414-0001	AMD-P	00-07-076	388-502-0030	NEW-P	00-09-043
388-290-475	AMD-E	00-10-090	388-416-0015	AMD-P	00-04-045	388-502-0100	NEW-P	00-09-043
388-290-550	REP-P	00-10-089	388-416-0015	AMD	00-08-002	388-502-0110	NEW-P	00-09-043
388-290-550	REP-E	00-10-090	388-418-0012	REP-P	00-03-062	388-502-0150	NEW-P	00-09-042
388-290-600	AMD-P	00-10-089	388-418-0012	REP	00-07-077	388-502-0160	NEW-P	00-09-075
388-290-600	AMD-E	00-10-090	388-418-0025	AMD-P	00-04-045	388-502-0205	PREP	00-06-022
388-290-650	AMD-P	00-10-089	388-418-0025	AMD	00-08-002	388-502-0205	REP-P	00-09-043
388-290-650	AMD-E	00-10-090	388-424-0015	AMD-P	00-05-110	388-502-0210	AMD-P	00-10-064
388-290-850	AMD-E	00-08-061	388-424-0015	AMD	00-08-060	388-502-0230	PREP	00-09-037
388-290-854	NEW-E	00-08-061	388-424-0025	AMD-E	00-08-004	388-513-1380	AMD-E	00-08-003
388-290-858	NEW-E	00-08-061	388-424-0025	AMD-P	00-09-082	388-529-2940	REP	00-05-039
388-290-862	NEW-E	00-08-061	388-426	PREP	00-09-032	388-529-2950	REP	00-05-039
388-290-866	NEW-E	00-08-061	388-430-0001	REP	00-05-007	388-530-1000	PREP	00-07-087
388-290-870	NEW-E	00-08-061	388-430-0005	REP	00-05-007	388-530-1050	PREP	00-07-087
388-290-874	NEW-E	00-08-061	388-430-0010	REP	00-05-007	388-530-1100	PREP	00-07-087
388-290-878	NEW-E	00-08-061	388-430-0015	REP	00-05-007	388-530-1150	PREP	00-07-087
388-290-882	NEW-E	00-08-061	388-430-0020	REP	00-05-007	388-530-1200	PREP	00-07-087
388-290-886	NEW-E	00-08-061	388-430-0025	REP	00-05-007	388-530-1250	PREP	00-07-087
388-290-888	NEW-E	00-08-061	388-436-0010	REP-P	00-06-067	388-530-1300	PREP	00-07-087
388-290-905	AMD-E	00-08-061	388-436-0010	REP	00-10-036	388-530-1350	PREP	00-07-087
388-290-910	AMD-E	00-08-061	388-440	PREP	00-09-032	388-530-1400	PREP	00-07-087
388-290-920	AMD-P	00-10-089	388-440-0001	AMD	00-03-034	388-530-1450	PREP	00-07-087
388-290-920	AMD-E	00-10-090	388-440-0005	AMD	00-03-034	388-530-1500	PREP	00-07-087
388-290-925	AMD-E	00-08-061	388-442-0010	AMD	00-05-007	388-530-1550	PREP	00-07-087
388-290-940	AMD-E	00-08-061	388-444-0015	AMD	00-04-006	388-530-1650	PREP	00-07-087
388-290-945	AMD-E	00-08-061	388-444-0035	AMD	00-04-006	388-530-1700	PREP	00-07-087
388-290-950	AMD-P	00-10-089	388-444-0055	AMD	00-04-006	388-530-1750	PREP	00-07-088
388-290-950	AMD-E	00-10-090	388-444-0065	AMD	00-04-006	388-530-1850	PREP	00-07-087
388-310-0200	AMD-P	00-03-051	388-444-0075	AMD	00-04-006	388-530-1900	PREP	00-07-087
388-310-0200	AMD	00-06-062	388-448-0001	PREP	00-08-055	388-530-1950	PREP	00-07-087
388-310-0200	PREP	00-07-102	388-448-0005	PREP	00-08-055	388-532	PREP	00-07-056
388-310-0300	AMD-P	00-03-051	388-450	PREP	00-10-031	388-533-0300	NEW-P	00-09-041
388-310-0300	AMD	00-06-062	388-450-0015	PREP	00-03-060	388-538-001	REP	00-04-080
388-310-0400	AMD-P	00-03-051	388-450-0015	AMD-E	00-06-023	388-538-050	AMD	00-04-080
388-310-0400	AMD	00-06-062	388-450-0015	AMD-P	00-09-081	388-538-060	AMD	00-04-080
388-310-0400	PREP	00-07-102	388-450-0035	AMD-E	00-02-062	388-538-065	NEW	00-04-080
388-310-0500	PREP	00-07-102	388-450-0035	AMD-P	00-10-087	388-538-066	NEW	00-04-080
388-310-0600	PREP	00-07-102	388-450-0035	AMD-E	00-10-088	388-538-070	AMD	00-04-080
388-310-0700	AMD-P	00-03-051	388-478-0026	PREP	00-10-030	388-538-080	AMD	00-04-080
388-310-0700	AMD	00-06-062	388-478-0050	PREP	00-08-053	388-538-090	REP	00-04-080
388-310-0800	PREP	00-05-109	388-478-0055	AMD-P	00-08-058	388-538-095	AMD	00-04-080
388-310-0800	AMD-E	00-06-061	388-478-0055	AMD-E	00-08-059	388-538-100	AMD	00-04-080
388-310-0800	AMD-P	00-08-089	388-478-0070	AMD-P	00-07-075	388-538-110	AMD	00-04-080
388-310-0800	AMD-S	00-10-091	388-478-0070	AMD	00-10-095	388-538-120	AMD	00-04-080
388-310-1400	AMD-P	00-03-051	388-478-0075	PREP	00-07-054	388-538-130	AMD	00-04-080
388-310-1400	AMD	00-06-062	388-478-0075	AMD-E	00-07-089	388-538-140	AMD	00-04-080
388-310-1450	NEW-P	00-03-051	388-478-0080	AMD-P	00-07-075	388-538-150	REP	00-04-080
388-310-1450	NEW	00-06-062	388-478-0080	AMD	00-10-095	388-539	PREP	00-05-038

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-542-0050	NEW-P	00-03-061	391- 45-110	AMD-P	00-10-107	392-139-007	AMD-P	00-05-061
388-542-0050	NEW	00-07-103	391- 45-130	AMD-E	00-03-053	392-139-007	AMD	00-09-017
388-542-0100	NEW-P	00-03-061	391- 45-130	AMD-P	00-10-107	392-139-008	NEW-P	00-05-061
388-542-0100	NEW	00-07-103	391- 45-170	AMD-P	00-10-107	392-139-008	NEW	00-09-017
388-542-0125	NEW-P	00-03-061	391- 45-190	AMD-P	00-10-107	392-139-310	AMD-P	00-05-061
388-542-0125	NEW	00-07-103	391- 45-210	AMD-P	00-10-107	392-139-310	AMD	00-09-017
388-542-0150	NEW-P	00-03-061	391- 45-230	REP-P	00-10-107	392-139-320	AMD-P	00-05-061
388-542-0150	NEW	00-07-103	391- 45-250	AMD-P	00-10-107	392-139-320	AMD	00-09-017
388-542-0200	NEW-P	00-03-061	391- 45-260	AMD-P	00-10-107	392-139-605	REP-P	00-05-061
388-542-0200	NEW	00-07-103	391- 45-270	AMD-P	00-10-107	392-139-605	REP	00-09-017
388-542-0250	NEW-P	00-03-061	391- 45-290	AMD-P	00-10-107	392-139-610	AMD-P	00-05-061
388-542-0250	NEW	00-07-103	391- 45-310	AMD-P	00-10-107	392-139-610	AMD	00-09-017
388-542-0275	NEW-P	00-03-061	391- 45-330	AMD-P	00-10-107	392-139-615	AMD-P	00-05-061
388-542-0275	NEW	00-07-103	391- 45-350	AMD-P	00-10-107	392-139-615	AMD	00-09-017
388-542-0300	NEW-P	00-03-061	391- 45-390	AMD-P	00-10-107	392-139-620	AMD-P	00-05-061
388-542-0300	NEW	00-07-103	391- 45-410	AMD-P	00-10-107	392-139-620	AMD	00-09-017
388-545-0500	PREP	00-08-020	391- 45-430	AMD-P	00-10-107	392-139-622	REP-P	00-05-061
388-545-500	NEW	00-04-019	391- 45-550	AMD-P	00-10-107	392-139-622	REP	00-09-017
388-547	PREP	00-03-010	391- 45-552	AMD-P	00-10-107	392-139-623	REP-P	00-05-061
388-550-4500	AMD-W	00-06-046	391- 55-030	AMD-P	00-10-107	392-139-623	REP	00-09-017
388-557-0100	NEW-W	00-10-078	391- 55-350	AMD-P	00-10-107	392-139-625	AMD-P	00-05-061
388-825-226	AMD-P	00-05-107	391- 65-070	AMD-P	00-10-107	392-139-625	AMD	00-09-017
388-825-226	AMD	00-08-090	391- 95	PREP	00-04-070	392-139-660	AMD-P	00-05-061
388-825-228	AMD-P	00-05-107	391- 95-001	AMD-P	00-10-107	392-139-660	AMD	00-09-017
388-825-228	AMD	00-08-090	391- 95-010	AMD-P	00-10-107	392-139-661	REP-P	00-05-061
388-825-254	AMD-P	00-05-107	391- 95-030	AMD-P	00-10-107	392-139-661	REP	00-09-017
388-825-254	AMD	00-08-090	391- 95-050	AMD-P	00-10-107	392-139-670	AMD-P	00-05-061
388-890-0735	NEW-W	00-02-065	391- 95-070	AMD-P	00-10-107	392-139-670	AMD	00-09-017
388-890-0740	NEW-W	00-02-065	391- 95-090	AMD-P	00-10-107	392-139-676	AMD-P	00-05-061
388-890-0865	NEW-W	00-02-065	391- 95-110	AMD-P	00-10-107	392-139-676	AMD	00-09-017
390- 05-400	AMD	00-04-058	391- 95-130	AMD-P	00-10-107	392-140-600	AMD	00-03-015
391- 08	PREP	00-04-070	391- 95-150	AMD-P	00-10-107	392-140-601	AMD	00-03-015
391- 08-001	AMD-P	00-10-107	391- 95-170	AMD-P	00-10-107	392-140-605	AMD	00-03-015
391- 08-010	AMD-P	00-10-107	391- 95-190	AMD-P	00-10-107	392-140-613	AMD	00-03-015
391- 08-120	AMD-P	00-10-107	391- 95-230	AMD-P	00-10-107	392-140-625	AMD	00-03-015
391- 08-180	AMD-P	00-10-107	391- 95-250	AMD-P	00-10-107	392-140-626	NEW	00-03-015
391- 08-230	REP-P	00-10-107	391- 95-260	AMD-P	00-10-107	392-140-630	AMD	00-03-015
391- 08-310	AMD-P	00-10-107	391- 95-270	AMD-P	00-10-107	392-140-660	AMD	00-03-015
391- 25-050	AMD-P	00-10-107	391- 95-290	AMD-P	00-10-107	392-140-665	REP	00-03-015
391- 25-090	AMD-P	00-10-107	391- 95-310	AMD-P	00-10-107	392-140-675	AMD	00-03-015
391- 25-230	AMD-P	00-10-107	392-117-045	AMD-P	00-09-072	392-140-680	AMD	00-03-015
391- 25-250	AMD-P	00-10-107	392-127-011	AMD	00-02-064	392-140-700	REP	00-02-063
391- 25-270	AMD-P	00-10-107	392-127-015	AMD	00-02-064	392-140-701	REP	00-02-063
391- 25-350	AMD-P	00-10-107	392-127-030	REP	00-02-064	392-140-702	REP	00-02-063
391- 25-590	AMD-P	00-10-107	392-127-035	REP	00-02-064	392-140-710	REP	00-02-063
391- 25-650	AMD-P	00-10-107	392-127-040	REP	00-02-064	392-140-711	REP	00-02-063
391- 25-660	AMD-P	00-10-107	392-127-050	REP	00-02-064	392-140-712	REP	00-02-063
391- 25-670	AMD-P	00-10-107	392-127-055	REP	00-02-064	392-140-713	REP	00-02-063
391- 35-030	AMD-P	00-10-107	392-127-060	REP	00-02-064	392-140-714	REP	00-02-063
391- 35-170	AMD-P	00-10-107	392-127-065	AMD	00-02-064	392-140-715	REP	00-02-063
391- 35-210	AMD-P	00-10-107	392-127-070	AMD	00-02-064	392-140-716	REP	00-02-063
391- 35-250	AMD-P	00-10-107	392-127-085	AMD	00-02-064	392-140-720	REP	00-02-063
391- 45	PREP	00-04-070	392-127-095	REP	00-02-064	392-140-721	REP	00-02-063
391- 45-001	AMD-P	00-10-107	392-127-101	REP	00-02-064	392-140-722	REP	00-02-063
391- 45-002	AMD-P	00-10-107	392-127-106	REP	00-02-064	392-140-723	REP	00-02-063
391- 45-010	AMD-P	00-10-107	392-127-111	AMD	00-02-064	392-140-724	REP	00-02-063
391- 45-030	AMD-P	00-10-107	392-127-112	NEW	00-02-064	392-140-725	REP	00-02-063
391- 45-050	AMD-P	00-10-107	392-127-810	REP	00-02-064	392-140-726	REP	00-02-063
391- 45-070	AMD-E	00-03-053	392-139-001	AMD-P	00-05-061	392-140-727	REP	00-02-063
391- 45-070	AMD-P	00-10-107	392-139-001	AMD	00-09-017	392-140-728	REP	00-02-063
391- 45-090	AMD-P	00-10-107	392-139-005	AMD-P	00-05-061	392-140-730	REP	00-02-063
391- 45-110	AMD-E	00-03-053	392-139-005	AMD	00-09-017	392-140-731	REP	00-02-063

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392-140-732	REP	00-02-063	415-104-450	NEW-P	00-04-023	415-501-415	RECOD-P	00-08-092
392-140-733	REP	00-02-063	415-104-450	NEW	00-10-017	415-501-420	RECOD-P	00-08-092
392-140-735	REP	00-02-063	415-108-315	NEW-P	00-04-024	415-501-430	RECOD-P	00-08-092
392-140-736	REP	00-02-063	415-108-315	NEW	00-10-015	415-501-440	RECOD-P	00-08-092
392-140-740	REP	00-02-063	415-112-125	AMD-P	00-04-024	415-501-450	RECOD-P	00-08-092
392-140-741	REP	00-02-063	415-112-125	AMD	00-10-015	415-501-470	RECOD-P	00-08-092
392-140-742	REP	00-02-063	415-112-140	AMD-P	00-04-024	415-501-475	RECOD-P	00-08-092
392-140-743	REP	00-02-063	415-112-140	AMD	00-10-015	415-501-480	RECOD-P	00-08-092
392-140-744	REP	00-02-063	415-112-145	AMD-P	00-04-024	415-501-485	RECOD-P	00-08-092
392-140-745	REP	00-02-063	415-112-145	AMD	00-10-015	415-501-486	RECOD-P	00-08-092
392-140-746	REP	00-02-063	415-112-155	AMD-P	00-04-024	415-501-487	RECOD-P	00-08-092
392-140-747	REP	00-02-063	415-112-155	AMD	00-10-015	415-501-490	RECOD-P	00-08-092
392-140-900	NEW	00-02-063	415-112-330	AMD-P	00-04-024	415-501-495	RECOD-P	00-08-092
392-140-901	NEW	00-02-063	415-112-330	AMD	00-10-015	415-501-500	RECOD-P	00-08-092
392-140-902	NEW	00-02-063	415-112-415	AMD-XA	00-08-030	415-501-510	RECOD-P	00-08-092
392-140-903	NEW	00-02-063	415-112-460	AMD-P	00-04-024	415-501-520	RECOD-P	00-08-092
392-140-905	NEW	00-02-063	415-112-460	AMD	00-10-015	415-501-530	RECOD-P	00-08-092
392-140-906	NEW	00-02-063	415-112-4605	AMD-P	00-04-024	415-501-540	RECOD-P	00-08-092
392-140-907	NEW	00-02-063	415-112-4605	AMD	00-10-015	415-501-540	RECOD-P	00-08-092
392-140-908	NEW	00-02-063	415-112-4608	AMD-P	00-04-024	415-501-550	RECOD-P	00-08-092
392-140-910	NEW	00-02-063	415-112-4608	AMD	00-10-015	415-501-560	RECOD-P	00-08-092
392-140-911	NEW	00-02-063	415-112-471	AMD-P	00-04-024	415-501-570	RECOD-P	00-08-092
392-140-912	NEW	00-02-063	415-112-471	AMD	00-10-015	415-501-580	RECOD-P	00-08-092
392-140-913	NEW	00-02-063	415-112-473	AMD-P	00-04-024	415-501-590	RECOD-P	00-08-092
392-172-107	NEW-W	00-06-045	415-112-473	AMD	00-10-015	415-501-600	RECOD-P	00-08-092
392-172-109	NEW-W	00-06-045	415-112-475	AMD-P	00-04-024	415-501-610	RECOD-P	00-08-092
392-172-161	NEW-W	00-06-045	415-112-475	AMD	00-10-015	415-501-710	RECOD-P	00-08-092
392-300-070	NEW-E	00-05-099	415-112-477	AMD-P	00-04-024	415-501-720	RECOD-P	00-08-092
392-300-070	PREP	00-09-023	415-112-477	AMD	00-10-015	415-504-010	AMD-P	00-08-092
399-30-030	PREP	00-04-096	415-112-510	REP-P	00-04-024	415-504-010	DECOD-P	00-08-092
399-30-030	AMD-E	00-04-097	415-112-705	NEW-P	00-04-024	415-504-020	DECOD-P	00-08-092
399-30-030	AMD-P	00-08-010	415-112-705	NEW	00-10-015	415-504-030	DECOD-P	00-08-092
399-50-010	NEW-C	00-04-100	415-112-920	NEW-P	00-04-024	415-504-040	DECOD-P	00-08-092
399-50-020	NEW-C	00-04-100	415-112-920	NEW	00-10-015	415-504-050	DECOD-P	00-08-092
399-50-030	NEW-C	00-04-100	415-112-950	NEW-P	00-04-024	415-504-060	DECOD-P	00-08-092
399-50-040	NEW-C	00-04-100	415-112-950	NEW	00-10-015	415-504-070	DECOD-P	00-08-092
415-02-010	AMD-P	00-04-025	415-501-010	AMD-P	00-08-092	415-504-080	DECOD-P	00-08-092
415-02-010	AMD	00-10-016	415-501-020	AMD-P	00-08-092	415-504-090	AMD-P	00-08-092
415-02-020	AMD-P	00-04-025	415-501-110	RECOD-P	00-08-092	415-504-090	DECOD-P	00-08-092
415-02-020	AMD	00-10-016	415-501-120	RECOD-P	00-08-092	415-504-100	AMD-P	00-08-092
415-02-030	AMD-P	00-04-025	415-501-130	RECOD-P	00-08-092	415-504-100	DECOD-P	00-08-092
415-02-030	AMD	00-10-016	415-501-140	RECOD-P	00-08-092	415-504-110	AMD-P	00-08-092
415-02-040	REP-P	00-04-025	415-501-150	RECOD-P	00-08-092	415-504-110	DECOD-P	00-08-092
415-02-040	REP	00-10-016	415-501-160	RECOD-P	00-08-092	415-508-010	AMD-P	00-08-092
415-02-050	AMD-P	00-04-025	415-501-170	RECOD-P	00-08-092	415-508-010	DECOD-P	00-08-092
415-02-050	AMD	00-10-016	415-501-180	RECOD-P	00-08-092	415-508-020	DECOD-P	00-08-092
415-02-060	AMD-P	00-04-025	415-501-190	RECOD-P	00-08-092	415-508-030	DECOD-P	00-08-092
415-02-060	AMD	00-10-016	415-501-200	RECOD-P	00-08-092	415-508-040	DECOD-P	00-08-092
415-02-070	REP-P	00-04-025	415-501-210	RECOD-P	00-08-092	415-508-050	AMD-P	00-08-092
415-02-070	REP	00-10-016	415-501-300	RECOD-P	00-08-092	415-508-050	DECOD-P	00-08-092
415-02-080	AMD-P	00-04-025	415-501-305	RECOD-P	00-08-092	415-512-010	AMD-P	00-08-092
415-02-080	AMD	00-10-016	415-501-310	RECOD-P	00-08-092	415-512-010	DECOD-P	00-08-092
415-02-100	AMD-P	00-04-025	415-501-315	NEW-P	00-08-092	415-512-015	AMD-P	00-08-092
415-02-100	AMD	00-10-016	415-501-320	RECOD-P	00-08-092	415-512-015	DECOD-P	00-08-092
415-02-120	NEW-P	00-04-025	415-501-330	RECOD-P	00-08-092	415-512-020	AMD-P	00-08-092
415-02-120	NEW	00-10-016	415-501-340	RECOD-P	00-08-092	415-512-020	DECOD-P	00-08-092
415-02-130	NEW-P	00-04-025	415-501-350	RECOD-P	00-08-092	415-512-030	AMD-P	00-08-092
415-02-130	NEW	00-10-016	415-501-360	RECOD-P	00-08-092	415-512-030	DECOD-P	00-08-092
415-04	PREP	00-04-061	415-501-370	RECOD-P	00-08-092	415-512-040	AMD-P	00-08-092
415-08	PREP	00-04-061	415-501-380	RECOD-P	00-08-092	415-512-040	DECOD-P	00-08-092
415-10	PREP	00-04-062	415-501-390	RECOD-P	00-08-092	415-512-050	AMD-P	00-08-092
415-103-215	NEW-P	00-08-085	415-501-410	RECOD-P	00-08-092	415-512-050	DECOD-P	00-08-092
						415-512-070	AMD-P	00-08-092

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415-512-070	DECOD-P	00-08-092	434-219-260	AMD	00-03-003	434-663-100	AMD-P	00-04-083
415-512-075	AMD-P	00-08-092	434-219-270	AMD	00-03-003	434-663-270	NEW-P	00-04-083
415-512-075	DECOD-P	00-08-092	434-219-280	AMD	00-03-003	434-663-280	NEW-P	00-04-083
415-512-080	AMD-P	00-08-092	434-219-280	AMD-E	00-05-093	434-663-300	AMD-P	00-04-083
415-512-080	DECOD-P	00-08-092	434-219-285	NEW	00-03-003	434-663-305	NEW-P	00-04-083
415-512-085	AMD-P	00-08-092	434-219-290	AMD	00-03-003	434-663-310	AMD-P	00-04-083
415-512-085	DECOD-P	00-08-092	434-219-300	NEW	00-03-003	434-663-320	AMD-P	00-04-083
415-512-086	AMD-P	00-08-092	434-219-310	AMD	00-03-003	434-663-400	AMD-P	00-04-083
415-512-086	DECOD-P	00-08-092	434-219-320	AMD	00-03-003	434-663-400	DECOD-P	00-04-083
415-512-087	AMD-P	00-08-092	434-230-170	AMD-S	00-07-052	434-663-405	NEW-P	00-04-083
415-512-087	DECOD-P	00-08-092	434-230-210	AMD-S	00-07-052	434-663-410	AMD-P	00-04-083
415-512-090	AMD-P	00-08-092	434-230-220	NEW-S	00-07-052	434-663-410	DECOD-P	00-04-083
415-512-090	DECOD-P	00-08-092	434-240-202	NEW-E	00-03-036	434-663-420	AMD-P	00-04-083
415-512-095	AMD-P	00-08-092	434-257	AMD-E	00-04-010	434-663-420	DECOD-P	00-04-083
415-512-095	DECOD-P	00-08-092	434-257-010	AMD-E	00-04-010	434-663-430	AMD-P	00-04-083
415-512-110	AMD-P	00-08-092	434-257-020	AMD-E	00-04-010	434-663-430	DECOD-P	00-04-083
415-512-110	DECOD-P	00-08-092	434-257-030	AMD-E	00-04-010	434-663-440	AMD-P	00-04-083
415-524-010	AMD-P	00-08-092	434-257-050	REP-E	00-04-010	434-663-440	DECOD-P	00-04-083
415-524-010	DECOD-P	00-08-092	434-257-070	AMD-E	00-04-010	434-663-450	DECOD-P	00-04-083
415-528-010	DECOD-P	00-08-092	434-257-080	REP-E	00-04-010	434-663-460	REP-P	00-04-083
415-532-010	AMD-P	00-08-092	434-257-090	AMD-E	00-04-010	434-663-470	REP-P	00-04-083
415-532-010	DECOD-P	00-08-092	434-257-100	AMD-E	00-04-010	434-663-480	REP-P	00-04-083
415-532-020	AMD-P	00-08-092	434-257-120	REP-E	00-04-010	434-663-490	AMD-P	00-04-083
415-532-020	DECOD-P	00-08-092	434-257-130	AMD-E	00-04-010	434-663-490	DECOD-P	00-04-083
415-536-010	AMD-P	00-08-092	434-257-150	AMD-E	00-04-010	434-663-510	REP-P	00-04-083
415-536-010	DECOD-P	00-08-092	434-262-080	AMD-P	00-05-095	434-663-520	REP-P	00-04-083
415-540-010	AMD-P	00-08-092	434-262-080	AMD	00-10-010	434-663-530	AMD-P	00-04-083
415-540-010	DECOD-P	00-08-092	434-262-110	AMD-P	00-05-095	434-663-600	AMD-P	00-04-083
415-544-010	AMD-P	00-08-092	434-262-110	AMD	00-10-010	434-663-610	AMD-P	00-04-083
415-544-010	DECOD-P	00-08-092	434-262-120	AMD-P	00-05-095	434-663-620	AMD-P	00-04-083
415-548-010	DECOD-P	00-08-092	434-262-120	AMD	00-10-010	434-663-640	NEW-P	00-04-083
415-552-010	AMD-P	00-08-092	434-334-090	AMD-P	00-05-094	434-663-700	RECOD-P	00-04-083
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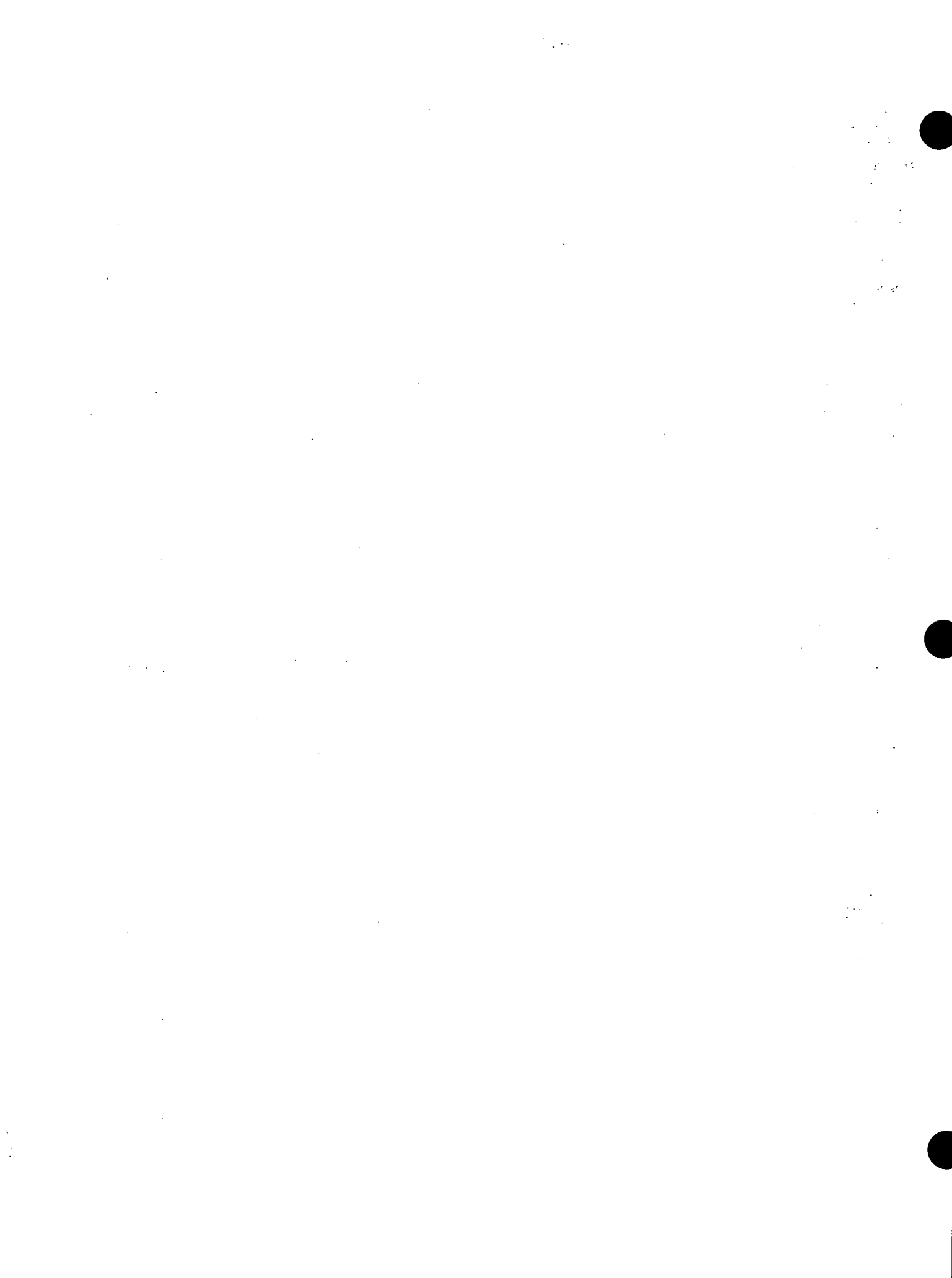
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495C-116-160	AMD-P	00-08-105						
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