

WSR 17-01-032**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed December 12, 2016, 1:59 p.m.]

Subject of Possible Rule Making: New WAC 260-70-575 Out of competition testing (OCT).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt a new section to deal with OCT for prohibited substances which may be used during training.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

December 12, 2016
Douglas L. Moore
Executive Secretary

WSR 17-01-038**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed December 13, 2016, 10:50 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-444-0030 What additional work requirements and time limits is an able-bodied adult without dependents (ABAWD) subject to in order to be eligible for basic food?, 388-444-0040 Can I volunteer for an unpaid work program in order to meet the work requirements under WAC 388-444-0030?, 388-444-0045 How does an ABAWD regain eligibility for basic food after being closed for the three-month limit, 388-444-0065 Am I eligible for basic food if I quit my job or reduce my work effort, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.515, 74.08.090, 74.08A.120, 74.08A.903, 7 C.F.R. 273.7, and 7 C.F.R. 273.24.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend rules regarding work registration for able-bodied adults without dependent children. The amendments are needed to comply with federal regulations regarding work registration eligibility policies for basic food, the Washington

combined application project, food assistance program for legal immigrants, and transitional food assistance.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department must amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

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. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal 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 Corinna Adams, Program Manager, P.O. Box 45440, Olympia WA 98503-5440 [98504-5440], phone (360) 725-4640, fax (360) 725-4905, TTY 1-800-209-5446, email corinna.adams@dshs.wa.gov.

December 12, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 17-01-046**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed December 13, 2016, 1:59 p.m.]

Subject of Possible Rule Making: Chapter 246-650 WAC, Newborn screening, the Washington state board of health (board) is considering adding X-linked adrenoleukodystrophy (X-ALD) to the list of mandatory conditions for newborn screening (NBS) conducted by the department of health (department).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.83.030 and 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board and the department convened an NBS advisory committee to evaluate X-ALD against a set of criteria for possible inclusion in the newborn screening panel in Washington state. The board accepted the NBS advisory committee's recommendation that X-ALD be included in the NBS panel. X-ALD is a deadly genetic disease that affects about one in eighteen thousand boys. Early diagnosis of X-ALD through NBS is the key to

saving lives since without treatment most boys with the severe form of X-ALD will die before the age ten.

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; the board and the department used a multidisciplinary NBS advisory committee to evaluate whether X-ALD met the board's criteria for inclusion in the NBS panel. The board accepted the recommendation, and now wants to proceed with rule making to assure that rules are in place to allow the testing to occur.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sierra Rotakhina, 101 Israel Road S.E., Tumwater, WA 98504, phone (360) 236-4106, fax (360) 236-4088, email sierra.rotakhina@sboh.wa.gov. Presentations to the board and the board's motion are available at the board's web site <http://sboh.wa.gov>.

December 13, 2016
Michelle A. Davis
Executive Director

WSR 17-01-047

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 13, 2016, 2:00 p.m.]

Subject of Possible Rule Making: WAC 246-827-0200 Medical assistant-certified—Training and examination, the department of health (department) is considering amending rules to add one or more exams to the list of exams that satisfy the exam requirement for the medical assistant (MA)-certified credential. The department may also consider alternative rules establishing standards for becoming a recognized exam in lieu of maintaining a list of approved exams.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.360.030, 18.360.040, and 18.360.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to a rule petition, the department is considering amending WAC 246-827-0200(2) to update and supplement the list of exams that satisfy the exam requirement for the MA-certified credential. The petitioner seeks to have its exam, which was recently accredited by the National Commission for Certifying Agencies (NCCA), added to the current list of NCCA-accredited exams that satisfy the exam requirement for an MA-certified credential. The department is considering adding one or more NCCA-accredited exams in rule to offer more exam options for people applying for the MA-certified credential, and may consider establishing requirements for becoming a recognized exam.

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. Interested parties may participate in the development of draft rules prior to a formal proposal by joining the MA program's listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Brett Cain, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, email brett.cain@doh.wa.gov.

December 13, 2016
John Wiesman, DrPH, MPH
Secretary

WSR 17-01-048

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed December 13, 2016, 2:02 p.m.]

Subject of Possible Rule Making: Chapter 246-260 WAC, Water recreation facilities and chapter 246-262 WAC, Recreational water contact facilities, the state board of health (board) will consider adopting requirements from the Centers for Disease Control and Prevention Model Aquatics Health Code (MAHC), modifying the rules to keep pace with changing water recreation technologies, and to improve clarity and usability including possible consolidation of all water recreation rules into a single chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.90 RCW, Water recreation facilities.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule making is to improve public health by considering adoption of current best practices for swimming pools and spas. The rules have not been substantially revised since 1991. Since then, MAHC has been updated and industry innovations have outpaced rule requirements. The rule making will also consider adoption of longstanding guidance and changes to improve clarity and usability. This includes the possibility of consolidating all water recreation requirements into a single chapter to address redundant requirements and clarify that recreational water contact facilities (chapter 246-262 WAC) are a subset of water recreation facilities (chapter 246-260 WAC).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other Washington state or federal agencies regulate water recreation facilities, including recreational water contact facilities.

Process for Developing New Rule: The board will use a collaborative rule-making approach to develop the proposed rules. Staff will form an advisory committee to inform rule development followed by a broad informal comment period to develop proposed rules. After the proposed rules are filed, staff will notify stakeholders of the board public hearing to consider formal comments on the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki Bouvier, Division of Environ-

mental Public Health, (360) 236-3011, Vicki.Bouvier@doh.wa.gov; or David DeLong, State Board of Health, (360) 236-4111, David.DeLong@doh.wa.gov to participate in the development of the proposed rules.

Legal and Legislative Affairs
Rule[s] Coordinator

December 13, 2016
Michelle A. Davis
Executive Director

WSR 17-01-064
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
FINANCIAL MANAGEMENT

[Filed December 15, 2016, 10:47 a.m.]

Subject of Possible Rule Making: The subject of this rule making relates to the statewide all-payer health care claims data base (APCD). Specifically, the rules will address the procedures for establishing appropriate fees and penalties for inappropriate disclosure or use of direct patient identifiers, indirect patient identifiers, or proprietary financial information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.371.070 (1)(f) and (h).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 43.371 RCW directs the office of financial management (OFM) to establish a statewide APCD to support transparent public reporting of health care information. To accomplish this requirement, OFM is further directed to select a lead organization to coordinate and manage the data base. Specifically, RCW 43.371.-070 (1)(f) and (h) provide that the OFM director shall adopt rules necessary to implement this chapter including those subject[s] specified above that are the subject of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates the subject of this rule making.

Process for Developing New Rule: A collaborative approach will be used. The APCD web site and associated listserv will be used to provide information and seek comments before a draft is filed for hearing. Stakeholder meetings to review and discuss draft rules will also be scheduled as appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To participate in the rule-making process you may:

- Send OFM an email with your name and contact information (and questions or comments) at apcd@ofm.wa.gov.
- Sign up on the APCD listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=APCD>. Those who sign up will receive information on the rules, hearing dates and the latest drafts of the rules for your comments.

December 15, 2016
Roselyn Marcus
Assistant Director

WSR 17-01-065
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
FINANCIAL MANAGEMENT

[Filed December 15, 2016, 10:47 a.m.]

Subject of Possible Rule Making: The subject of this rule making relates to the statewide all-payer health care claims data base (APCD). Specifically, the rules will address the format for the calculation and display of aggregate cost data.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.371.050(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 43.371 RCW directs the office of financial management (OFM) to establish a statewide APCD to support transparent public reporting of health care information. To accomplish this requirement, OFM is further directed to select a lead organization to coordinate and manage the data base. Specifically, RCW 43.371.-050(6) provides that OFM shall approve by rule a format for the calculation and display of aggregate cost data consistent with this chapter that will prevent the disclosure or determination of proprietary financial information.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates the subject of this rule making.

Process for Developing New Rule: A collaborative approach will be used. The APCD web site and associated listserv will be used to provide information and seek comments before a draft is filed for hearing. Stakeholder meetings to review and discuss draft rules will also be scheduled as appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To participate in the rule-making process you may:

- Send OFM an email with your name and contact information (and questions or comments) at apcd@ofm.wa.gov.
- Sign up on the APCD listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=APCD>. Those who sign up will receive information on the rules, hearing dates and the latest drafts of the rules for your comments.

December 15, 2016
Roselyn Marcus
Assistant Director
Legal and Legislative Affairs
Rule[s] Coordinator

WSR 17-01-067
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed December 15, 2016, 12:15 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 11-23-151 on November 22, 2011 (WAC 388-478-0055) regarding state supplemental payments.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-070
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed December 15, 2016, 1:23 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-16-145 on August 4, 2010 (WAC 388-310-0800) regarding workfirst support services.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-068
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed December 15, 2016, 12:59 p.m.]

The children's administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 09-16-105 on August 4, 2009 (WAC 388-27-0275) regarding adoption support agreements.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-076
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed December 15, 2016, 3:55 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 11-13-067 on June 15, 2011 (WAC 388-310-0200) regarding workfirst activities.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-069
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed December 15, 2016, 1:11 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 09-14-074 on June 29, 2009 (chapter 388-14A WAC) regarding registered domestic partners.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-077
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed December 15, 2016, 4:02 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-23-117 on November 17, 2010 (WAC 388-418-0011) regarding midcertification reviews.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-078
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed December 15, 2016, 4:25 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems withdraws the following preproposal statements of inquiry (CR-101):

WSR	Filed	Subject of Possible Rule Making
06-17-143	August 22, 2006	Retirement or termination bonuses or payments
06-01-050	December 16, 2005	Public disclosure

Comments, questions or concerns may be directed to Jilene Siegel at (360) 664-7291 or Rules@drs.wa.gov.

Jilene Siegel
 Rules and Contracts Manager

WSR 17-01-079
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed December 15, 2016, 4:26 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-18-104 on September 1, 2010 (WAC 388-418-0005) regarding reporting changes in circumstances.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-087
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed December 16, 2016, 11:15 a.m.]

Subject of Possible Rule Making: New WAC 260-70-555 Veterinarian practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt a new section to address responsible veterinarian practices when diagnosing and treating horses.

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

Process for Developing New Rule: Negotiated rule making.

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

lication by contacting Douglas L. Moore, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

December 12, 2016
 Douglas L. Moore
 Executive Secretary

WSR 17-01-090
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed December 16, 2016, 12:56 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 10-23-118 on November 17, 2010 (WAC 388-450-0200) regarding medical expenses.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-091
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed December 16, 2016, 1:59 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 08-15-130 on July 22, 2008 (WAC 388-450-0040) regarding Native American benefits and payments.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-094
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed December 16, 2016, 2:26 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 11-19-058 on September 14, 2011 (chapter 388-444 WAC) regarding basic food.

Katherine I. Vasquez
 Rules Coordinator

WSR 17-01-095
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed December 16, 2016, 2:33 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 12-01-120 on December 21, 2011 (WAC 388-436-0050 and chapter 388-478 WAC) regarding payment standards.

Katherine I. Vasquez
Rules Coordinator

WSR 17-01-096
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Filed December 16, 2016, 3:24 p.m.]

Notice to Withdraw Rule Making and Immediately Refile

The department of ecology (ecology) is withdrawing its notice of rule making (preproposal statement of inquiry CR-101 form) filed July 21, 2015, Order 15-07, WSR 15-15-162.

Ecology proposed to amend chapter 173-400 WAC, General regulations for air pollution sources. Our current rules do not establish emission limits during periods of startup, shutdown and malfunction and allow a company to avoid a violation. These conditions mainly apply to large commercial and industrial facilities. The Environmental Protection Agency (EPA) determined our rules were inadequate to meet federal Clean Air Act requirements and directed states, including Washington, to correct our deficiencies and submit a revision to our state implementation plan (SIP).

During 2016, EPA extended its rationale for the SIP deficiency to affirmative defense provisions in the operating permit program and adopted rules allowing web posting of public notice and draft permits for major permitting actions. Therefore, ecology is withdrawing our original notice of rule making and immediately refile a notice of rule making expanding the scope to include these actions. The new rule making will include amending chapter 173-401 WAC, Operating permit regulation, and align sections of chapters 173-400 and 173-401 WAC with these federal requirements.

For more information, contact Elena Guilfoil at (360) 407-6855 or elena.guilfoil@ecy.wa.gov.

WSR 17-01-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 15-07—Filed December 16, 2016, 3:25 p.m.]

Subject of Possible Rule Making: Ecology proposes to amend two rules:

- General regulations for air pollution sources, chapter 173-400 WAC, establishes the regulatory framework to ensure that healthy air quality exists in Washington, including meeting federal air quality standards.
- Operating permit regulation, chapter 173-401 WAC, establishes a permit program that consolidates all air quality requirements for large industries in a single permit.

The changes focus on the general regulations for air pollution sources, operating permit regulation and revising the state implementation plan (SIP). Because of court rulings, the federal Environmental Protection Agency (EPA) told ecology (and forty-four other state and local jurisdictions) to change their current rules (a SIP call). Under existing rules, facilities are allowed extra emissions during periods of startup, shutdown, and malfunction (SSM). EPA says industry must have emission limits during SSM.

Changes will:

- Remove or revise exceptions for emissions during SSM to comply with EPA's decision. This includes provisions such as affirmative defense, director's discretion and automatic exemption.
- Allow public notices to be posted on an agency web site instead of exclusively requiring newspaper notice.
- Simplify application of nonroad engine requirements.
- Update federal rule language in our rules and include the definition of volatile organic compounds.
- Correct errors.
- Make the rules easier to understand.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW, RCW 70.94.011, 70.94.161, 70.94.331, 70.94.431.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: **EPA Determinations:**

- SIP Deficiency:
We are doing this rule making because EPA determined that rules in Washington are inadequate to meet Clean Air Act requirements. Our existing rules exempt excess emissions during periods of SSM from emission limits or allow a company to avoid an enforcement action for these emissions. EPA interprets our rule as limiting the scope of EPA and citizens in enforcement actions they may pursue in the federal courts.

EPA directs states, including Washington, to correct their rule deficiencies and submit them into SIP by November 22, 2016. Ecology will not meet this deadline. We anticipate completing rule making and submitting a revised SIP to EPA during the summer 2017.

- Title V - Operating Permit Program:
EPA extended the rationale for the SIP deficiency to the Title [Title] V program and proposed to remove affirmative defense provisions that shield a source from an enforcement action. Consequently, we have expanded our rule making to amend WAC 173-401-645.
- Public Notice:
EPA expanded the requirement to provide public notice of a draft prevention of significant deterioration and an

air operating permit. Previously, notice was required in a newspaper and documents must have been available at a physical location. Now, an agency can choose to post notice and documents on their web site. Electronic public notice enables us to communicate to the public more quickly.

Nonroad Engines: Ecology received requests to revise this provision to address trivial-scale nonroad engines and other adjustments to simplify application of the requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology will communicate with, and seek input from, the following agencies throughout the rule-making process:

- EPA to ensure compliance with EPA's decision published on May 22, 2015 (80 F.R. 33839).
- Energy facility site evaluation council (EFSEC).
- Local clean air agencies, in particular the Southwest Clean Air Agency.

The EPA decision also affects the Southwest Clean Air Agency and EFSEC. They must change their rules based on our new rules and send their SIP revision to EPA, which we will submit on their behalf. Neither agency can proceed with rule making until ecology has finished this rule amendment.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. We develop rules with input from the public. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

1. Visit the air quality program web page at <http://www.ecy.wa.gov/programs/air/rules/rulemaking.html>.

2. Sign up to receive email notices at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=ECY-AQ-RULE-AND-SIP-UPDATES&A=1>.

3. Participate in a stakeholder meeting and/or a public hearing. For details, visit the air quality program's web page at <http://www.ecy.wa.gov/programs/air/rules/wac173400/1507ov.htm>.

4. Contact Elena Guilfoil, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6855 or elena.guilfoil@ecy.wa.gov.

December 16, 2016

Stuart A. Clark

Air Quality Program Manager

WSR 17-01-101

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket TC-161262—Filed December 19, 2016, 9:02 a.m.]

Subject of Possible Rule Making: The utilities and transportation commission (UTC) commences this inquiry to con-

sider whether to amend chapter 480-30 WAC to remove barriers to the ability of auto transportation companies to compete with other regulated and unregulated passenger transportation providers while continuing to safeguard public health and safety.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 81.04.160, 81.04.250, 81.68.030, and 81.68.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: UTC reviewed chapter 480-30 WAC in 2013 in Docket TC-121328 to address changes in the market and authorize rate flexibility for auto transportation companies. Since that time the transportation options to and from Seattle-Tacoma International Airport have continued to expand. Commercial transportation service providers like Uber and Lyft (also known as transportation network companies) have begun providing this service, joining auto transportation companies, taxis, limousines, buses, and light rail, the majority of which UTC does not regulate. UTC is concerned that its oversight of auto transportation companies may not be allowing the companies to keep pace with market changes. Any changes to the rules will continue to protect public health and safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates auto transportation companies. However, the Port of Seattle regulates the use of its facilities by passenger transportation providers, and the department of licensing and Washington state patrol have regulatory authority over some other transportation providers. UTC will consult with those agencies during the rule making.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may submit their contact information to the Executive Director and Secretary, UTC, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150.

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than 5:00 p.m., January 27, 2017, for consideration at the March 2, 2017, stakeholder workshop.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at www.utc.wa.gov/e-filing or by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (TC-161262).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a flash drive,

compact disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/161262>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) email the commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of Steven V. King, executive director and secretary. When contacting the commission, please refer to Docket TC-161262 to ensure that you are placed on the appropriate service list. Questions may be addressed to Chris Rose, (360) 664-1303 or email crose@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket TC-161262, and the words "Please keep me on the mailing list"; or (2) email your name, address, telephone and fax numbers, referencing Docket TC-161262, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/161262>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

December 19, 2016
Steven V. King
Executive Director
and Secretary

WSR 17-01-111

PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed December 19, 2016, 4:14 p.m.]

Subject of Possible Rule Making: Amending chapter 172-121 WAC, Eastern Washington University student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are necessary to comply with recent state appellate court authority indicat-

ing that we must offer a full adjudicative hearing if a sanction could lead to suspension, expulsion or if charges were filed for felony level sexual misconduct. Pieces of documentation were added to the administration and records section. Under the conduct review proceedings section, the piece stating that advisors cannot speak or directly participate in the proceeding was removed. Some other procedural changes were made to comply with the requirements of a full adjudicative hearing.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chelsea Lamberson, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, and email clamberson@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

December 16, 2016

Chelsea Lamberson

University Policy Administrator

WSR 17-01-121

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 20, 2016, 9:43 a.m.]

Subject of Possible Rule Making: WAC 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules. Medical aid rule updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of the department of labor and industries and maintain consistency with the health care authority and medicaid purchasing administration. Specifically, the proposed rule changes will do the following:

1. WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent

with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

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 works with external stakeholders through its technical advisory groups and the provider listserv on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the medicaid purchasing administration and the centers for medicare and medicaid services to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups, published on the provider listserv and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Emily Stinson, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-5974, fax (360) 902-4249, email Emily.Stinson@Lni.wa.gov.

December 20, 2016
Joel Sacks
Director

affects the rights or ability of the public to get services from a state agency. DVR is amending, repealing and adding WAC to meet federal and state requirements. WAC revisions are intended to clarify the scope of VR services and the conditions for DVR to provide or pay for them, as well as increase understanding of customer rights and customer confidentiality.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will consult and coordinate with Washington state federally recognized tribes, United States Department of Education, Rehabilitation Services Administration (RSA), Washington State Rehabilitation Council (WSRC), and Washington State Department of Services for the Blind (DSB). Review and comment will be used for coordinating the rule-making process.

Process for Developing New Rule: DSHS, DVR invites the interested public to review and provide input on draft language of the rules. Draft material and information about how to participate may be obtained from the department representatives listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michele Mulhern, Policy Manager, (360) 725-3621, email mulhemi@dshs.wa.gov; Robert St. Lawrence, Policy and Procedure Specialist, (360) 725-3620, email stlawrn@dshs.wa.gov; Don Kay, Assistant to the Director, (360) 725-3623, email don.kay@dshs.wa.gov; DSHS DVR, 1-800-637-5627, fax (360) 407-3946.

December 20, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 17-01-132

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Rehabilitation Administration)

[Filed December 20, 2016, 1:37 p.m.]

Subject of Possible Rule Making: The department is proposing to create new sections and amend or repeal existing sections in chapter 388-891 WAC, Vocational rehabilitation services for individuals with disabilities, in order to inform customers about the services the department of vocational rehabilitation (DVR) provides, update customer rights and customer confidentiality, and update the conditions under which DVR provides or pays for services. The department will also create, amend, or repeal other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 34 Code of Federal Regulations (C.F.R.), Part 361; 34 C.F.R., Part 363; 34 C.F.R., Part 397; RCW 74.29.020(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DVR WAC needs to comply with federal VR regulations requiring written policy (WAC) that defines the nature and scope of VR services, the criteria under which each service is provided or paid for, and the reasons for closing a case service record. The state Administrative Procedures [Procedure] Act (chapter 34.05 RCW) requires WAC when a state agency regulates the public or