

JULY 15, 1987

OLYMPIA, WASHINGTON

ISSUE 87-14



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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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of July 1987 pursuant to RCW 19.52.020 is twelve percent (12%).

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.

The maximum allowable retail installment contract service charge applicable for calendar year 1987 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 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 matter is new matter;
 - (ii) deleted matter is (~~lined out and bracketed 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.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA 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.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed 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 and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1986 - 1987

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
86-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
86-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
86-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
86-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
86-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
86-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987
<hr/>					
87-01	Nov 26	Dec 10	Dec 24, 1986	Jan 7, 1987	Jan 27
87-02	Dec 10	Dec 24, 1986	Jan 7, 1987	Jan 21	Feb 10
87-03	Dec 24, 1986	Jan 7, 1987	Jan 21	Feb 4	Feb 24
87-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10
87-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24
87-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7
87-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21
87-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5
87-09	Mar 25	Apr 8	Apr 22	May 6	May 26
87-10	Apr 8	Apr 22	May 6	May 20	Jun 9
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87-12	May 6	May 20	Jun 3	Jun 17	Jul 7
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87-14	Jun 3	Jun 17	Jul 1	Jul 15	Aug 4
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87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988

¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. 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"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 87-13-022
RULES OF COURT
STATE SUPREME COURT
[June 4, 1987]

IN THE MATTER OF THE ADOPTION
OF RALJ 6.3A, 9.2A, and JAR 9 and
AMENDMENTS TO RALJ 2.2(c),
2.4(c), 2.6(a), 2.7, 4.2(a), 5.2(b), 6.2
7.2, Title 9, 9.2, 9.3(c), 9.3(f) and
10.2(a); and AMENDMENTS TO
JuCR 1.3, 1.4, 2.1, 2.2, 2.3, 3.3,
3.4, 3.7, 3.9, 3.11, 4.3, 5.2, 5.3,
5.4, 5.5, 5.6, 5.7, 6.4, 6.5, 6.6,
7.3, 7.4, 7.5, 7.6, 7.7, 7.8,
7.11, 7.12, 7.14, 9.1, 9.2, 10.1,
10.3, 10.4, 10.5 through 10.9,
and 11.2; and AMENDMENTS
TO RLD 9.1(a) and RAP 7.2(j)

NO. 25700-A-397
ORDER

The Board of Governors of the Washington State Bar
Association having recommended the adoption of RALJ
6.3A, 9.2A and JAR 9; Amendments to RALJ 2.2(c),
2.4(c), 2.6(a), 2.7, 4.2(a), 5.2(b), 6.2, 7.2, Title 9, 9.2,
9.3(c) 9.3(f) and 10.2(a); and Amendment to RLD
9.1(a); and the Superior Court Judges' Association hav-
ing recommended Amendments to JuCR 1.3, 1.4, 2.1,
2.2, 2.3, 3.3, 3.4, 3.7, 3.9, 3.11, 4.3, 5.2, 5.3, 5.4, 5.5,
5.6, 5.7, 6.4, 6.5, 6.6, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.11,
7.12, 7.14, 9.1, 9.2, 10.1, 10.3, 10.4, 10.5 through 10.9,
11.2 and RAP 7.2(j), and the Court having considered
the proposed Rules, Amendments and comments sub-
mitted thereto, and having determined that the proposed
Rules and Amendments will aid in the prompt and order-
ly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the Rules and Amendments as attached
hereto are adopted.

(b) That the Rule and Amendments will be published
in the special Rules edition of the Washington Reports
in July, 1987, and will become effective September 1,
1987.

DATED at Olympia, Washington this 4th day of
June, 1987.

Pearson, C. J.
Andersen, J.
Brachtenbach, J. Callow, J.
Dolliver, J. Goodloe, J.
Dore, J. Durham, J.

RALJ 2.2(c)

(c) Appeal by State or a Local Government in Crimi-
nal Case. The State or a local government may appeal in
a criminal case only from the following decisions of a
court of limited jurisdiction and only if the appeal will
not place the defendant in double jeopardy:

(1) Final Decision, Except Not Guilty. A decision
which in effect abates, discontinues, or determines the
case other than by a judgment or verdict of not guilty,

including but not limited to a decision setting aside,
quashing, or dismissing a complaint or citation and no-
tice to appear.

(2) Pretrial Order Suppressing Evidence. A pretrial
order suppressing evidence, if the trial court expressly
finds that the practical effect of the order is to terminate
the case.

(3) Arrest or Vacation of Judgment. An order arrest-
ing or vacating a judgment.

(4) New Trial. An order granting a new trial.

RALJ 2.4(c)

(c) Filing Notice in Court of Limited Jurisdiction and
Service. A party filing a notice of appeal in superior
court shall simultaneously immediately file a copy of the
notice in the court of limited jurisdiction that entered
the decision and serve a copy of the notice on all other
parties. The superior court clerk shall immediately upon
filing of a notice of appeal file a copy of the notice with
the court of limited jurisdiction that entered the deci-
sion.

RALJ 2.6(a)

(a) Content of Notice of Appeal Generally. A notice
of appeal should (1) be titled "Notice of Appeal", (2)
identify the party or parties appealing, (3) designate the
each decision which the party wants reviewed, (4) name
the superior court to which the appeal is taken, (5) pro-
vide the identifying material required by section (b), and
(6) designate the claimed errors as required by section
(c), (7) state whether the case appealed is criminal (in-
clude charge description), civil, or an infraction, and (8)
name the court and cause number from which the appeal
is taken.

RALJ 2.7

ADVICE OF RIGHT TO APPEAL IN CRIMINAL
CASE

In a criminal case, the judge of the court of limited
jurisdiction shall advise the defendant of the defendant's
right to appeal a final decision by filing a notice of ap-
peal in the superior court and of the defendant's right to
counsel on appeal. The judge shall also advise the de-
fendant that the notice must be served on all other par-
ties and filed in the superior court within 14 days after
the final decision in the case, and that the notice must
specify the errors claimed by the defendant. Upon re-
quest, the court shall supply the defendant with a stand-
ard form of notice of appeal.

RALJ 4.2(a)

(a) Civil Case. A party may not enforce a civil judg-
ment of a court of limited jurisdiction until 14 days after
entry of the judgment. Thereafter, a party may enforce
the judgment in the court of limited jurisdiction unless
enforcement is stayed as provided in rule 4.3.

RALJ 5.2(b)

(b) Decision, Findings, Conclusions. In all actions
tried upon the facts without a jury or with an advisory
jury the court shall find the facts specially and state
separately its findings of fact and conclusions of law.

Judgment shall be entered pursuant to JCR 58 or JCrR 5.03 and may be entered at the same time as the entry of the findings of fact and the conclusions of law. If a written opinion or memorandum of decision is filed, it will be sufficient if formal findings of fact and conclusions of law are included.

RALJ 6.2

TRANSMITTAL OF RECORD OF PROCEEDINGS

(a) Transmittal Generally. Within 14 days after the filing of the notice of appeal is filed in the superior court, the clerk of the court of limited jurisdiction shall arrange for any necessary duplication of prepare the record, state in writing that the record is true and complete, and transmit it to the superior court and notify the parties that the record is ready to transmit. The party appealing appellant shall pay for the cost of preparation of preparing the record within 10 days of the notice, unless the appellant has been excused from paying by the court. Promptly after receiving payment, or after preparing the record in cases where payment is excused, the clerk of the court of limited jurisdiction shall certify that the record is true and complete, transmit it to the superior court, and notify the parties that the record has been transmitted.

(b) Cumbersome Exhibits. The clerk of the court of limited jurisdiction shall notify the superior court of exhibits which are difficult or unusually expensive to transmit. The exhibits shall be transmitted only if the superior court directs or if a party makes arrangements with the clerk to transmit the exhibits at the expense of the party requesting the transfer of exhibits.

RALJ 6.3A

[NEW RULE]

TRANSCRIPT OF ELECTRONIC RECORD

(a) Transcript by Appellant. Unless the superior court orders otherwise, the appellant shall transcribe the electronic recording of proceedings as provided in section (c) of this rule. The transcript shall be filed and served with the appellant's brief.

(b) Transcript by Respondent. If the respondent wishes to add to or challenge the transcript of the recording of proceedings, the respondent shall file and serve an additional transcript with the respondent's brief.

(c) Content of Transcript. The transcript shall contain only those portions of the electronic recording necessary to present the issues raised on appeal. If the appellant intends to urge that a verdict or finding of fact is not supported by the evidence, the appellant shall include in the transcript all testimony relevant to the disputed verdict or finding. If the appellant intends to urge that the court erred in giving or failing to give an instruction, the appellant shall include all objections to the instructions given and refused and the court's rulings.

(d) Transcript Generally.

(1) Form. The transcript may be printed, typed, or neatly handwritten, and need not be certified by a notary public.

(2) Certification. The person preparing the transcript shall certify or declare under penalty of perjury that it is

true and correct in accordance with RCW 9A.72.085 or any law amendatory thereof.

(3) Disputes. Disputes concerning the completeness or accuracy of the transcript shall be decided by the superior court judge hearing the appeal.

(e) Additional Transcript. The superior court may order a party to prepare an additional transcript.

(f) No Transcript if Agreed Record. No transcript shall be required if the parties have agreed on a written form of record approved by the court of limited jurisdiction, pursuant to rule 6.1(b).

(g) Cost of Transcript. Any cost or expense in preparing a transcript shall be borne by the party providing it. The expense may be allowed as a cost in accordance with rule 9.3.

RALJ 7.2

TIME FOR FILING BRIEFS

(a) Brief of Appellant. The brief of an appellant shall be served on all other parties and filed with the superior court within ~~±4~~ 45 days after filing of the notice of appeal with the superior court.

(b) Brief of Respondent. The brief of a respondent shall be served on all other parties and filed with the superior court within ~~±4~~ 30 days after service of the brief of appellant.

TITLE 9

SUPERIOR COURT DECISION AND
PROCEDURE AFTER DECISION

RALJ 9.2

ENTRY OF DECISION AND JUDGMENT

(a) In Superior Court. The decision of the superior court on appeal is a ~~final judgment in the superior court, unless the decision states otherwise subject to discretionary review pursuant to RAP 2.3(d). The date of entry of the decision is determined by CR 58(a) and (b):~~ The decision shall be entered immediately after it is signed by the judge, and shall be deemed entered for all procedural purposes from the time of delivery to the clerk for filing.

~~(b) Statutes Control. Except as otherwise provided in these rules, statutes and other rules apply to the enforcement of a superior court judgment entered under section (a).~~

~~(c) (b) Court of Limited Jurisdiction. The clerk of the superior court shall transmit a copy of the decision of the superior court on appeal to the court of limited jurisdiction rendering the decision that was the subject of the appeal and a copy to each party in the case. The court of limited jurisdiction shall comply with the decision of the superior court and, if appropriate, shall enter judgment accordingly.~~

RALJ 9.2A

[NEW RULE]

ENFORCEMENT OF JUDGMENT FOLLOWING
APPEAL

(a) Enforcement in Superior Court. The written decision of the superior court on appeal is not a judgment for the purpose of execution and enforcement in the superior court. A judgment entered in the court of limited jurisdiction may be registered and enforced in the superior court as authorized by law.

(b) Statutes Control. Except as otherwise provided in these rules, other statutes and other rules also apply to the enforcement of a judgment of a court of limited jurisdiction entered under rule 9.2(b).

RALJ 9.3(c)

(c) Expenses Allowed as Costs. Only the reasonable expenses actually incurred by a party for the following items which were reasonably necessary for review may be awarded to a party as costs: (1) statutory attorney fees allowed for a superior court nonjury trial, (2) the superior court filing fee, (3) the expense of obtaining a copy of the record of proceedings and the log for the record as provided in rule 6.3, and (4) the cost of preparing the transcript as required by rule 6.3A, and (5) the expense of bonds given in connection with the appeal.

RALJ 9.3(f)

(f) Judgment for Costs. The costs claimed by a party become a part of the judgment under rule 9.2; shall be deemed awarded unless another party files and serves written objections within the time provided by section (d). If a party objects to costs in a timely manner, the costs allowed by the superior court judge become a part of the judgment under rule 9.2. The clerk of the superior court shall transmit a copy of the cost bill and any superior court decision allowing costs to the court of limited jurisdiction and a copy of the decision to each party. The costs awarded to a party shall become a part of any judgment entered under rule 9.2(b).

RALJ 10.2(a)

(a) Involuntary Dismissal. The superior court will, on motion of a party or on its own motion after 14 days' notice to the parties, dismiss an appeal of the case (1) for failure to timely file a notice of appeal, or (2) for want of prosecution if the party appealing has abandoned the appeal. Unless good cause is shown, an appeal will be deemed abandoned if there has been no action of record for 90 days.

JAR 9

DISCLOSURE OF RECORDS

(a) Public Records. Unless the trial judge rules otherwise in a particular case, the following are considered public records and may be viewed and copied by the public:

- (1) Court pleadings;
- (2) Dockets, both civil and criminal, regardless of the current status of the proceeding;
- (3) Indexes to civil and criminal cases;
- (4) Tape recordings of court proceedings;
- (5) Search warrants, affidavits, and inventories, after execution and return of the warrant.

(b) Private Records. The following are considered exempt from disclosure unless they have been admitted into evidence, incorporated into a court pleading, or are the subject of a stipulation on the record which places them into public records;

- (1) Witness statements and police reports;
- (2) Presentence reports and reports related to compliance with conditions of sentence;
- (3) Copies of driving records or criminal history records subject to RCW 10.97;
- (4) Correspondence received by the court regarding sentencing and compliance with the terms of probation.

(c) Quasi-Public Documents. The following are not subject to public review, but are subject to review by the defendant and the defendant's lawyer:

- (1) Witness statements;
- (2) Presentence reports and reports related to compliance with conditions of sentence;
- (3) Copies of driving records or criminal history records subject to RCW 10.97;
- (4) Correspondence received by the court regarding sentencing and compliance with the terms of probation, except when the information is provided on the condition it remain confidential or when a finding of good cause is made for its confidentiality.

(d) Court Assistance.

(1) Court facilities are available to the public to assist in disclosure, subject to local court rule.

(2) For security purposes, the court may require identification from the reviewing party.

(e) Judicial Review. To assure that only public records are reviewed by the public, judicial review of disclosure may be requested by the prosecuting authority, defendant, court clerks, or other interested parties. The court may withhold dissemination until a hearing may reasonably be held. Following the hearing, the court may make such restrictive orders as are necessary.

(f) Statutes Not Superseded. Nothing in this rule shall be construed to supersede existing statutes or subsequent amendments thereto.

JuCR 1.3

DEFINITIONS

The definitions in RCW 13.04.011, RCW 13.32A.030, RCW 13.34.030, RCW 9A.76.010 and RCW 13.40.020 shall apply to these rules. For the purposes of these rules:

~~(a) Guardian. "Guardian" means a person appointed by court order under RCW 11.88 or RCW 13.34.230, but does not mean a person appointed a guardian ad litem under RCW 11.88.090, RCW 13.34.100, or RCW 26.44.053.~~

~~(b) Custodian. "Custodian" or "legal custodian" means a person (other than a parent or a guardian) or an agency to whom legal custody of a child has been given by a court having jurisdiction over the child.~~

~~(c) Legal Custody. "Legal custody" means a status created by court order.~~

JuCR 1.4

APPLICABILITY OF OTHER RULES

(a) Civil Rules. The Superior Court Civil Rules shall apply in proceedings other than those involving a juvenile offense when not inconsistent with these rules and applicable statutes.

(b) Criminal Rules. The Superior Court Criminal Rules shall apply in juvenile offense proceedings when not inconsistent with these rules and applicable statutes.

(c) Evidence Rules. The Rules of Evidence shall apply in juvenile court proceedings to the extent and with the exceptions stated in ER 1101.

~~(c)~~(d) Local Rules. The local rules of a juvenile court shall apply when not inconsistent with these rules and applicable statutes. Local rules for juvenile court proceedings must be adopted in accordance with GR 7.

JuCR 2.1

PLACEMENT OF JUVENILE IN SHELTER CARE GENERALLY

(a) Without Court Order. A juvenile may be placed in shelter care without court order if the juvenile has been taken into custody pursuant to RCW 13.34.055 or RCW 26.44.050.

(b) With Court Order. A juvenile may be placed in shelter care with a court order if:

(1) A dependency petition has been filed pursuant to rule 3.2 and a motion has been made pursuant to section (c); or

(2) The juvenile has previously been found to be dependent, is the subject of a disposition order still in effect, and a motion has been made pursuant to section (c).

(c) Obtaining Shelter Care Order. A request for an order pursuant to RCW 13.34.050 shall be by motion supported by ~~a sworn statement filed with the court or by testimony given in open court, setting forth the facts which form the basis for the motion~~ a statement of the facts that form the basis for the motion. The statement shall be in the form of a sworn affidavit, an unsworn declaration pursuant to RCW 9A.72.085, or testimony in open court.

JuCR 2.2

RELEASE OF JUVENILE FROM SHELTER CARE WITHOUT HEARING

(a) If Shelter Care Is Without Court Order. If a juvenile is taken into shelter care without a court order pursuant to RCW 13.34.055 or RCW 26.44.050, the juvenile shall be released unless a petition alleging dependency is filed within 72 hours (excluding Sundays and holidays) after taking the juvenile into custody.

(b) If Shelter Care Is With Court Order. If a juvenile is taken into shelter care pursuant to a court order, the juvenile shall be released unless an order authorizing continued shelter care is entered within 72 hours (excluding Sundays and holidays) after the juvenile is taken into custody.

JuCR 2.3

RIGHT TO AND NOTICE OF SHELTER CARE HEARING

~~(a) Shelter Care Hearing Defined. The term "shelter care hearing" means any hearing under RCW 13.34.060.~~

~~(b)~~(a) Notice of Right to Shelter Care Hearing. The notice of the right to request a shelter care hearing required by RCW 13.34.060 shall be given to the juvenile, his or her parents, guardian, or custodian within 72 hours of the taking into custody of the juvenile, and in accordance with rule 11.2.

~~(c)~~(b) Shelter Care Hearing Requested. If a shelter care hearing has been requested the court shall hold the hearing within 72 hours (excluding Saturdays, Sundays and holidays) of the request for a shelter care hearing.

~~(d)~~(c) Notice of Shelter Care Hearing. The notice required by RCW 13.34.060(2) shall be given in accordance with rule 11.2. The notice shall inform the parents, guardian, or custodian of their right to a lawyer as provided in Title 9 of these rules.

(d) Indian Children. If the petitioner knows or has reason to know that the child involved is a member of an Indian tribe, the petitioner shall notify the child's tribe in the manner required by RCW 13.34.070(9) and 25 U.S.C. § 1912.

JuCR 3.3

CONTENT OF DEPENDENCY PETITION

A dependency petition shall contain:

(a) Identification of the Juvenile. The name, age, sex, and residence of the juvenile so far as known to the petitioner.

(b) Identification of Parent, Guardian, or Custodian. The name, marital status, and residence of the parent, guardian, or custodian, or person with whom the juvenile is residing, so far as known to the petitioner. If not known, the petition shall so state.

(c) Membership in Indian Tribe. If the petitioner knows or has reason to know that the juvenile is a member of an Indian tribe, the petition shall so state and shall state the name of the tribe.

~~(c)~~(d) Jurisdictional Statement. A statement of the statutory provisions which give the court jurisdiction over the proceeding.

~~(d)~~(e) Statement of Facts. A statement of the facts which give the court jurisdiction over the juvenile and over the subject matter of the proceedings, stated in plain language and with reasonable definiteness and particularity.

~~(e)~~(f) Request for Inquiry. A request that the court inquire into the matter and enter an order that the court shall find to be in the best interests of the juvenile and justice.

~~(f)~~(g) Other. Any other information required by court rule or statute.

JuCR 3.4

NOTICE AND SUMMONS—SCHEDULING OF
FACTFINDING HEARING

(a) Notice and Summons. After the petition has been filed, notice and summons shall be issued and served pursuant to RCW 13.34.070 or published pursuant to RCW 13.34.080. The notice shall state that the petition begins a process which, if the juvenile is found dependent, may result in permanent termination of the parent-child relationship.

(b) Advice To Be Contained in Notice. A notice directed to the juvenile or the juvenile's parent, custodian, or guardian shall contain the following advisement:

Right to Lawyer

(1) You have the right to talk to a lawyer if you desire and, if you cannot afford a lawyer, one will be appointed for you.

(2) A lawyer can look at the social and legal files in your case, talk to the caseworker, tell you about the law, help you understand your rights, and help you at trial.

~~(c) Notice of Possible Termination Proceedings. If the petition alleges dependency pursuant to RCW 13.34.030 (2)(a) or (b), or has been amended to include that allegation, the notice shall state that the petition begins a process which, if the juvenile is found dependent, may result in permanent termination of the parent-child relationship.~~

~~(d)(c) Scheduling Factfinding Hearing. The court shall schedule a factfinding hearing with reasonable speed to be held within 45 days of the filing of the petition alleging dependency, giving preference to those cases where the juvenile is held in shelter care or detention. The court may, for good cause shown, continue the hearing to a later time at the request of a party.~~

(d) Indian Children. If the petitioner knows or has reason to know that the child involved is a member of an Indian tribe, the petitioner shall notify the child's tribe in the manner required by RCW 13.34.070(9) and 25 U.S.C. § 1912.

JuCR 3.7

FACTFINDING HEARING

(a) Procedure at Hearing. The court shall hold a factfinding hearing on the petition in accordance with RCW 13.34.110.

(b) Evidence. The Rules of Evidence shall apply to the hearing. ~~No social file or social study shall be considered by the court in connection with the factfinding hearing or prior to factual determination.~~

(c) Burden of Proof. In a factfinding hearing on a petition alleging dependency pursuant to RCW 13.34.030 (2)(a), (b), or (c), the facts alleged in the petition must be proven by a preponderance of the evidence. ~~In a factfinding hearing on a petition alleging dependency pursuant to RCW 13.34.030 (2)(d), the facts alleged in the petition must be proven beyond a reasonable doubt.~~

JuCR 3.9

REVIEW HEARING

The status of all juveniles found to be dependent shall be reviewed by the court at least every 6 months, in accordance with RCW 13.34.130(3), except when a guardianship has been established under RCW 13.34.231 and 13.34.232. The parties shall be given notice of the review hearing in accordance with rule 11.2. All parties shall have the right to be present at the review hearing and to be heard. Notice of a review hearing concerning a juvenile who has been found dependent under RCW 13.34.030 (2)(a) or (b) and who has been removed from the parental home shall include an advisement that a petition to terminate the parent-child relationship may be filed ~~6 months after the juvenile has been removed from the parental home.~~

JuCR 3.11

[NEW RULE]

GUARDIANSHIP IN JUVENILE COURT

(a) Petition for Guardianship for Dependent Child. Any party to a dependency proceeding, including the supervising agency, may file a petition requesting that a guardianship be created for a dependent child. The court may, on its own motion, order the supervising agency to file such a petition.

(b) Scheduling and Notice. A guardianship hearing may be held in connection with a review hearing under rule 3.9, or it may be otherwise regularly scheduled. Notice of the time and place of the guardianship hearing may be given in open court. If notice is not given to a party in open court, the party shall be given notice in accordance with rule 11.2. Notice must be given to the Department of Social and Health Services, and the Department may intervene in the proceedings.

(c) Procedure; Evidence; Burden of Proof. The court shall hold a hearing on the petition in accordance with RCW 13.34.231. The Rules of Evidence apply, and the burden of proof is by a preponderance of the evidence.

JuCR 4.3

NOTICE OF TERMINATION HEARING

(a) Generally. Notice of the termination hearing and a copy of the petition shall be served on all parties in the manner defined by RCW 13.34.070 (6)(7) and (7)(8) or published in the manner defined by RCW 13.34.080.

(b) Indian Children. If the petitioner knows or has reason to know that the child involved is a member of an Indian tribe, the petitioner shall notify the child's tribe in the manner required by RCW 13.34.070(9) and 25 U.S.C. § 1912.

JuCR 5.2

PLEADINGS—RELEASE OF JUVENILE CHILD
IN DETENTION CRISIS RESIDENTIAL CENTER

(a) Petition. A petition requesting an alternative residential placement, conforming to the requirements of rule 3.3, may be filed by a juvenile child or a juvenile's child's parent, or legal custodian, or guardian pursuant

to RCW 74.13.031 (4)(f), RCW 13.32A.120, or RCW 13.32A.150, or by the Department of Social and Health Services pursuant to RCW 13.32A.140.

(b) Venue. The petition shall be filed in the county where a custodial the parent, or legal custodian, or guardian resides or where the child is located. The hearing may be held in the county of the parent's residence upon request of any party.

(c) Amendment of Petition. A petition may be amended as provided in rule 3.5.

(d) Answer. A party may answer a petition as provided in rule 3.6.

(e) Release of Juvenile Child in Detention Crisis Residential Center. If a juvenile child is held in detention pursuant to RCW 74.13.031 (4)(g), the juvenile shall be released unless a petition is filed within 48 hours after the initial detention of the juvenile a crisis residential center, a petition shall be filed by the Department of Social and Health Services pursuant to RCW 13.32A.140 on the day that the 72-hour time limit specified in RCW 13.32A.140 expires, unless that day is a Saturday, Sunday, or holiday, or the child shall be released. If that day is a Saturday, Sunday, or holiday, the petition shall be deemed filed within the time limits of RCW 13.32A.130, RCW 13.32A.140, and this rule if the Department files the petition on the next judicial day.

JuCR 5.3

SCHEDULING OF PLACEMENT FACTFINDING HEARING

(a) Time. ~~If the~~ When a proper petition has been filed, ~~by a juvenile, or a juvenile's parent or guardian,~~ the court shall schedule a factfinding hearing upon the question of alternative residential placement with reasonable speed. The hearing shall be held within 14 days after the filing of the petition, unless the time is extended for good cause shown.

~~(b) Hearing When Juvenile Is Held in Detention. If a petition has been filed pursuant to RCW 74.13.031 (4)(g), a hearing on the petition shall be held within 72 hours (excluding Sundays and holidays) of the initial detention of the juvenile or the juvenile shall be released.~~

(b) Interim Placement Review Hearing. Upon written request of the child or the child's parent, the court shall schedule and hold an interim placement review hearing in accordance with RCW 13.32A.160(3). The parties shall be notified of the date and place of the hearing in accordance with rule 11.2.

JuCR 5.4

NOTICE OF PLACEMENT FACTFINDING HEARING

The notice required by ~~RCW 13.32.030~~ RCW 13.32A.160 shall be given in accordance with rule 11.2. The notice shall also include the following:

(1) Right to Lawyer. A statement advising the parents ~~or the custodian~~ of their right to be represented by a retained lawyer at the hearing and that if the parents cannot afford a lawyer, one will be appointed for them in accordance with rule 9.2;

(2) Location of Hearing. A statement advising the parties of the right to request that the hearing be held in the county where the parent resides;

~~(2)(3) Consequences of Petition Approval. A statement advising the parties that if the court approves the petition, the juvenile child will have the right to live in the placement approved by the court, subject to the terms of the court order be placed in a residence outside the parental home to be determined by the court or by the Department of Social and Health Services, and that the parents will not be relieved of financial responsibility for the juvenile child; and~~

~~(3) Alternative Placement. A statement advising the parties that the court may, instead of approving the requested placement, order the juvenile placed in an appropriate nonsecure facility.~~

(4) Consequences of Petition Disapproval. A statement advising the parties that if the court disapproves the petition, the court will order the child to remain at or return to the home of his or her parent;

(5) Right To Present Evidence. A statement advising the parties that they will be allowed to present evidence at the hearing on the petition; and

(6) Right To Challenge Interim Placement. A statement advising the parties that if a parent or the child objects to the interim placement of the child by the Department of Social and Health Services, the parent or child may make a written request for court review of the child's placement and receive a hearing within 3 court days.

JuCR 5.5

PLACEMENT PROCEDURE AT FACTFINDING HEARING

The factfinding hearing to consider the juvenile's child's placement shall be held in accordance with RCW ~~13.32.040~~ 13.32A.170.

JuCR 5.6

[NEW RULE]

DISPOSITION HEARING

(a) Time. The hearing to consider the 3-month disposition plan shall be held within 14 days of the factfinding hearing. The court may, for good cause shown, continue the hearing upon the request of a party or the Department of Social and Health Services.

(b) Notice. The notice of the disposition hearing required by RCW 13.32A.170(3) shall be given to the parties and to the Department of Social and Health Services in accordance with rule 11.2.

(c) Hearing. The hearing to consider the disposition plan shall be held in accordance with RCW 13.32A.180.

JuCR 5.6 5.7

REVIEW HEARING

~~(a) Time.~~ The court shall schedule a review of any alternative residential placement within 6 3 months of the placement. The notice of the review hearing required to be given by RCW ~~13.32.050~~ 13.32A.190 may be given to the parties at the placement hearing, or they may be

notified in accordance with rule 11.2. The hearing shall be conducted in accordance with RCW ~~13.32.050~~ 13.32A.190.

~~(b) Additional Review Hearings. If the court approves continuation of alternative placement, it shall hold another review hearing with 6 months of that approval. If the court does not continue alternative placement, it may hold another review hearing within 6 months.~~

~~(c) Notice. The parties shall be notified of a subsequent review hearing in accordance with rule 11.2.~~

JuCR 6.4

ADVICE ABOUT DIVERSION PROCESS

~~A statement in substantially the following form shall be read to, signed by, and a copy given to a juvenile before an initial interview with the diversion unit:~~

~~(a) Advice When Confinement Possible. A juvenile alleged to have committed an offense for which an adult could be confined shall be given a copy of a statement in substantially the following form during the initial interview with a diversion unit. The statement shall also be read by, or read to, the juvenile before the juvenile signs the statement.~~

Advice About Diversion

1. Diversion is a different way of dealing with juveniles who are charged with a ~~crime an offense~~. You do not go to court and there is no trial before a judge.

2. A diversion agreement is a contract between you and the diversion unit. A diversion agreement may require you to do certain things, such as community service, attend a counseling, informational, or educational interview, or make restitution, but you cannot be sent to jail. Under certain circumstances you may be counseled and released, which means no further action will be required of you.

3. ~~The diversion agreement will be part of your criminal record. If you sign a diversion agreement, or if you are counseled and released, the offense you are charged with and any diversion agreement will be part of your criminal history. When you have a criminal history, (A) you may not necessarily be permitted to participate in diversion for other offenses you have committed or may commit in the future, and (B) you may be given a longer sentence for other offenses you have committed or may commit in the future.~~

4. Your criminal history for this offense will show whether or not you have completed the terms of this diversion agreement.

5. Your criminal history may be available to the police, the prosecutor, the court, and the diversion unit.

6. If you do not follow the diversion agreement, the prosecutor may bring you to a hearing for the offenses you are charged with. If you do not appear at the court hearing, the court may order that you be arrested.

7. You may ask the court to seal your file on this offense if you have not been charged with another offense for 2 years after you finish diversion.

8. When you are 18 years old, you may ask the court to destroy all records on this offense if your criminal

history consists of only one diversion and 2 years have passed since you completed the diversion agreement.

9. When you are 23 years old, you may ask the court to destroy all records on this offense if you have not been convicted of a felony or a serious offense, and there is no criminal proceeding pending against you.

4. 10. You have the right to talk to a lawyer about whether you should participate in diversion or whether you should go to court. You will not have to pay for a lawyer if you cannot afford it. If you do not believe you committed this offense, you should talk to a lawyer.

5. 11. When you agree to participate in the diversion process, you do not have the right to have a free lawyer appointed for you to help you work out a diversion agreement, but you do have the right to have a lawyer help you work out a diversion agreement if you can afford to pay for it.

6. 12. Even if you talk to the diversion unit, you can decide not to sign the diversion agreement, then your case would go to court if charges are filed by the prosecutor. You do not have to participate in diversion. If you do not participate, your case will go to court if charges are filed by the prosecutor. If your case goes to court, you can have a lawyer to represent you, and you will not have to pay for the lawyer if you cannot afford it. If you are found guilty in court, the maximum penalty cannot be greater than the maximum penalty the diversion unit may impose.

13. I have read or someone has read to me everything printed above, and I understand it. I have been given a copy of this statement.

Dated _____ Dated _____
Parent or Guardian (optional) Juvenile

The above statement was read to, signed by, and a copy given to the juvenile on the date indicated.

Representative of Diversion Unit

If applicable:

I am fluent in the _____ language and I have translated this entire document for the juvenile from English into that language. The juvenile has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 19____, at _____, Washington.

Interpreter

(b) Advice When No Confinement Possible. A juvenile alleged to have committed a traffic infraction or an offense for which an adult could not be confined shall be given a copy of a statement in substantially the following form during the initial interview with a diversion unit. The statement shall also be read by, or read to, the juvenile before the juvenile signs the statement.

Advice About Diversion

1. Diversion is a different way of dealing with juveniles who are charged with an offense. You do not go to court and there is no trial before a judge.

2. A diversion agreement is a contract between you and the diversion unit. If you are alleged to have committed a traffic infraction, a diversion agreement requires you to do community service or attend educational or counseling sessions. If you are alleged to have committed some other offense, a diversion agreement may require you to do certain things, such as community service, attend a counseling, informational, or educational interview, or make restitution, but you cannot be sent to jail. Under certain circumstances you may be counseled and released, which means no further action will be required of you.

3. If you do not follow the diversion agreement, the prosecutor may bring you to a hearing for the offenses you are charged with. If you do not appear at the court hearing, the court may order that you be arrested.

4. You may ask the court to seal your file on this offense if you have not been charged with another offense for 2 years after you finish diversion.

5. When you are 18 years old, you may ask the court to destroy all records on this offense if your criminal history consists of only one diversion and 2 years have passed since you completed the diversion agreement.

6. When you are 23 years old, you may ask the court to destroy all records on this offense if you have not been convicted of a felony or a serious offense, and there is no criminal proceeding pending against you.

7. You have the right to talk to a lawyer about whether you should participate in diversion or whether you should go to court. You will not have to pay for a lawyer if you cannot afford it. If you do not believe you committed this offense, you should talk to a lawyer.

8. When you agree to participate in the diversion process, you do not have the right to have a free lawyer appointed for you to help you work out a diversion agreement but you do have the right to have a lawyer help you work out a diversion agreement if you can afford to pay for it.

9. You do not have to participate in diversion. If you do not participate, your case will go to court if charges are filed by the prosecutor. If your case goes to court, you can talk to a lawyer but you may have to pay for it. If you are found guilty in court, the maximum penalty cannot be greater than the maximum penalty the diversion unit may impose.

10. If you are charged with a traffic infraction and agree to diversion, the diversion unit may notify the Department of Licensing. This may affect your driving privileges.

11. I have read or someone has read to me everything printed above, and I understand it. I have been given a copy of this statement.

Dated _____ Dated _____
Parent or Guardian (optional) Juvenile

The above statement was read to, and signed by, and a copy given to, the juvenile on the date indicated.

Representative of Diversion Unit

If applicable:

I am fluent in the _____ language and I have translated this entire document for the juvenile from English into that language. The juvenile has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 19____, at _____, Washington.

Interpreter

JuCR 6.5

ADVICE OF RIGHTS AND EFFECT OF DIVERSION

[RESCINDED]

JuCR 6.6

TERMINATION OF DIVERSION AGREEMENT

(a) ~~Motion~~ **Petition.** The procedure to seek termination of a diversion agreement is to file a **motion petition** in juvenile court alleging that the juvenile has substantially violated the terms of the diversion agreement. The **motion petition** shall include a statement of:

- (1) The offense which the juvenile was alleged to have committed;
- (2) The terms of the diversion agreement; and
- (3) The alleged violation of the diversion agreement.

(b) ~~Preliminary Hearing if Juvenile Is in Detention.~~ **A juvenile may not be taken into custody and held in detention solely for an alleged violation of a diversion agreement. RCW 13.40.040 and 13.40.050 are the only authority for taking a juvenile into custody and holding the juvenile in detention. If a juvenile alleged to have violated a diversion agreement is held in detention on some other basis, a preliminary hearing on the petition for termination shall be held within 72 hours after taking the juvenile into custody, excluding Saturdays, Sundays, and holidays. Notice of the hearing shall be given in accordance with rule 11.2. At the hearing the court shall determine whether probable cause exists to believe the allegations in the petition, whether the petition is contested, and, in accordance with rule 7.4, whether continued detention is necessary. If the petition is contested and the juvenile is held in detention, the hearing on the petition shall be held within 14 days of the date of the preliminary hearing. If the petition is uncontested, the court may proceed immediately with the hearing on the petition to terminate the diversion agreement.**

(b)(c) **Scheduling and Notice of Hearing.** The court shall schedule a hearing on the allegations in the **motion petition** with reasonable speed, except that when a juvenile is held in detention, the hearing shall be scheduled in accordance with section (b) of this rule. A copy of the **motion petition** and the written notice of the hearing required by RCW 13.40.080(4), containing the date, time, and other information required by RCW 13.40.080(6), shall be given the juvenile in accordance with rule 11.2. The notice shall also state that an information may be filed on the original offense.

~~(c)~~(d) Disclosure of Evidence. All evidence to be offered against the juvenile shall be disclosed to the juvenile a reasonable time prior to the hearing.

~~(d)~~(e) Procedure at Hearing. The court shall hold a hearing on the allegations made in the motion petition. At the hearing the juvenile shall have the opportunity to be heard in person, to present evidence, and to confront and cross-examine all adverse witnesses.

~~(e)~~(f) Burden of Proof and Order Terminating Diversion Agreement. The moving party petitioner must prove by a preponderance of the evidence that the allegations in the motion petition are true and that they are a substantial violation of the diversion agreement. If the court finds that the moving party petitioner has met this burden of proof, it may order the termination of the diversion agreement. An order terminating a diversion agreement shall include a written statement of the evidence relied upon by the court and the reasons for the termination.

~~(f)~~(g) Consolidation of Termination Hearing With Adjudication of Offense. When the diversion unit has referred the case to the prosecuting attorney, and the prosecutor has filed an information, the court may schedule the hearing on the allegations in the motion petition to terminate the diversion agreement for the same time and place as the adjudicatory hearing on the allegations in the information. In that case, the court shall hold a hearing in accordance with this rule and make a finding with respect to the allegations in the motion petition before conducting the adjudicatory hearing on the allegations in the information.

JuCR 7.3

DETENTION AND RELEASE WITHOUT HEARING

(a) Time for First Appearance Generally. Any juvenile who has been taken into custody and detained must be given a hearing on the issues of probable cause and detention as soon as it is practicable to do so. The court shall make every reasonable effort to conduct the hearing by the end of the next judicial day. The time limits established by applicable statutes and by this rule are the maximum allowable times.

~~(a)~~(b) If No Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody before an information is filed, the juvenile shall be released unless an information is filed within 72 hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody. A juvenile held in detention after the filing of an information shall be given a hearing to determine whether continued detention is necessary and, in the absence of any prior determination, whether there is probable cause to believe that the detained juvenile committed the offense. The juvenile shall be released unless these determinations are made within 72 hours (excluding Saturdays, Sundays, and holidays) after the information has been filed.

~~(b)~~(c) If Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody after an information has been filed and is held in detention, the juvenile shall be given a hearing to determine whether continued detention is necessary and,

in the absence of any prior determination, whether there is probable cause to believe that the detained juvenile committed the offense. The juvenile shall be released unless these determinations are made within 72 hours (excluding Saturdays, Sundays, and holidays) after the juvenile is taken into custody.

(d) If Motion Not Filed Before Custody. If a juvenile alleged to have violated a conditional release order or a disposition order is taken into custody and held in detention before a motion to modify the conditional release order or the disposition order is filed, the juvenile shall be released unless a motion is filed within 72 hours (excluding Saturdays, Sundays, and holidays) of the filing of the motion, or the juvenile shall be released.

(e) If Petition or Motion Filed Before Custody. If a juvenile alleged to have violated a diversion agreement, a conditional release order, or a disposition order is taken into custody and held in detention after a petition to terminate the diversion agreement or a motion to modify the conditional order or the disposition order has been filed, the juvenile shall be given a preliminary hearing within 72 hours (excluding Saturdays, Sundays, and holidays) of the time the juvenile is taken into custody, or the juvenile shall be released.

JuCR 7.4

DETENTION HEARING

(a) Notice. The notice required by RCW 13.40.050(2) for a detention hearing shall be given in accordance with rule 11.2.

~~(a)~~(b) Procedure at Hearing. The detention hearing shall be held in accordance with RCW 13.40.050(3) and (4). All parties shall have an opportunity to present evidence and to be heard on the issue of continued detention.

~~(b)~~(c) Determination by Court Generally. At the hearing the court shall determine whether continued detention is necessary under RCW 13.40.040.

~~(c)~~(d) Determination That Detention Necessary. If the court finds that continued detention is necessary, the court shall enter written findings setting forth state on the record the specific statutory provision and the facts on which the court based its order for continued detention. The juvenile may nevertheless be released upon posting of a bond and the imposition of conditions upon such release pursuant to RCW 13.40.040(4).

~~(d)~~(e) Determination That Detention Not Necessary. If the court at the detention hearing determines that continued detention is not necessary, the juvenile shall be ordered released on personal recognizance. The court may impose conditions on the release pursuant to RCW 13.40.050(6).

JuCR 7.5

ISSUANCE OF SUMMONS OR WARRANT

~~(a) Issuance.~~ ~~After an information has been filed, a summons shall issue and be served pursuant to RCW 13.40.100.~~

~~(b) Additional Contents of Summons.~~ ~~The summons shall advise the parties of the right to be represented by a retained lawyer and to have a lawyer appointed in~~

~~certain cases, as provided in Title 9 of these rules and RCW 13.40.140.~~

~~(a) Generally. When an information is filed, the court may direct the clerk to command the juvenile and others to appear at a specified time and place by the issuance of a summons, or the court may direct the clerk to issue a warrant for the arrest of the juvenile, or the court may direct the clerk to notify the juvenile and others by other methods approved by local court rule.~~

~~(b) Summons Preferred; Warrant Used Only Upon Showing of Probable Cause. If the information charges only the commission of a misdemeanor or a gross misdemeanor, the court shall direct the clerk to command the presence of the juvenile by the issuance of a summons or other method approved by local court rule instead of a warrant, unless the court finds probable cause to believe that the juvenile would not appear in response to the command or probable cause to believe that the arrest is necessary to prevent serious bodily harm to the juvenile or another, or serious loss of or harm to property, in which case the court may issue a warrant. A warrant of arrest must be supported by an affidavit or sworn testimony, which shall be recorded electronically or stenographically, establishing the grounds for issuing the warrant. The finding of probable cause may be based on evidence that is hearsay in whole or in part.~~

~~(c) Requirements of a Summons.~~

~~(1) Generally. [Reserved. See RCW 13.40.100.]~~

~~(2) Additional Contents of a Summons Directed to Juvenile. A summons directed to a juvenile shall contain the following advisement:~~

Right to Lawyer

~~1. You have the right to talk to a lawyer, and if you cannot afford a lawyer, one will be appointed for you.~~

~~2. A lawyer can look at the social and legal files in your case, talk to the people involved in the offense proceeding, tell you about the law, help you understand your rights and the possible consequences of being found to be a juvenile offender, prepare any defense that you may have, and present to the court possible sentences should you be found guilty.~~

~~(d) Service and Return of Summons.~~

~~(1) Service. A summons may be served as provided in RCW 13.40.100, or it may be served by mailing the summons, postage prepaid, to the person named in the summons.~~

~~(2) Return. The person to whom a summons has been delivered shall, on or before the return date, file a return thereof with the judge before whom the summons is returnable.~~

~~(e) Failure To Appear in Response to Summons. [Reserved. See RCW 13.40.100.]~~

~~(f) Requirements of a Warrant. The warrant shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of his or her office, and shall state when issued and the county where issued. It shall specify the name of the juvenile, or if his or her name is unknown, any name or description by which the juvenile can be identified with reasonable certainty. The warrant shall specify the offense charged and shall command that the juvenile be arrested and brought~~

~~forthwith before the court issuing the warrant. The court issuing the warrant shall set forth on the warrant the conditions for release, including bail, pursuant to RCW 13.40.040.~~

~~(g) Execution and Return of Warrant.~~

~~(1) Execution. The warrant shall be directed to all peace officers in the state or to probation counselors authorized to serve process pursuant to RCW 13.04.040. The warrant shall be executed only by a peace officer or probation counselor.~~

~~(2) Return. The officer executing a warrant shall make a return thereof to the court before whom the juvenile is brought pursuant to these rules. At the request of the prosecuting attorney any unexecuted warrant shall be returned to the juvenile court and canceled. For reasonable cause, the court itself may order that the warrant be returned to the court.~~

~~(h) Defective Summons or Warrant.~~

~~(1) Amendment. No juvenile appearing in response to a summons or arrested under a warrant shall be discharged from custody or dismissed because of any irregularity in the summons or warrant, but the summons or warrant may be amended to remedy any such irregularity.~~

~~(2) Issuance of New Summons or Warrant. If, during the preliminary examination of any juvenile appearing in response to the summons or arrested under a warrant, it appears that the warrant or summons does not properly name or describe the juvenile or the offense charged, or that although not guilty of the offense specified in the summons or warrant, there is reasonable ground to believe that the juvenile is guilty of some other offense, the judge shall not discharge or dismiss the juvenile but may allow a new information to be filed and shall thereupon issue a new summons or warrant.~~

JuCR 7.6

ARRAIGNMENT AND PLEAS

~~(a) Time and Procedure for Arraignment. A juvenile who is detained or subject to conditions of release must be arraigned within 14 days after the information or indictment is filed. The procedure for the arraignment of an alleged juvenile offender is governed by CrR 4.1.~~

~~(b) Plea. The taking of a plea of an alleged juvenile offender is governed by CrR 4.2.~~

~~(c) Advice of Standard Sentence. Before entering a plea, the juvenile should be advised of the standard sentence for the offense charged, and should be advised of the criminal history upon which the standard sentence is based.~~

~~(d) Effect of Motion To Decline Jurisdiction. If a decline hearing is requested or required, then the juvenile court has no jurisdiction to accept a plea until a decline hearing is held and an order is entered retaining jurisdiction in the juvenile court. The time limit for the adjudicatory hearing under rule 7.8 does not begin to run until the day after the entry of the order retaining jurisdiction.~~

JuCR 7.7

STATEMENT OF JUVENILE ON PLEA OF GUILTY

A written statement of a juvenile on a plea of guilty shall be filed in substantially the following form.

Guilty Plea Statement

- 1. My name is _____.
- 2. My age is _____.
- 3. I ~~know~~ have been informed and fully understand that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the court will provide me with one at no cost. A lawyer can look at the social and legal files in my case, talk to the police, probation counselor, and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.
- 4. My lawyer is _____.
- 5. ~~The court has told me~~ I have been informed and fully understand that I am charged with the crime of _____, and that the elements of the offense are _____, and I have been given a copy of the charge.
- 6. ~~The court has told me~~ I have been informed and fully understand that:
 - (a) I have the right to a speedy and public trial in the county where I reside or where the offense is alleged to have been committed.
 - (b) I have the right to remain silent before and during trial, and I need not testify against myself.
 - (~~a~~)(c) I have the right to hear and question witnesses who might testify against me.
 - (~~b~~)(d) I have the right to have witnesses testify for me. These witnesses may be required to appear at no cost to me.
 - (~~c~~)(e) I have the right to testify on my own behalf.
 - (~~d~~)(f) I am presumed innocent until each element of the crime offense I am charged with must be is proven beyond a reasonable doubt or I enter a plea of guilty.
 - (~~e~~)(g) I have a right to appeal a conviction determination of guilt after a trial.
 - (~~f~~)(h) If I plead guilty I give up these rights, and I cannot change my plea enumerated in 6(a)-(g).
- 7. ~~The court has told me~~ I have been informed and fully understand that the standard sentence for this crime is at least _____ and no more than my offense is _____, based upon my criminal history of _____.
- 8. I have been informed and fully understand that the maximum punishment I can receive is commitment until I am 21 years old, but that I may be sentenced for no longer than the adult maximum sentence for this offense.
- 9. I have been informed and fully understand that my plea of guilty and the court's acceptance of my plea will become part of my criminal history. I have also been informed and fully understand that if the offense is a felony and I was 15 years of age or older when the offense was committed, then the plea will remain part of my criminal history when I am an adult if I commit another offense prior to my twenty-third birthday.

10. I have been informed and fully understand that if I plead guilty and the court accepts my plea, my criminal history may cause the court to give me a longer sentence for any offenses that I commit in the future.

~~8-11. I have been told~~ I have been informed and fully understand that the prosecuting attorney will take the following action and make the following recommendation to the court: _____.

12. I have been informed and fully understand that the probation counselor will make the following recommendation to the court: _____.

~~9-13. I have been told~~ I have been informed and fully understand that the court does not have to follow the prosecuting attorney's or the probation counselor's recommendation for my sentence. I have been informed and fully understand that the court must impose a sentence within the standard sentence range unless the court finds substantial and compelling reasons not to do so. If the court goes outside the standard sentence range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

~~10-14.~~ The court has asked me to state in my own words what I did that resulted in my being charged with the crime offense. This is my statement: _____.

~~11-15.~~ I plead guilty to the charge.

~~12-16.~~ I make this plea freely. No one has threatened to harm me or anyone else in order to have me plead guilty.

~~13-17.~~ No one has made any promises to me to make me plead guilty, except as written in this statement.

~~14-18.~~ I have read or someone has read to me everything printed above and I have been given a copy of this statement. I have no more questions to ask the court.

Dated _____
Juvenile

~~The above statement was read by or read to the alleged offender and signed by the juvenile _____ in the presence of his or her attorney, _____, prosecuting attorney, _____, and the undersigned judge in open court.~~

The foregoing statement was read by or to the alleged offender and signed by the offender in the presence of his or her lawyer and the undersigned judge, in open court. The court finds the offender's plea of guilty is knowingly, intelligently, and voluntarily made, that the juvenile has been advised by the court concerning the nature of the offense, that there is a factual basis for the plea, and that the offender is guilty as charged.

Defense Lawyer _____ Prosecuting Attorney _____
Dated _____ Judge/Commissioner _____

If applicable:
I am fluent in the _____ language and I have translated this entire document for the juvenile from English into that language. The juvenile has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under

penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 19____, at _____, Washington.

Interpreter

JuCR 7.8

TIME FOR ADJUDICATORY HEARING

(a) Responsibility of Court. It shall be the responsibility of the court to insure to each person charged with a juvenile offense an adjudicatory hearing in accordance with the provisions of this rule.

(b) Time Limits. The adjudicatory hearing on a juvenile offense shall begin within 60 days following the juvenile's arraignment in juvenile court on the charges contained in the information. If the alleged juvenile offender is held in detention pending the adjudicatory hearing and would be at liberty but for the current charges, the hearing shall begin within 30 days following the juvenile's arraignment in juvenile court on the charges contained in the information.

(c) Setting of Hearing Date—Notice to Parties—Objection to Hearing Date—Waiver. CrR 3.3(f) applies in juvenile court. The court shall notify the juvenile of the hearing date in accordance with CrR 3.3(f), and any party who objects to the hearing date must do so by motion within 10 days after the notice is mailed or otherwise given. The failure of a party to make a timely objection shall be a waiver of the objection to the hearing date.

~~(c)~~(d) Excluded Periods. The following periods shall be excluded in computing the time for the adjudicatory hearing:

(1) All proceedings related to the competency of the alleged juvenile offender to participate in the hearing.

(2) Preliminary proceedings and an adjudicatory hearing on another charge.

(3) Delay granted by the court pursuant to section (d).

(4) The time between the dismissal and the refile of the same charge.

(5) The time between a motion for revision of a court commissioner's ruling and the entry of a decision by a judge.

~~(d)~~(e) Continuances. Continuances or other delays may be granted as follows:

(1) On motion of the alleged juvenile offender on a showing of good cause.

(2) On motion of the prosecuting attorney if:

(i) the alleged juvenile offender consents to a continuance or delay and good cause is shown; or

(ii) the State's evidence is presently unavailable, the prosecution has exercised due diligence, and there are reasonable grounds to believe that it will be available within a reasonable time; or

(iii) required in the due administration of justice and the alleged juvenile offender will not be substantially prejudiced in the presentation of his or her defense.

(3) The court on its own motion may continue the case when required in the due administration of justice and the alleged juvenile offender will not be substantially prejudiced in the presentation of his or her defense.

~~(e)~~(f) Absence of Alleged Juvenile Offender. In the event the alleged juvenile offender is absent from the court and thereby unavailable for the adjudicatory hearing or for any preliminary proceeding at which his or her presence is required, the time period specified in section (b) shall start to accrue anew when the alleged juvenile offender is actually present in the county where the charge is pending, and his presence appears upon the record of the court.

~~(f)~~(g) Dismissal With Prejudice. If the adjudicatory hearing on a juvenile offense is not held within the time limits in this rule, the information shall be dismissed with prejudice.

JuCR 7.11

ADJUDICATORY HEARING

(a) Burden of Proof. The court shall hold an adjudicatory hearing on the allegations in the information. The prosecution must prove the allegations in the information beyond a reasonable doubt.

(b) Evidence. The Rules of Evidence shall apply to the hearing, except to the extent modified by RCW 13.40.140 (7) and (8). All parties to the hearing shall have the rights enumerated in RCW 13.40.140(7).

(c) Decision on the Record. The juvenile shall be found guilty or not guilty. The court shall record state its findings of fact and enter its decision on the record. The findings shall include the evidence relied upon by the court in reaching its decision.

(d) Written Findings and Conclusions on Appeal. The court shall enter written findings and conclusions in a case that is appealed. The findings shall state the ultimate facts as to each element of the crime and the evidence upon which the court relied in reaching its decision. The findings and conclusions may be entered after the notice of appeal is filed. The prosecution must submit such findings and conclusions within 21 days after receiving the juvenile's notice of appeal.

JuCR 7.12

DISPOSITION HEARING

(a) Time. A disposition hearing shall be held if the juvenile has pleaded guilty or has been found guilty by the court. The hearing may be held immediately following the juvenile's plea of guilty or immediately following the adjudicatory hearing if found guilty by the court. The disposition hearing may be continued for a period of up to 14 days after the plea or the conclusion of the hearing, ~~unless good cause is shown for a further continuance if the juvenile is held in detention, or 21 days after the plea or the conclusion of the hearing if the juvenile is not held in detention. Either time may be extended by the court for good cause shown.~~ Notice of a continued hearing shall be given to all parties in accordance with rule 11.2.

(b) Conduct of Hearing. The court shall conduct the hearing in accordance with RCW 13.40.150. At the conclusion of the disposition hearing, the court shall, in accordance with CrR 7.2(b), advise the juvenile of the right to appeal, including when applicable the right to

appeal a sentence based upon a finding of manifest injustice.

(c) Criminal History—Definition. In determining the standard range of disposition for a juvenile, ~~the following shall constitute the juvenile's criminal history pursuant to RCW 13.40.020(6):~~ the juvenile's criminal history includes any criminal complaint alleging an offense and resulting in one of the following prior to the commission of the current offense:

(1) ~~A finding made by a juvenile court prior to July 1, 1978, that the juvenile committed an offense, if the allegation was required to be proven beyond a reasonable doubt or if the juvenile admitted the allegation; or~~

(2) ~~A conviction by a juvenile court or a plea of guilty made on or after July 1, 1978; or~~

(3) ~~A record of a diversion agreement entered into in accordance with the provisions of RCW 13.40.080.~~

Violations, as defined by RCW 13.40.020, are not included in a juvenile's criminal history.

(d) Criminal History—Multiple Charges. If the juvenile has been convicted of two or more charges arising out of the same course of conduct, then only the highest charge is counted as criminal history. If the juvenile has been convicted of two or more charges that did not arise out of the same course of conduct, then all of the charges count as criminal history, even though the charges may have consolidated into a single disposition order.

~~(d)(e) Disposition Outside Standard Range Based Upon Finding of Manifest Injustice.~~ If the court imposes a sentence outside the standard range for the offense, based upon a finding of manifest injustice, the disposition order shall set forth those portions of the record material to the disposition.

(f) Disposition Requiring Detention in a State-Operated Juvenile Detention Facility. If the court imposes a sentence requiring commitment to the Division of Juvenile Rehabilitation of the Department of Social and Health Services for detention, the copy of the disposition order sent to the Division shall be accompanied by a statement of the criminal history relied upon by the sentencing court.

JuCR 7.14

[NEW RULE]

MODIFICATION OF DISPOSITION ORDER

(a) Generally. The procedure for seeking a modification of a disposition order is to file a motion in juvenile court. A disposition order may only be modified in accordance with RCW 13.40.190 and 13.40.200.

(b) Who May File Motion. Any party may file a motion seeking modification of a disposition order. The court may, on its own motion, seek modification of a disposition order.

(c) Contents of Motion. The motion shall state the reason for seeking modification and the nature of the modification sought.

(d) Preliminary Hearing if Juvenile Is in Detention. If a juvenile alleged to have violated the terms of a disposition order is held in detention, a preliminary hearing

shall be held in accordance with rule 7.3(c) or (d). Notice of the hearing shall be given in accordance with rule 11.2. At the hearing the court shall determine whether probable cause exists to believe the allegations in the motion, whether the petition is contested, and, in accordance with rule 7.4, whether continued detention is necessary. If the motion is contested and the allegation is not a juvenile offense and the juvenile is held in detention, the hearing on the motion shall be held within 7 days of the date of the preliminary hearing. If the motion is contested, and the allegation is a juvenile offense, and the juvenile is in detention, the hearing on the motion shall be held within 14 days of the date of the preliminary hearing. If the motion is uncontested, the court may proceed immediately with the hearing on the motion.

(e) Scheduling and Notice of Hearing. The court shall schedule a hearing on the allegations in the motion with reasonable speed, except that when the juvenile is held in detention, the hearing shall be scheduled in accordance with section (d) of this rule. Notice of the hearing may be given in accordance with rule 11.2, or the court may issue a summons or a warrant pursuant to rule 7.5.

JuCR 9.1

ALTERNATIVE RESIDENTIAL PLACEMENT— MANDATORY APPOINTMENT OF LAWYER

The court shall appoint a lawyer for a juvenile child or parent in an alternative residential placement proceeding when required by RCW 74.13.031, RCW 13.32.030 and .050; RCW 13.32A.160 (1)(c) and RCW 13.32A.190(1).

JuCR 9.2

ADDITIONAL RIGHT TO REPRESENTATION BY LAWYER

(a) Retained Lawyer. Any party may be represented by a retained lawyer in any proceedings before the juvenile court.

(b) Dependency and Termination Proceedings. The court shall provide a lawyer at public expense in a dependency or termination proceeding as follows:

(1) Upon request of a party or on the court's own initiative, the court shall appoint a lawyer for a juvenile who has no guardian ad litem and who is financially unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment. A juvenile shall not be deprived of a lawyer because a parent, guardian, or custodian refuses to pay for a lawyer for the juvenile. If the court has appointed a guardian ad litem for the juvenile, the court may, but need not, appoint a lawyer for the juvenile.

(2) Upon request of the parent or parents, the court shall appoint a lawyer for a parent who is unable to obtain a lawyer without causing substantial hardship to himself or herself or the juvenile's family. The ability to pay part of the cost of a lawyer shall not preclude assignment.

(c) Juvenile Offense Proceedings. The court shall provide a lawyer at public expense in a juvenile offense proceeding when required by ~~RCW 13.40.080(6)~~, RCW 13.40.080(8), RCW 13.40.140(2), or rule 6.2.

JuCR 10.1

SCOPE OF TITLE 10

Rule 10.2 relates to recording of juvenile court proceedings. ~~All rules after rule 10.2 cover~~ Rule 10.3 relates to records as defined in ~~RCW 13.04.270~~. 13.50.010.

JuCR 10.3

ACCESS OF PARENT TO RECORDS

~~[Rescinded. See RCW 13.50.010 through .250.]~~

~~As used in RCW 13.04.274, the terms "subject of any juvenile justice or care record" and "subject of a dependency petition" shall, for purposes of making a motion pursuant to rule 10.4, include a parent of a juvenile if the records involved relate to proceedings prior to termination of the parent-child relationship.~~

JuCR 10.4

MOTIONS CONCERNING JUVENILE RECORDS

~~[Rescinded. See RCW 13.50.010 through .250.]~~

~~Questions raised pursuant to RCW 13.04.272 and .274 shall be determined by motion filed in the juvenile court. The court shall schedule a hearing on the motion, giving notice to the parties including appropriate juvenile justice and care agencies, in accordance with rule 11.2. After a hearing the court shall determine whether the moving party has established that the party is entitled to the relief requested and enter an appropriate order.~~

JuCR 10.5

ACCESS TO OFFICIAL JUVENILE COURT FILES

~~[Reserved. See RCW 13.04.270 and .272~~ 13.50.010 through .250.

JuCR 10.6

CHALLENGING JUVENILE COURT RECORDS

~~[Reserved. See RCW 13.04.274(1)~~ 13.50.010 through .250.

JuCR 10.7

SEALING JUVENILE COURT RECORDS

~~[Reserved. See RCW 13.04.274 (2) and (3)~~ 13.50.010 through .250.

JuCR 10.8

DESTRUCTION OF JUVENILE COURT RECORDS

~~[Reserved. See RCW 13.04.274(6)~~ 13.50.010 through .250.

JuCR 10.9

ONLY COMPLETE INFORMATION RELEASED

~~[Reserved. See RCW 13.04.272 (2)(c)~~ 13.50.010 through .250.

JuCR 11.2

NOTICE OF PROCEEDING

(a) Applicability. ~~This rule shall apply when notice is required to be given by rules 2.3(b) and (d), 2.4(c), 2.5, 3.9, 5.4, 5.6(a) and (c), 6.6(b), 7.12(a), 8.1(c), and 10.4. Notice given pursuant to those rules shall conform to the requirements of this rule. This rule applies whenever another Juvenile Court Rule states that notice shall be given in accordance with this rule.~~

(b) Content of the Notice. The notice shall specify the time, place, and purpose of the proceeding.

(c) Method of Giving Notice. Notice may be given by any means reasonably certain of notifying the party, including, but not limited to, notice in open court, mail, personal service, telephone, and telegraph.

RLD 9.1(a)

(a) When Petition May Be Filed. No petition for reinstatement shall be filed within a period of 3 5 years after disbarment or within a period of 2 years after an adverse decision of the Supreme Court upon a former petition, or within a period of 1 year after an adverse recommendation of the Board of Governors on a former petition when that recommendation is not submitted to the Supreme Court. If prior to disbarment the lawyer was suspended from the practice of law pursuant to the provisions of Title 3, or any comparable rule, the period of such suspension shall be credited toward the 3 5 years referred to above.

RAP 7.2(j)

(j) Juvenile Court Decision. The trial court has authority to enter findings and conclusions in a juvenile offense proceeding pursuant to JuCR 7.11. The trial court has authority to act on matters of supersedeas, stays, bonds, the release of a person, and extension of jurisdiction pending review of a juvenile court proceeding.

Reviser's note: The brackets and enclosed material in the text of the above material occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 87-13-023

RULES OF COURT
STATE SUPREME COURT

[June 4, 1987]

IN THE MATTER OF THE RESCISSION
OF THE JUSTICE COURT CRIMINAL
RULES (JCrR) and the ADOPTION NO. 25700-A-398
OF THE CRIMINAL RULES FOR
COURTS OF LIMITED JURISDICTION ORDER
(CrRLJ)

The Board of Governors of the Washington State Bar Association having recommended the rescission of the Justice Court Criminal Rules and the adoption of the Criminal Rules for Courts of Limited Jurisdiction and the Criminal Rules for Courts of Limited Jurisdiction having been published for comment in 107 Wn.2d 1xiii, dated January 7, 1987, and having considered the Rules

and the comments submitted thereto, and having determined that the proposed Rules will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

ORDERED:

(a) That the Justice Court Criminal Rules are rescinded.

(b) That the Criminal Rules for Courts of Limited Jurisdiction as attached hereto, are adopted.

(c) That Part V of General Rules I is amended by the deletion of the Justice Court Criminal Rules (JCrR), and the insertion of the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ).

(d) This Court's other rules referring generally to the Justice Court Criminal Rules shall henceforth, where appropriate, be considered to refer to the Criminal Rules for Courts of Limited Jurisdiction.

(e) That these Rules will be published in the special Rules edition of the Washington Reports in July, 1987, and will become effective September 1, 1987.

DATED at Olympia, Washington this 4th day of June, 1987.

Pearson, C. J.

Andersen, J.

Callow, J.

Goodloe, J.

Durham, J.

RULE 1

CLASSIFICATION SYSTEM FOR COURT RULES

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General Rules	GR
Code of Judicial Conduct	CJC
Discipline Rules for Judges	DRJ
Board for Judicial Administration Rules	BJAR
Rules of Professional Conduct	RPC
Admission to Practice Rules	APR
Rules for Lawyer Discipline	RLD
Judicial Information System Committee Rules	JISCR
Rules of Evidence	ER

PART II: RULES FOR APPELLATE COURT ADMINISTRATION

Supreme Court Administrative Rules	SAR
Court of Appeals Administrative Rules	CAR

PART III: RULES ON APPEAL

Rules of Appellate Procedure	RAP
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PART IV: RULES FOR SUPERIOR COURT

Superior Court Administrative Rules	AR
Superior Court Civil Rules	CR
Superior Court Mandatory Arbitration Rules	MAR
Superior Court Special Proceedings Rules	SPR
Superior Court Criminal Rules	CrR

Superior Court Mental Proceedings Rules	MPR
Juvenile Court Rules	JuCR

PART V: RULES FOR COURTS OF LIMITED JURISDICTION

Justice Court Administrative Rules	JAR
Rules for Appeal of Decisions of Courts of Limited Jurisdiction	RALJ
Justice Court Civil Rules	JCR
Justice Court Criminal Rules	JCrR
<u>Criminal Rules for Courts of Limited Jurisdiction</u>	<u>CrRLJ</u>
Justice Court Traffic Infraction Rules	JTIR

CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION

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1. SCOPE, PURPOSE, AND CONSTRUCTION

RULE 1.1

SCOPE

These rules govern the procedure in the courts of limited jurisdiction of the State of Washington in all criminal proceedings and supersede all procedural statutes

and rules that may be in conflict. They shall be interpreted and supplemented in light of the common law and the decisional law of this state. These rules shall not be construed to affect or derogate from the constitutional rights of any defendant.

RULE 1.2

PURPOSE AND CONSTRUCTION

These rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration, effective justice, and the elimination of unjustifiable expense and delay.

RULE 1.3

EFFECT

Except as otherwise provided elsewhere in these rules, on their effective date:

(a) Any acts done before the effective date in any proceedings then pending or any action taken in any proceeding pending under rules of procedure in effect prior to the effective date of these rules are not impaired by these rules.

(b) These rules also apply to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedure should continue to be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedures of these rules.

RULE 1.4

DEFINITIONS

As used in these rules, unless the context clearly requires otherwise:

(a) "Court" means any court of limited jurisdiction.

(b) "Judge" means any judge of any court of limited jurisdiction and shall include every judicial officer authorized, alone or with others, to hold or preside over a court.

(c) "Prosecuting authority" includes prosecuting attorneys, city attorneys, corporation counsel, and their deputies and assistants, or such other persons as may be designated by statute.

(d) "Court day" means any day on which a court is open for the transaction of administrative business, including but not limited to the acceptance of papers for filing.

RULE 1.5

STYLE AND FORM

The complaint, citation and notice, warrant, summons, motions, briefs, orders, and all other papers or forms required by these rules shall be plainly written, typed or printed. The citation and notice shall be on a form prescribed or approved by the Office of the Administrator for the Courts.

RULE 1.6
CONDUCT OF COURT

All judicial proceedings and trials shall be conducted in accordance with these rules. If no procedure is specifically prescribed by rule, the court may proceed in any lawful manner not inconsistent with these rules, or with any applicable statute. Questions pertaining to the conduct of the court and not covered by these rules or appropriate statutes shall be determined by the trial judge.

RULE 1.7

LOCAL COURT RULES—AVAILABILITY

Courts of limited jurisdiction may adopt in accordance with GR 7 such special rules not inconsistent with these general rules as they may deem necessary for their respective courts. The court, upon the adoption of such rules, shall keep a copy of them readily available for inspection.

RULE 1.8

TITLE OF RULES

These rules may be known and cited as Criminal Rules for Courts of Limited Jurisdiction, and shall be referred to as CrRLJ.

2. PROCEDURES PRIOR TO ARREST AND
OTHER SPECIAL PROCEEDINGS

RULE 2.1

COMPLAINT—CITATION AND NOTICE

(a) Complaint.

(1) Initiation. Except as otherwise provided in this rule, all criminal proceedings shall be initiated by a complaint.

(2) Nature and Contents. The complaint shall be a plain, concise and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting authority. Allegations made in one count may be incorporated by reference in another count. It may be alleged that the means by which the defendant committed the offense are unknown or that he or she committed it by one or more specified means. The complaint shall state for each count the official or customary citation of the statute, rule, regulation or other provision of law which the defendant is alleged therein to have violated. Error in the citation or its omission shall not be ground for dismissal of the complaint or for reversal of a conviction if the error or omission did not mislead the defendant to his or her prejudice.

(b) Citation and Notice To Appear.

(1) Issuance. Whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor the arresting officer, or any other authorized peace officer, may serve upon the person a citation and notice to appear in court.

(2) Release Factors. In determining whether to release the person or to hold him or her in custody, the peace officer shall consider the following factors:

(i) whether the person has identified himself or herself satisfactorily;

(ii) whether detention appears reasonably necessary to prevent imminent bodily harm to himself, herself, or another, or injury to property, or breach of the peace;

(iii) whether the person has ties to the community reasonably sufficient to assure his or her appearance or whether there is substantial likelihood that he or she will refuse to respond to the citation and notice; and

(iv) whether the person previously has failed to appear in response to a citation and notice issued pursuant to this rule or to other lawful process.

(3) Contents. The citation and notice to appear shall include:

(i) the name of the court and a space for the court's docket, case or file number;

(ii) the person's name, address, date of birth, and sex;

(iii) the date, time, place, numerical code section, description of the offense charged, the date on which the citation was issued, and the name of the citing officer;

(iv) the time and place the person is to appear in court, which may not exceed 20 days after the date of the citation and notice, but which need not be a time certain;

(v) a space for the person to sign a promise to appear.

(4) Release. To secure his or her release, the person must give his or her written promise to appear in court as required by the citation and notice served.

(5) Certificate. The citation and notice shall contain a form of certificate by the citing official that he or she certifies, under penalties of perjury, as provided by RCW 9A.72.085, and any law amendatory thereto, that he or she has probable cause to believe the person committed the offense charged contrary to law. The certificate need not be made before a magistrate or any other person.

(6) Initiation. When signed by the citing officer and filed with a court of competent jurisdiction, the citation and notice shall be deemed a lawful complaint for the purpose of initiating prosecution of the offense charged therein.

(c) Citizen Complaints. Any person wishing to institute a criminal action alleging a misdemeanor or gross misdemeanor shall appear before a judge empowered to commit persons charged with offenses against the State. The judge may consider any allegations on the basis of an affidavit sworn to before the judge, clerk, commissioner or notary public. If the judge is satisfied that probable cause exists, and that the complaining witness is aware of the gravity of initiating a criminal complaint, of the necessity of a court appearance for himself or herself and witnesses, of the possible liability for false arrest and of the consequences of perjury, the judge may authorize the citizen to sign and file a complaint in the form prescribed in this rule. The judge may also examine an oath the complainant and any witnesses the judge may require, take their statements, and cause the statements and the complaint to be subscribed under oath by

the person or persons making it. The affidavit may be in substantially the following form:

STATE OF WASHINGTON }
COUNTY OF _____ } ss. No. _____

AFFIDAVIT OF COMPLAINING WITNESS

Defendant:

Name _____ Name _____
Address _____ Address _____
Phone _____ Bus. _____ Phone _____ Bus. _____

WITNESSES:

Name _____ Name _____
Address _____ Address _____
Phone _____ Bus. _____ Phone _____ Bus. _____

Name _____ Name _____
Address _____ Address _____
Phone _____ Bus. _____ Phone _____ Bus. _____

I, the undersigned complainant, understand that I have the choice of complaining to a prosecuting authority rather than signing this affidavit. I elect to use this method to start criminal proceedings. I understand that the following are some but not all of the consequences of my signing a criminal complaint: (1) the defendant may be arrested and placed in custody; (2) the arrest if proved false may result in a lawsuit against me; (3) if I have sworn falsely I may be prosecuted for perjury; (4) this charge will be prosecuted even though I might later change my mind; (5) witnesses and complainant will be required to appear in court on the trial date regardless of inconvenience, school, job, etc.

Following is a true statement of the events that led to filing this charge. I (have)(have not) consulted with a prosecuting authority concerning this incident.

On the _____ day of _____, 19____,
at _____
(location)

Signed _____

SUBSCRIBED AND SWORN TO before me this _____
day of _____, 19____.

Court Commissioner, Clerk,
Judge or Notary Public

(d) Filing.

(1) Original. The original of the complaint or citation and notice shall be filed with the clerk of the court.

(2) Time. The citation and notice shall be filed with the clerk of the court within 48 hours after issuance. A citation and notice not filed within the time limits of this rule may be dismissed without prejudice.

RULE 2.2

WARRANT OF ARREST OR SUMMONS UPON COMPLAINT

(a) Issuance of Warrant of Arrest. If a complaint is filed and if the offense charged may be tried in the jurisdiction in which the warrant issues, the court may direct the clerk to issue a warrant for the arrest of the defendant unless the defendant has already been arrested in connection with the offense charged and is in custody or has been released on obligation to appear in court. A warrant of arrest must be supported by affidavit, a certificate as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony establishing the grounds for issuing the warrant. Sworn testimony shall be recorded electronically or stenographically. The court must determine there is probable cause to believe that the defendant has committed the crime alleged before issuing the warrant. Subject to constitutional limitations, the finding of probable cause may be based on evidence which is hearsay in whole or in part.

(b) Issuance of Summons in Lieu of Warrant.

(1) Generally. If a complaint is filed, the court may direct the clerk to issue a summons commanding the defendant to appear before the court at a specified time and place.

(2) When Summons Must Issue. If the complaint charges the commission of a misdemeanor or a gross misdemeanor, the court shall direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant.

(3) Summons for Felony Complaint. If the complaint charges the commission of a felony, the court may direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant.

(4) Summons. A summons shall be in writing and in the name of the charging jurisdiction, shall be signed by the clerk with the title of that office, and shall state the date when issued. It shall state the name of the defendant and the nature of the charge, and shall summon the defendant to appear before the court at a stated time and place. The summons shall inform the defendant that failure to appear as commanded may result in the issuance of a warrant for the arrest of the accused.

(5) Failure To Appear on Summons. If a person fails to appear in response to a summons, or if delivery is not effected within a reasonable time, a warrant of arrest may issue.

(c) Requisites of a Warrant. The warrant shall be in writing and in the name of the charging jurisdiction, shall be signed by the judge or clerk with the title of that office, and shall state the date when issued. It shall specify the name of the defendant, or if his or her name is unknown, any name or description by which he or she can be identified with reasonable certainty. The warrant shall specify the offense charged against the defendant

and that the court has found that probable cause exists to believe the defendant has committed the offense charged and shall command the defendant be arrested and brought forthwith before the court issuing the warrant. If the offense is not a capital offense, the court shall set forth in the order for the warrant, bail and/or other conditions of release.

(d) Execution; Service.

(1) Execution of Warrant. The warrant shall be directed to all peace officers in the state and shall be executed only by a peace officer.

(2) Delivery of Summons. The summons may be served any place within the state. It may be served by a peace officer, who shall deliver a copy of the same to the defendant personally, or it may be delivered by the court mailing the same, postage prepaid, to the defendant at his or her last known address.

(e) Return. The officer executing a warrant shall make return thereof to the court before whom the defendant is brought pursuant to these rules. At the request of the prosecuting authority any unexecuted warrant shall be returned to the issuing court to be canceled. The peace officer to whom a summons has been given for service shall, on or before the return date, file a return thereof with the court before whom the summons is returnable. For reasonable cause, the court may order that the warrant be returned to it.

(f) Defective Warrant or Summons.

(1) Amendment. No person arrested under a warrant or appearing in response to a summons shall be discharged from custody or dismissed because of any irregularity in the warrant or summons, but the warrant or summons may be amended so as to remedy any irregularity.

(2) Issuance of New Warrant or Summons. If during the preliminary examination of any person arrested under a warrant or appearing in response to a summons, it appears that the warrant or summons does not properly name or describe the defendant or the offense with which he or she is charged, or that although not guilty of the offense specified in the warrant or summons, there is reasonable ground to believe that he or she will be charged with some other offense, the judge shall not discharge or dismiss the defendant but may allow a new complaint to be filed and shall thereupon issue a new warrant or summons.

RULE 2.3

SEARCH AND SEIZURE

(a) Authority To Issue Warrant. A search warrant authorized by this rule may be issued by the court upon request of a peace officer or the prosecuting authority.

(b) Property or Persons Which May Be Seized With a Warrant. A warrant may be issued under this rule to search for and seize any (1) evidence of a crime; or (2) contraband, the fruits of crime, or things otherwise criminally possessed; or (3) weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or (4) person for whose arrest there is probable cause, or who is unlawfully restrained.

(c) Issuance and Contents. A search warrant may be issued only if the court determines there is probable cause for the issuance of a warrant. There must be an affidavit or affidavits or sworn testimony establishing the grounds for issuing the warrant. The sworn testimony may be an electronically recorded telephonic statement. The sworn testimony must be in writing, recorded electronically, or otherwise preserved. The record shall include any additional evidence relied upon by the court. The recording, or a duplication of the recording, shall be a part of the court record and shall be provided if requested by a party or if ordered by the court, subject to the provisions of rule 8.10. The finding of probable cause may be based upon evidence which is hearsay in whole or in part, subject to constitutional limitations. If the court finds that probable cause for the issuance of a warrant exists, it shall issue a warrant or direct an individual whom it authorizes for such purposes to affix the court's signature to a warrant. The warrant may be directed to any peace officer. The warrant shall command the officer to search, within a specified period of time not to exceed 10 days, the person, place or thing named for the property or person specified. It shall designate the court to which it shall be returned. It shall be returned to the issuing court, and filed in the public files of the court unless ordered sealed by the court. Unless otherwise designated by the issuing court, the warrant may be served at any time of day or night.

(d) Execution and Return With Inventory. The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and a receipt for the property taken. If no such person is present, it shall be left with some person of suitable age and discretion then residing upon the premises or posted thereon in a conspicuous location. The return shall be made within 3 court days and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one person other than the officer.

(e) Motion for Return of Property. A person may move the issuing court for the return of the property seized under the warrant on the ground that the property was illegally seized, or does not appear relevant or reasonably calculated to lead to the discovery of relevant evidence, and that the person is lawfully entitled to possession of the property. The motion shall be filed in the court which issued the warrant and a copy served upon the chief executive of the law enforcement agency that obtained the warrant. Proof of service shall be filed with the court. The prosecuting authority's assertion that property lawfully seized is relevant or reasonably calculated to lead to the discovery of relevant evidence shall be binding on the court.

(1) Procedure if Charges Pending. If a motion based on the ground that property was illegally seized is made or comes on for hearing after a complaint or citation and notice is filed in the court in which the motion is pending, it shall be treated as a motion to suppress. If charges are pending in another court at the time a motion made upon any ground is filed or comes on for

hearing, the motion shall be transferred to the other court and subject to its rules of procedure.

(2) Procedure if No Charges Pending. If no charges are pending in any court at the time the motion is made, the issuing court shall set the motion for hearing not less than 30 days from the date of the filing or service of the motion, whichever is later.

(3) Procedure if Motion Granted. If the motion is granted, the property shall be returned unless the prosecuting authority seeks review within 14 days.

(f) Searches of Media.

(1) Scope. If an application for a search warrant is governed by RCW 10.79.015(3) or 42 U.S.C. § 2000aa *et seq.*, this section controls the procedure for obtaining the evidence.

(2) Subpoena Duces Tecum. Except as provided in subsection (3), if the court determines that the application satisfies the requirements for issuance of a warrant, as provided in section (c) of this rule, the court shall issue a subpoena duces tecum in accordance with JCR 45(b).

(3) Warrant. If the court determines that the application satisfies the requirements for issuance of a warrant and that RCW 10.79.015(3) and 42 U.S.C. § 2000aa *et seq.* permit issuance of a search warrant rather than a subpoena duces tecum, the court may issue a warrant.

(g) Motion for Suppression. Absent prejudice to the defendant, procedural noncompliance with rules of execution and return does not compel invalidation of a warrant or suppression of its fruits.

RULE 2.4

COMPLAINT—CITATION AND NOTICE— SUFFICIENCIES

(a) Complaint. The complaint shall not be deemed insufficient for lack of formal caption or commencement or a formal conclusion, or any other matter not necessary to a plain, concise and definite statement of the essential facts constituting the specific offense or offenses with which the defendant is charged, nor for lack of any other matter not necessary to such statement, nor need it negate any exception, excuse or proviso contained in any statute creating or defining the offense charged.

(b) Citation and Notice. No citation and notice issued pursuant to rule 2.1 shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific offense with which the defendant is charged, nor by reason of defects or imperfections which do not tend to prejudice substantial rights of the defendant.

(c) Copy of Complaint or Citation and Notice. When a complaint or a citation and notice has been lost or destroyed, a copy or substitute thereof, certified by the court, may replace the original, and the case shall proceed without delay from that cause.

(d) Surplusage. The court on motion of a party may strike surplusage from the complaint or the citation and notice.

(e) Bill of Particulars. The court may direct the filing of a bill of particulars. A motion for a bill of particulars may be made before arraignment or within 10 days after arraignment or an appearance by a defendant's lawyer

pursuant to rule 4.1(d), or at such later time as the court may permit.

(f) Amendment. The court may permit a complaint, a citation and notice, or a bill of particulars to be amended at any time before verdict or finding if substantial rights of the defendant are not prejudiced.

RULE 2.5

PROCEDURE ON FAILURE TO OBEY CITATION AND NOTICE

The court may order the issuance of a bench warrant for the arrest of any defendant who has failed to appear before the court, either in person or by a lawyer, in answer to a citation and notice, or an order of the court, upon which the defendant has promised in writing to appear, or of which the defendant has otherwise received notice to appear.

3. RIGHTS OF DEFENDANTS

RULE 3.1

RIGHT TO AND ASSIGNMENT OF LAWYER

(a) Types of Proceedings. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise.

(b) Stage of Proceedings.

(1) The right to a lawyer shall accrue as soon as feasible after the defendant has been arrested, appears before a committing magistrate, or is formally charged, whichever occurs earliest.

(2) A lawyer shall be provided at every critical stage of the proceedings.

(c) Explaining the Availability of a Lawyer.

(1) When a person has been arrested he or she shall as soon as practicable be advised of the right to a lawyer. Such advice shall be made in words easily understood, and it shall be stated expressly that a person who is unable to pay a lawyer is entitled to have one provided without charge.

(2) At the earliest opportunity a person in custody who desires a lawyer shall be provided access to a telephone, the telephone number of the public defender or official responsible for assigning a lawyer, and any other means necessary to place him or her in communication with a lawyer.

(d) Assignment of Lawyer.

(1) Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. A lawyer shall not be denied to any person merely because his or her friends or relatives have resources adequate to retain a lawyer or because he or she has posted or is capable of posting bond.

(2) The ability to pay part of the cost of a lawyer shall not preclude assignment. The assignment of a lawyer may be conditioned upon part payment pursuant to an established method of collection.

(3) Information given by a person to assist in the determination of whether he or she is financially able to obtain a lawyer shall be under oath and shall not be

available for use to the prosecution in the pending case in chief.

(e) **Withdrawal of Lawyer.** Whenever a case has been set for trial, no lawyer shall be allowed to withdraw except upon consent of the court for good cause shown and upon substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer.

(f) **Services Other Than Lawyer.**

(1) A lawyer for a defendant who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense in the case may request them by a motion to the court.

(2) Upon finding that the services are necessary and that the defendant is financially unable to obtain them, the court, or a person or agency to whom the administration of the program may have been delegated by local court rule, shall authorize the lawyer to obtain the services on behalf of the defendant. The court, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, shall ratify such services after they have been obtained.

(3) Reasonable compensation for the services shall be determined and payment directed to the organization or person who rendered them upon the filing of a claim for compensation supported by affidavit specifying the time expended and the services and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

RULE 3.2

RELEASE OF ACCUSED

(a) **Release in Noncapital Cases.** Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or if there is shown a likely danger that the accused will commit a violent crime, or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice. For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A.030. If the court finds that release without bail should be denied or that conditions should attach to the release on personal recognizance, other than the promise to appear for trial, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider any affidavit or affidavits filed or sworn testimony and further may examine under oath the affiant and any witnesses the affiant may produce. The court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, will not significantly interfere

with the administration of justice and not pose a substantial danger to others or the community or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured bond in a specified amount;

(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

(5) Require the execution of a bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(6) Require the accused to return to custody during specified hours; or

(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required, assure noninterference with the trial and reduce danger to others or the community.

(b) **Relevant Factors.** In determining which conditions of release will reasonably assure the accused's appearance, and noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited to: the length and character of the accused's residence in the community; the accused's employment status and history and financial condition; the accused's family ties and relationships; the accused's reputation, character and mental condition; the accused's history of response to legal process; the accused's criminal record; the willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release; the nature of the charge; any other factors indicating the accused's ties to the community; the accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice; whether or not there is evidence of present threats or intimidation directed to witnesses; the accused's past record of committing offenses while on pretrial release, probation or parole; and the accused's past record of use of or threatened use of deadly weapons or firearms, especially to victims or witnesses.

(c) **Conditions of Release.** Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following conditions:

(1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;

(2) Prohibit the accused from going to certain geographical areas or premises;

(3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;

(4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) Prohibit the accused from committing any violations of criminal law;

(6) Require the accused to post a secured or unsecured bond, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community or the appearance of the defendant.

(d) Delay of Release. The court may delay release of a person in the following circumstances:

(1) If the person is intoxicated and release will jeopardize the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.

(2) If the person's mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.

(3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(e) Release in Capital Cases. Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.

(f) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(g) Order for Release. A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

(h) Amendment or Revocation of Order.

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing. Release may be revoked only

if the violation is proved by clear and convincing evidence.

(i) Arrest for Violation of Conditions.

(1) Arrest With Warrant. Upon the court's own motion or a verified application by the prosecuting authority alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (h).

(2) Arrest Without Warrant. A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (h).

(j) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(k) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

(l) Accused Discharged on Recognizance or Bail—Absence—Forfeiture. If the accused has been discharged on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violates conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

(m) Bail in Criminal Traffic Offense Cases—Mandatory Appearance. When required to reasonably assure appearance in court, bail for a person arrested for the following offenses or comparable ordinances shall be the amount listed in this rule, unless all courts of limited jurisdiction within a county have adopted a uniform local rule. The court for good cause recited in a written order may set a different amount. Forfeiture of bail shall not constitute a final disposition for the following offenses or comparable ordinances without a written order of the court showing the reasons. The order may be a simple docket entry. If the court allows forfeiture of bail, it may accept the bail as full payment including all statutory assessments.

	Bail
1. Driving while intoxicated; physical control (RCW 46.61.502; 46.52.100; 46.61.504)	\$500
2. Driving while intoxicated—nonhighway vehicle or snowmobile (RCW 46.09.120(2); 46.10.090(2))	\$500
3. Operating nonhighway vehicle or snowmobile so as to endanger human life, etc. (RCW 46.09.130; 46.10.130)	\$500
4. No valid driver's license (RCW 46.20.021)	\$100
5. Unlawful possession or use of a driver's license (RCW 46.20.336)	\$100

	Bail
6. Operating motor vehicle with suspended or revoked license (RCW 46.20.342, .420)	\$500
7. Violating occupational license restrictions (RCW 46.20.410)	\$500
8. Financial responsibility suspension (RCW 46.29.610, .620, .625)	\$100
9. Transporting dangerous articles (RCW 46.48.175)	\$500
10. Unattended hit and run (RCW 46.52.010)	\$250
11. Attended hit and run (RCW 46.52.020)	\$500
12. Reports of repairs, concealing evidence (RCW 46.52.090)	\$500
13. Confidentiality of driving records (RCW 46.52.130)	\$500
14. Failure to obey police officer, flagman, or fire fighter (RCW 46.61.015)	\$250
15. Failure to cooperate with or give information to police officer (RCW 46.61.020)	\$100
16. Failure to stop and give information (RCW 46.61.022)	\$100
17. Reckless driving (RCW 46.61.500)	\$500
18. Racing (RCW 46.61.530)	\$500
19. Leaving children unattended (RCW 46.61.685)	\$250
20. Failure to respond or appear (RCW 46.64.020)	\$250
21. Unlawful operation of motor vehicle by habitual traffic offender (RCW 46.65.090)	\$500
22. Unfair motor vehicle business practices (RCW 46.70.170)	\$250
23. Unlawful operation of for hire vehicles (RCW 46.72.100)	\$250
24. Motor vehicle wreckers (RCW 46.80.170)	\$500
25. Driving training schools (RCW 46.82.390)	\$250

(n) **Negligent Driving Cases.** Bail shall be set by each local court. Forfeiture of bail may, in the discretion of the court, constitute a final disposition.

RULE 3.2.1

**PROCEEDINGS BEFORE THE JUDGE—
PROCEDURE FOLLOWING EXECUTION OF A
WARRANT, OR ARREST WITHOUT A
WARRANT—BAIL—PRELIMINARY HEARING**

(a) Preliminary Appearance.

(1) **Adult.** Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused detained in jail must be brought before a court of limited jurisdiction as soon as practicable after the detention is commenced, but in any event before the close of business on the next court day.

(2) **Juveniles.** Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused in whose case the juvenile court has entered a written order declining jurisdiction and who is detained in custody, must be brought before a court of limited jurisdiction as soon as practicable after the juvenile court order is entered, but in any event before the close of business on the next court day.

(3) **Unavailability.** If an accused is unavailable for preliminary appearance because of physical or mental

disability, the court may, for good cause shown and recorded by the court, enlarge the time prior to preliminary appearance.

(b) Procedure at Preliminary Appearance.

(1) At the preliminary appearance, the court shall provide for a lawyer pursuant to rule 3.1 and for pretrial release pursuant to rule 3.2, and the court shall orally inform the accused:

- (i) of the nature of the charge against the accused;
- (ii) of the right to be assisted by a lawyer at every stage of the proceedings; and
- (iii) of the right to remain silent, and that anything the accused says may be used against him or her.

(2) If the court finds that release should be denied or that conditions should attach to release on personal recognizance, other than the promise to appear in court at subsequent hearings, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider affidavits filed or sworn testimony and further may examine under oath the affiant and any witnesses he or she may produce. Subject to constitutional limitations, the finding of probable cause may be based on evidence which is hearsay in whole or in part.

(c) Time Limits.

(1) Unless a written complaint is filed or the accused consents in writing or on the record in open court, an accused, following a preliminary appearance, shall not be detained in jail or subjected to conditions of release for more than 72 hours after the accused's detention in jail or release on conditions, whichever occurs first. Computation of the 72-hour period shall not include any part of Saturdays, Sundays, or holidays.

(2) If no complaint, information or indictment has been filed at the time of the preliminary appearance, and the accused has not otherwise consented, the court shall either:

(i) order in writing that the accused be released from jail or exonerated from the conditions of release at a time certain which is within the period described in subsection (c)(1); or

(ii) set a time at which the accused shall reappear before the court. The time set for reappearance must also be within the period described in subsection (c)(1). If no complaint, information or indictment has been filed by the time set for release or reappearance, the accused shall be immediately released from jail or deemed exonerated from all conditions of release.

(d) Preliminary Hearing on Felony Complaint.

(1) When a felony complaint is filed, the court may conduct a preliminary hearing to determine whether there is probable cause to believe that the accused has committed a felony unless an information or indictment is filed in superior court prior to the time set for the preliminary hearing. If the court finds probable cause, the court shall bind the defendant over to the superior court. If the court binds the accused over, or if the parties waive the preliminary hearing, an information shall be filed without unnecessary delay. Jurisdiction vests in the superior court at the time the information is filed.

(2) If at the time a felony complaint is filed with the district court the accused is detained in jail or subjected to conditions of release, the time from the filing of the complaint in district court to the filing of an information in superior court shall not exceed 30 days plus any time which is the subject of a stipulation under subsection (d)(3). If at the time the complaint is filed with the district court the accused is not detained in jail or subjected to conditions of release, the time from the accused's first appearance in district court which next follows the filing of the complaint to the time of the filing of an information in superior court shall not exceed 30 days, excluding any time which is the subject of a stipulation under subsection (d)(3). If the applicable time period specified above elapses and no information has been filed in superior court, the case shall be dismissed without prejudice.

(3) Before or after the preliminary hearing or a waiver thereof, the court may delay a preliminary hearing or defer a bind-over date if the parties stipulate in writing that the case shall remain in the court of limited jurisdiction for a specified time, which may be in addition to the 30-day time limit established in subsection (d)(2).

(4) A preliminary hearing shall be conducted as follows:

(i) the defendant may as a matter of right be present at such hearing;

(ii) the court shall inform the defendant of the charge unless the defendant waives such reading;

(iii) witnesses shall be examined under oath and may be cross-examined;

(iv) the defendant may testify and call witnesses in the defendant's behalf.

(5) If a preliminary hearing on the felony complaint is held and the court finds that probable cause does not exist, the charge shall be dismissed, and may be refiled only if a motion to set aside the finding is granted by the superior court. The superior court shall determine whether, at the time of the hearing on such motion, there is probable cause to believe that the defendant has committed a felony.

(6) If a preliminary hearing is held, the court shall file the record in superior court promptly after notice that the information has been filed. The record shall include, but not be limited to, all written pleadings, docket entries, the bond, and any exhibits filed in the court of limited jurisdiction. Upon written request of any party, the court shall file the recording of any testimony.

RULE 3.3

TIME FOR TRIAL

(a) **Responsibility of Court.** It shall be the responsibility of the court to ensure a trial in accordance with this rule to each person charged with having committed a crime.

(b) **Precedence Over Civil Cases.** Criminal trials shall take precedence over civil trials.

(c) **Time for Arraignment and Trial.**

(1) **Cases Filed in Court.** If the defendant is detained in jail, or subject to conditions of release, the defendant shall be arraigned not later than 15 days after the date the complaint is filed in court. If the defendant is not detained in jail or subjected to conditions of release, the

defendant shall be arraigned not later than 15 days after that appearance in court which next follows the filing of the complaint or citation and notice. A defendant not released from jail pending trial shall be brought to trial not later than 60 days after the date of arraignment. A defendant released from jail whether or not subjected to conditions of release pending trial shall be brought to trial not later than 90 days after the date of arraignment.

(2) [Reserved.]

(3) **Cases Filed Initially in Juvenile Court.** If a complaint or citation and notice is filed with the court after a juvenile court has declined jurisdiction, and if at the time the complaint or citation and notice is filed the defendant is detained in jail or subjected to conditions of release, the defendant shall be arraigned not later than 15 days after the date the complaint or citation and notice is filed. If a complaint or citation and notice is filed with the court after a juvenile court has declined jurisdiction, and if at the time the complaint or citation and notice is filed the defendant is not detained in jail or subjected to conditions of release, the defendant shall be arraigned not later than 15 days after the appearance in court which next follows the filing of the complaint or citation and notice. A defendant not released from jail pending trial in court shall be brought to trial not later than 60 days after the date of arraignment. A defendant released from jail whether or not subjected to conditions of release shall be brought to trial not later than 90 days after the date of arraignment.

(4) **Untimely Arraignment.** If a defendant is not arraigned within the time limits of this rule and an objection to the date of arraignment has been made as required by section (e) of this rule, the time for trial established in this section shall commence on the last day the defendant could properly have been arraigned.

(5) **Rearraignment.** If a defendant is required to be rearraigned on a charge that arises out of the same occurrence and has the same elements of proof as those upon which the defendant was previously arraigned, the time for trial established in this section shall commence on the date of the previous arraignment.

(6) **Arraignment Defined.** As used in this rule, "arraignment" shall be defined as in rule 4.1.

(d) **Extensions of Time for Trial.** The following extensions of time limits apply notwithstanding the provisions of section (c):

(1) **Revocation of Release.** A defendant who has been released from jail pending trial, pursuant to an order imposing conditions of release, but whose release is then revoked by order of the court, shall be brought to trial within such a time period that the defendant spends no more than a total of 60 days in jail following the date of arraignment, and in any event within such a time period that the defendant is tried not later than a total of 90 days after the date of arraignment unless the time period is otherwise extended by this rule.

(2) **Failure To Appear.** When a defendant who has already been arraigned fails to appear for any trial or pretrial proceeding at which the defendant's presence is required, the defendant shall be brought to trial not later than 60 days after the date upon which the defendant is

present in the county where the criminal charge is pending and the defendant's presence has been made known to the court on the record, if the defendant is thereafter detained in jail or not later than 90 days after such date if the defendant is not detained in jail whether or not the defendant is thereafter subjected to conditions of release.

(3) Mistrial and New Trial. If before verdict the court orders a mistrial, the defendant shall be brought to trial not later than 60 days after the oral or written order of the court, whichever first occurs, if the defendant is thereafter detained in jail or not later than 90 days after the order if the defendant is not detained in jail and whether or not the defendant is subjected to conditions of release. If after verdict the court orders a new trial, the defendant shall be brought to trial not later than 60 days after entry of the oral or written order of the court if the defendant is thereafter detained in jail, or not later than 90 days after entry of such order if the defendant is not detained in jail whether or not the defendant is thereafter subjected to conditions of release.

(4) Trial After Appeal. If a cause is remanded for trial after an appellate court accepts review, the defendant shall be brought to trial not later than 60 days after that appearance by or on behalf of the defendant in court, with notice to both parties of any such appearance, which next follows receipt by the clerk of the court of the mandate or other written order, if after such appearance the defendant is detained in jail, or not later than 90 days after such appearance if the defendant is thereafter released whether or not subject to conditions of release.

(5) Change of Venue. If a change of venue has been granted, the case shall be transferred to the receiving court as soon as practicable but within 7 days and the defendant shall be brought to trial as prescribed by this rule or not later than 30 days following the date upon which the court to which the case is being transferred for trial receives the filing of the case, whichever is later. If, however, after a change of venue is attempted, the criminal calendar of the receiving county will prevent compliance with the time limits within this section, the trial shall commence on the earliest available date permitted.

(6) Disqualification. If the prosecuting authority or judge becomes disqualified from participating in the case, the defendant shall be brought to trial as prescribed by this rule or not later than 30 days following the disqualification, whichever is later.

(7) Withdrawal of Guilty Plea. If a defendant has been permitted to withdraw a plea of guilty, the defendant shall be brought to trial not later than 60 days after the date of the written order allowing withdrawal of the guilty plea if the defendant is thereafter detained in jail or not later than 90 days if the defendant is thereafter released from jail, whether or not subjected to conditions of release.

(8) Five-Day Extensions. When a trial is not begun on the date set because of unavoidable or unforeseen circumstances beyond the control of the court or the parties, the court, even if the time for trial has expired, may extend the time within which trial must be held for

no more than 5 days unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension. If the nature of the unforeseen or unavoidable circumstance continues, the court may extend the time for trial in increments of not to exceed 5 days unless the defendant will be substantially prejudiced in his or her defense. The court must state on the record or in writing the reasons for the extension.

(e) Objection to Arraignment Date—Waiver of Objection. A party who objects to the date of arraignment on the ground that it is not within the time limits prescribed by this rule must state the objection to the court at the time of the arraignment. If the court rules that the objection is correct, it shall establish and announce the proper date of arraignment pursuant to section (c) of this rule, and the time for trial set out in section (c) shall be deemed to have commenced on that date. Failure of a party to object as required shall be a waiver of the objection, and the date of arraignment shall be conclusively established as the date upon which the defendant was actually arraigned.

(f) Setting of Trial Date—Notice to Parties—Objection to Trial Date—Waiver of Objection.

(1) The court shall, within 15 days of the defendant's arraignment, set a date for trial which is within the time limits prescribed by this rule, and notify the lawyer for each party of the date set. A party who objects to the failure of the court to set a trial date within 15 days of the defendant's actual arraignment shall move the court for a trial date. If a party is not represented by a lawyer, the notice of the trial date shall be given to the party, and may be mailed to the party's last known address. The notice shall set forth the proper date of the defendant's arraignment as established at the time of arraignment, and the date set for trial. A party who objects to the date set upon the ground that it is not within the time limits prescribed by this rule must, within 10 days after the notice is mailed or otherwise given, move that the court set a trial within those time limits. Such motion shall be promptly noted for hearing by the moving party in accordance with local procedures. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a trial commenced on such a date, or on an extension of such date properly granted pursuant to this rule, is not within the time limits prescribed by this rule.

(2) When the court determines that the trial date should be reset for any reason, including but not limited to the applicability of a period of extension pursuant to section (d) or a period of exclusion pursuant to section (g), the court shall set a new date for trial which is within the time limits prescribed and notify each lawyer or party of the date set as provided in subsection (f)(1). A party who objects to the date set on the ground that it is not within the time limits prescribed by this rule must, within 10 days after the notice is mailed or otherwise given, move that the court set a trial date within those time limits. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a trial commenced on such a date, or on any extension of

such date granted pursuant to subsection (d)(8), is not within the time limits prescribed by this rule.

(g) Excluded Periods. The following periods shall be excluded in computing the time for arraignment and the time for trial:

(1) All proceedings relating to the competency of a defendant to stand trial, terminating when the court enters an order finding the defendant to be competent;

(2) Preliminary proceedings and trial on another charge except as otherwise provided by subsection (c)(5);

(3) Delay granted by the court pursuant to section (h);

(4) The time between the dismissal of a charge and the defendant's arraignment or re-arraignment in court following the re-filing of the same charge;

(5) Delay resulting from a stay granted by an appellate court;

(6) The time during which a defendant is detained in jail or prison outside the county in which the defendant is charged or in a federal jail or prison and the time during which a defendant is subjected to conditions of release not imposed by a court of the State of Washington;

(7) All proceedings in juvenile court.

(h) Continuances. Continuances or other delays may be granted as follows:

(1) Upon written agreement of the parties which must be signed by the defendant or all defendants. The agreement shall be effective when approved by the court on the record or in writing.

(2) On motion of the prosecuting authority, the court or a party, the court may continue the case when required in the administration of justice and the defendant will not be substantially prejudiced in the presentation of his or her defense. The motion must be filed on or before the date set for trial or the last day of any continuance or extension granted pursuant to this rule. The court must state on the record or in writing the reasons for the continuance.

(i) Dismissal With Prejudice. A criminal charge not brought to trial within the time period provided by this rule shall be dismissed with prejudice.

(j) Waiver. A defendant may waive his or her time for trial rights. A waiver shall be in writing and shall be signed by the defendant, or by the defendant's lawyer with the express authority of the defendant stated in the waiver. The waiver shall be to a date certain beyond the current expiration date as calculated pursuant to this rule or for a period of days beyond the current expiration date.

RULE 3.4

PRESENCE OF THE DEFENDANT

(a) When Necessary. The defendant shall be present at the arraignment, at every stage of the trial including the empaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by these rules, or as excused or excluded by the court for good cause shown.

(b) Effect of Voluntary Absence. The defendant's voluntary absence after the trial has commenced in his or her presence shall not prevent continuing the trial to and including the return of the verdict. A corporation may appear by its lawyer for all purposes. In prosecutions for offenses punishable by fine only, the court, with the written consent of the defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence.

(c) Defendant Not Present. If in any case the defendant is not present when his or her personal attendance is necessary, the court may order the clerk to issue a bench warrant for the defendant's arrest, which may be served as a warrant of arrest in other cases.

RULE 3.5

CONFESSION PROCEDURE

(a) Requirement for Hearing. When an accused's statement which is subject to constitutional protection is to be offered in evidence the court shall hold, upon demand, a hearing for the purpose of determining whether the statement is admissible.

(b) Defendant's Rights at Hearing. At the hearing, the court shall ascertain whether the defendant has been informed that:

(1) He or she may, but need not, testify at the hearing on the circumstances surrounding the statement;

(2) If the defendant does testify at the hearing, he or she will be subject to cross examination with respect to the circumstances surrounding the statement and with respect to his or her credibility;

(3) If the defendant does testify at the hearing, he or she does not by so testifying waive the right to remain silent during the trial; and

(4) If the defendant does testify at the hearing, neither this fact nor his or her testimony at the hearing shall be mentioned to the jury unless he or she testifies concerning the statement at trial.

(c) Duty of Court To Make a Record. After the hearing, the court shall state its findings of fact and conclusions of law as to the admissibility or inadmissibility of the statement.

(d) Rights of Defendant When Statement Is Ruled Admissible. If the court finds that the statement is admissible, and it is offered in evidence;

(1) The defense may offer evidence or cross-examine the witnesses with respect to the statement without waiving an objection to the admissibility of the statement;

(2) Unless the defendant testifies at the trial concerning the statement, no reference shall be made to the fact, if it be so, that the defendant testified at the preliminary hearing on the admissibility of the statement;

(3) If the defendant becomes a witness on this issue, he or she shall be subject to cross examination to the same extent as would any other witness; and

(4) If the defense raises the issue of voluntariness under subsection (d)(1), the jury shall be instructed that it may give such weight and credibility to the statement, in view of the surrounding circumstances, as it sees fit.

RULE 3.6

SUPPRESSION PROCEDURE

(a) Hearing. Upon a motion to suppress physical, oral or identification evidence, the court shall conduct a hearing. A motion to suppress shall be made and heard before the empanelment of the jury.

(b) Duty of Court To Make a Record. After the hearing, the court shall state its findings of fact and conclusions of law as to the admissibility or inadmissibility of the evidence.

4. PROCEDURES PRIOR TO TRIAL

RULE 4.1

ARRAIGNMENT

(a) Procedures. After the complaint or the citation and notice has been filed, the defendant shall be arraigned thereon in open court.

(1) Reading and Plea. Arraignment shall consist of reading the complaint or the citation and notice to the defendant or stating to him or her the substance of the charge and calling on the defendant to plead thereto. The defendant shall be given a copy of the complaint or the citation and notice before being called upon to plead, unless a copy has previously been supplied. The defendant shall not be required to plead to the complaint or the citation and notice until he or she shall have had a reasonable time to examine it and to consult with a lawyer, if requested.

(2) Advisement. At arraignment, the court shall advise the defendant on the record:

(i) of the right to trial by jury if applicable; and

(ii) of the right to be represented by a lawyer at arraignment and to have an appointed lawyer for arraignment if the defendant cannot afford one.

(b) Waiver.

(1) Jury Trial. A waiver of jury trial at arraignment must be in writing and signed by the defendant. If the defendant waives a jury trial at arraignment, he or she must be advised of the right to withdraw the waiver and request a jury trial within 10 days of arraignment.

(2) Lawyer. If the defendant chooses to proceed without a lawyer, the court shall determine on the record that the waiver is made voluntarily, competently and with knowledge of the consequences. The defendant must be advised that waiver of a lawyer at arraignment does not preclude the defendant from asserting the right to a lawyer later in the proceedings.

(c) Name. At arraignment, the court shall ask the defendant his or her true name. If the defendant's name has been incorrectly stated in the complaint or citation and notice, the court shall order the complaint or citation and notice to be corrected accordingly.

(d) Appearance by Defendant's Lawyer. Except as otherwise provided by statute or by local court rule, a lawyer may enter an appearance or a plea of not guilty on behalf of a client for any offense. Such appearance or plea may be entered only after a complaint or citation and notice has been filed.

(1) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment.

(2) An appearance that waives arraignment but fails to state a plea shall be deemed to constitute entry of a plea of not guilty.

(3) An appearance under this rule constitutes a waiver of any defect in the complaint or the citation and notice except for failure to charge a crime which may be raised at any time and except for any other defect that is specifically stated in writing or on the record at the time the appearance is entered.

(4) A written appearance shall commence the running of the time periods established in rule 3.3 from the date of its receipt by the court, unless the time periods have previously been commenced by an appearance in open court.

(5) Telephonic requests or notices by either the defendant or the defendant's lawyer shall not constitute an arraignment or an appearance or entry of a plea, and shall not commence the running of the time periods under rule 3.3.

(6) The appearance by a lawyer authorized by this rule shall be construed as an "arraignment" under the other provisions of these rules.

RULE 4.2

PLEAS

(a) Types. A defendant may plead not guilty, not guilty by reason of insanity, or guilty.

(b) Multiple Offenses. When the complaint or the citation and notice charges two or more offenses in separate counts the defendant shall plead separately to each.

(c) Pleading Insanity; Claiming Incompetency. Written notice of an intent to rely on the insanity defense must be filed at or within 10 days of the time of arraignment, or at such later time as the court may for good cause permit. A claim of present incompetency to stand trial shall be raised at arraignment or as soon as possible thereafter. All procedures concerning the defense of insanity or the competence of the defendant to stand trial are governed by RCW 10.77 or any applicable ordinance.

(d) Voluntariness. The court shall not accept a plea of guilty without first determining that it is made voluntarily, competently, and with an understanding of the nature of the charge and the consequences of the plea. The court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea.

(e) Agreements. If a plea of guilty is based upon an agreement between the defendant and the prosecuting authority, such agreement must be made a part of the record at the time the plea is entered. No agreement shall be made which specifies what action the court shall take on or pursuant to the plea, or which attempts to control the exercise of the court's discretion, and the court shall so advise the defendant.

(f) Withdrawal of Plea. The court shall allow a defendant to withdraw his or her plea of guilty whenever it appears that the withdrawal is necessary to correct a manifest injustice.

(g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

STATE OF WASHINGTON

COUNTY OF _____, THE STATE OF WASHINGTON, CITY OR TOWN OF _____, Plaintiff, v. _____, Defendant.	}	Case No. _____ STATEMENT OF DEFENDANT ON PLEA OF GUILTY
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1. My true name is _____.
2. My age is _____.
3. I went through the _____ grade in school.
4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.
5. I have been informed and fully understand that I am charged with the crime(s) of: _____

that the elements of the crime(s) are: _____

and that the maximum sentence for each crime is: _____

I have been informed and fully understand that the crime(s) with which I am charged carries a mandatory minimum sentence(s) of: _____

I understand that as a result of this conviction the Department of Licensing must suspend or revoke my driver's license. (If there is no mandatory minimum and no license suspension, the applicable sentences should be stricken and initialed by the judge and the defendant.) I have also been informed and fully understand that the court may as part of my sentence require me to pay costs, fees and assessments authorized by law, and restitution to any victims who lost money or property as a result of crimes I committed and that the maximum amount of such restitution is double the amount of the loss of all victims or double the amount of my gain. I have been given a copy of the complaint or the citation and notice.

6. I have been informed and fully understand that:
 - (a) I have the right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.
 - (b) I have the right to remain silent before and during trial, and I need not testify against myself.
 - (c) I have the right at trial to hear and question witnesses who testify against me.
 - (d) I have the right at trial to testify on my own behalf and to have other witnesses testify for me. These witnesses can be made to appear at no expense to me.
 - (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty.
 - (f) I have the right to appeal a determination of guilt after trial.

(g) If I plead guilty I give up the rights in statements 6(a)-(f).

7. I plead _____ to the crime(s) of _____ as charged in the complaint or citation and notice.
8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. I have been informed and fully understand the prosecuting authority will make the following recommendation to the court: _____

12. I have been informed and fully understand that the court does not have to follow the prosecuting authority's recommendation as to sentence. The court is completely free to give me any sentence up to the maximum permitted by law no matter what the prosecuting authority recommends.

13. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

14. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime(s) in the complaint or citation and notice. This is my statement: _____

15. I have read or have had read to me and fully understand all of the numbered sections above (1 through 14) and have received a copy of "Statement of Defendant on Plea of Guilty". I have no further questions to ask of the court.

_____	Defendant
_____	Lawyer for Defendant

The foregoing statement was read by or to the defendant and signed by the defendant in the presence of his or her lawyer and the undersigned Judge in open court. The court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.

Dated this _____ day of _____, 19__.

Judge

I am fluent in the _____ language, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 19__.

_____	_____
Location	Interpreter

(h) Verification by Interpreter. If a defendant is not fluent in the English language, a person the court has determined has fluency in the defendant's language shall certify that the written statement provided for in section (g) has been translated orally or in writing and that the

defendant has acknowledged that he or she understands the translation.

RULE 4.3

JOINDER OF OFFENSES AND DEFENDANTS

(a) Joinder of Offenses. Two or more offenses may be joined in one charging document, with each offense stated in a separate count, when the offenses:

- (1) Are of the same or similar character, even if not part of a single scheme or plan; or
- (2) Are based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan.

The number of offenses in one charging document may be governed by local court rule.

(b) Joinder of Defendants. Unless otherwise provided by local court rule, two or more defendants may be joined in the same charging document:

- (1) When each of the defendants is charged with accountability for each offense included;
- (2) When each of the defendants is charged with conspiracy and one or more of the defendants is also charged with one or more offenses alleged to be in furtherance of the conspiracy; or
- (3) When, even if conspiracy is not charged and all of the defendants are not charged in each count, it is alleged that the several offenses charged:

- (i) were part of a common scheme or plan; or
- (ii) were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the others.

Such defendants may be charged in one or more counts together or separately and it shall not be necessary to charge all defendants in each count.

(c) Improper Joinder. Improper joinder of offenses or defendants shall not preclude subsequent prosecution on the same charge for the charge or defendant improperly joined.

RULE 4.3.1

CONSOLIDATION FOR TRIAL

(a) Consolidation Generally. Offenses or defendants properly joined under rule 4.3 shall be consolidated for trial unless the court orders severance pursuant to rule 4.4.

(b) Failure To Join Related Offenses.

(1) Two or more offenses are related offenses, for purposes of this rule, if they are within the jurisdiction and venue of the same court and are based on the same conduct.

(2) When a defendant has been charged with two or more related offenses, his or her timely motion to consolidate them for trial should be granted unless the court determines that because the prosecuting authority does not have sufficient evidence to warrant trying some of the offenses at that time, or for some other reason, the ends of justice would be defeated if the motion were granted. A defendant's failure to so move constitutes a waiver of any right of consolidation as to related offenses with which the defendant knew he or she was charged.

(3) A defendant who has been tried for one offense may thereafter move to dismiss a charge for a related offense, unless a motion for consolidation of these offenses was previously denied or the right of consolidation was waived as provided in this rule. The motion to dismiss must be made prior to the second trial, and shall be granted unless the court determines that because the prosecuting authority was unaware of the facts constituting the related offense or did not have sufficient evidence to warrant trying this offense at the time of the first trial, or for some other reason, the ends of justice would be defeated if the motion were granted.

(4) Entry of a plea of guilty to one offense does not bar the subsequent prosecution of a related offense unless the plea of guilty was entered on the basis of a plea agreement in which the prosecuting authority agreed to seek or not to oppose dismissal of other related charges or not to prosecute other potential related charges.

(c) Authority of Court To Act. The court may order consolidation for trial of two or more charging documents if the offenses or defendants could have been joined in a single charging document under rule 4.3.

RULE 4.4

SEVERANCE OF OFFENSES AND DEFENDANTS

(a) Timeliness of Motion; Waiver.

(1) A defendant's motion for severance of offenses or defendants must be made before trial, except that a motion for severance may be made before or at the close of all the evidence if the interests of justice require. Severance is waived if the motion is not made at the appropriate time.

(2) If a defendant's pretrial motion for severance was overruled he or she may renew the motion on the same ground before or at the close of all the evidence. Severance is waived by failure to renew the motion.

(b) Severance of Offenses. The court, on application of the prosecuting authority, or on application of the defendant other than under section (a), shall grant a severance of offenses whenever before trial or during trial with consent of the defendant, the court determines that severance will promote a fair determination of the defendant's guilt or innocence of each offense.

(c) Severance of Defendants.

(1) A defendant's motion for severance on the ground that an out-of-court statement of a codefendant referring to him or her is inadmissible against him or her shall be granted unless:

(i) the prosecuting authority elects not to offer the statement in the case in chief;

(ii) deletion of all references to the moving defendant will eliminate any prejudice to him or her from the admission of the statement.

(2) The court, on application of the prosecuting authority, or on application of the defendant other than under subsection (i), should grant a severance of defendants whenever:

(i) if before trial, it is deemed necessary to protect a defendant's rights to a speedy trial, or it is deemed appropriate to promote a fair determination of the guilt or innocence of a defendant; or

(ii) if during trial upon consent of the severed defendant, it is deemed necessary to achieve a fair determination of the guilt or innocence of a defendant.

(3) When such information would assist the court in ruling on a motion for severance of defendants, the court may order the prosecuting authority to disclose any statements made by the defendants which he or she intends to introduce in evidence at the trial.

(d) Failure To Prove Grounds for Joinder of Defendants. If pursuant to section (a), a defendant moves to be severed at the conclusion of the prosecuting authority's case or of all the evidence, and there is not sufficient evidence to support the grounds upon which the moving defendant was joined or previously denied severance, the court shall grant severance if, in view of this lack of evidence, failure to sever prejudices the moving defendant.

(e) Authority of Court To Act on Own Motion. The court may order a severance of offenses or defendants before trial if a severance could be obtained on motion of a defendant or the prosecuting authority.

RULE 4.6

DEPOSITIONS

(a) When Taken. Upon a showing that a prospective witness may be unable to attend or prevented from attending a trial or hearing or if a witness refuses to discuss the case with either lawyer and that his or her testimony is material and that it is necessary to take his or her deposition in order to prevent a failure of justice, the court at any time after the filing of a complaint or citation and notice may upon motion of a party and notice to the parties order that his or her testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place.

(b) Notice of Taking. The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party upon whom the notice is served, the court for cause shown may extend or shorten the time and may change the place of taking.

(c) How Taken. A deposition shall be taken in the manner provided in civil actions. No deposition shall be used in evidence against any defendant who has not had notice of and an opportunity to participate in or be present at the taking thereof.

(d) Use. Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as witness, or as substantive evidence under circumstances permitted by the Rules of Evidence.

(e) Objections to Admissibility. Objections to receiving in evidence a deposition or part thereof may be made as provided in civil actions.

RULE 4.7

DISCOVERY

(a) Prosecuting Authority's Obligations.

(1) Except as otherwise provided by protective orders or as to matters not subject to disclosure, the prosecuting

authority shall, upon written demand, disclose to the defendant the following material and information within his or her possession or control concerning:

(i) the names and addresses of persons whom the prosecuting authority intends to call as witnesses at the hearing or trial, together with any written or recorded statements and the substance of any oral statements of such witnesses;

(ii) any written or recorded statements and the substance of any oral statements made by the defendant, or made by a codefendant if the trial is to be a joint one;

(iii) any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and scientific tests, experiments, or comparisons;

(iv) any books, papers, documents, photographs, or tangible objects which the prosecuting authority intends to use in the hearing or trial or which were obtained from or belonged to the defendant;

(v) any record of prior criminal convictions known to the prosecuting authority of the defendant and of persons whom the prosecuting authority intends to call as witnesses at the hearing or trial;

(vi) any electronic surveillance, including wiretapping, of the defendant's premises or conversations to which the defendant was a party and any record thereof;

(vii) any expert witnesses whom the prosecuting authority will call at the hearing or trial, the subject of their testimony, and any reports relating to the subject of their testimony that they have submitted to the prosecuting authority;

(viii) any information indicating entrapment of the defendant;

(ix) specified searches and seizures;

(x) the acquisition of specified statements from the defendant; and

(xi) the relationship, if any, of specified persons to the prosecuting authority.

(2) Unless the court orders otherwise, discoverable materials shall be made available for inspection and copying within 21 days of arraignment or within 21 days of receipt of the demand by the prosecuting authority, whichever is later.

(3) Except as otherwise provided by protective orders, the prosecuting authority shall disclose to defendant's lawyer any material or information within his or her knowledge which tends to negate defendant's guilt as to the offense charged.

(4) The prosecuting authority's obligation under this section is limited to material and information within the actual knowledge, possession, or control of members of his or her staff.

(b) Defendant's Obligations.

(1) Except as otherwise provided by protective orders or as to matters not subject to disclosure, the defendant shall, upon written demand, disclose to the prosecuting authority the following material and information within his or her possession or control concerning:

(i) the names and addresses of persons whom the defendant intends to call as witnesses at the hearing or trial, together with any written or recorded statements and the substance of any oral statements of such witnesses;

(ii) any books, papers, documents, photographs, or tangible objects which the defendant intends to use in the hearing or trial;

(iii) any expert witnesses whom the defendant will call at the hearing or trial, the subject of their testimony, and any reports relating to the subject of their testimony that they have submitted to the defendant;

(iv) any claim of incompetency to stand trial;

(v) whether his or her prior convictions will be stipulated or need to be proved;

(vi) whether or not he or she will rely on a defense of insanity at the time of the offense; and

(vii) the general nature of his or her defense.

(2) Unless the court orders otherwise, discoverable materials shall be made available for inspection and copying not later than 14 days prior to the date set for trial.

(3) References in this section to defendant shall be deemed to include the defendant's lawyer, where appropriate.

(c) Physical and Demonstrative Evidence.

(1) Notwithstanding the initiation of judicial proceedings, and subject to constitutional limitations, the court on motion of the prosecuting authority or the defendant may require or allow the defendant to:

(i) appear in a lineup;

(ii) speak for identification by a witness to an offense;

(iii) be fingerprinted;

(iv) pose for photographs not involving reenactment of the crime charged;

(v) try on articles of clothing;

(vi) permit the taking of samples of or from his or her blood, hair, and other materials of his or her body including materials under his or her fingernails which involve no unreasonable intrusion thereof;

(vii) provide specimens of his or her handwriting; and

(viii) submit to a reasonable physical, medical, or psychiatric inspection or examination.

(2) Provisions may be made for appearance for the purposes stated in this section in an order for pretrial release.

(d) Material Held by Others. Upon defendant's request and designation of material or information in the knowledge, possession or control of other persons which would be discoverable if in the knowledge, possession or control of the prosecuting authority, the prosecuting authority shall attempt to cause such material or information to be made available to the defendant. If the prosecuting authority's efforts are unsuccessful and if such material or persons are subject to the jurisdiction of the court, the court shall issue suitable subpoenas or orders to cause such material to be made available to the defendant.

(e) Discretionary Disclosures.

(1) Upon a showing of materiality and if the request is reasonable, the court in its discretion may require disclosure of the relevant material and information not covered by sections (a) and (d).

(2) The court may condition or deny disclosure authorized by this rule if it finds that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals or unnecessary annoyance or

embarrassment resulting from such disclosure, which outweigh any usefulness of the disclosure to the defendant.

(f) Matters Not Subject to Disclosure.

(1) Work Product. Disclosure shall not be required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories or conclusions of investigating or prosecuting agencies except as to material discoverable under subsection (a)(1)(iii).

(2) Informants. Disclosure of an informant's identity shall not be required when his or her identity is a prosecution secret and a failure to disclose will not infringe upon the constitutional rights of the defendant. Disclosure of the identity of witnesses to be produced at a hearing or trial shall not be denied.

(g) Regulation of Discovery.

(1) Investigations Not To Be Impeded. Except as otherwise provided by protective orders or as to matters not subject to disclosure, neither the lawyers for the parties nor other prosecution or defense personnel shall advise persons, other than the defendant, who have relevant material or information to refrain from discussing the case with the opposing lawyer or showing the opposing lawyer any relevant material, nor shall they otherwise impede the opposing lawyer's investigation of the case.

(2) Continuing Duty To Disclose. If, after compliance with this rule or orders pursuant to it, a party discovers additional material or information which is subject to disclosure, he or she shall promptly notify the other party or his or her lawyer of the existence of such additional material. If the additional material or information is discovered during trial, the court shall also be notified.

(3) Custody of Materials. Any materials furnished to a lawyer pursuant to these rules shall remain in the exclusive custody of the lawyer and be used only for the purposes of conducting the party's side of the case, and shall be subject to such other terms and conditions as the court may provide.

(4) Protective Orders. Upon a showing of cause, the court may at any time order that specified disclosure be restricted or deferred or make such other order as is appropriate, provided that all material and information to which a party is entitled must be disclosed in time to permit his or her lawyer to make beneficial use of it.

(5) Excision. When some parts of certain material are discoverable under this rule and other parts are not discoverable, as much of the material shall be disclosed as is consistent with this rule. Material excised pursuant to judicial order shall be sealed and preserved in the records of the court, to be made available to the appellate court in the event of an appeal.

(6) In Camera Proceedings. Upon request of any person, the court may permit any showing of cause for denial or regulation of disclosure, or portion of such showing, to be made in camera. A record shall be made of such proceedings. If the court enters an order granting relief following a showing in camera, the entire record of such showing shall be sealed and preserved in the records of the court, to be made available to the appellate court in the event of an appeal.

(7) Sanctions.

(i) If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with an applicable discovery rule or an order issued pursuant thereto, the court may order such party to permit the discovery of material and information not previously disclosed, grant a continuance, or enter such other order as it deems just under the circumstances.

(ii) The court may at any time dismiss the action if the court determines that failure to comply with an applicable discovery rule or an order issued pursuant thereto is the result of a willful violation or of gross negligence and that the defendant was prejudiced by such failure.

(iii) A lawyer's willful violation of an applicable discovery rule or an order issued pursuant thereto may subject the lawyer to appropriate sanctions by the court.

**RULE 4.8
SUBPOENAS**

(a) Issuance for Witnesses. The defendant and the prosecuting authority may subpoena witnesses necessary to testify at a scheduled hearing or trial. The subpoena may only be issued by a judge, court commissioner, clerk of the court, or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court. If the subpoena is for a witness outside the county or counties contiguous with it, the judge must approve the subpoena.

(b) Subpoena Duces Tecum.

(1) Upon application of either party, the court may issue a subpoena duces tecum, commanding the person to whom it is directed to produce books, papers, documents or other objects designated in it. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may, upon their production, permit the books, papers, documents or objects, or portions of them, to be inspected by the parties and their lawyers.

(2) On motion made promptly the court may quash or modify the subpoena duces tecum if compliance would be illegal, unreasonable or oppressive.

(c) Service. A subpoena may be directed for service within their jurisdiction to the sheriff of any county or to any peace officer of any municipality in which the witness may be, or it may be served as provided in JCR 45(c), or it may be served by first-class mail, postage prepaid, sent to the witness' last known address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail.

(d) Proof of Service.

(1) When personal service is made by someone other than a sheriff or peace officer, proof shall be by affidavit or by certification under RCW 9A.72.085 or any law amendatory thereof.

(2) Proof of service by mail may be by affidavit or certification, under RCW 9A.72.085 or any law amendatory thereof, of the person who mailed the papers, or by written acknowledgment of service.

(e) Sanctions.

(1) If at any time during the proceedings it is brought to the court's attention that a party's lawyer has abused the power to issue subpoenas, the court may impose upon the lawyer such terms as are just.

(2) No subpoena shall be the basis for a material witness warrant or a contempt of court citation unless there is proof of personal receipt.

**RULE 4.9
PROCESS—CRIMINAL**

The court may issue criminal process to any person anywhere in the state.

**RULE 4.10
MATERIAL WITNESS**

(a) Warrant. On motion of the prosecuting authority or the defendant, the court may issue a warrant, subject to reasonable bail, for the arrest of a material witness. The warrant shall issue only on a showing, by affidavit or on the record in open court, that the testimony of the witness is material and that

(1) The witness has refused to submit to a deposition ordered by the court pursuant to rule 4.6; or

(2) The witness has refused to obey a lawfully issued subpoena; or

(3) It may become impracticable to secure the presence of the witness by subpoena.

Unless otherwise ordered by the court, the warrant shall be executed and returned as in rule 2.2.

(b) Hearing. After the arrest of the witness, the court shall hold a hearing no later than the next court day after the witness is present in the county from which the warrant issued. The witness shall be entitled to be represented by a lawyer. The court shall appoint a lawyer for an indigent witness if it is required to protect the rights of the witness.

(c) Release/Detention. Upon a determination that the testimony of the witness is material and that one of the conditions set forth in section (a) exists, the court shall set conditions for release of the witness pursuant to rule 3.2. A material witness shall be released unless the court determines that the testimony of such witness cannot be secured adequately by deposition and that further detention is necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to rule 4.6.

**5. VENUE
RULE 5.1
COMMENCEMENT OF ACTIONS**

(a) Where Commenced Under Municipal Ordinance. All actions alleging a violation of a municipal ordinance

shall be commenced in the municipal court, in the municipal department of the district court where the municipality is located, or in a district court pursuant to an interlocal government agreement.

(b) Where Commenced Under Other Laws.

(1) All other actions shall be commenced in the district where the alleged offense was committed, or in any district wherein an element of the alleged offense was committed or occurred.

(2) The action may also be brought:

(i) in the district in which the county seat is located, if (a) the alleged offense is a felony, or (b) if the defendant consents; or

(ii) in an adjacent district in the same county, if the alleged offense relates to driving, or being in actual physical control of a motor vehicle and occurred within an enhanced enforcement district under RCW 2.56.110 or any law amendatory thereof; or

(iii) in a district where a custodial facility is located, if the defendant is incarcerated therein and transporting the defendant is not practical.

(c) Two or More Districts. Where there is reasonable doubt whether an alleged offense has been committed in one of two or more districts, the action may be commenced in any such district.

(d) Right To Change. When a case is filed pursuant to section (c) of this rule, the defendant shall have the right to change venue to any other district in which the offense may have been committed.

(e) Objection. Any objection to venue must be made as soon after the initial pleading is filed as the defendant has knowledge upon which to make it.

RULE 5.2

CHANGE OF VENUE

(a) When Ordered—Improper District. The court shall order a change of venue upon motion and showing that the action has not been prosecuted in the proper district.

(b) When Ordered—On Motion. The court may order a change of venue to another district in the same county, if any, or otherwise to an adjacent district in another county if the defendant consents:

(1) Upon written agreement of the prosecuting authority and the defendant; or

(2) Upon motion of the defendant, supported by affidavit, that the defendant believes he or she cannot receive a fair trial in the district where the action is pending; or

(3) Upon motion of either party that the convenience of witnesses or the ends of justice would be served by such change; or

(4) Upon motion of either party or the court, to a district where a custodial facility is located, if the defendant is incarcerated therein and transporting the defendant is not practical.

(5) Upon the court's own motion, if all of the judges of a district are disqualified from hearing the case. The

court may also order a change of venue to the district in which the county seat is located, if the defendant consents.

(c) Procedure on Transfer. When the court orders a change of venue it shall direct that all the papers and proceedings be certified to the court of the proper district. The defendant and subpoenaed witnesses shall have a continuing obligation to appear and attend as required.

RULE 5.3

SEVERAL CHARGING DOCUMENTS FOR SAME OFFENSE—DIFFERENT COURTS

If two or more charging documents are filed against the same defendant for the same offense in different courts, and if each court has jurisdiction, the court in which the first charging document was filed shall try the case. Upon motion by either party, or the court, the second or several charging documents shall be forwarded for consolidation and trial to the court in which a charging document was first filed.

6. PROCEDURES AT TRIAL

RULE 6.1.1

TRIAL BY JURY

(a) Trial by Jury. Cases required to be tried by a jury shall be so tried unless the defendant files a written waiver of a jury trial, and has consent of the court.

(b) Demand by Prosecution. The prosecuting authority may demand a jury trial when authorized by law. The demand shall be in writing and filed with the court within 15 days after the defendant is arraigned. Notice of the demand shall be served upon the defendant promptly thereafter.

(c) Number of Jurors. The number of persons serving on a jury shall be six, not including alternates.

(d) Juror Unable To Continue. If a case has not yet been submitted to the jury and a juror is unable to continue and no alternate jurors were selected or none are available, or if a case has been submitted to the jury and a juror is unable to continue, all defendants may elect to continue with the remaining jurors. The court shall declare a mistrial for any defendant who does not elect to continue with the remaining jurors. If some, but not all, defendants elect to continue with the trial, the court shall proceed with the trial for those defendants unless the court determines manifest necessity requires a mistrial.

RULE 6.1.2

TRIAL BY THE COURT

(a) Trial Without Jury. In a case tried without a jury, the court shall state separately findings of fact and conclusions of law.

(b) Stipulation or Submittal. A defendant, with the approval of the prosecuting authority, may submit his or her case upon the police report and other materials by

stipulating to the admissibility thereof in lieu of testimony. A written statement of the defendant in substantially the form set forth below may be filed:

STATE OF WASHINGTON

COUNTY OF _____, THE STATE OF WASHINGTON, CITY OR TOWN OF _____, Plaintiff, v. _____ Defendant.	}	Case No. _____ STATEMENT OF DEFENDANT ON SUBMITTAL OR STIPULATION TO FACTS
---	---	---

I am the defendant in this case. I wish to submit the case on the record. I understand that this means that the judge will read the police report and other materials and, based upon that evidence, the judge will decide if I am guilty of the crime(s) of _____.

I understand that, by this process, I am giving up the constitutional right to a jury trial, the right to hear and question witnesses, the right to call witnesses in my own behalf, and the right to testify or not to testify.

I understand that the maximum sentence for the crime(s) is _____.

and that the judge can impose any sentence up to the maximum, no matter what the prosecuting or the defense recommends.

No one has made any threats or promises to get me to submit this case other than the prosecuting authority's promise to take the following action and/or make the following recommendations: _____.

Dated this _____ day of _____, 19__.

_____	Defendant
_____	Lawyer for Defendant
For the Prosecuting Authority	

**RULE 6.1.3
ORDER OF TRIAL**

The order of trial shall be as follows, where applicable:

- (a) The jury shall be sworn well and truly to try the case.
- (b) Unless both parties waive opening statements, the prosecuting authority shall make the opening statement outlining the evidence which will be offered by the prosecution, and the defense may immediately thereafter make an opening statement or such opening statement may be reserved until after the conclusion of the prosecution's case in chief.
- (c) The prosecution shall submit its evidence.
- (d) The defense may challenge the sufficiency of the evidence at the close of the prosecution's case in chief, and, if sustained, the case shall be dismissed; otherwise, the defense may then offer its evidence.
- (e) The parties may thereafter offer evidence in rebuttal and surrebuttal. The court, for good cause shown or in the interest of justice, may permit the parties to offer evidence upon their original cases.
- (f) The instructions shall be given prior to closing argument.

(g) The prosecution may argue its case after which the defense may argue followed by the prosecution's rebuttal. The length of time of all arguments shall be fixed by the court in its discretion and announced before the arguments are commenced. Equal time shall be allowed each party.

(h) After argument, the jury shall retire to consider its verdict, or the court shall state its findings of fact and conclusions of law.

**RULE 6.2
JURORS' ORIENTATION**

All jurors shall be given a general orientation when they report for jury. A copy of the Juror's Handbook to Washington Courts prepared by the Superior Court Judges' Association of the State of Washington and the District and Municipal Court Judges' Association should be provided to all jurors.

**RULE 6.3
SELECTING THE JURY**

When the action is called for trial, the clerk shall prepare separate ballots containing the names of the jurors summoned who have appeared and not been excused, and deposit them in a box. The clerk shall draw the required number of names for purposes of voir dire examination. Any necessary additions to the panel shall be drawn from the clerk's list of qualified jurors. The clerk shall thereupon prepare separate ballots and deposit them in the trial jury box.

**RULE 6.4
CHALLENGES**

(a) Challenges to the Entire Panel. Challenges to the entire panel shall only be sustained for a material departure from the procedures prescribed by law for their selection.

(b) Voir Dire. A voir dire examination shall be conducted under oath for the purpose of discovering any basis for challenge for cause and for the purpose of gaining knowledge to enable an intelligent exercise of peremptory challenges. The judge shall initiate the voir dire examination by identifying the parties and their respective lawyers and by briefly outlining the nature of the case. The judge and the lawyers may then ask the prospective jurors questions touching their qualifications to serve as jurors in the case, subject to the supervision of the court as appropriate to the facts of the case.

(c) Challenges for Cause.

(1) If the judge after examination of any juror is of the opinion that grounds for challenge are present, he or she shall excuse that juror from the trial of the case. If the judge does not excuse the juror, any party may challenge the juror for cause.

(2) RCW 4.44.150 through 4.44.190 shall govern challenges for cause.

(d) Exceptions to Challenge.

(1) Determination. The challenge may be excepted to by the adverse party for insufficiency and, if so, the court shall determine the sufficiency thereof, assuming the facts alleged therein to be true. The challenge may be

denied by the adverse party and, if so, the court shall try the issue and determine the laws and the facts.

(2) Trial of Challenges. Upon trial of a challenge, the rules of evidence applicable to testimony offered upon the trial of an ordinary issue of fact shall govern. The juror challenged, or any other person otherwise competent, may be examined as a witness by either party. If a challenge be determined to be sufficient, or if found to be true, as the case may be, it shall be allowed, and the juror to whom it was taken excluded; but if not so determined or found otherwise, it shall be disallowed.

(e) Peremptory Challenges.

(1) Peremptory Challenges Defined. A peremptory challenge is an objection to a juror for which there is no reason given, but upon which the court shall exclude the juror. The defense and the prosecuting authority may peremptorily challenge three jurors each. When several defendants are on trial together, each defendant shall be entitled to one challenge in addition to the number of challenges provided above, with discretion in the trial judge to afford the prosecuting authority such additional challenges as circumstances warrant.

(2) Peremptory Challenges—How Taken. After prospective jurors have been passed for cause, peremptory challenges shall be exercised alternately first by the prosecution then by each defendant, until the peremptory challenges are exhausted or the jury accepted. Acceptance of the jury as presently constituted shall not waive any remaining peremptory challenges to jurors subsequently called.

RULE 6.5

ALTERNATE JURORS

When the jury is selected the court may direct the selection of one or more additional jurors, in its discretion, to be known as alternate jurors. Each party shall be entitled to one peremptory challenge for each alternate juror to be selected. When several defendants are on trial together, each defendant shall be entitled to one challenge in addition to the challenge provided above, with discretion in the trial judge to afford the prosecuting authority such additional challenges as circumstances warrant. If at any time before submission of the case to the jury a juror is found unable to perform his or her duties the court shall order the juror discharged, and the clerk shall draw the name of an alternate who shall take the juror's place on the jury.

RULE 6.6

JURORS' OATH

The jury shall be sworn or affirmed well and truly to try the issue between the prosecuting authority and the defendant, according to the evidence and instructions by the court.

RULE 6.7

CUSTODY OF JURY

(a) Generally. During trial and deliberations the jury may be allowed to separate unless good cause is shown, on the record, for sequestration of the jury.

(b) Communication Restricted. Unless the jury is allowed to separate, the jurors shall be kept together under the charge of one or more officers until they agree upon their verdict or are discharged by the court. The officer shall keep the jurors separate from other persons and shall not allow any communication which may affect the case to be made to the jurors, nor make any himself or herself, unless by order of the court, except to ask the jurors if they have agreed upon their verdict. The officer shall not, before the verdict is rendered, communicate to any person the state of the jurors' deliberations or their verdict.

(c) Motions. Any motions or proceedings concerning the separation or sequestration of the jury shall be made out of the presence of the jury.

RULE 6.8

NOTETAKING BY JURORS

With permission of the trial judge, jurors may take notes regarding the evidence presented to them and keep these notes with them when they retire for their deliberation. Such notes shall be treated as confidential between the jurors making them and their fellow jurors, and be destroyed immediately after the verdict is rendered.

RULE 6.9

VIEW OF PREMISES BY JURY

The court may allow the jury to view the place in which any material fact occurred. In such event it shall order the jury to be conducted in a body, in the custody of a proper officer of the court to the place which shall be shown to them by the judge. The defendant shall be present at the view. During the view, no person other than the judge or person authorized by the judge shall speak to the jury on any subject relating to the trial.

RULE 6.10

DISCHARGE OF THE JURY

The jury may be discharged by the court on consent of both parties or when it appears that there is no reasonable probability of their reaching agreement.

RULE 6.11

JUDGE—DISABILITY

(a) Disability of Judge During Jury Trial. If, before the judge submits the cause to the jury, he or she is unable to continue with the trial, any other judge assigned to or regularly sitting in the court, upon becoming familiar with the record of the trial, may proceed with the trial. Upon defendant's objection to the replacement, a mistrial shall be granted. If, after the judge submits the case to the jury, he or she is unable to continue, the case shall proceed before another judge.

(b) Disability of Judge During Nonjury Trial. If a judge before whom trial without jury has commenced is unable to proceed with the trial, a mistrial shall be granted.

RULE 6.12
WITNESSES

(a) Who May Testify. Any person may be a witness in any action or proceeding under these rules except as hereinafter provided or as provided in the Rules of Evidence.

(b) When Excused. A witness subpoenaed to attend in a criminal case is dismissed and excused from further attendance as soon as he or she has given his or her testimony in chief and has been cross-examined thereon, unless either party makes request in open court that the witness remain in attendance; and witness fees will not be allowed any witness after the day on which his or her testimony is given, except when the witness has in open court been required to remain in further attendance.

(c) Persons Incompetent To Testify. The following persons are incompetent to testify: (1) those who are of unsound mind, or intoxicated at the time of their production for examination; and (2) those who do not have the capacity of receiving just impressions of the facts about which they are examined or who do not have the capacity of relating them truly. This shall not affect any recognized privileges.

(d) Not Excluded on Grounds of Interest. No person offered as a witness shall be excluded from giving evidence by reason of his or her interest in the result of the action, as a party thereto or otherwise, but such interest may be shown to affect his or her credibility.

RULE 6.13
EVIDENCE

(a) Rules of Evidence. The Rules of Evidence are applicable to criminal prosecutions.

(b) Test Reports by Experts.

(1) Generally. The official written report of an expert witness which contains the results of any test of a substance or object which are relevant to an issue in a trial shall be admitted in evidence without further proof or foundation as prima facie evidence of the facts stated in the report if the report bears the following certification:

TEST CERTIFICATION

The undersigned certifies under penalty of perjury that:

1. I performed the test on the (substance) (object) in question;
2. The person from whom I received the (substance) (object) in question is: _____;
3. The document on which this certificate appears or to which it is attached is a true and complete copy of my official report; and
4. Such document is a report of the results of a test which report and test were made by the undersigned who has the following qualifications and experience: _____.

Signature

Title

Business Address and Phone

(2) Exclusion of Test Reports. The court shall exclude test reports otherwise admissible under section (b) if:

(i) a copy of the certified report or certificate has not been delivered or mailed to the defendant or the defendant's lawyer at least 14 days prior to the trial date or, upon a showing of cause, such lesser time as the court deems proper, or

(ii) in the case of an unrepresented defendant, a copy of this rule in addition to a copy of the certified report or certificate has not been delivered or mailed to the defendant at least 14 days prior to the trial date or, upon a showing of cause, such lesser time as the court deems proper, or

(iii) at least 7 days prior to the trial date, or, upon a showing of cause, such lesser time as the court deems proper, the defendant has delivered or mailed a written demand upon the prosecuting authority to produce the expert witness at the trial.

(c) Breathalyzer Maintenance and BAC Verifier Certificates.

(1) Admission of Certificate. In the absence of a request to produce a Breathalyzer maintenance technician or a BAC Verifier Data Master infrared instrument technician made at least 7 days prior to trial or such lesser time as the court deems proper, certificates substantially in the following forms are admissible in lieu of a state expert witness in any court proceeding held pursuant to RCW 46.61.506 for the purpose of determining whether a person was operating or in actual physical control of a motor vehicle while under the influence of intoxicating liquors:

BREATHALYZER MAINTENANCE AND
CHEMICAL CERTIFICATION

I, _____, do certify under penalty of perjury as follows:

I am a Breathalyzer technician possessing a valid permit or certificate issued to me by the state toxicologist by virtue of his rules, WAC 448-12 and RCW 46.61-.506.

On _____, (date) at _____(time) I examined, tested and calibrated a Breathalyzer machine with serial No. _____ using a sealed ampul of chemicals with control No. _____ according to the methods established and approved by the state toxicologist.

I further certify that said machine was, on that date, in proper working order, and that the chemicals in ampuls with the above control number are suitable for use in this machine.

Signature of Technician

Dated: _____

BAC VERIFIER DATA MASTER
CERTIFICATION

I, _____, do certify under penalty of perjury as follows:

I am employed by the Washington State Patrol Crime Laboratory and am certified by the state toxicologist by virtue of applicable regulations and statutes.

On _____, (date) at _____(time) I examined, tested and verified the calibration of a BAC Verifier

Data Master instrument with serial No. _____ according to the methods established and approved by the state toxicologist.

I further certify that said instrument was, on that date, in proper working order.

Signature of Technician

Dated: _____

BAC VERIFIER DATA MASTER SIMULATOR SOLUTION CERTIFICATION

[RESERVED]

(2) Machine Not Working Properly—Certificate of Technician. If the technician determines that a Breathalyzer machine or a BAC Verifier Data Master instrument is not in proper working order at the time of examination, the technician shall delete the last paragraph from the appropriate certificate form set forth in section (c)(1) of this rule and shall certify substantially in the following form:

I further certify that said machine was not, on that date at the time indicated, in proper working order and, therefore, I am unable to certify that said machine was in proper working order between _____ at _____ M. (date when last previously examined and certified to be in proper working order) and the date and time indicated below.

I further certify that I repaired or corrected said machine as required and as of _____ (date) at _____ M. said machine was again in proper working order [and that the chemicals in ampuls with the above control number are suitable for use in this machine]. (Cross out bracketed language if not applicable.)

Dated: _____

Technician

(3) Filing of Certificates by Clerk. The clerk of each court of limited jurisdiction shall maintain the certificates as a public record.

(d) Speed Measuring Device: Design and Construction Certification.

(1) Admission of Certificate. In the absence of a request to produce an electronic speed measuring device (SMD) expert made at least 7 days prior to trial or such lesser time as the court deems proper, a certificate substantially in the following form is admissible in lieu of an expert witness in any court proceeding in which the design and construction of an electronic speed measuring device (SMD) is an issue:

CERTIFICATION CONCERNING DESIGN AND CONSTRUCTION OF ELECTRONIC SPEED MEASURING DEVICES

I, _____, do certify under penalty of perjury as follows:

I am employed with _____ as a _____. I have been employed in such a capacity for _____ years and hold the rank of _____. Part of my duties include supervising the purchase, maintenance, and repair of all electronic speed measuring devices (SMD's) used by my agency.

This agency currently uses the following SMD's:
(List all SMD's used and their manufacturers.)

I have the following qualifications with respect to the above stated SMD's:

(List all degrees held and any special schooling regarding the SMD's listed above.)

Our agency maintains manuals for all of the above stated SMD's. I am personally familiar with those manuals and how each of the SMD's are designed and operated. All initial testing of the SMD's was performed under my direction. The units were evaluated to meet or exceed existing performance standards. Our agency maintains a testing and certification program. This program requires:

(State the program in detail.)

Based upon my education, training, and experience and my knowledge of the SMD's listed above, it is my opinion that each of these pieces of equipment is so designed and constructed as to accurately employ the Doppler effect in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator.

Signature

Dated: _____

(e) Continuance. The court at the time of trial shall hear testimony concerning the alleged offense and, if necessary, may continue the proceedings for the purpose of obtaining (1) the maintenance technician's presence for testimony concerning the working order of the Breathalyzer machine and the certification thereof, (2) evidence concerning the working order of the BAC Verifier Data Master instrument and the certification thereof, or (3) evidence concerning an electronic speed measuring device and the certification thereof. If, at the time it is supplied, the evidence is insufficient, a motion to suppress the results of such test or readings shall be granted.

RULE 6.14

IMMUNITY

In any case, the court on motion of the prosecuting authority may order that a witness shall not be excused from giving testimony or producing any papers, documents or things, on the ground that such testimony may tend to incriminate or subject the witness to a penalty or forfeiture arising from the commission of a gross misdemeanor, misdemeanor, or traffic infraction; but the witness shall not be prosecuted or subjected to criminal penalty or forfeiture for or on account of any gross misdemeanor, misdemeanor, or traffic infraction concerning which the witness has been ordered to testify pursuant to this rule. If such testimony may tend to incriminate or subject the witness to a penalty or forfeiture arising from the commission of a felony, immunity may only be sought with the concurrence of the prosecuting authority in whose county the offense occurred. The witness may nevertheless be prosecuted for failing to comply with the order to answer, or for perjury or the giving of false evidence.

RULE 6.15

INSTRUCTIONS AND ARGUMENT

(a) Proposed Instructions. Unless otherwise ordered by the court, proposed jury instructions shall be served and filed when a case is called for trial by serving one copy upon the lawyer for each party, by filing one copy with the clerk, and by delivering the original and one additional copy for each party to the trial judge. Additional instructions, which could not be reasonably anticipated, shall be served and filed at any time before the court has instructed the jury.

Each proposed instruction shall be on a separate sheet of paper. The original shall not be numbered nor include citations of authority.

A court of limited jurisdiction may adopt local rules permitting certain instructions to be requested by number from any published book of instructions.

(b) Objections to Instructions. Before instructing the jury, the court shall supply the lawyers with copies of the proposed instructions, verdict and special finding forms. The court shall afford the lawyers an opportunity in the absence of the jury to object to the giving of any instructions and the refusal to give a requested instruction or submission of a verdict or special finding form. The party objecting shall state the reasons for the objection, identifying the instruction and specifying the particular part of the instruction to be given or refused. The court shall provide the lawyer for each party with a copy of the instructions in final form.

(c) Instructing the Jury and Argument of Counsel. The court shall read the instructions to the jury. The prosecuting authority may then address the jury after which the defense may address the jury followed by the prosecuting authority's rebuttal.

(d) Deliberation. After argument, the jury shall retire to consider the verdict. The jury shall take with it the instructions given, all exhibits received in evidence, and a verdict form or forms.

(e) Additional or Subsequent Instructions.

(1) After the jury retires for deliberation, any instructions shall be given in writing. They may be given in open court or delivered to the jury room, but only in the presence of, or after notice to, the parties and their lawyers.

(2) After jury deliberations have begun, the court shall not instruct the jury in such a way as to suggest the need for agreement, the consequences of no agreement, or the length of time a jury will be required to deliberate.

(f) Several Offenses. The verdict forms for an offense charged or necessarily included in the offense charged or an attempt to commit either the offense charged or any offense necessarily included therein may be submitted to the jury.

RULE 6.16

JURY VERDICTS AND FINDINGS

(a) Verdicts.

(1) Several Defendants. If there are two or more defendants, the jury at any time during its deliberations

may return a verdict or verdicts with respect to a defendant or defendants as to whom it has agreed; if a jury cannot agree with respect to all, the defendant or defendants as to whom it does not agree may be tried again.

(2) Return of Verdict. When all members of the jury agree upon a verdict of guilty or not guilty, the foreman shall complete and sign the verdict form and return it to the judge in open court.

(3) Poll of Jurors. When a verdict or special finding is returned and before it is recorded, the jury shall be polled at the request of any party or upon the court's own motion. If at the conclusion of the poll, all of the jurors do not concur, the jury may be directed to retire for further deliberations or may be discharged by the court.

(b) Special Findings. The court may submit to the jury forms for such special findings which may be required or authorized by law. The court shall give such instruction as may be necessary to enable the jury both to make these special findings or verdicts and to render a general verdict. When a special finding is inconsistent with another special finding or with the general verdict, the court may order the jury to retire for further consideration.

7. PROCEDURES FOLLOWING CONVICTION

RULE 7.1

[RESERVED]

RULE 7.2

SENTENCING

(a) Generally. The court shall state the precise terms of the sentence, which shall include credit for all time spent in custody in connection with the offense.

(b) Procedure at Time of Sentencing. The court shall, at the time of sentencing, unless the judgment and sentence are based on a plea of guilty, advise the defendant: (1) of the right to appeal the conviction pursuant to RALJ 2.7 or CrRLJ 9.1; (2) that unless a notice of appeal is filed within 14 days after the entry of the judgment and sentence or order appealed from, the right to appeal is waived; (3) that the court clerk will, if requested by the defendant appearing without a lawyer, supply a notice of appeal form; and (4) of the defendant's right to a lawyer, and, if unable to pay the costs thereof, to have a lawyer appointed and portions of the trial record necessary for review of assigned errors prepared at public expense for an appeal. These proceedings shall be made a part of the record.

(c) Sentence. Before imposing sentence, the court shall afford the defendant, and the prosecuting authority, an opportunity to make a statement and to present information in extenuation, mitigation, or aggravation of punishment.

(d) Record. A record of the sentencing proceedings shall be made.

RULE 7.3 JUDGMENT

A judgment of conviction shall set forth whether the defendant was represented by a lawyer or waived representation by a lawyer, the plea, the verdict or findings, and the adjudication and sentence. The court may order that its sentence include special conditions or requirements, including a specified schedule for the payment of a fine, restitution, or other costs, or the performance of community service. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judge or clerk shall enter the judgment on the record.

RULE 7.4 ARREST OF JUDGMENT

(a) Arrest of Judgment. Judgment may be arrested on the motion of the defendant for the following causes: (1) lack of jurisdiction of the person or offense; (2) the complaint or citation and notice does not charge a crime; or (3) insufficiency of the proof of a material element of the crime.

(b) Time for Motion; Contents of Motion. A motion for arrest of judgment must be served and filed within 5 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time.

The motion for arrest of judgment shall identify the specific reasons in fact and law for each ground on which the motion is based.

(c) New Charges After Arrest of Judgment. When judgment is arrested and there is reasonable ground to believe that the defendant can be convicted of an offense properly charged, the court may order the defendant to be recommitted or released to answer a new complaint or citation and notice. If judgment was arrested because there was no proof of a material element of the crime the defendant shall be discharged.

(d) Rulings on Alternative Motions in Arrest of Judgment or for a New Trial. Whenever a motion in arrest of a judgment and, in the alternative, for a new trial is filed and submitted in any criminal cause tried before a jury, and the court enters an order granting the motion in arrest of judgment, the court shall, at the same time, in the alternative, pass upon and decide in the same order the motion for a new trial. The ruling upon the motion for a new trial shall not become effective unless and until the order granting the motion in arrest of judgment is reversed, vacated, or set aside in the manner provided by law.

RULE 7.5 NEW TRIAL

(a) Grounds for New Trial. The court may, on its own motion or on motion of the defendant, grant a new trial for any one of the following causes when it affirmatively appears that a substantial right of the defendant was materially affected:

(1) Receipt by the jury of any evidence, paper, document or book not allowed by the court;

(2) Misconduct of the prosecution or jury;

(3) Newly discovered evidence material for the defendant, which the defendant could not have discovered with reasonable diligence and produced at the trial;

(4) Accident or surprise;

(5) Irregularity in the proceedings of the court, jury or prosecution, or any order of court, or abuse of discretion, by which the defendant was prevented from having a fair trial;

(6) Error of law occurring at the trial and objected to at the time by the defendant;

(7) That the verdict or decision is contrary to law and the evidence;

(8) That substantial justice has not been done. When the motion is based on matters outside the record, the facts shall be shown by affidavit.

(b) Time for Motion; Contents of Motion. A motion for new trial must be served and filed within 5 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time.

The motion for a new trial shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) Time for Affidavits. When a motion for a new trial is based upon affidavits they shall be served with the motion. The prosecuting authority has 5 days after such service within which to serve opposing affidavits. The court may extend the period for submitting affidavits to a time certain for good cause shown or upon stipulation.

(d) Statement of Reasons. In all cases where the court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record which cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and fact for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

RULE 7.6 PROBATION

(a) Probation. After conviction of an offense the defendant may be placed on probation as provided by law.

(b) Revocation or Modification of Probation. The court shall not revoke or modify probation except (1) after a hearing in which the defendant shall be present and apprised of the grounds on which such action is proposed, or (2) upon stipulation of the parties. The defendant is entitled to be represented by a lawyer and may be released pursuant to rule 3.2 pending such hearing. A lawyer shall be appointed for a defendant financially unable to obtain one.

RULE 7.7 [RESERVED]

RULE 7.8

RELIEF FROM JUDGMENT OR ORDER

(a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein

arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. Such mistakes may be so corrected before review is accepted by the superior court and thereafter may be corrected by order of the superior court.

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party from a final judgment, order, or proceeding for the following reasons:

(1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;

(2) Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 7.5;

(3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(4) The judgment is void; or

(5) Any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time and for reasons (1) and (2) not more than 1 year after the judgment, order, or proceeding was entered or taken. A motion under this section does not affect the finality of the judgment or suspend its operation.

(c) Procedure on Vacation of Judgment.

(1) Motion. Application shall be made by motion stating the grounds upon which relief is asked, and supported by affidavits setting forth a concise statement of the facts or errors upon which the motion is based.

(2) Initial Consideration. The court may deny the motion without a hearing if the facts alleged in the affidavits do not establish grounds for relief. Otherwise, the court shall enter an order fixing a time and place for hearing and directing the adverse party to appear and show cause why the relief asked for should not be granted.

8. MISCELLANEOUS

RULE 8.1

TIME

(a) Computation. Time shall be computed in accordance with JCR 6(a).

(b) Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion, (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or, (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect. The court may not extend the time for taking any actions under rules 7.4, 7.5, 7.8, and 9.1.

(c) For Motions—Affidavits. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different

period is fixed by these rules or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion; except as otherwise provided in rule 7.5, opposing affidavits may be served not later than 1 day before the hearing, unless the court permits them to be served at some other time.

RULE 8.2

MOTIONS

JCR 7(b) shall govern motions in criminal cases.

RULE 8.3

DISMISSAL

(a) On Motion of Prosecution. The court may, in its discretion, upon motion of the prosecuting authority setting forth the reasons therefor, dismiss a complaint or citation and notice.

(b) On Motion of Court. The court, in the furtherance of justice after notice and hearing, may dismiss any criminal prosecution due to arbitrary action or governmental misconduct, and shall set forth its reasons in a written order.

RULE 8.4

SERVICE AND FILING OF PAPERS

(a) Service: When Required. Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint or citation and notice, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, application, designation of record on appeal, and similar paper shall be served upon each of the parties.

(b) Service: How Made.

(1) On Lawyer or Party. Whenever under these rules service is required or permitted to be made upon a party represented by a lawyer the service shall be made upon the lawyer unless service upon the party is ordered by the court. Service upon the lawyer or upon a party shall be made by delivering a copy to the person or by mailing it to the person's last known address. Delivery of a copy within this rule means: handing it to the lawyer or to the party; or leaving it at the person's office with a clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

(2) Service by Mail.

(i) How Made. JCR 5(b)(2)(i) shall govern service by mail.

(ii) Proof of Service by Mail. Proof of service by mail may be by affidavit or certification, under RCW 9A.72-.085 or any law amendatory thereof, of the person who mailed the papers, or by written acknowledgment of service.

(c) Filing With Court. The complaint or citation and notice shall be filed as in rule 2.1. All other pleadings required to be served upon a party shall be filed with the court pursuant to JCR 5(e).

RULE 8.5

[RESERVED]

RULE 8.6

OBJECTIONS AND EXCEPTIONS

JCR 46 shall govern objections and exceptions to rulings and orders in criminal cases.

RULE 8.7

[RESERVED]

RULE 8.8

DISCHARGE

Upon acquittal, or whenever the court shall direct any criminal prosecution to be dismissed, the defendant shall be released from custody or conditions of release on such charge and any bail shall be exonerated.

RULE 8.9

DISQUALIFICATION OF JUDGE

(a) Disqualification. In any case pending in any court of limited jurisdiction, unless otherwise provided by law, the judge thereof shall be deemed disqualified to hear and try the case when the judge is in any way interested or prejudiced. The judge may enter an order of disqualification.

(b) Affidavit of Prejudice. The judge shall also enter an order of disqualification under the provisions of this rule if, before the judge makes a discretionary ruling and before the trial is commenced, a party files an affidavit alleging that the party cannot have a fair and impartial trial by reason of the interest or prejudice of the judge or for other ground provided by law. Only one such affidavit shall be filed on behalf of the same party in the case and the affidavit shall be made as to only one of the judges of the court. All rights to an affidavit of prejudice will be considered waived when filed more than 10 days after the defendant's plea is entered or arraignment is waived, unless the affidavit alleges a particular incident, conversation or utterance by the judge, which was not known to the party within the 10-day period. In multiple judge courts, or when a pro tempore or visiting judge is designated as the judge, the 10-day period shall commence on the date that the party has actual notice of assignment or reassignment to a designated judge.

(c) Transfer. Whenever a judge is disqualified, the judge shall immediately make an order transferring and removing the case to another judge authorized by law to hear the case.

RULE 8.10

CLOSURE OF PROCEEDINGS AND SEALING OF RECORDS

(a) Proceedings and Records To Be Open. Court proceedings shall be open to the public, and court records

denominated public records under JAR 9 shall be available for public inspection, unless the court orders closure or sealing, or other restrictions, pursuant to this rule.

(b) Grounds for Closure or Sealing Before Charges Filed. Before charges are filed, the court may order proceedings closed or records sealed only upon a showing that

(1) There is a likelihood of jeopardy to an accused's right to a fair trial; or

(2) There exists a substantial threat to effective law enforcement; or

(3) There exists a substantial threat to the privacy or safety of an individual; or

(4) For other good cause shown; and that there are no less restrictive means available to protect the interest threatened.

(c) Grounds for Closure or Sealing After Charges Filed. After charges are filed, the court may order proceedings closed or records sealed only upon a showing that

(1) There is a substantial probability of jeopardy to an accused's right to a fair trial; or

(2) There exists a serious and imminent threat to effective law enforcement; or

(3) There exists a serious and imminent threat to the privacy or safety of an individual; or

(4) For other good cause shown; and that there are no less restrictive means available to protect the interest threatened.

(d) Determination. Upon motion and supporting affidavit, the court shall determine whether a proceeding should be closed or records sealed.

(1) The proponent shall state the grounds for the motion with reasonable specificity, consistent with the protection of the interest threatened. Any person present when the motion is made shall be given an opportunity to object to the proposed restriction.

(2) If the motion is made upon grounds set forth in (b)(1) or (c)(1), any person objecting to closure or sealing shall have the burden of suggesting effective alternatives. Otherwise, the proponent shall have the burden of showing that restrictions are necessary.

(e) Order of Closure or Sealing. Upon determining that a proceeding should be closed or records sealed, the court shall promptly thereafter prepare

(1) A transcript of any in camera proceedings; and

(2) An order of closure or sealing; and

(3) Written findings of fact and conclusions of law setting forth with specificity the court's consideration of the issues, including alternative methods suggested. If the order involves the sealing of records, it shall apply for a specific time period and require the proponent to come before the court at a time specified in the order to justify continued sealing.

(f) Other Order. If the court determines that there exists an alternative less restrictive than closure or sealing which will protect the threatened interest, it may issue an appropriate order and shall thereafter prepare the documents specified in section (e).

(g) Exclusion of Witness. This rule shall not apply to circumstances governed by ER 615.

(h) Discovery. This rule shall not apply to discovery procedures governed by rule 4.7.

(i) Disclosure Procedure. [Reserved. See JAR 9.]

RULE 8.11

DISCLOSURE OF RECORDS

Disclosure of records of courts of limited jurisdiction shall be governed by JAR 9 and by RCW 10.97.

RULE 8.12

REPORTING TRAFFIC OFFENSES

The court shall within 30 days of bail forfeiture or entry of judgment of guilty of a criminal traffic offense forward to the Department of Licensing a copy of the complaint or citation and notice to appear and an abstract of the court's order.

9. DE NOVO APPEALS

RULE 9.1

PERFECTING OF APPEAL

(a) Scope of Rule. This rule applies only to proceedings which are not subject to appellate review under the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The proceedings to which those rules apply are defined by RALJ 1.1.

(b) Venue. Appeals shall be to the superior court of the county in which the court of limited jurisdiction is located. The appeal from a district court located in a joint district court district shall be made to the superior court of the county where the offense was alleged to have been committed.

(c) Notice of Appeal. The appeal shall be taken by filing in the superior court a written notice of appeal containing the address of the appellant and the appellant's lawyer within 14 days after entry of judgment. If a motion for a new trial or for arrest of judgment has been timely made, the notice of appeal shall be filed within 14 days after entry of the order denying the motion. The superior court clerk shall immediately upon the filing of a notice of appeal file a copy of the notice with the court of limited jurisdiction that entered the decision. Filing the notice of appeal is the only jurisdictional requirement for an appeal. A party filing a notice of appeal shall also, within the same 14 days, serve a copy of the notice of appeal upon the prosecuting authority. An acknowledgment or affidavit of service shall be filed in the superior court.

(d) The Record. Within 14 days after the filing of the notice of appeal in the superior court, the clerk of the court of limited jurisdiction shall file with the clerk of the superior court in which the appeal is pending a transcript duly certified by the court of limited jurisdiction, furnished without charge, containing a copy of all written pleadings and docket entries and including exhibits introduced into evidence in the trial before the court of limited jurisdiction. A cash bail or bail bond filed in the lower court shall at the same time be transferred to the superior court, there to be held pending disposition of the appeal. Evidence not offered in trial in the superior

court shall be returned to the court of limited jurisdiction.

(e) Notice of Filing. The court of limited jurisdiction shall give prompt notice of the filing or mailing of the transcript to the respondent and appellant, giving such particulars as date of filing or mailing and superior court file number if known. Where the court of limited jurisdiction is not located at the county courthouse, such filing may be made by certified mail, in which case the court of limited jurisdiction shall advise appellant and respondent of the date of mailing.

(f) Noting for Trial. Within 21 days after the transcript is filed, the superior court shall set a trial date and notify the parties of the date.

RULE 9.2

IMPOSITION OF SENTENCE PENDING APPEAL

(a) Scope of Rule. This rule applies only to proceedings which are not subject to appellate review under the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The proceedings to which those rules apply are defined by RALJ 1.1.

(b) Stay of Sentence. All sentences shall be stayed if an appeal is taken and the defendant posts cash bail or a bond to the state which shall be deposited with the clerk of the court of limited jurisdiction, in such reasonable sum with sureties as the lower court judge may require, upon the following conditions: that the defendant will diligently prosecute the appeal, and will appear at the court appealed to and comply with any sentence of the superior court, and will, if the appeal is dismissed for any reason, comply with the sentence of the lower court.

(c) Imposition of Sentence. If the appellant fails to provide security, sentence imposed shall be executed.

RULE 9.3

PROSECUTION OF APPEAL

(a) Scope of Rule. This rule applies only to proceedings which are not subject to appellate review under the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The proceedings to which those rules apply are defined by RALJ 1.1.

(b) Failure To Certify Transcript. If the lower court fails, neglects or refuses to make and certify the transcript within the time allowed, the appellant may make application to the superior court not later than 21 days after the filing of the notice of appeal and the superior court shall issue an order to make and certify the transcript.

(c) Dismissal for Want of Prosecution. Upon dismissal of the appeal for failure of appellant to proceed diligently with the appeal as required, or for any other cause, the judgment of the lower court shall be enforced by the judge thereof. If, at the time of such dismissal, cash deposit or appeal bond as required has been furnished and is in the custody of the superior court, the same shall be returned to the lower court. The lower court shall have power to forfeit the cash bail or appeal bond and issue execution thereon for breach of any condition under which it is furnished.

(d) Dismissal on Clerk's Motion. In all appeals from courts of limited jurisdiction wherein there has been no action of record during the 90 days just past, the clerk of the superior court shall mail notice to the appellant and the lawyers at the addresses contained in the notice of appeal that such appeal will be dismissed by the court for want of prosecution unless, within 30 days following such mailing, an application in writing is made to the court and good cause shown why it should be continued as a pending case. If the appeal is dismissed, the clerk of the court will proceed as in section (c).

Reviser's note: The brackets and enclosed material in the text of the above material occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 87-14-001

ADOPTED RULES

EVERETT COMMUNITY COLLEGE

[Order 87-6-5, Resolution No. 87-6-5—Filed June 18, 1987]

Be it resolved by the board of trustees of Washington Community College District V, acting at the Everett Community College Campus, Index 132, that it does adopt the annexed rules relating to college facility use agreement, chapter 132E-137 WAC.

This action is taken pursuant to Notice No. WSR 87-10-038 filed with the code reviser on May 1, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to chapter 28B.50 RCW, RCW 28B.19.020 and 28B.50.140(13) and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 16, 1987.

By Robert J. Drewel
President

Chapter 132E-137 WAC

COLLEGE FACILITY USE AGREEMENT

WAC

132E-137-010	General policy covering the use of the facilities.
132E-137-020	Licensee's responsibility.
132E-137-030	Attendants needed.
132E-137-040	Restrictions.
132E-137-050	Nonassignment and cancellation.
132E-137-060	Release of claims/holds harmless.
132E-137-070	Use fees.

NEW SECTION

WAC 132E-137-010 GENERAL POLICY COVERING THE USE OF THE FACILITIES. (1) The

parties to this agreement are the Washington State Community College District 5, acting under specific authority granted to its board of trustees by the laws of the state of Washington, to contract for the use of the facility at Everett Community College, hereinafter referred to as the college and the organization contracting to use the college facilities, hereinafter referred to as the licensee.

(2) Before a college facility may be used, this college facility use agreement must be completed and signed by the college president or his designee. Forms may be obtained from the college president's office or college student activities office. All information received on agreements not completed at least fourteen school days prior to the date of intended use may be denied. A single use agreement should be made for a series of similar meetings. A separate agreement must be made for each meeting which varies from the series.

(3) The building and grounds of the college are primarily for educational purposes. No other use shall be permitted to interfere with the primary purpose for which these facilities are intended. Facilities shall not be made available for any use which might result in any undue damage or wear. The college reserves the right to reject any application for use of college facilities.

(4) Every possible opportunity will be provided for the use of college facilities by citizens of the district community college service area, provided that the purpose of the meeting is in harmony with public interest and welfare, subject to the laws of the state of Washington and rules and regulations prescribed by the District 5 board of trustees for the operation of the college.

(5) It is the present policy of the college to permit organizations considered closely affiliated with college-related educational purposes to use facilities of the college at the lowest possible charge.

(6) College facilities may be used by other public or private educational institutions only insofar as they meet a community educational need not being fulfilled by the community college district.

(7) The college does not wish to compete with private enterprise. Therefore, the use of buildings for commercial-type entertainment, banquets, luncheons, and money raising events is discouraged.

(8) The college reserves the right to prohibit the use of college facilities by groups, or activities, which are secret, which are of a private nature, or which restrict membership or attendance, in a manner inconsistent with the public and nondiscriminatory character of the college set forth in its written policies and commitments. Subversive organizations as defined and listed by the Attorney General of the United States shall not be eligible to use college facilities.

(9) Use agreements shall not be entered into for any use which, in the judgment of the college may be in any way prejudicial to the best interest of the college or the educational program, or for which satisfactory sponsorship or adequate adult supervision is not provided. Proper police and fire protection shall be provided by the organization when required by the college.

NEW SECTION

WAC 132E-137-020 LICENSEE'S RESPONSIBILITY. (1) Those wishing to use college facilities must complete the use agreement form and submit it to the college president's office or his designee. The licensee shall accept responsibility for any damage done to the college's property. Completion of the college facility use agreement shall constitute acceptance by the licensee of the responsibilities stated herein and willingness to comply with all rules and regulations regarding the use of college facilities as prescribed by the college. If the use of the facility is not as represented on the agreement form, an additional charge may be made. In the event of property damage, the licensee shall accept and pay the college's estimate of the amount of damage. The college may require posting of a bond.

(2) Adult leaders of using organizations shall remain with their groups during all activities, and be responsible for the conduct of their group.

(3) All organizations and groups eligible for waiver of use fee will be required to clean and put in order any facility utilized prior to leaving the facility. Custodial services will be provided by the college. The college reserves the right to charge custodial fees to the licensee, if additional clean up or maintenance is required.

(4) In the event of cancellation, licensee may be required to reimburse the college for preparation expenses.

NEW SECTION

WAC 132E-137-030 ATTENDANTS NEEDED.

(1) The college reserves the right to require that college staff member(s) be present at any meeting or event held in college facilities.

(2) A custodian or other authorized member of the college staff shall be available on campus at all times when college facilities are in use by any group. He/she should be contacted to correct problems in the operation of any facility in use. He/she will be alert to discover any damage or misuse of the premises and will report same immediately to the licensee and college. If custodial services beyond that normally scheduled is required as a result of any meeting, such time shall be paid by the licensee at the currently established rate, which may include overtime.

(3) When the use of special facilities or equipment makes it necessary that supervision or technical assistance be provided, a college-employed supervisor or technician shall be assigned as required by the college. Such services shall be paid for by the licensee at the currently established rate, which may include overtime.

(4) The college reserves the right to require a campus security officer to be present at a scheduled event.

(5) The college reserves the right to charge for costs incurred for providing these services.

NEW SECTION

WAC 132E-137-040 RESTRICTIONS. (1) No decorations or the application of materials to walls, ceilings, or floors shall be permitted which will mar, deface,

or injure these surfaces. The licensee is required to arrange for the disposal of decorations, materials, equipment, furnishings, or rubbish left after the use of college facilities; otherwise they will be billed for any expense involved.

(2) Profane or other improper language, or the use of intoxicating beverages, drugs, or other controlled substances, or any other conduct which is objectionable in the judgment of the college shall not be allowed. Smoking shall be limited to those areas which are specified by the college.

(3) Games of chance and lotteries shall not be permitted except as prescribed by law and with prior approval of the college.

(4) Standard approved gym shoes shall be required for all indoor activity type games such as basketball, volleyball, badminton, etc.

(5) Keys to buildings or facilities shall not be issued or loaned on any occasion to the licensee. Doors will be opened and locked by custodians, or other authorized college personnel.

(6) College-owned equipment shall not be removed from buildings. Organizations wishing to use special equipment such as projectors may do so, if used on the campus, provided the college is satisfied that a competent operator is in charge. Charges for equipment rental and operation may be required.

(7) All shifting of furniture and equipment shall be done under supervision of a college custodian.

(8) Use of the facilities or premises shall be in full compliance with federal and state law, as well as county and city rules or ordinances; any use to the contrary shall be grounds for immediate cancellation of this agreement.

NEW SECTION

WAC 132E-137-050 NONASSIGNMENT AND CANCELLATION. (1) This use agreement shall be nonassignable. Only the licensee as named in the use agreement shall use the facilities.

(2) The college reserves the right to cancel this agreement at any time and to refund any payment made to the college for the use of the college facilities and equipment when it deems such action advisable and in the best interests of the college.

(3) Events scheduled more than one academic quarter (3 months) in advance, may be cancelled by the college for scheduling of priority college events.

NEW SECTION

WAC 132E-137-060 RELEASE OF CLAIMS/HOLDS HARMLESS. (1) In consideration of the permission granted to licensee and the minimal fee charged by the college for the use of its facilities, licensee hereby and forever releases the college and its agents, employees, or officers from all debts, claims, demands, damages, actions, and causes of action whatsoever, which licensee may now have or may hereafter have, as a result of the uses of said facility.

(2) The licensee further agrees to protect, indemnify, and hold harmless the district, college, and its agents,

employees, and officers from any claims, demands, actions, damages, or causes of action directly or indirectly arising out of the use of the facilities or premises contemplated by this application.

NEW SECTION

WAC 132E-137-070 USE FEES. (1) The use fee depends on the purpose of the activity and the nature of the group using the facility.

(2) Specialized areas such as laboratories, shops, or other specialized facilities require special arrangements. The rates and conditions will be based upon careful analysis by the college of the needs, experience, and capabilities of the licensee.

(3) Fee category:

	NONPROFIT ACTIVITIES	FUND-RAISING ACTIVITIES
College Related or College Sponsored Groups Public, Nonprofit Organizations	Fee Waived	Fee Waived
Private, Profit Organizations	Category I	Category I Plus 10%
	Category II	Category II Plus 30%

(4) Fee waived means that no charge will be made for use of the facilities, but additional charges may be made for specific services, equipment and/or as the college's rental fee schedule dictates.

(5) Category I or Category II charges will be determined by the college after evaluating the nature of the proposed activity. The college's rental fee schedule shows the fee rates for Category I and Category II.

(6) Additional charges may be added to any of the above three categories and include supervision and/or security staff, above normal or overtime custodial help when required, above normal set up costs, hauling or handling equipment, use of projectors or other equipment, audio visual equipment, equipment operators, repair or damage, or other costs as determined by the college.

(7) All charges shall be paid to the college facilities office. All basic and service charges shall be paid in advance. Additional charges for damages shall be billed directly to the licensee. College employees are paid directly by the college, not the licensee.

WSR 87-14-002

ADOPTED RULES

EVERETT COMMUNITY COLLEGE

[Order 87-6-5, Resolution No. 87-6-5—Filed June 18, 1987]

Be it resolved by the board of trustees of Washington Community College District V, acting at the Everett Community College Campus, Index 132, that it does adopt the annexed rules relating to policy on use of college facilities, repealing chapter 132E-136 WAC.

This action is taken pursuant to Notice No. WSR 87-10-039 filed with the code reviser on May 1, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to chapter 28B.50 RCW, RCW 28B.19.020 and 28B.50.140(13) and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 16, 1987.

By Robert J. Drewel
President

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132E-136-010 EVERETT COMMUNITY COLLEGE PUBLIC USE OF COLLEGE FACILITIES.

WAC 132E-136-020 EVERETT COMMUNITY COLLEGE PUBLIC USE OF COLLEGE FACILITIES—PERMISSION GRANTED BY PRESIDENT.

WAC 132E-136-030 EVERETT COMMUNITY COLLEGE PUBLIC USE OF COLLEGE FACILITIES—COMMERCIAL ACTIVITY ON CAMPUS.

WSR 87-14-003

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-56—Filed June 18, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted at the recommendation of the Pacific Fisheries Management Council and the Northwest Indian Commission, and are intended to allow harvest of available surplus while providing protection for Skagit River coho and chinook stocks.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 15, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000H SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190:

(1) Effective immediately until further notice it is unlawful to fish for salmon in Punchcard Area 4, Pacific Ocean waters, and Washington waters west of the Buoy 10 line except as provided for in this subsection:

(a) In those waters north of a line projected due west from the mouth of the Queets River and west of the mouth of the Sekiu River:

(i) Open to salmon angling June 28, 1987 until further notice or until either 2,500 chinook salmon or 26,100 coho salmon are taken, whichever comes first.

(ii) Bag Limit F, except that only one chinook salmon may be retained per day.

(iii) Barbless hooks

(b) In those waters south of a line projected due west from the mouth of the Queets River, north of a line projected due west from Leadbetter Point, and west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside three miles):

(i) Open to salmon angling June 28, 1987 until further notice or until either 28,000 chinook or 74,300 coho salmon are taken, whichever comes first.

(ii) Bag Limit F

(iii) Barbless hooks

(c) In those waters south of a line projected due west of Leadbetter Point, north of a line projected due west from Klipsan Beach (46 degrees 28 minutes 12 seconds North Latitude), and west of the territorial sea boundary referenced on Chart Number 18500, 21st ed., Department of Commerce, NOAA, National Ocean Survey (outside three miles):

(i) Open to salmon angling June 28, 1987 until further notice or until either 14,100 chinook or 100,500 coho salmon are taken, whichever comes first, from these waters and those waters south of the red buoy line at the mouth of the Columbia River and north of Cape Falcon, Oregon.

(ii) Bag Limit F.

(iii) Barbless hooks

(d) In all open areas provided for in this subsection it is unlawful to fish for salmon from 12:01 a.m. Friday to 11:59 p.m. Saturday of each week.

(2) Effective June 28, 1987 until further notice:

(a) In Punch Card Areas 5 and 6, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length, and it is unlawful to fish for salmon from 12:01 a.m. to 11:59 p.m. Friday of each week.

(b) In Punch Card Areas 7, 8, and 9, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length. This subsection does not effect the June 16 through August 31 chinook closure in Port Susan. See WAC 220-56-199.

(3) Effective immediately until further notice those waters of Area 8 lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on

Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough are closed to salmon angling, except that it is lawful to fish for and possess pink salmon taken from these waters during the period August 22 through September 11, 1987. The special daily bag limit is two pink salmon. Barbless hooks are required and any salmon other than pink salmon must be released immediately.

NEW SECTION

WAC 220-57-42500J SKAGIT RIVER. Notwithstanding the provisions of WAC 220-57-425, effective immediately until further notice it is unlawful to fish for or possess salmon taken from the waters of the Skagit River, except that it is lawful to fish for and possess pink salmon taken downstream from the mouth of Gilligan Creek during the period August 22 through September 11, 1987. The special daily bag limit is two pink salmon. Barbless hooks are required and any salmon other than pink salmon must be released immediately.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000G SALTWATER SEASONS AND BAG LIMITS. (87-38)

WSR 87-14-004**EMERGENCY RULES****STATE EMPLOYEES INSURANCE BOARD**

[Resolution No. 87-4—Filed June 19, 1987]

Be it resolved by the State Employees Insurance Board, acting at the House Office Building, Hearing Room E, Olympia, Washington, that it does adopt the annexed rules relating to the repeal of WAC 182-12-126, new section WAC 182-12-127, and amending WAC 182-08-060.

We, the State Employees Insurance Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is emergency filing of WAC 182-12-127 is needed to implement changes in federal law, and amendment of WAC 182-08-060 in time to offer new medical plans for open enrollment.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the State Employees Insurance Board as authorized in chapter 41.05 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 5, 1987.

By C. H. Shay
Assistant Benefits Manager

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 182-12-126 Extension of retiree dependents' eligibility.

NEW SECTION

WAC 182-12-127 **EXTENSION OF RETIREE DEPENDENTS' ELIGIBILITY.** In accordance with federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), covered dependents of retirees not otherwise enrolled in SEIB employer-funded coverage may continue their SEIB retiree medical and dental coverage by self-payment of premium according to the following guidelines:

(1) In addition to coverage extended to surviving dependents under WAC 182-12-122, enrolled dependents of retirees may continue their coverage for up to thirty-six months following the month in which one of the following qualifying events occur: (a) The retiree becomes divorced, or (b) a child ceases to be a dependent child under the requirements of the plan.

(2) Continuation of coverage may be for medical only or for medical and dental, but not dental only, and each enrolled family member is entitled to make a separate election of these options.

(3) Coverage continued under this section shall be secondary to any other employer group coverage the person may have.

(4) Continued coverage will be terminated when (a) the plan terminates, (b) premium is not paid within the grace period stated in subsection (7) of this section, or (c) the person becomes covered in SEIB employer-funded coverage.

(5) NOTICE REQUIREMENTS:

(a) At the time their coverage commences under the retiree plan, the employer shall provide to each new retiree written notice of the option to continue coverage as stated in this section.

(b) It is the retiree's or dependent's responsibility to notify the employer of the retiree's death, divorce or of a child ceasing to be an eligible dependent within sixty days of the qualifying event.

(c) When the employer learns of any qualifying event the employer must notify the retiree (or surviving dependent) of the rights of this section within fourteen days of the receipt of this information.

(6) **ELECTION TO CONTINUE COVERAGE:** Enrolled persons must make their election to continue coverage within a period of sixty days following a qualifying event or following the date notice is received from the employer, whichever is later.

(7) **PREMIUM REQUIREMENTS:** Payment of premium for continued coverage must be made within forty-five days of the date of election. Premium must be paid retroactive to the first of the month following the qualifying event. Thereafter, premiums are due on the first of each month, subject to a thirty-day grace period.

(8) **CONVERSION OPTION:** Within a period of thirty-one days following the expiration of a person's continued coverage, the person may purchase an individual conversion policy.

AMENDATORY SECTION (Amending Order 7228, filed 12/8/76)

WAC 182-08-060 **APPROVAL OF HEALTH MAINTENANCE ORGANIZATION ((~~OR PAN-ET~~)) PLANS.** In the absence of any federal or state statute to the contrary, the board may approve one ((~~individual practice and one group practice and one health maintenance operator or panel plan,~~)) or more state certified health maintenance organizations within a service area, during a contract term. Where more than one ((~~health care service contractor~~)) such organization seeks approval within the same service area, the board shall approve ((~~the health care service contractor~~)) those which will best serve the total needs and have the ability to service the proposed benefits with a direct ratio of benefits to premium advantage.

WSR 87-14-005

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-57—Filed June 19, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is adopted at the recommendation of the Columbia River Compact Commission for an evaluation fishery of harvestable surpluses.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 19, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-02000C LAWFUL GEAR—SALMON. *Notwithstanding the provisions of WAC 220-32-020, effective immediately until further notice it is unlawful to fish for salmon, or to have on board a boat while fishing for salmon, monofilament gillnet webbing of any description while fishing in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, or 1E.*

NEW SECTION

WAC 332-32-03000F COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. *Notwithstanding the provisions of WAC 220-32-022, WAC 220-32-030, WAC 220-32-031, WAC 220-32-032, WAC 220-32-040, and WAC 220-32-041, it is unlawful to fish for or possess salmon, sturgeon, or shad except as provided for in WAC 220-32-04100J, taken for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, or 1E except in those areas, at those times, and with the gear designated below:*

Areas 1A and 1B - Open 6:00 p.m. June 21 to 6:00 p.m. June 22, 1987

Lawful gear is restricted to single wall floating gill nets with a 4 1/2 inch maximum mesh.

It is lawful to sell only sockeye salmon, shad, sturgeon of lawful commercial size, and chinook less than or equal to 24 inches in length taken in this fishery.

WSR 87-14-006

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed June 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning Affirmative action rules—Noncompliance, new WAC 251-23-015;

that the agency will at 9:00 a.m., Friday, July 17, 1987, in the Board Room, Clark College, 1800 McLoughlin Boulevard, Vancouver, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 16, 1987.

This notice is connected to and continues the matter in Notice Nos. WSR 87-06-053 and 87-10-049 filed with the code reviser's office on March 4, 1987, and May 6, 1987.

Dated: June 3, 1987

By: John A. Spitz
Director

WSR 87-14-007

ADOPTED RULES

COMMISSION FOR VOCATIONAL EDUCATION

[Resolution No. 87-86-4—Filed June 22, 1987]

Be it resolved by the Commission for Vocational Education, acting at Seattle Central Community College, 1701 Broadway, Seattle, WA, that it does adopt the annexed rules relating to repealing the financial security requirement (surety bond, assignment of account, etc.) and implementing the tuition recovery fund (amending rules previously filed December 31, 1986).

This action is taken pursuant to Notice No. WSR 87-10-056 filed with the code reviser on May 6, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 28C.10 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 19, 1987.

By Tsuguo Ikeda
Chairman

AMENDATORY SECTION (Amending Resolution No. 86-81-3, filed 12/31/86)

WAC 490-800-100 APPLICATION CONTENTS. (See RCW 28C.10.050 and 28C.10.060.) Any entity desiring to operate a private vocational school shall apply for license to the agency on forms provided by the agency which shall include the following information attested to by the school's chief administrative officer.

(1) Owners, shareholders, and directors:

(a) The complete legal name of the school, current telephone number, current mailing address, the school's physical address, and date of establishment;

(b) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation;

(c) Names, addresses, phone numbers, birthdates, prior school affiliations and capacities, and any other appropriate information of all those with ten percent or more ownership interest;

(d) A school which is a corporation or a subsidiary of another corporation shall submit to the agency as part of the school's application current evidence that the corporation is registered with the Washington secretary of state's office and the name, address and telephone number of the corporation's registered agent;

(e) "Ownership" of a school means:

(i) In the case of a school owned by an individual, that individual;

(ii) In the case of a school owned by a partnership, all full, silent and limited partners having a ten percent or more ownership interest;

(iii) In the case of a school owned by a corporation, the corporation, each corporate director, officer, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares.

(2) Additional instruction site(s). Application for a license to operate shall identify locations of all separate instructional facilities operated by the entity. All locations at which education is offered by entities licensed to operate shall be deemed a location of the private vocational school, provided that the private vocational school provides the course curriculum and guidelines for teaching at each location and that a single location is identified as the principle facility for recordkeeping. All licenses shall specify the instructional location(s) for which the license is valid. Licenses shall be valid only for those locations listed in the initial application and renewal forms.

(3) Agents of institutions. Each agent's name, address, phone number, territory, date of birth, prior school affiliations and capacities, and any other appropriate information.

(4) ~~((Surety bond or assignment of account. Each school shall have on file with the agency an approved surety bond or other security in lieu of a bond as specified by RCW 28C.10.080 and WAC 490-800-180.~~

(5)) Financial statement. Each school must annually disclose to the agency information reflecting the financial condition of the school at the close of its most recent fiscal or calendar year to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Entities operating a private vocational school must submit:

(a) The fiscal year dates utilized for the school's operations;

(b) A financial statement showing gross tuition fee and income (excluding refunds, books, tools, and supplies) for the last completed fiscal year, certified by the school's chief administrative officer. This may be accomplished by submitting one of the following:

(i) A copy of an external audit prepared by a certified public accountant or a state audit agency; or

(ii) A financial statement in the format provided by the agency;

(c) Institutions just starting operations at the time of initial licensing must substitute a proposed operating

budget for the succeeding twelve months' period in lieu of a financial statement.

~~((6))~~ (5) Financial references. The name of a bank or other financial institution that may be consulted as a financial reference for the entity and school.

~~((7))~~ (6) Catalog.

~~((8))~~ (7) Enrollment agreement/contract.

~~((9))~~ (8) Administrators/instructors educational and occupational records. Names, addresses, phone numbers, positions, education, experience, prior school affiliations, birthdates, and any other appropriate information.

AMENDATORY SECTION (Amending Resolution No. 86-81-3, filed 12/31/86)

WAC 490-800-130 FINANCIAL STANDARDS. (See RCW 28C.10.060 (1)(a).) The school must demonstrate that it has sufficient financial resources to:

(1) Fulfill its commitments to students;

(2) Follow a uniform state-wide cancellation and refund policy as specified in these rules;

(3) Meet the school's financial obligations;

(4) Furnish and maintain ~~((surety bonds or other security as required in these rules))~~ contributions to the tuition recovery fund as required under WAC 490-800-180.

AMENDATORY SECTION (Amending Resolution No. 86-81-3, filed 12/31/86)

WAC 490-800-180 ~~((SURETY BOND OR OTHER SECURITY))~~ TUITION RECOVERY FUND. ~~((See RCW 28C.10.080.))~~ (1) Computation. The security posted by an entity to comply with the provisions of this chapter shall be based on the following scale:

Gross Annual Tuition Income	Bond/Security
\$0.00 to \$50,000	\$ 5,000
\$50,001 to \$75,000	\$ 7,500
\$75,001 to \$100,000	\$ 10,000
\$100,001 to \$150,000	\$ 15,000
\$150,001 to \$200,000	\$ 20,000
\$200,001 to \$250,000	\$ 25,000
\$250,001 to \$500,000	\$ 50,000
\$500,001 to \$750,000	\$ 75,000
\$750,001 to \$1,000,000	\$100,000
\$1,000,001 to \$1,250,000	\$125,000
\$1,250,001 to \$1,500,000	\$150,000
\$1,500,001 to \$1,750,000	\$175,000
\$1,750,001 and above	\$200,000

~~PROVIDED, That the bond or other security posted shall be based on tuition income derived from gross annual tuition income for in-state schools and, for out-of-state schools, the bond shall be based on gross annual tuition income received from or on behalf of Washington state residents, during the institution's preceding fiscal year of operation, as evidenced in the financial statement~~

~~required by WAC 490-800-100(5); PROVIDED FURTHER, That the bond or other security posted shall be at least five thousand dollars but no more than two hundred thousand dollars; AND PROVIDED FURTHER, That institutions not yet in operation or otherwise lacking a full year's financial data prior to initial licensing shall post bond or other security based upon the same gross annual tuition estimate employed under WAC 490-800-120.~~

~~(2) Cash deposit or other negotiable security. The following types of deposits are acceptable:~~

~~(a) Escrow account which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond;~~

~~(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have a full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and will not release same to the owner or school unless the agency, executive director, or his/her designee, advises for a release.~~

~~(c) Irrevocable letter of credit from a bank, made payable to the commission and deposited with the agency;~~

~~(d) Any other negotiable security acceptable to the executive director.~~

~~(3) Upon expiration of the bond or other security, the license shall be automatically revoked:)) (1) Establishment of fund liability limits. The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be based on the following scale:~~

Gross Annual Tuition Income:	Liability Limit:
\$0.00 to \$50,000	\$ 5,000
\$50,001 to \$75,000	\$ 7,500
\$75,001 to \$100,000	\$ 10,000
\$100,001 to \$150,000	\$ 15,000
\$150,001 to \$200,000	\$ 20,000
\$200,001 to \$250,000	\$ 25,000
\$250,001 to \$350,000	\$ 35,000
\$350,001 to \$500,000	\$ 50,000
\$500,001 to \$750,000	\$ 75,000
\$750,001 to \$1,000,000	\$100,000
\$1,000,001 to \$1,250,000	\$125,000
\$1,250,001 to \$1,500,000	\$150,000
\$1,500,001 to \$1,750,000	\$175,000
\$1,750,001 and above	\$200,000

Provided, that the calculation of gross annual tuition for a school located outside the state of Washington shall include only that income derived from residents of this state during the entity's preceding fiscal year of operation, as evidenced in the financial statement required by WAC 490-800-100(5); however institutions not yet in operation or otherwise lacking a full year's financial data prior to initial licensing, shall have a liability limit calculated on the basis of the gross annual tuition estimate that institution supplies under the provisions of WAC

490-800-120; however no liability established in any circumstance shall be less than five thousand dollars or more than two hundred thousand dollars.

(2) Matrix for calculating pro rata deposits and other recovery fund obligations:

Level of Liability (Section 1):	Prorated Participatory Share:
\$ 5,000.....	\$ 0.15%
\$ 7,500.....	\$ 0.23%
\$ 10,000.....	\$ 0.30%
\$ 15,000.....	\$ 0.46%
\$ 20,000.....	\$ 0.61%
\$ 25,000.....	\$ 0.76%
\$ 35,000.....	\$ 1.07%
\$ 50,000.....	\$ 1.52%
\$ 75,000.....	\$ 2.28%
\$100,000.....	\$ 3.05%
\$125,000.....	\$ 3.81%
\$150,000.....	\$ 4.57%
\$175,000.....	\$ 5.33%
\$200,000.....	\$ 6.10%

(3) Initial capitalization. Within thirty days after enactment of Senate Bill No. 5880, 1987 regular session, each entity licensed under this chapter shall submit to the agency in cash, or by check or money order, the following amounts for deposit into the tuition recovery fund, those being calculated by application of the matrix displayed under subsection (2) of this section to an amount totaling two hundred thousand; however an amount calculated in like manner shall be remitted by each entity applying for licensure thereafter as a condition to the reissuance of such license:

Level of Liability (Section 1):	Capitalization Deposit:
\$ 5,000.....	\$ 305
\$ 7,500.....	\$ 457
\$ 10,000.....	\$ 609
\$ 15,000.....	\$ 914
\$ 20,000.....	\$ 1,219
\$ 25,000.....	\$ 1,523
\$ 35,000.....	\$ 2,133
\$ 50,000.....	\$ 3,046
\$ 75,000.....	\$ 4,570
\$100,000.....	\$ 6,093
\$125,000.....	\$ 7,616
\$150,000.....	\$ 9,139
\$175,000.....	\$10,663
\$200,000.....	\$12,186

(4) Five-year contribution schedule. As a condition to remaining licensed under this chapter, each entity shall, commencing six months after the due date of its initial payment and thereafter, remit to the agency for deposit into the tuition recovery fund semiannual payments in cash, or by check or money order in accordance with the following schedule, such amounts being calculated by application of the matrix displayed under subsection (2) of this section to an amount totaling one million dollars;

however the calculation of final payment may be adjusted to cover total remittances to equal the total amount of deposit due.

Level of Liability (Section 1):	Semiannual Deposit Required:
\$ 5,000	\$ 122
\$ 7,500	\$ 183
\$ 10,000	\$ 244
\$ 15,000	\$ 366
\$ 20,000	\$ 487
\$ 25,000	\$ 609
\$ 35,000	\$ 853
\$ 50,000	\$1,219
\$ 75,000	\$1,828
\$100,000	\$2,437
\$125,000	\$3,046
\$150,000	\$3,656
\$175,000	\$4,265
\$200,000	\$4,874

(5) The agency will prepare and mail to each licensee semiannual notices of the due dates and amounts of deposits required under subsection (4) of this section. The fee for late filings under WAC 490-800-120(3) of this chapter shall apply to late payments of deposits into the fund for a period cumulating to thirty days. Failure to make a deposit within thirty days is a violation of RCW 28C.10.050 (1)(f).

(6) Each notice conforming to subsection (5) of this section shall include therein at least once each year:

(a) A notation showing the licensee's aggregated prior deposits into the fund;

(b) A notation showing the licensee's balance of remaining payments, based on the most recent deposit received;

(c) A notation showing the cumulated balance existing in the fund at the most recent half-year accounting; and

(d) A summary showing any disbursements made from the fund to satisfy claims in the period since the last such similar summary was disseminated.

(7) Only when disbursements made to settle claims reduce the operating balance below two hundred thousand dollars following such disbursements, the agency shall assess each licensee a pro rata share of an amount required to restore the deficiency created by such disbursements, employing for calculations of each respective share the same percentages established by the matrix appearing under subsection (2) of this section. In the event that the amount of any single such assessment equals or is less than the semiannual amount of deposit established for a licensee under subsection (4) of this section, the assessment shall be paid within thirty days of notice. In the event any single assessment exceeds the amount of its semiannual deposit, the entity may apply to the agency for a schedule of deferred payments. The agency shall grant such deferrals on application, but in no case shall the time extended exceed one year beyond the date of an assessment.

(8) Funds disbursed to settle claims against a current licensee shall be recovered by the agency under a schedule to be negotiated with the affected entity on a case-by-case basis following such disbursement. To secure deferral of payment more than thirty days after demand for recovery is made, the burden to prove manifest hardship rests on the entity but in no case shall the time extended exceed one year beyond the date of the initial demand notice.

AMENDATORY SECTION (Amending Resolution No. 86-81-3, filed 12/31/86)

WAC 490-800-250 DEGREE-GRANTING PRIVATE VOCATIONAL SCHOOLS—APPLICABLE RULES. (See RCW 28C.10.04(4).) (1) Institutional accredited degree-granting private vocational schools.

(a) Pursuant to rules adopted by the higher education coordinating board, that agency will exempt from compliance with chapter 28B.85 RCW those degree programs that are covered by the institution's accreditation. For purposes of this exemption, the board recognizes those national and regional institutional accrediting agencies recognized by the council on postsecondary accreditation.

(b) The commission for vocational education or its successor agency will process the application of an institutionally accredited degree-granting private vocational school which offers nondegree programs in accordance with chapter 28C.10 RCW. The license fee and bond or other security shall be based on the income derived from nondegree programs.

(2) Nonaccredited degree granting private vocational schools:

(a) The higher education coordinating board will process the application and collect the fee of nonaccredited degree-granting private vocational institutions when the majority of programs offered are degree programs. Non-degree programs will be reviewed by the commission for vocational education or its successor agency, as will student complaints regarding nondegree programs. A single surety bond or other security based on total tuition will be required and will name both agencies as obligees.

(b) The commission for vocational education or its successor agency will license nonaccredited degree-granting private vocational schools when the majority of programs offered are nondegree programs and collect fees based on annual income from nondegree programs; PROVIDED, That the minimum initial fee shall be eight hundred dollars and the minimum renewal fee shall be four hundred dollars. Degree programs will be reviewed by the higher education coordinating board, as will student complaints regarding degree programs. ((A single surety bond or other security based on total tuition will be required and will name both agencies as obligees.)) Contributions to the tuition recovery fund will be required under WAC 490-800-180.

(3) If either the commission for vocational education or its successor agency or the higher education coordinating board revokes, suspends or fails to renew the license or authorization of an institution, it immediately will notify the other of such action.

WSR 87-14-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-58—Filed June 23, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of sockeye salmon are available. These rules are adopted pursuant to recommendation of the Columbia River Compact Commission.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 23, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-051001 SEASONS—SALMON ABOVE BONNEVILLE DAM. *Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish, using 4 1/2 inch maximum mesh from:*

12:00 noon June 23 to 12:00 noon June 26, 1987.

It is lawful to sell sockeye salmon, chinook salmon, shad, and sturgeon taken in this fishery.

WSR 87-14-009
ADOPTED RULES
LIQUOR CONTROL BOARD

[Order 218, Resolution No. 227—Filed June 23, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Credit on nonliquor food items—Conditions—Recordkeeping, WAC 314-12-145.

This action is taken pursuant to the Notice No. WSR 87-11-044 filed with the code reviser on May 18, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 2, chapter 386, Laws of 1987, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 23, 1987.

By L. H. Pedersen
Chairman

NEW SECTION

WAC 314-12-145 CREDIT ON NONLIQUOR FOOD ITEMS—CONDITIONS—RECORD KEEPING. (1) Notwithstanding the provisions of WAC 314-12-140, persons licensed under RCW 66.24.200 as wine wholesalers and persons licensed under RCW 66.24.250 as beer wholesalers may sell at wholesale nonliquor food products as defined in RCW 82.08.0293 on thirty days credit terms to persons licensed as retailers under this title. Complete and separate accounting records shall be maintained on all sales of nonliquor food products to ensure that such persons are in compliance with RCW 66.28.010.

(2) For the purpose of this rule, the period of credit is calculated as the time elapsing between the date of delivery of the product and the date of full legal discharge of the retailer, through the payment of cash or its equivalent, from all indebtedness arising from the transaction.

(3) If the board finds in any instance that any licensee has violated this section by extending or receiving credit in excess of the thirty days as provided for by this section, then all licensees involved shall be held equally responsible for such violation.

WSR 87-14-010
ADOPTED RULES
LIQUOR CONTROL BOARD

[Order 219, Resolution No. 228—Filed June 23, 1987—Eff. July 26, 1987]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Definitions—"Pasteurized beer," "gallon," WAC 314-12-150.

This action is taken pursuant to Notice No. WSR 87-11-019 filed with the code reviser on May 13, 1987. These rules shall take effect at a later date, such date being July 26, 1987.

This rule is promulgated pursuant to chapter 46, Laws of 1987, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 23, 1987.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Resolution No. 4, filed 5/5/65, effective 6/7/65)

WAC 314-12-150 DEFINITIONS—"PASTEURIZED BEER," "GALLON." (1) "Pasteurized beer" shall mean beer which has been subjected to such process or processes in manufacture and packaging that in all cases all yeast cells or other microorganisms are killed, inactivated, or removed, thereby preventing any further fermentation or microbiological decomposition of the packaged beer which might otherwise take place.

(2) In addition to the usual and customary meaning above, "pasteurized beer" shall include bottle conditioned beer which has been fermented partially or completely in the container and which may contain residual active yeast.

(3) A "gallon," when used in computing any tax, shall mean the United States standard gallon of 231 cubic inches.

WSR 87-14-011

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 1936—Filed June 23, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules concerning rapeseed varieties eligible for certification and objectionable weeds in seeds, chapter 16-316 WAC.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the amendments were proposed by interested parties at a recent hearing concerning other related amendments to the seed certification rules. This action will allow these proposals to be effective immediately in order to accommodate the services provided to industry.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 18, 1987.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1757, filed 3/31/82, effective 5/1/82)

WAC 16-316-165 **SEED CERTIFICATION—OBJECTIONABLE WEEDS.** The following weeds shall be considered objectionable weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Bermudagrass	<i>Cynodon dactylon</i> (L.) Pers.
Blue lettuce	<i>Lactuca pulchella</i> (Pursh.) DC.
Docks and Sorrel	<i>Rumex</i> spp.
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus pauciflorus</i> Benth.
Halogeton	<i>Halogeton glomeratus</i> C.A. Mey.
Medusahead	<i>Elymus caput-medusae</i> L. or <i>Taeniatherum asperum</i> (Sim) Nevski
Plantains	<i>Plantago</i> spp.
Poverty weed	<i>Iva axillaris</i> Pursh.
Puncturevine	<i>Tribulus terrestris</i> L.
St. Johnswort	<i>Hypericum perforatum</i> L.
Dalmation toadflax	<i>Linaria dalmatica</i> (L.) Mill.
Yellow toadflax	<i>Linaria vulgaris</i> Hill.
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Brassica kaber</i> (DC.) L.C. Wheeler Var.
Wild oat	<i>Avena fatua</i> L.
Yellow starthistle	<i>Centaurea solstitialis</i> L.
Gromwell (in small grain)	<i>Lithospermum arvense</i>
Bedstraw	<u><i>Galium aparine</i> (in alfalfa only – inclusion of this species on weed list means certified class is limited to a maximum 18 per pound with no tolerance for foundation or registered seed)</u>

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-832 **RAPSEED VARIETIES ELIGIBLE FOR CERTIFICATION.** Following are the rapeseed varieties eligible and certification scheme for each:

<u>Bridger*</u>	<u>Lindoro-oo</u>
<u>Cascade*</u>	<u>Rubin</u>
<u>Ceres</u>	<u>Wn-988</u>

WSR 87-14-012

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 1935—Filed June 23, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules concerning

strawberry certification, chapter 16-328 WAC; and caneberry certification, chapter 16-333 WAC.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these amendments were proposed by industry at a recent hearing concerning the strawberry and caneberry certification programs and are necessary to accommodate the certification of foundation and registered stock propagated from nuclear stock.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 15.14 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 18, 1987.

By Michael V. Schwisow
Deputy Director

NEW SECTION

WAC 16-328-038 PRODUCTION OF CERTIFIED STRAWBERRY NURSERY STOCK BY MICROPROPAGATION TECHNIQUES. *Foundation and registered strawberry nursery stock may be propagated from approved nuclear stock. See WAC 16-328-009 and WAC 16-328-015.*

NEW SECTION

WAC 16-333-065 PRODUCTION OF CERTIFIED CANEBERRY NURSERY STOCK BY MICROPROPAGATION TECHNIQUES. *Foundation and registered caneberry nursery stock may be propagated from approved nuclear stock. See WAC 16-333-020 and 16-333-040.*

WSR 87-14-013

INDETERMINATE SENTENCE REVIEW BOARD

[Filed June 23, 1987]

Reviser's note: The material contained in this filing will appear in the 87-15 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 87-14-014

NOTICE OF PUBLIC MEETINGS COMMUNITY COLLEGE DISTRICT TWELVE

[Memorandum—June 22, 1987]

The regular meeting of the board of trustees of Community College District Twelve Board scheduled for July

2, 1987, has been cancelled. The next regular meeting of the board is scheduled for August 6, 1987, at 4:30 p.m. at Centralia College.

WSR 87-14-015

ADOPTED RULES

INSURANCE COMMISSIONER

[Order R 87-6—Filed June 23, 1987—Eff. September 1, 1987]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the procedure and forms to be used by insurers, agents and brokers with respect to the sale of life insurance and annuities where existing life insurance or annuities are, or are proposed to be, replaced, lapsed, surrendered or otherwise terminated or converted or altered in some way, by adding new sections to chapter 284-23 WAC; amending WAC 284-23-400 through 284-23-460 and 284-23-480; and repealing WAC 284-23-470 and 284-23-490 through 284-23-530.

This action is taken pursuant to Notice No. WSR 87-09-098 filed with the code reviser on April 22, 1987. These rules shall take effect at a later date, such date being September 1, 1987.

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.30.040, 48.30.090, 48.30.100, 48.30.180 and 48.30.210.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 17, 1987.

Dick Marquardt
Insurance Commissioner
By Robert E. Johnson
Deputy Commissioner

AMENDATORY SECTION (Amending Order R 80-5, filed 5/2/80, effective 10/1/80)

WAC 284-23-400 PURPOSE. The purpose of this regulation is:

(1) To regulate the activities of insurers and agents and brokers with respect to the replacement of existing life insurance and annuities;

(2) To protect the interests of life insurance ((policyowners)) and annuity purchasers by establishing minimum standards of conduct to be observed in ((the)) replacement ((or proposed replacement of existing life insurance)) transactions by:

(a) Assuring that the ((policyowner)) purchaser receives information with which a decision can be made in his or her own best interest;

(b) Reducing the opportunity for misrepresentation and incomplete disclosures; and

(c) Establishing penalties for failure to comply with the requirements of this regulation.

AMENDATORY SECTION (Amending Order R 80-5, filed 5/2/80, effective 10/1/80)

WAC 284-23-410 DEFINITION OF REPLACEMENT. "Replacement" means any transaction in which new life insurance or a new annuity is to be purchased, and it is known or should be known to the proposing agent or broker, or to the proposing insurer if there is no agent, that by reason of such transaction, existing life insurance or annuity has been or is to be:

- (1) Lapsed, forfeited, surrendered, or otherwise terminated;
- (2) Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;
- (3) Amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;
- (4) Reissued with any reduction in cash value; or
- (5) Pledged as collateral or subjected to borrowing, whether in a single loan or under a schedule of borrowing over a period of time for amounts in the aggregate exceeding twenty-five percent of the loan value set forth in the policy.

AMENDATORY SECTION (Amending Order R 80-5, filed 5/2/80, effective 10/1/80)

WAC 284-23-420 OTHER DEFINITIONS. (1) ("~~Cash dividend~~" means the current illustrated dividend which can be applied toward payment of the gross premium:

~~(2))~~ "Conservation" means any attempt by the existing insurer or its agent, or by a broker to (~~continue~~) dissuade a policyowner from the replacement of existing life insurance (~~in force when the existing insurer has received a comparative information form as required by WAC 284-23-450 (3)(d) of this regulation from a replacing insurer. A)~~) or annuity. Conservation (~~effort~~) does not include such routine administrative procedures as late payment reminders, late payment offers or reinstatement offers.

~~((3))~~ (2) "Direct-response sales" means any sale of life insurance or annuity where the insurer does not utilize an agent in the sale or delivery of the policy.

~~((4))~~ (3) "Existing insurer" means the insurance company whose policy is or will be changed or terminated in such a manner as described within the definition of "replacement."

~~((5))~~ (4) "Existing life insurance or annuity" means any life insurance or annuity in force, including life insurance under a binding or conditional receipt or a life insurance policy or annuity that is within an unconditional refund period(~~, but excluding life insurance obtained through the exercise of a dividend option.~~

(6) "Generic name" means a short title which is descriptive of the premium and benefit patterns of a policy or a rider).

~~((7))~~ (5) "Replacing insurer" means the insurance company that issues or proposes to issue a new policy or contract which is a replacement of existing life insurance or annuity.

~~((8) "Sales proposal" means individualized, written sales aids of all kinds, excluding comparative information forms and policy summaries, which are used by an insurer, agent or broker in comparing existing life insurance to proposed life insurance in order to recommend the replacement or conservation of existing life insurance. Sales aids of a generally descriptive nature, which are maintained in the insurer's advertising compliance file, shall not be considered a sales proposal within the meaning of this definition.)~~ (6) "Registered contract" means variable annuities, investment annuities, variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account, or any other contracts issued by life insurance companies which are registered with the Federal Securities and Exchange Commission.

AMENDATORY SECTION (Amending Order R 80-5, filed 5/2/80, effective 10/1/80)

WAC 284-23-430 EXEMPTIONS. Unless otherwise specifically included, this regulation shall not apply to transactions involving:

- (1) (~~Annuities;~~
~~(2) Individual~~) Credit life insurance;
- ~~((3))~~ (2) Group life insurance(~~;~~) or group (~~credit life insurance, and life insurance policies issued in connection with a pension, profit-sharing or other benefit plan qualifying for tax deductibility of premiums, provided, however, that as to any plan described in this subsection, full and complete disclosure of all material facts shall be given to the administrator of any plan to be replaced~~) annuities, unless the new coverage under the insurance or annuity is solicited on an individual basis and the cost of such coverage is borne substantially by the individual;

~~((4) Variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account;~~

~~(5))~~ (3) An application to the existing insurer that issued the existing life insurance when a contractual change or conversion privilege is being exercised;

~~((6) Existing life insurance that is nonconvertible term life insurance policy which will expire in five years or less and cannot be renewed;~~

~~(7))~~ (4) Proposed life insurance that is to replace life insurance under a binding or conditional receipt issued by the same company; (~~or~~

~~(8) Situations exempted by the commissioner after written request and a showing that the application of this regulation would not be appropriate under the circumstances.)~~

(5) Transactions where the replacing insurer and the existing insurer are the same, or are subsidiaries or affiliates under common ownership or control; provided, however, agents or brokers proposing replacement shall comply with the requirements of WAC 284-23-440 (1) and (2) (a) and (c); and

(6) Registered contracts shall be exempt only from the requirements of WAC 284-23-455 (2)(b) and (c), requiring provision of policy summary or ledger statement information; however, premium or contract contribution amounts and identification of the appropriate

prospectus or offering circular shall be required in lieu thereof.

AMENDATORY SECTION (Amending Order R 80-5, filed 5/2/80, effective 10/1/80)

WAC 284-23-440 DUTIES OF AGENTS AND BROKERS. (1) Each agent or broker who initiates the application shall submit to the ((replacing)) insurer to which an application for life insurance or annuity is presented, with or as part of each application ((for life insurance)):

(a) A statement signed by the applicant as to whether ((or not such insurance will replace)) replacement of existing life insurance or annuity is involved in the transaction; and

(b) A signed statement as to whether ((or not)) the agent or broker knows replacement is or may be involved in the transaction.

(2) Where a replacement is involved, the agent or broker shall:

(a) Present to the applicant, not later than at the time of taking the application, a ((^h)) completed notice regarding replacement ((of life insurance^h)) in the form as described in WAC ((284-23-500 and 284-23-510 whichever is applicable)) 284-23-485, or other substantially similar form approved by the commissioner. Answers must be succinct and in simple nontechnical language. They should fairly and adequately highlight the points raised by the questions, without overwhelming the applicant with verbiage and data. An answer may include a reference to the contract or another source, but it must be essentially complete without the reference. The notice ((must be signed by)) (and a copy) shall be signed by the applicant after it has been completed and signed by the agent or broker and the signed original shall be left with the applicant.

(b) ((Present to the applicant, not later than at the time of taking the application, a comparative information form as described in WAC 284-23-530. (Substantially equivalent forms may be used with the prior approval of the commissioner.) If more than one existing life insurance policy is to be replaced, a separate comparative information form is to be provided for each such policy or separate information is to be provided in the comparative information form for each such policy, and a summary of all the separate policy information to the extent possible must be included. The agent must include in the comparative information form all of the information required to be in that form, except that information concerning the existing life insurance policy that cannot be obtained from that policy itself. The comparative information form must be signed by the agent and the applicant and a copy left with the applicant.)) Obtain with each application a list of all existing life insurance and/or annuity contracts to be replaced and properly identified by name of insurer, the insured and contract number. Such list shall be set forth on the notice regarding replacement required by WAC 284-23-485, immediately below the agent's or broker's name and address. If a contract number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

(c) Leave with the applicant the original or a copy of ((all sales proposals)) written or printed communications used for presentation to the applicant.

(d) Submit to the replacing insurer with the application, a copy of the ((^hNotice regarding replacement of life insurance^h signed by the applicant, a copy of the comparative information form signed by the agent and the applicant, and a copy of all sales proposals used for presentation to the applicant)) replacement notice provided pursuant to WAC 284-23-440 (2)(a).

(3) Each agent or broker who uses ((a sales proposal when conserving existing life insurance shall:

(a) Leave with the applicant the original or a copy of all sales proposals used in the conservation effort; and

(b) Submit to the existing insurer a copy of all sales proposals used in the conservation effort) written or printed communications in a conservation shall leave with the applicant the original or a copy of such materials used.

AMENDATORY SECTION (Amending Order R 80-5, filed 5/2/80, effective 10/1/80)

WAC 284-23-450 DUTIES OF ((REPLACING)) ALL INSURERS. Each ((replacing)) insurer shall:

(1) Inform its field representatives or other personnel responsible for compliance with this regulation of the requirements of this regulation.

(2) Require with or as part of each completed application for life insurance(:

(a)) or annuity a statement signed by the applicant as to whether ((or not)) such proposed insurance or annuity will replace existing life insurance ((; and)) or annuity.

((b)) A statement signed by the agent as to whether or not he or she knows replacement is or may be involved in the transaction:

(3) Where a replacement is involved:

(a) Require from the agent with the application for life insurance a copy of the "Notice regarding replacement of life insurance" signed by the applicant, a copy of the comparative information form signed by the agent and the applicant, and a copy of all sales proposals used for presentation to the applicant.

(b) Verify the substantial accuracy of information concerning the proposed policy furnished to the applicant in the comparative information form. If the information concerning that policy is not substantially accurate, the replacing insurer must obtain a comparative information form signed by the agent and the applicant which includes substantially accurate information before it can begin to process the application for the proposed policy.

(c) Unless otherwise modified by the provisions of WAC 284-23-450 (3)(e) or (f), furnish to the applicant a policy summary in accordance with the provisions of the life insurance solicitation regulation.

(d) Send to the existing insurer a verified comparative information form as required by WAC 284-23-450 (3)(a) and (b) within three working days of the date the application and a substantially accurate comparative information form are received at its home or regional office, or the date its policy is issued, whichever is sooner.

~~(e) Delay, if it is not also the existing insurer, the issuer of its policy for twenty days after it sends the existing insurer a copy of the policy summary, unless it provides in its "Notice regarding replacement of life insurance" and in either its policy or in a separate written notice that is delivered with the policy that the applicant has a right to an unconditional refund of all premiums paid, which right may be exercised within a period of twenty days commencing from the date of delivery of the policy, and it sends the policy summary required by this section to the existing insurer within three working days of the date its policy is issued, in which event the replacing insurer may issue its policy immediately.~~

~~(f) Provide, if it is also the existing insurer, the policyowner a policy summary for the new policy prepared in accordance with WAC 284-23-450 (3)(c), prior to accepting the applicant's initial premium or premium deposit, unless the replacing insurer provides in its "Notice regarding replacement of life insurance" and in either its policy or in a separate written notice that is delivered with the policy that the applicant has a right to an unconditional refund of all premiums paid, which right may be exercised within a period of twenty days commencing from the date of delivery of the policy, in which event, the replacing insurer must furnish the policy summary at or prior to delivery of the policy.~~

~~(g) Maintain copies of the "Notice regarding replacement of life insurance," the verified comparative information form, the policy summary, and all sales proposals used, and a replacement register, cross indexed, by replacing agent and existing insurer to be replaced, for at least three years or until the conclusion of the next succeeding regular examination by the insurance department of its state or domicile, whichever is later.)~~

NEW SECTION

WAC 284-23-455 DUTIES OF INSURERS THAT USE AGENTS OR BROKERS. Each insurer that uses an agent or broker in a life insurance or annuity sale shall:

(1) Require with or as part of each completed application for life insurance or annuity, a statement signed by the agent or broker as to whether he or she knows replacement is or may be involved in the transaction.

(2) Where a replacement is involved:

(a) Require from the agent or broker with the application for life insurance or annuity (i) a list of all of the applicant's existing life insurance or annuities to be replaced and (ii) a copy of the replacement notice provided the applicant pursuant to WAC 284-23-440 (2)(a). Such existing life insurance or annuity shall be identified by name of insurer, insured and contract number. If a number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

(b) Send to each existing insurer a written communication advising of the replacement or proposed replacement and the identification information obtained pursuant to (a) of this subsection and a policy summary, contract summary, or ledger statement containing policy data on the proposed life insurance or annuity as required by the life insurance solicitation regulation, WAC

284-23-200 through 284-23-270, and/or the annuity and deposit fund disclosure regulation, WAC 284-23-300 through 284-23-380. Cost indices and equivalent level annual dividend figures need not be included in the policy summary or ledger statement. This written communication shall be made within three working days of the date the application is received in the replacing insurer's home or regional office, or the date the proposed policy or contract is issued, whichever is sooner.

(c) Each existing insurer or such insurer's agent or a broker that undertakes a conservation shall, within twenty days from the date the written communication plus the materials required in (a) and (b) of this subsection is received by the existing insurer, furnish the policyowner with a policy summary for the existing life insurance or a ledger statement containing policy data on the existing policy and/or annuity. Such policy summary or ledger statement shall be completed in accordance with the provisions of the life insurance solicitation regulation, WAC 284-23-200 through 284-23-270, except that information relating to premiums, cash values, death benefits and dividends, if any, shall be computed from the current policy year of the existing life insurance. The policy summary or ledger statement shall include the amount of any outstanding indebtedness, the sum of any dividend accumulations or additions, and may include any other information that is not in violation of any regulation or statute. Cost indices and equivalent level annual dividend figures need not be included. When annuities are involved, the disclosure information shall be that required in a contract summary under the annuity and deposit fund disclosure regulation, WAC 284-23-300 through 284-23-380. The replacing insurer may request the existing insurer to furnish it with a copy of the summaries or ledger statement, which shall be furnished within five working days of the receipt of the request.

(3) The replacing insurer shall maintain evidence of the "Notice Regarding Replacement," the policy summary, the contract summary and any ledger statements used, and a replacement register, cross indexed, by replacing agent and existing insurer to be replaced. The existing insurer shall maintain evidence of policy summaries, contract summaries or ledger statements used in any conservation. Evidence that all requirements were met shall be maintained for at least three years or until the conclusion of the next succeeding regular examination by the insurance department of its state of domicile, whichever is later.

(4) The replacing insurer shall provide in its policy or in a separate written notice which is delivered with the policy that the applicant has a right to an unconditional refund of all premiums paid, which right may be exercised within twenty days commencing from the date of delivery of the policy.

AMENDATORY SECTION (Amending Order R 80-5, filed 5/2/80, effective 10/1/80)

WAC 284-23-460 DUTIES OF INSURERS WITH RESPECT TO DIRECT-RESPONSE SALES.
((Each insurer shall:

~~(1) Inform its responsible personnel of the requirements of this regulation.~~

~~(2) Require with or as part of each completed application for life insurance a statement signed by the applicant as to whether or not insurance will replace existing life insurance.~~

~~(3) Where no replacement is proposed by an insurer in the solicitation of a direct-response sale and a replacement is involved:~~

~~At the time the policy is mailed to the applicant, include a "Notice regarding replacement of life insurance" in a form substantially as described in WAC 284-23-520.~~

~~(4) Where a replacement is proposed by an insurer in the solicitation of a direct-response sale and a replacement is involved:~~

~~(a) Request from the applicant with or as part of the application a list of all existing life insurance to be replaced. Such existing life insurance shall be identified by name of insurer.~~

~~(b) If the applicant furnishes the names of the existing insurers, then the replacing direct-response insurer shall mail the applicant a "Notice regarding replacement of life insurance" in a form substantially as described in WAC 284-23-520 within three working days after receipt of the application and shall comply with all of the provisions of WAC 284-23-450 (3)(c), (f) and (g), except that it need not meet the requirements of this regulation concerning comparative information forms and need not maintain a replacement register required by WAC 284-23-450 (3)(g).~~

~~(c) If the applicant does not furnish the names of the existing insurers, then the replacing direct-response insurer shall at the time the policy is mailed to the applicant, include a "Notice regarding replacement of life insurance" in a form substantially as described in WAC 284-23-520:)) (1) If in the solicitation of a direct response sale, the insurer did not propose the replacement, and a replacement is involved, the insurer shall send to the applicant, with the policy, a replacement notice as described in WAC 284-23-485 or other substantially similar form approved by the commissioner. In such instances the insurer may omit the portion of the form which is included under the heading "Statement to Applicant by Agent or Broker," but including the portion beginning with "CAUTION" and continuing through the first three points down to and not including the fourth point which begins "Study the comments" without having to obtain approval of the form from the commissioner. The applicant's signature is not required on the notice.~~

~~(2) If the insurer proposes the replacement in connection with direct response sales, it shall:~~

~~(a) Provide to applicants or prospective applicants, with or as a part of the application, a replacement notice as described in WAC 284-23-485 or other substantially similar form approved by the commissioner.~~

~~(b) Request from the applicant with or as part of the application, a list of all existing life insurance or annuities to be replaced and properly identified by name of insurer, insured, and contract number.~~

(c) Comply with the requirements of WAC 284-23-455 (2)(b), if the applicant furnishes the names of the existing insurers, and the requirements of WAC 284-23-455(3), except that it need not maintain a replacement register.

AMENDATORY SECTION (Amending Order R 80-5, filed 5/2/80, effective 10/1/80)

WAC 284-23-480 PENALTIES. (1) Any broker, and any insurer, agent, representative, officer or employee of such insurer failing to comply with the requirements of this regulation shall be subject to such penalties as may be appropriate under the insurance laws of Washington.

(2) This regulation does not prohibit the use of additional material other than that which is required that is not in violation of this regulation or any other Washington statute or regulation.

(3) Policyowners have the right to replace existing life insurance after indicating in or as part of the applications for life insurance that such is not their intention; however, patterns of such action by policyowners who purchase the replacing policies from the same agent or broker shall be deemed prima facie evidence of the ((agent's)) licensee's knowledge that replacement was intended in connection with the sale of those policies, and such patterns of action shall be deemed prima facie evidence of the ((agent's)) licensee's intent to violate this regulation.

NEW SECTION

WAC 284-23-485 FORM TO BE USED FOR NOTICE REGARDING REPLACEMENT.

(Insurance company's name and address)

IMPORTANT NOTICE REGARDING REPLACEMENT OF INSURANCE

(Save this notice! It may be important to you in the future.)

The decision to buy a new life insurance policy or annuity and discontinue or change an existing one is very important. Your decision could be a good one—or a mistake. It should be carefully considered. The Washington state insurance commissioner requires us to give you this notice to help you make a wise decision.

STATEMENT TO APPLICANT BY AGENT OR BROKER:
(Use additional sheets, as necessary.)

I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following factors, which I call to your attention.

1. Can there be reduced benefits or increased premiums in later years? ...No ...Yes, explain:

2. Are there penalties, set up or surrender charges for the new policy? ...No ...Yes, explain, emphasizing any extra cost for early withdrawal:

3. Will there be penalties or surrender charges under the existing insurance as a result of the proposed transaction? ...No ...Yes, explain:

4. Are there adverse tax consequences from the replacement under current tax law? ...No ...Yes, explain:

- 5. a) Are interest earnings a consideration in this replacement? ...No ...Yes
b) If "yes," explain what portions of premiums or contributions will produce limited or no earnings. As pertinent, include in your explanation the need for minimum deposits to enhance earnings, and the reduction of earnings that may result from set-up charges, policy fees, and other factors.

6. Are minimum amounts required to be on deposit before excess interest will be paid? ...No ...Yes, explain:

7. If the new program is based on a variable or universal life insurance policy or a single-premium policy or annuity:

- a) Are the interest rates quoted before...or after...fees and mortality charges have been deducted?
b) Interest rates are guaranteed for how long?
c) The minimum interest rate to be paid is how much?
d) If applicable, the rate you pay to borrow is ..., and the limit on the amount that can be borrowed is ...
e) The surrender charges are ...
f) The death benefit is ...

8. Are there other short or long term effects from the replacement that might be materially adverse? ...No ...Yes, explain:

Signature of Agent or Broker Date

Name of Agent or Broker (Print or Type) Address

Table with 3 columns: Company, Insured, Contract No. under the heading 'List of Policies or Contracts to be Replaced:'

CAUTION: The insurance commissioner suggests you consider these points:

> Usually, contestable and suicide periods start again under a new policy. Benefits might be excluded under a new policy that would be paid under existing insurance.

> Terminating or altering existing coverage, before new insurance has been issued, might leave you unable to purchase other life insurance or let you buy it only at substantially higher rates.

> You are entitled to advice from the existing agent or company. Such advice might be helpful.

> Study the comments made above by the agent or broker. They apply to you and this proposal. They are important to you and your future.

Completed Copy

Received: (Applicant's Signature) (Date)

THIS COMPLETED FORM SHOULD BE FILED PERMANENTLY WITH YOUR NEW INSURANCE POLICY.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-23-470 DUTIES OF THE EXISTING INSURER.

WAC 284-23-490 EFFECTIVE DATE, SUPERSEDES PRIOR REGULATION.

WAC 284-23-500 FORM TO BE USED WHERE THE EXISTING AND PROPOSED POLICIES ARE WRITTEN BY DIFFERENT COMPANIES.

WAC 284-23-510 FORM TO BE USED WHERE THE EXISTING AND PROPOSED POLICIES ARE WRITTEN BY THE SAME COMPANY.

WAC 284-23-520 FORM TO BE USED REGARDING REPLACEMENT IN A DIRECT-RESPONSE SALE.

WAC 284-23-530 FORM FOR COMPARATIVE INFORMATION.

WSR 87-14-016 PROPOSED RULES DEPARTMENT OF LICENSING (Board of Registration for Architects) [Filed June 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Registration for Architects intends to adopt, amend, or repeal rules concerning:

- Amd WAC 308-12-085 Corporations or joint stock associations.
Amd WAC 308-12-115 Definitions.
Amd WAC 308-12-150 Work experience defined.
New WAC 308-12-083 Identification of registrant;

that the agency will at 9:30 a.m., Friday, August 7, 1987, in the Gulls Nest Meeting Room, Red Lion Inn at the Quay, 100 Columbia Street, Vancouver, WA 98660, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.08.340.

The specific statute these rules are intended to implement is chapter 18.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 24, 1987.

Dated: June 10, 1987

By: James D. Hanson
Assistant Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: State of Washington Board of Registration for Architects.

Purpose/Summary of Rules: WAC 308-12-083 requires that architectural firms identify in the firms' public communications the name of the licensed architect responsible for the architectural work of the firm; 308-12-085 is amended to delete the residency requirement of designated architects and to make specific reference to the applicable statute providing for the registration of architectural corporations; 308-12-115 is amended to define the term "direct supervision," as that term is used in chapter 18.08 RCW; and 308-12-150 is amended to define acceptable work experience.

Statutory Authority: RCW 18.08.340.

Reasons Proposed: To ensure that the public is advised of the identity of the licensed architect responsible for the work of an architectural firm, where such firm does not list the architect's name in its title; to allow all registered architects to act as the designated architect for an architectural corporation; to clarify "direct supervision" as the term impacts on examination applicants; and to clarify acceptable work experience for examination eligibility. The amendment to WAC 308-12-115 is intended to assist the board's staff in determining what experience qualifies the candidate to take the architect's examination.

Responsible Personnel: Members of the board who have knowledge of and responsibility for drafting, implementing and enforcing these rules are the members of the board who include: Edward L. Cushman, Vaughn Lein, Larry Erickson, George H. Nachtsheim, Harriet Sherburne, Roger Rue, and Benjamin Woo.

In addition to the above-mentioned board members, the following personnel of the Department of Licensing have responsibility for implementing and enforcing these rules: Jon Clark, Executive Secretary of the Board, and James Hanson, Assistant Executive Secretary of the Board, P.O. Box 9649, Olympia, Washington 98504, phone (206) 753-6967 and scan 234-6967.

NEW SECTION

WAC 308-12-083 IDENTIFICATION OF REGISTRANT. In order to promote public awareness and prevent misunderstanding, architectural firms shall identify the active, licensed architect, responsible for the architectural activities of the firm, pursuant to the following provisions:

(1) Where a firm name is that of a deceased, retired or previous principal, the firm shall after three years from such death, retirement, or departure, designate an active licensed principal in all communications such as telephone directories, announcements, brochures, business cards, letterheads, promotional literature, and other media intended for public display or circulation.

(2) Architectural corporations, licensed under the authority of RCW 18.08.420, shall identify the designated architect in either the firm's name or separately as in subsection (1) of this section.

(3) When a firm uses an assumed business name an architect, a principal responsible for the firm's architecture shall be clearly identified with the name of the firm.

(4) No name of a firm offering architectural services to the public shall imply that an individual is a registered architect who is not presently or was not previously a principal in the firm as an architect or an engineer.

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

WAC 308-12-085 CORPORATIONS OR JOINT STOCK ASSOCIATIONS. (1) For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23A RCW, the corporation or joint stock association shall file with the board a letter of application containing a statement of the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period. The application shall be signed and attested by a corporate officer.

(2) In addition to the application for certificate of authorization, the corporation or joint stock association shall file with the board the documentation and information specified in RCW (~~(18.08.320 (section 3, chapter 37, Laws of 1985))~~) 18.08.420.

(3) The designated architect responsible for the practice of architecture by said corporation shall (~~be a resident and~~) be regularly employed in that office having direct knowledge and supervisory control of such work. No individual will be the designated architect at more than one place of business or one company at any one time.

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

WAC 308-12-115 DEFINITIONS. (1) Accredited architectural degree—A professional degree received from the current list of accredited schools of architecture as published by the National Architectural Accrediting Board.

(2) Practical architectural work experience—Practical work experience performing activities involved in the practice of architecture, as defined in RCW (~~(18.08.320 (section 3, chapter 37, Laws of 1985))~~) 18.08.320, under the direct supervision of an architect. The board may approve similar practical work experience for full or partial credit and will accept intern development program experience as defined in the IDP training guidelines.

(3) Intern development program (IDP)—An internship program designed to provide a formal means of evaluating training, to recognize the intern-architects' professional development by compiling a continuing, comprehensive record of their internship training and to ensure intern-architects of a range of exposures that will help qualify them to take the professional examination.

(4) Supervision—The word "supervision" in RCW (~~(18.08.320 (section 3, chapter 37, Laws of 1985))~~) 18.08.320 means the periodic observation of materials and work in progress or completed work to observe the general compliance with plans, specifications, and design and planning concepts, and does not include responsibility for the superintendence of construction processes, site conditions, operations equipment, personnel, maintenance of a safe place to work, or any safety in, on, or about the site of the work.

(5) Principal—The word "principal" as used herein shall mean an architect who is registered in this state; who is a shareholder, if the practice is through a professional service corporation; or a partner if the practice is through a partnership; or the proprietor if the practice is through a proprietorship; or the designated architect of a stock corporation; and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described.

(6) Direct supervision—The term direct supervision as used in connection with architectural work experience for qualification and eligibility for the examination shall refer to any of the following conditions or situations.

(a) Supervising employer who is knowledgeable of the performance and competence of the applicant.

(b) A licensed architect who works for the same employer as the applicant, and who is either the direct superior of the applicant, or a co-worker knowledgeable and responsible for the efforts of the applicant.

AMENDATORY SECTION (Amending Order PL 579, filed 2/5/86)

WAC 308-12-150 WORK EXPERIENCE DEFINED. (1) In order to receive credit from the board for full-time practical architectural work experience, the applicant must be employed for at least thirty-five hours per week for a minimum of ten consecutive weeks.

(2) In order to receive credit from the board for part-time practical architectural work experience, the applicant must be employed for at least twenty hours per week in periods of six or more consecutive months.

(3) If the applicant is certified by the National Council of Architectural Registration Boards (NCARB) as having successfully completed the architectural Intern Development Program, such work experience may be used in lieu of subsections (1) and (2) of this section, to satisfy the work experience requirements of RCW 18.08.350.

(4) Work experience may be accrued simultaneously while educational credit is being accrued.

WSR 87-14-017**PROPOSED RULES****DEPARTMENT OF LICENSING****(Board of Osteopathic Medicine and Surgery)**

[Filed June 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning:

New WAC 308-138-325 Health care service contractors and disability insurance carriers.

New WAC 308-138-328 Professional review organization;

that the agency will at 9:30 a.m., Friday, August 7, 1987, in the Vance Airport Inn, Cascade Room, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.130.070.

The specific statute these rules are intended to implement is RCW 18.130.270 [18.130.070].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1987.

Dated: June 22, 1987

By: Joyce R. Dolliver
Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 308-138-325 Health care service contractors and disability insurance carriers; and 308-138-328 Professional review organization.

Statutory Authority and Specific Statute(s) that Rule(s) are Intended to Implement: RCW 18.130.070.

Summary of the Rules: WAC 308-138-325 provides for mandatory reporting from health care service contractors and disability insurance carriers; and 308-138-328 provides for mandatory reporting from professional review organizations unless prohibited by federal law.

Reasons Supporting the Proposed Rules: To implement the legislative grant of mandatory reporting in RCW 18.130.170.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: In addition to members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Sydney Beckett, Executive Secretary, Professional Programs Management Division, P.O. Box 9649, Olympia, Washington 98504, phone (206) 753-3129 comm, 234-3129 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Osteopathic Medicine and Surgery.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: None.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: Not required for these rules. The board has reviewed the impact that these rules would have on osteopathic physicians and osteopathic physicians' assistants. The board finds that a small business impact statement is not required. Osteopathic physicians and osteopathic physicians' assistants are classed in SIC Code 803, Offices of Osteopathic Physicians. These rules do not have an economic impact on the industry.

NEW SECTION

WAC 308-138-325 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, regulated under chapter 48.20, 48.21, 48.21A, or 48.44 RCW, shall report to the board all final determinations that a physician may have engaged in unprofessional conduct, including, but not limited to, charging fees for medical services not actually provided, or that a physician may be mentally or physically impaired.

NEW SECTION

WAC 308-138-328 PROFESSIONAL REVIEW ORGANIZATIONS. Unless prohibited by federal law, every professional review organization operating within the state of Washington shall report to the board any determinations that a physician or physician's assistant may have engaged in unprofessional conduct, or that a practitioner may be mentally or physically impaired.

WSR 87-14-018**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 87-59—Filed June 23, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these regulations are adopted at the

recommendation of the Columbia River Compact Commission for the harvest of available sockeye salmon.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 23, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-32-03000G COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. *Notwithstanding the provisions of WAC 220-32-022, WAC 220-32-030, WAC 220-32-031, WAC 220-32-032, WAC 220-32-040, and WAC 220-32-041, it is unlawful to fish for or possess salmon, sturgeon, or shad except as provided for in WAC 220-32-04100J, taken for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, or 1E except in those areas, at those times, and with the gear designated below:*

Areas 1A, 1B, those waters of Area 1C downstream from the Longview Bridge – Open 6:00 p.m. June 23 to 6:00 p.m. June 24, 1987.

Those waters of the Columbia River upstream and easterly of a line projected from the flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island, diagonally north to a white equal-interval light on the Washington shore and downstream and westerly of a line projected across the Columbia River at a point 5 miles below Bonneville Dam – Open 6:00 p.m. June 23 to 6:00 p.m. June 26, 1987.

Lawful gear is restricted to single wall floating gill nets with a 4 1/2 inch maximum mesh.

It is lawful to sell only sockeye salmon, shad, sturgeon of lawful commercial size, and chinook less than or equal to 24 inches in length taken in this fishery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-03000F COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (87-57)

WSR 87-14-019

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF COMMUNITY DEVELOPMENT (Emergency Response Commission) [Memorandum—June 24, 1987]

The Washington State Emergency Response Commission will be meeting on the following dates:

July 1, 1987
10:30 a.m. – 3:00 p.m.
605 Woodview S.E.
Lacey, Washington

July 9, 1987
10:00 a.m. – 3:00 p.m.
EFSEC Hearing Room
Lacey, Washington

WSR 87-14-020

ADOPTED RULES THE EVERGREEN STATE COLLEGE [Order 87-2, Resolution No. 87-13—Filed June 24, 1987]

Be it resolved by the board of trustees of The Evergreen State College, acting at Olympia, Washington, that it does adopt the annexed rules relating to parking regulations, amending WAC 174-116-010 through 174-116-127.

This action is taken pursuant to Notice Nos. WSR 87-10-054 and 87-13-029 filed with the code reviser on May 6, 1987, and June 11, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 22, 1987.

By Joseph D. Olander
President

Chapter 174-116 WAC PARKING ((AND TRAFFIC RULES)) REGULA- TIONS

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-010 PURPOSE. (1) To expedite college business, protect state property, provide maximum safety and convenience for all.

(2) To assure access at all times for emergency vehicles and personnel.

(3) To provide funds to obtain and maintain suitable campus parking facilities.

(4) To protect and control (~~pedestrian and~~) vehicular traffic.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-020 AUTHORITY. (1) The Evergreen State College through its board of trustees is authorized to establish traffic and parking regulations as stated in RCW 28B.10.560. The board of trustees reserves the right to add, delete or modify portions of these regulations including the appended fee and fine and penalty schedules in accordance with its regulations and applicable laws. Administration and enforcement of these parking regulations will be delegated to the security and parking offices.

(2) The Evergreen State College (~~security and~~) parking office is authorized to issue annual, quarterly, daily, car-pool, housing and special permits to park upon the campus. Special permits are issued pursuant to the provisions of these regulations. All outstanding campus parking violations must be satisfactorily settled before a special permit will be issued or renewed.

(3) The authority and powers conferred upon the security chief and director of facilities by these regulations shall be subject to delegation by him/her to subordinates.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-030 ENFORCEMENT. (~~Security office personnel shall be responsible for enforcing traffic regulations on the campus. This shall include all college parking regulations and "rules of the road" as set forth in Title 46 of the Revised Code of the state of Washington.~~)

Whenever an unattended vehicle is observed in violation of the regulations herein set forth, the parking or security personnel shall take the registration number and other identifiable information and shall affix to such vehicle a parking infraction in a conspicuously visible location.

AMENDATORY SECTION (Amending Order 85-1, Resolution No. 85-5, filed 1/14/85)

WAC 174-116-040 PARKING PERMITS—GENERAL INFORMATION. (1) Parking permits are issued by the (~~security and~~) parking office following application and the payment of the appropriate fees. All privately-owned motor vehicles parked or left standing unattended on college property are required to display a currently valid Evergreen parking permit during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday (~~, and at such other times as the college may designate~~).

(2) Fees for parking permits are as follows:

	Automobile	Motorcycle
Quarterly	22.00	11.00
Annual	54.00	27.00
Daily	.75	.75

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-041 PARKING PERMITS—VISITORS AND GUESTS. All visitors, including guests, salespersons, maintenance or service personnel and all other members of the public will park in available space as established by The Evergreen State College parking (~~and traffic~~) regulations and will pay the established parking fee except as noted below:

(1) Federal, state, county, city, school district, and similar governmental personnel, on official business in vehicles with tax exempt licenses, will be admitted without charge.

(2) Vehicles owned by contractors and their employees working on campus construction may be parked within available construction sites or designated areas without charge but must have a permit to do so.

(3) Members of the press, television, radio and wire services, on official business, may park without charge, (~~but~~) and must (have) obtain a permit (authorized by) at the parking (office to do so) booth.

(4) Taxis and commercial delivery vehicles may enter the campus without payment of the parking fee only for pick up and delivery of passengers, supplies and equipment.

(5) Visitors and guests attending special college events may be parked without charge if prior arrangement has been made with the parking office.

(6) Visitors invited to the campus for the purpose of rendering uncompensated services to The Evergreen State College may be parked without charge, provided prior notification is given to the parking office.

(7) Persons utilizing campus facilities may park for up to one hour in the B-lot visitor stalls.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-042 PARKING PERMITS—SPECIAL PERMITS. (1) (~~Physically disabled faculty members, staff personnel, visitors, and students may apply through the security and parking office for a special parking permit in a reserved area. Such individuals must obtain a certificate from a physician indicating that special parking assignment is essential in order for them to perform their assigned duties or to attend classes. Such persons, however, must also display on their vehicle a valid daily, quarterly or annual parking permit. State of Washington handicapped "overtime parking" permits will be honored as valid on campus.~~) Physically challenged users must display a valid TESC parking permit and a state of Washington "disabled person parking permit." Temporary permits must be approved by The Evergreen State College affirmative action office.

(2) Salespersons, maintenance and service personnel, persons serving the college without pay, and other visitors who must frequently visit the campus on college business, may be issued a parking permit from the parking office, upon request from the division benefiting from the services provided, subject to approval by the (~~security and~~) parking office. Parking on campus will not be

provided to persons intending to make personal solicitations from or personal sales to college employees or students.

(3) Overnight or extended period permits may be ~~((obtained))~~ purchased from the ~~((security and))~~ parking office for disabled vehicles, field trips or other valid reasons that may necessitate the operator's leaving the vehicle on campus.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-043 PARKING PERMITS—ISSUANCE AND DISPLAY. (1) All parking permits must be positioned so that they are clearly visible and readable from the outside of the vehicle.

(2) Car pool permits may be purchased by faculty, staff and students. One transferable permit will be issued by the ~~((security and))~~ parking office for each car pool. This permit is transferable only among the registered members of the car pool. The permit must be displayed on the dashboard or in the left corner in front of the driver ~~((on a registered car pool vehicle))~~.

(3) Annual and quarterly parking permits must be affixed to the vehicle's rear window with the following exceptions:

(a) On convertibles and trucks they may be affixed in the lower left corner of the front windshield.

(b) On station wagons and cars with heated rear windows, permits ~~((must))~~ may be affixed in the left rear side window.

(c) Motorcycle permits must be affixed ~~((in a conspicuous place))~~ to the left front fork.

(4) Daily parking permits shall be placed on the dashboard with date stamp facing up, so as to be clearly visible from the exterior of the vehicle.

(5) A parking permit application is required to be on file for each vehicle displaying a permit. Ownership of permits is not transferable except when approved by the ~~((security and))~~ parking office. ~~((The security and parking office can approve replacement of or transfer of a permit under the following conditions:~~

~~((a) The person relinquishing ownership and the purchaser appear in person at the parking office when requesting a transfer.~~

~~((b) The former owner relinquishes all ownership or claims to said permit.~~

~~((c) The purchaser qualifies for ownership.~~

~~((d) The new owner completes a new application form for the permit.~~

~~((e))~~ If the vehicle is sold, and for any reason a replacement permit is requested, the old permit must be removed and presented to the ~~((security and))~~ parking office to be eligible for a replacement or a refund.

(6) Faculty, staff and students may be issued a duplicate car permit for another vehicle either personally owned, family owned, or owned by their employer. Proof of ownership or authorization from the owner for all ~~((additional))~~ vehicles must be presented. However, two vehicles bearing the same numbered permit may not be

parked on campus at the same time unless one also displays a valid daily permit.

(7) Any permit holder may obtain a temporary permit at the ~~((security and))~~ parking ~~((office))~~ booth without charge for another vehicle when the vehicle for which a permit was purchased is unavailable due to repair or for another valid reason.

AMENDATORY SECTION (Amending Order 84-2, Resolution No. 84-28, filed 6/19/84)

WAC 174-116-044 PARKING PERMITS—VALIDITY PERIODS. (1) Annual parking permits shall be valid from the date of issue until the first day of the following fall quarter.

(2) Quarterly parking permits shall be valid from the date issued each academic quarter until the first day of the following academic quarter.

(3) Daily permits shall be valid from the time purchased until ~~((7:00))~~ 5:00 p.m. on the date of purchase.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-045 PARKING PERMITS—HOUSING RESIDENTS. Under the following conditions, college housing residents will, upon request, receive a parking permit at no charge.

(1) Permits must be renewed quarterly.

(2) Housing residents must show proof of ownership before permit will be issued.

(3) Free parking will be discontinued when residents terminate their contract with housing.

(4) Housing will verify residency status to the ~~((security and))~~ parking office.

(5) Only one permit per resident will be issued free. ~~((Additional permits may be purchased through regular procedures.))~~

(6) Resident parking permits will only be valid for parking in the modular parking areas or in "F" lot. A regularly purchased permit is required for use in all other parking areas.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-050 RESPONSIBILITY AND PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. The registered owner or permit holder shall be responsible for all parking violations involving the vehicle on which the permit is displayed.

In any review, appeal or hearing alleging the violation of any parking regulation, proof that the particular vehicle described was stopping, standing or parked in violation of any such regulation together with proof that the person named in the complaint or infraction at the time of such violation was the registered owner or permit holder of such vehicle shall constitute in evidence a prima facie presumption that the owner was the person who parked or placed such vehicle in the location the violation occurred.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-071 PARKING—PROHIBITED PLACES AND FINES. (1) No person shall stop, stand or park any vehicle so as to obstruct traffic along or upon any street or sidewalk.

(2) No vehicle shall park or stand except momentarily to pick up or discharge passengers((:)).

~~((a) At any place where official signs prohibit parking;~~

~~(b) Within 15 feet of a fire hydrant or in fire lanes;~~
~~(c)) (3) No vehicle shall be parked on any lawn or grass areas except as required for maintenance or construction authorized by the director of facilities((:)).~~

~~((d) In excess of posted time limits;~~

~~(e) Within an intersection;~~

~~(f) So as to block a curb cut or driveway;~~

~~(g) Adjacent to a painted curb;~~

~~(h) Within 30 feet of an intersection;~~

~~(i) In a handicapped zone;~~

~~(j) In a bus zone.))~~

(4) The following schedule of fines for violations is hereby established:

<u>(a) No valid permit</u>	<u>5.00</u>
<u>(b) Overtime parking</u>	<u>5.00</u>
<u>(c) Improper position</u>	<u>5.00</u>
<u>(d) Parked where signs prohibited</u>	<u>10.00</u>
<u>(e) Parked within fifteen feet of hydrant</u>	<u>15.00</u>
<u>(f) Handicapped zone</u>	<u>15.00</u>
<u>(g) Blocking driveway</u>	<u>10.00</u>
<u>(h) Parked at painted curb</u>	<u>10.00</u>
<u>(i) Parked in prohibited zone</u>	<u>10.00</u>
<u>(j) Obstructing traffic</u>	<u>10.00</u>
<u>(k) Parked in bus zone</u>	<u>15.00</u>
<u>(l) Parked in fire lane</u>	<u>15.00</u>
<u>(m) Altered permit</u>	<u>25.00</u>

~~((3)) (5) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the violator to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.~~

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-072 IMPOUNDING OF VEHICLES. (1) No disabled or inoperative vehicle shall be parked on the campus for a period in excess of ninety-six hours. Vehicles which have been parked for periods in excess of ninety-six hours and which appear to be disabled or inoperative may be impounded and stored at the expense of the registered owner. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from impounding and/or storage services provided by a private vendor. Notice of intent to impound will be posted on the vehicle twenty-four hours prior to impound. In any case, the owner or operator of a disabled vehicle should notify the security ~~((and))~~ or

parking office of the vehicle's location and estimated time of removal or repair.

(2) Any vehicle parked upon property of The Evergreen State College in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington, may be impounded or immobilized and taken to such place for storage as the chief of security and director of facilities selects. The expense of such impounding and storage shall be charged to the owner or operator of the vehicle and paid by him/her prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and/or storage services provided by a private vendor.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-091 SPECIAL PARKING ((AND TRAFFIC)) REGULATIONS AND RESTRICTIONS AUTHORIZED. ~~((1) During special conditions causing additional heavy traffic and during emergencies, the security chief is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the specified objectives of these regulations and provide appropriate notice thereof whenever possible.~~

~~(2) The director of facilities is authorized to erect signs, barricades and other structures and to paint marks and other directions aids upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational, recreational, or parking activities of The Evergreen State College.~~

~~(3)) No person without authorization from the director of facilities shall move, deface, or in any way change a sign, barricade, structure, marking or direction so placed, or previously placed, for the purpose of regulating traffic or parking.~~

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-092 PARKING OF MOTORCYCLES ((AND SCOOTERS)). (1) Motorcycles(~~(; motorized bicycles and scooters)~~) are for the purpose of these regulations considered to be motor vehicles and are subject to all ~~((traffic and))~~ parking ~~((rules and))~~ regulations ~~((controlling other motor vehicles)).~~

(2) Motorcycles(~~(; motorized bicycles and scooters)~~) may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles(~~(; motorized bicycles and scooters)~~) are not permitted on paths, sidewalks, in buildings or in pedestrian areas at any time.

AMENDATORY SECTION (Amending Order 84-2, Resolution No. 84-28, filed 6/19/84)

WAC 174-116-119 FINES. (1) Payment.

(a) Persons cited for violation of these regulations may respond by paying a fine within ten days of the date of notice of infraction. However, persons cited for "no valid permit" or for "overtime parking" which are designated as five dollar fines, may pay a reduced fine of two dollars, if the citation is attached to the two dollar

payment and deposited in the parking booth drop box on the same day the citation is issued. Such payment shall constitute a waiver of the right to request a review as described in WAC 174-116-121.

(b) All fines are payable to The Evergreen State College cashier. Fines may be paid in person or by mail by sending the notice of infraction and amount of fine to The Evergreen State College cashier. The cashier will not discuss the appropriateness of the fine with the payor.

(2) Unpaid.

If any fine remains unpaid after ~~((sixty))~~ ninety days from the date of the notice of infraction, the following action may be taken by The Evergreen State College:

(a) All services on campus may be withheld including academic registration for the following quarter.

(b) Transcripts may be withheld for any persons having outstanding unpaid fines.

(c) Unless payment of the fine has been made, the amount of the fine may be deleted from an employee's paycheck after notice from the controller.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-121 ELECTION TO PAY OR CONTEST A NOTICE OF INFRACTION. The notice of infraction issued pursuant to these regulations shall direct the alleged violator that he/she may elect either to pay the fine applicable to the violation(s) charged or to request a review with the infraction review committee within ten days of the date of the infraction.

(1) If the alleged violator chooses to contest, a written request for a review will be filed with the chairperson of the infraction review committee, through the ~~((security chief))~~ parking office. Requests for review forms are available at the ~~((security and))~~ parking office and at the parking booth. Requests for a review may be submitted without posting of the fine within ten days after date of infraction.

(2) The infraction review committee will review the written request for review and notify the ~~((alleged violator of their))~~ appellant by mail of its decision ~~((within ten class days))~~.

AMENDATORY SECTION (Amending Order 84-2, Resolution No. 84-28, filed 6/19/84)

WAC 174-116-122 APPEAL/HEARING PROCEDURE. (1) If the decision of the infraction review committee is not supportive of the alleged violator's request, the alleged violator may request a hearing before the review committee to present his/her case in person. The infraction review committee will meet a minimum of once a month (usually the first Wednesday of the month) to hear such appeals.

(2) Persons requesting a hearing before the infraction review committee must make such requests to the chairperson of the ~~((infraction review))~~ said committee within ten class days of notification of the initial review decision.

(3) The appellant will be notified by the chairperson of the infraction review committee of the time and date

of such hearing. Decisions rendered by the infraction review committee on appeals heard shall be binding ~~((except as provided by RCW 28B.10.560))~~.

AMENDATORY SECTION (Amending Order 85-4, Resolution No. 85-32, filed 10/18/85, effective 1/1/86)

WAC 174-116-123 ESTABLISHMENT OF INFRACTION REVIEW COMMITTEE. The Evergreen State College infraction review committee is hereby established, the members of which shall be composed of the following:

(1) One faculty member chosen by the vice-president and provost;

(2) One exempt staff member chosen by the president;

(3) One classified staff member chosen by the vice-president for ~~((business))~~ development and administrative services;

(4) Two currently enrolled students chosen by the vice-president for student affairs;

(5) ~~((The chief of security will serve as a nonvoting member; and~~

(6)) A nonvoting secretary chosen by the ~~((chief of security))~~ director of facilities.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-126 APPEAL/HEARING—PROCEDURE—REVIEW DECISION. Upon conclusion of the review and/or appeal, the chairperson of the infraction review committee shall render the decision of the review committee ~~((as to guilty or not guilty and shall assess fines or penalties not in excess of the schedule of fines set forth in WAC 174-116-260))~~ as to appropriateness of the assessed fines. The decision shall be recorded in the records maintained by the ~~((security and))~~ parking office and the ~~((chairperson))~~ secretary of the infraction review committee shall endorse his/her signature therein, certifying the record to be correct.

AMENDATORY SECTION (Amending Order 83-4, Resolution No. 83-42, filed 9/22/83)

WAC 174-116-127 APPEAL/HEARING—MITIGATION AND SUSPENSION OF FINES. Upon the showing of good cause or mitigating circumstances, the infraction review committee may impose any lesser fine than those established in WAC 174-116-260 of these regulations or may dismiss the fine. The chairperson may grant an extension of time within which to comply with the review and/or appeal decision. A person charged with a parking infraction who deems himself or herself aggrieved by the final decision in an internal adjudication may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the ~~((college or university police force))~~ parking office. Documents relating to the appeal shall immediately be forwarded to the district court in the county in which the offense was committed, which court shall have jurisdiction over such offense and such appeal shall be heard de novo.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 174-116-070 SPEED.
- WAC 174-116-190 PEDESTRIAN RIGHT OF WAY.
- WAC 174-116-260 FINES AND PENALTIES.

WSR 87-14-021

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Memorandum—June 24, 1987]

The Program Executive Committee of the family independence program will be meeting on the dates listed in the schedule below.

As required by the Open Public Meetings Act, chapter 42.30 RCW, the meetings of this committee are open to the public. All interested persons may attend.

The Family Independence Program Act, ESSHB 448, authorizes the Departments of Social and Health Services and Employment Security to conduct a five year demonstration of a program that would be an alternative to the current aid to families with dependent children program. The family independence program (FIP) is designed to help families break the cycle of poverty through employment.

The Program Executive Committee directs the Employment Security Department and the Department of Social and Health Services in the day to day administration of FIP services; sets policy; and allocates funds.

The meeting schedule of the Program Executive Committee is as follows:

August 4, 1987	2 p.m. - 4 p.m.	OB-2, 4th Floor Executive Conference Room, 12th and Franklin, Olympia, WA
August 24, 1987	1 p.m. - 4 p.m.	OB-2, 4th Floor Executive Conference Room
September 23, 1987	9 a.m. - 12 noon	Senate Hearing Room 1, Cherberg Office Building Olympia, WA
October 30, 1987	9 a.m. - 12 noon	Senate Hearing Room 1, Cherberg Office Building
November 30, 1987	1 p.m. - 4 p.m.	Senate Hearing Room 1, Cherberg Office Building
December 21, 1987	9 a.m. - 12 noon	Senate Hearing Room 1, Cherberg Office Building

WSR 87-14-022

**NOTICE OF PUBLIC MEETINGS
SEATTLE-KING COUNTY
DEPARTMENT OF PUBLIC HEALTH
(Vashon and Maury Island
Ground Water Advisory Committee)**

[Memorandum—June 19, 1987]

The committee shall meet regularly on the fourth Thursday of each month beginning at 7:00 p.m. at the Senior Citizen Center or other location as notified in the agenda for the next meeting.

WSR 87-14-023

**PROPOSED RULES
CENTRALIA COLLEGE**

[Filed June 25, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Centralia College, Community College District 12, intends to adopt, amend, or repeal rules concerning student rights and responsibilities, code procedures, summary suspension rules, and emergency procedures for chapters 132L-20, 132L-22, 132L-24 WAC, and new chapter 132L-25 WAC;

that the institution will at 4:30 p.m., Thursday, August 6, 1987, in the Boardroom at Centralia College, 600 West Locust, Centralia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 6, 1987.

Dated: June 24, 1987

By: Case Doelman
Chairman of the
Board of Trustees

STATEMENT OF PURPOSE

Title(s): Chapters 132L-20, 132L-22, 132L-24 and 132L-25 WAC.

Description of Purpose: Amending WAC 132L-20-010, 132L-20-030, 132L-20-050, 132L-20-070, 132L-20-080, 132L-20-090 and 132L-20-140; adding new section WAC 132L-20-135 and repealing WAC 132L-20-020, 132L-20-040, 132L-20-060, 132L-20-100, 132L-20-110, 132L-20-120, 132L-20-150, 132L-20-160 and 132L-20-170. Also rules relating to the amendment of the following sections of chapter 132L-22 WAC, code procedures: WAC 132L-22-020, 132L-22-060 and 132L-22-070; and repealing WAC 132L-22-010, 132L-22-030, 132L-22-040 and 132L-22-050. Rules related to the amendment of the following sections of chapter 132L-24 WAC, summary suspension rules: WAC 132L-24-010, 132L-24-020 and 132L-24-030; and repealing WAC 132L-24-040, 132L-24-050,

132L-24-060, 132L-24-070 and 132L-24-080. Adopting new chapter 132L-25 WAC, emergency procedures.

Statutory Authority: RCW 28B.50.140.

Specific Statute Rule is Intended to Implement: Not applicable.

Summary of Rule: Code of student rights and responsibilities, code procedures, summary suspension rules, and a new chapter, emergency procedures.

Reasons Supporting Proposed Action: Need to define student rights and responsibilities, code procedures, summary suspension rules, and emergency procedures at each college within District 12.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Ron Thomas, Dean of Educational Services, (206) 753-3433.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Community College District 12, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: No comments.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: N/A.

Chapter 132L-20 WAC

CENTRALIA COLLEGE STUDENT RIGHTS AND RESPONSIBILITIES

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-010 PREAMBLE. ~~((Centralia College and Olympia Technical Community College are dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of Centralia College and Olympia Technical Community College are joined in voluntary association in an educational community.~~

The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity. In addition, students, as members of the college community are in the unique position of being citizens of two communities, subject to the regulations imposed by both and accountable to both.

Centralia College and Olympia Technical Community College expect that students will respect the laws of the greater society. As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility for assisting students in gaining an understanding of the law and its function, and the responsibilities imposed upon each individual in a democratic society to respect and support the legal structure which protects the individual and the society. As a functioning organization, it also has the responsibility to develop a set of regulations to assure the orderly conduct of the affairs of the college.

Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community and will not interfere with legitimate college affairs.

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights and responsibilities in this document are critical ingredients in the free, creative, and spirited educational environment to which the students, faculty and staff of Centralia College and Olympia Technical Community College are committed.) Unless otherwise limited by this chapter,

students have the same fundamental rights as all citizens. These rules shall be liberally construed to eliminate procedural impediments to discipline.

AMENDATORY SECTION (Amending Order 71-11, filed 2/17/71)

WAC 132L-20-030 JURISDICTION. ~~((~~(+)~~ AH))~~ These rules ~~((herein adopted shall))~~ apply to ~~((every student whenever said student is present upon or in any college facility and whenever said student is present at or))~~ students engaged in or present at any ~~((college sponsored))~~ on-campus or off-campus college-related activity ~~((or function which is held on or in noncollege facilities not open to attendance by the general public)).~~

~~((2) Faculty members, other college employees, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the public and/or appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's tenure rules and regulations))~~ A student's off-campus conduct may be considered in determining discipline.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-050 RIGHT TO DEMAND IDENTIFICATION. ~~((~~(+)~~ For the purpose of determining identity of a person as a student any faculty member or other))~~ College personnel ~~((authorized by the campus president))~~ may demand that any person on college facilities produce evidence of student enrollment ~~((at the college. Fender of the student identification card will satisfy this requirement)).~~

~~((2) Refusal by a student to produce identification as required shall subject the student to disciplinary action.))~~

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-070 FREEDOM OF ~~((EXPRESSION))~~ ASSOCIATION AND ORGANIZATION. ~~((Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.~~

Concomitantly, while supporting the rights of students and other members of the college community, the college recognizes the responsibility to maintain an atmosphere on campus conducive to a sound educational endeavor.

To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations are conducted in an orderly manner, do not interfere with vehicular or pedestrian traffic, do not interfere with processes of the college and are not held in or on facilities where college functions are in progress.) Students are free to organize and join associations to promote any legal purpose.

Student organizations must be granted a charter by the Associated Students of Centralia College senate before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the Associated Students of Centralia College senate a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of college personnel who has agreed to serve as advisor. All chartered student organizations must also submit to the Associated Students of Centralia College senate a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-080 ~~((FREEDOM OF ASSOCIATION AND ORGANIZATION))~~ PROHIBITIONS. ~~((Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational, or social.~~

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a faculty member who has agreed to serve as advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin, except for religious qualification which may be required by organizations whose aims are primarily sectarian, or for other reasonable justifications which are directly related to the purposes of the organization. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.)) Any student shall be subject to disciplinary action who, either as a principal actor or aider or abetter commits any of the following which are hereby prohibited:

(1) ABUSIVE CONDUCT. Physical and/or verbal abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions including: Assault and battery; harassment; or hazing.

(2) DESTROYING OR DAMAGING PROPERTY. Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(3) DISHONESTY. All forms of dishonesty including: Cheating; plagiarism; knowingly furnishing false information to the college; intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency, on college premises or at any college-sponsored activity; forgery; any alteration or use of college documents or instruments of identification with intent to defraud.

(4) DISORDERLY CONDUCT. Materially and substantially interfering with the personal rights or privileges of others or the educational process of the college.

(5) DRUGS. Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(6) INCITING OTHERS. Any student who intentionally incites others to engage in any prohibited conduct as defined herein, which incitement directly leads to such conduct. Inciting is the advocacy which prepares the group or individual addressed for immediate action and compels that individual or group to engage in the prohibited conduct.

(7) INSUBORDINATION. Failure to comply with lawful directions of college personnel acting in performance of their lawful duties.

(8) LIQUOR. Possessing, consuming, or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

(9) THEFT/CONVERSION. Theft or conversion of college property or private property.

(10) TRESPASS/UNAUTHORIZED PRESENCE. Entering or remaining unlawfully, as defined by state law including computer trespass as defined in RCW 9A.52.010 through 9A.52.130, or using college premises, facilities, or property, without authority.

(11) UNAUTHORIZED USE OF SUPPLIES AND EQUIPMENT. Using, possessing, furnishing, or selling college supplies or equipment without authority.

(12) WEAPONS, FIREARMS, EXPLOSIVES, AND DANGEROUS CHEMICALS. Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities (as defined in RCW 9.41.010(3) and 9.41.250) on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean of educational services, or any other person designated by the college president.

(13) OTHER VIOLATIONS. Students may be accountable to both civil authorities and to the college for acts which constitute violations of federal, state, or local law as well as college rules and policy.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-090 STUDENT ((PARTICIPATION IN COLLEGE GOVERNANCE)) RECORDS. ((As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASCC or ASOTCC constitution and the college's administrative procedures provide clear channels for student

participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.)) In compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g and its implementing regulations, 45 CFR § 99), this policy has been created to insure continued confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) EDUCATION RECORDS. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Centralia College these are:

(a) Records pertaining to admission, advisement, registration, grading, and progress to a degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the cashier.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office or the athletics office.

(2) ACCESS TO EDUCATION RECORDS. Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired. (Charges for reproduced copies of education records are found in the current catalog.)

(3) DIRECTORY INFORMATION. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) DISCLOSURE FROM EDUCATION RECORDS. In addition to "directory information" the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the Associated Students of Centralia College senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, record-keeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organization, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than "directory information" and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosures to other parties listed in (a) through (f) of this subsection.

(5) CHALLENGE OF EDUCATION RECORDS. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy or other rights of the student may request in writing to the appropriate college official that the college

amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing by the student services committee through a written request to the registrar. Should the student services committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and
Privacy Act Office (FERPA)
Department of Health, Education,
and Welfare
330 Independence Avenue S.W.
Washington, D.C. 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

NEW SECTION

WAC 132L-20-135 HANDICAPPED STUDENTS. Prospective students who are handicapped and who are eligible for department of social and health services division of vocational rehabilitation (DVR) funding and in need of auxiliary aids, are asked to give the college six weeks notice prior to enrolling in order to allow the student to arrange funding with DVR.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-140 USE OF COLLEGE FACILITIES. ~~((Any))~~ In accordance with state board for community college education regulations, any recognized ~~((ASCC or ASOTCC))~~ Associated Students of Centralia College organization may request ~~((approval from the director of student programs to utilize))~~ use of available college facilities for authorized activities ~~((as provided for in official ASCC or ASOTCC documents)).~~ Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

~~((Student organizations should schedule facility use requests with the director of student programs at least three academic calendar days in advance of an event whenever possible.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132L-20-020	DEFINITIONS.
WAC 132L-20-040	AUTHORITY TO PROHIBIT TRESPASS.
WAC 132L-20-060	FREEDOM OF ACCESS TO HIGHER EDUCATION.
WAC 132L-20-100	STUDENT RECORDS.
WAC 132L-20-110	STUDENT PUBLICATIONS.
WAC 132L-20-120	DISTRIBUTION AND POSTING OF MATERIALS.
WAC 132L-20-150	NONCOLLEGE SPEAKER POLICY.
WAC 132L-20-160	VIOLATIONS.
WAC 132L-20-170	EMERGENCY PROCEDURES.

Chapter 132L-22 WAC CENTRALIA COLLEGE CODE PROCEDURES

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-22-020 ~~((INITIAL PROCEEDINGS))~~ NONACADEMIC DISCIPLINARY PROCEDURES. (1) ~~((Initiation of prosecution. Students, faculty members, administrators and other employees of the district shall have concurrent authority to report violations which will be acted upon by the dean of students. All disciplinary proceedings will be initiated by the dean of students or designated representative))~~ INITIATION OF DISCIPLINARY ACTION. Anyone may report, orally or in writing, violations to the dean of educational services, or designee, who may initiate disciplinary action.

(2) NOTICE ((requirements)). Any student charged ~~((in a report filed pursuant to WAC 132L-22-020, subsection (1);))~~ with a violation ~~((of the code of student rights and responsibilities))~~ shall ~~((be notified by the dean of students or designated representative within two academic calendar days after the filing of such a report. The))~~ receive written notice delivered to the student personally or by registered or certified mail to the student's last known address no later than two weeks after a reported violation. This notice shall not be ineffective if presented later due to the student's absence. ~~((Such))~~ The notice shall contain:

(a) ~~((Inform the student that a report has been filed alleging that the student violated specific provisions of the code and the date of the violation; and))~~ The time, date, place, and nature of the alleged misconduct;

(b) Set forth those specific provisions allegedly violated; ((and))

(c) ~~((Specify the exact))~~ The time and date the student is required to meet with the dean of ((students; and)) educational services or designee;

(d) ~~((Specify the exact time, date, and location of the formal hearing, if one is required; and))~~ That anything the student says at the meeting with the dean or designee may be used against the student;

(e) ~~((Inform the student that he/she may question witnesses, that he/she may have anyone appear in his/her behalf to defend him/her, that he/she may have a maximum of three character witnesses appear in his/her behalf; and~~

~~((f))~~ Inform the student that failure to appear ((at either of the appointed times at the dean of student's office or at the hearing)) may subject the student to ((suspension from the institution for a stated or indefinite period of time)) any sanction authorized by this code.

(3) MEETING WITH THE DEAN OF ((STUDENTS)) EDUCATIONAL SERVICES.

(a) At the meeting with the dean of ~~((students))~~ educational services the student shall be informed of provisions of the code of student rights and responsibilities that are involved, that the student may appeal any sanction imposed by the dean of ~~((students))~~ educational services, and that if a hearing is required ~~((the student may have that hearing open to the public. If the student requests a formal hearing, the dean of students shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the formal hearing))~~ it may be open to the public at the chairperson's discretion, if requested by the student. If the student requests a formal hearing, the dean of educational services shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the formal hearing.

(b) After considering the evidence in the case and interviewing the student or students involved, the dean of ~~((students))~~ educational services may take any of the following actions:

~~((i))~~ Terminate the proceedings exonerating the student or students; or

~~((ii))~~ Dismiss the case after whatever counseling and advice may be appropriate; or

~~((iii))~~ Impose minor sanctions directly (warning, reprimand, fine, restitution, disciplinary probation) subject to the student's right of appeal described below; or

~~((iv))~~ Refer the matter to the student hearing committee for a recommendation to the campus president/district president or designee as to appropriate action; or

~~((v))~~ Recommend to the campus president/district president or designee that the student be suspended. The student shall immediately be notified in writing of such recommendation and of the right to a hearing before the student hearing committee prior to the campus president/district president's or designee's final decision.

(c) A student accused of violating any provision of the code of student rights and responsibilities shall be given immediate notification of any disciplinary action taken by the dean of students or designated representative.) Impose any sanction; exonerate a student or students; refer the case to the student services committee with or without a recommendation; or dismiss the case (after whatever counseling or advice may be appropriate.)

(c) Dean's decision - notice: The student shall receive written notice of the dean's decision, as well as a summary of the evidence and notice of the right to appeal within ten days to the student services committee.

(d) ~~((No))~~ Disciplinary action taken by or at the recommendation of the dean of ~~((students))~~ educational services or ~~((designated representative))~~ designee is final unless the student ~~((fails to exercise the right of appeal as provided for in these rules. The campus president/district president or designee after reviewing the case, including any statement the student may file with the campus president/district president or designee, shall either give written approval of the action taken by or at the recommendation of the dean of students, or give written direction as to what lesser disciplinary action, if any, is to be taken))~~ appeals.

(4) STUDENT SERVICES COMMITTEE. A standing committee composed of eight members: Two administrators chosen by the president; two faculty members chosen by the faculty representative; two students chosen by the student senate; and two classified employees chosen by the classified representative. The committee shall select a chairperson from their membership and make decisions according to a majority vote.

(5) HEARING PROCEDURES.

(a) The student services committee will hear, de novo, and make recommendations to the college president or designee on all disciplinary cases appealed to the committee by the student or referred to it by the dean of educational services or designee. Recommendations involving suspension, dismissal, or expulsion will be referred to the college president or designee.

(b) The student may be represented by counsel of the student's own choosing provided that the student shall bear the cost and shall tender three days' notice thereof to the dean of educational services.

(c) The college may be represented by the dean of educational services or designee, including an assistant attorney general.

(d) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts the hearing or who fails to adhere to the rulings of the chairperson or committee advisor may be excluded from the proceedings.

(e) Hearings will be closed to the public, except for the dean and/or designee; immediate members of the student's family; and the student's representative. An open hearing may be held, at the discretion of the chairperson, if requested by the student. All parties, the witnesses, and the public shall be excluded during committee deliberations.

(f) The student may: Question witnesses; bring an advocate to defend him/her, including legal counsel; and have a maximum of three character witnesses appear on the student's behalf.

(g) The burden of proof shall be on the dean or designee, who must establish the guilt of the student by preponderance of the evidence.

(h) Formal rules of evidence and procedures shall not be applicable to disciplinary proceedings conducted pursuant to this code. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(i) The dean may appoint a special presiding officer to the committee in complex cases or in any case in which the respondent is represented by legal counsel. Special presiding officers may participate in committee deliberations but shall not vote.

(j) Final decisions of the student services committee shall be by majority vote of the members present and voting. A tie vote will result in an affirmation of the original decision.

(k) Final decisions of the committee, including findings of fact or reasons for the decision, shall be accompanied by a brief written opinion which will be delivered to the student personally or by registered or certified mail to the student's last known address.

(l) In order that a complete record of the proceedings, including all evidence presented, can be made, hearings may be tape recorded or transcribed. If a recording or transcription is made, a copy thereof shall be on file at the office of the dean of educational services. If a recording or transcription is not made, the decision of the committee, president, or designee should include a summary of the testimony and should be sufficiently detailed to permit appellate review.

(6) APPEALS. All appeals by a student must be made in writing and presented to the dean or designee within ten calendar days after the student has been notified of the action from which he/she has the right to appeal. Appeals contesting the dean's decision to suspend, dismiss or expel or appeals contesting disciplinary recommendations by the student services committee may be taken to the college president. Appeals contesting disciplinary recommendations by the college president may only be taken to the Community College District Twelve board of trustees whose decision is final.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-060 ~~((DISCIPLINARY))~~ SANCTIONS. The following definitions of disciplinary terms have been established and shall be the sanctions imposed upon violators of the code of student rights and responsibilities:

(1) ~~((Warning))~~ WARNING. Notice to a student, either verbally or in writing, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) ~~((Reprimand))~~ REPRIMAND. Formal action censuring a student for violation of the college rules or regulations or for failure to meet the college's standards of conduct. Reprimands shall be made in writing to the student by the officer or agency taking action, with copies filed in the office of the dean of ~~((students))~~ educational services. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(3) ~~((Fines. The dean of students and/or the student hearing committee may assess monetary fines up to a maximum of twenty-five dollars against individual students for violation of college rules and regulations or for failure to meet the college's standards of conduct. Failure to pay such fines within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section provided that a student may be reinstated upon payment of the fine.~~

~~((4) Restitution))~~ RESTITUTION. An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection ~~((6))~~ (5) of this section provided that a student may be reinstated upon payment.

~~((5) Disciplinary probation))~~ (4) DISCIPLINARY PROBATION. Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or ~~((other))~~ the failure to meet the college standards of conduct. The office or agency placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in ~~((extra-curricular))~~ extracurricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation may be for a specified ~~((term or for an indefinite))~~ period which may extend to graduation or other termination of the student's enrollment in the college.

~~((6) Suspension))~~ (5) SUSPENSION/DISMISSAL. Temporary ~~((or)),~~ indefinite, or permanent dismissal from the college ~~((and termination of the student status))~~ of a student for violation of college rules ~~((or))~~ and regulations ~~((or for failure to meet the college standards of conduct))~~. The notification suspending/dismissing a student will indicate, in writing, the term of the suspension, if applicable, and any special conditions which must be met before readmission. Copies of the notification shall be kept on file in the office of the dean of educational services and in the student's official educational record.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.

Students who are suspended ~~((on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district;))~~ or dismissed from the college may be denied access to all or any part of the campus or other facility during the duration of the period of suspension.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-22-070 READMISSION AFTER SUSPENSION. Any student suspended from the college for disciplinary reasons may

be readmitted upon expiration of the time period for which the suspension was issued. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the dean of ~~((students))~~ educational services. Such petitions must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petitions must be reviewed and approved by the ~~((campus))~~ college president ~~((/district president))~~ or designee, or by the board of trustees in those cases in which it made the final disciplinary action decision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132L-22-010 PURPOSE OF DISCIPLINARY ACTIONS.
 WAC 132L-22-030 APPEALS.
 WAC 132L-22-040 STUDENT HEARING COMMITTEE.
 WAC 132L-22-050 FINAL DECISION REGARDING DISCIPLINARY SANCTION.

Chapter 132L-24 WAC CENTRALIA COLLEGE SUMMARY SUSPENSION RULES

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-010 ~~((INITIATION OF))~~ SUMMARY SUSPENSION ~~((PROCEEDINGS))~~ PROCEDURES. The ~~((campus president))~~ dean of educational services or designee may suspend any student of the college for not more than ten academic calendar days pending investigation, action or prosecution on charges of an alleged ~~((code of student rights and responsibilities))~~ violation or violations of college policy, and if the ~~((campus president or designee))~~ dean of educational services has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property ~~((command))~~ requires such suspension.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-020 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the period of summary suspension, the suspended student shall not enter ~~((any))~~ the campus of ~~((District 12))~~ the college or facility under the operation of the college other than to meet with the dean of ~~((students))~~ educational services or to attend the hearing. However, the dean of ~~((students))~~ educational services may grant the student special permission to enter ~~((a))~~ the campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-030 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) If the ~~((campus president))~~ dean of educational services or designee ~~((desires))~~ finds it necessary to exercise the authority to summarily suspend a student, ~~((the campus president))~~ he/she shall ~~((cause))~~ give the student notice ~~((thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student:~~

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

- (a) The charges against the student including reference to the provisions of the code of student rights and responsibilities involved; and
 (b) That the student charged must appear before the dean of students at a time specified in the notice), orally or in writing, stating: The time, date, place, and nature of the alleged misconduct; the evidence in support of the charge(s); the corrective action or punishment which may be imposed against the student; that anything the student says to the dean may be used against the student; and that the student may either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the dean of educational services, a written request for a hearing by

the student services committee. If the request is not filed within the prescribed time, it will be deemed as waived.

(2) Appeal and hearing: If oral notice is given, it shall be followed by a written notice within forty-eight hours or two working days. The hearing shall be accomplished according to the procedures set forth in WAC 132L-22-010. Failure by the student to appear at the hearing with the student services committee shall result in the dean of educational services suspending the student from the college.

(3) Nothing herein shall prevent faculty members from taking reasonable summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students or of college property or where the student's conduct materially and substantially disrupts the educational process.

(a) Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days.

(b) Any summary action taken by faculty members may be appealed to the dean of educational services pursuant to appeal procedures set forth in WAC 132L-22-010(6).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132L-24-040 PROCEDURES OF SUMMARY SUSPENSION HEARING.
 WAC 132L-24-050 DECISION BY THE DEAN OF STUDENTS.
 WAC 132L-24-060 NOTICE OF SUMMARY SUSPENSION.
 WAC 132L-24-070 SUSPENSION FOR FAILURE TO APPEAR.
 WAC 132L-24-080 APPEAL.

Chapter 132L-25 WAC EMERGENCY PROCEDURES

WAC

- 132L-25-010 Emergency procedures.

NEW SECTION

WAC 132L-25-010 EMERGENCY PROCEDURES. In the event of activities which interfere with the orderly operation of the college, the dean of educational services or the college president shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.

(3) If they do not respond within a reasonable time, call the civil authorities.

WSR 87-14-024 EMERGENCY RULES CENTRALIA COLLEGE [Order 87-5—Filed June 25, 1987]

Be it resolved by the board of trustees of Centralia College, Community College District 12, acting at 2011 Mottman Road S.W., Olympia, WA 98502, that it does adopt the annexed rules relating to the amendment of the following sections of chapter 132L-20 WAC, student rights and responsibilities, WAC 132L-20-010, 132L-20-030, 132L-20-050, 132L-20-070, 132L-20-080, 132L-20-090 and 132L-20-140; adding new section WAC 132L-20-135; and repealing WAC 132L-20-020, 132L-20-040, 132L-20-060, 132L-20-100,

132L-20-110, 132L-20-120, 132L-20-150, 132L-20-160 and 132L-20-170. Also rules relating to amendment of the following sections of chapter 132L-22 WAC, code procedures, WAC 132L-22-020, 132L-22-060 and 132L-22-070; and repealing WAC 132L-22-010, 132L-22-030, 132L-22-040 and 132L-22-050. Rules related to the amendment of the following sections of chapter 132L-24 WAC, summary suspension rules, WAC 132L-24-010, 132L-24-020 and 132L-24-030; and repealing WAC 132L-24-040, 132L-24-050, 132L-24-060, 132L-24-070 and 132L-24-080. Adopting new chapter 132L-25 WAC, emergency procedures.

We, the board of trustees of Community College District 12, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these emergency rules/amendments and repealers are necessary to continuing to define the rights and responsibilities of students attending Centralia College.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of Centralia College, Community College District 12, as authorized in RCW 28B.50.140.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 11, 1987.

By Case Doelman
Chairman of the
Board of Trustees

Chapter 132L-20 WAC

CENTRALIA COLLEGE STUDENT RIGHTS AND RESPONSIBILITIES

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

~~WAC 132L-20-010 PREAMBLE. ((Centralia College and Olympia Technical Community College are dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of Centralia College and Olympia Technical Community College are joined in voluntary association in an educational community.~~

~~The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity. In addition, students, as members of the college community are in the unique position of being citizens of~~

~~two communities, subject to the regulations imposed by both and accountable to both.~~

~~Centralia College and Olympia Technical Community College expect that students will respect the laws of the greater society. As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility for assisting students in gaining an understanding of the law and its function, and the responsibilities imposed upon each individual in a democratic society to respect and support the legal structure which protects the individual and the society. As a functioning organization, it also has the responsibility to develop a set of regulations to assure the orderly conduct of the affairs of the college.~~

~~Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community and will not interfere with legitimate college affairs.~~

~~An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights and responsibilities in this document are critical ingredients in the free, creative, and spirited educational environment to which the students, faculty and staff of Centralia College and Olympia Technical Community College are committed:)) Unless otherwise limited by this chapter, students have the same fundamental rights as all citizens. These rules shall be liberally construed to eliminate procedural impediments to discipline.~~

AMENDATORY SECTION (Amending Order 71-11, filed 2/17/71)

~~WAC 132L-20-030 JURISDICTION. ((†) AH)) These rules ((herein adopted shall)) apply to ((every student whenever said student is present upon or in any college facility and whenever said student is present at or)) students engaged in or present at any ((college sponsored)) on-campus or off-campus college-related activity ((or function which is held on or in noncollege facilities not open to attendance by the general public)).~~

~~((2) Faculty members, other college employees, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the public and/or appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's tenure rules and regulations)) A student's off-campus conduct may be considered in determining discipline.~~

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

~~WAC 132L-20-050 RIGHT TO DEMAND IDENTIFICATION. ((†) For the purpose of determining identity of a person as a student any faculty~~

~~member or other)) College personnel ((authorized by the campus president)) may demand that any person on college facilities produce evidence of student enrollment ((at the college. Tender of the student identification card will satisfy this requirement)).~~

~~((2) Refusal by a student to produce identification as required shall subject the student to disciplinary action:))~~

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

~~WAC 132L-20-070 FREEDOM OF ((EXPRESSION)) ASSOCIATION AND ORGANIZATION. ((Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.~~

~~Concomitantly, while supporting the rights of students and other members of the college community, the college recognizes the responsibility to maintain an atmosphere on campus conducive to a sound educational endeavor.~~

~~To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations are conducted in an orderly manner, do not interfere with vehicular or pedestrian traffic, do not interfere with processes of the college and are not held in or on facilities where college functions are in progress.)) Students are free to organize and join associations to promote any legal purpose.~~

~~Student organizations must be granted a charter by the Associated Students of Centralia College senate before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the Associated Students of Centralia College senate a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of college personnel who has agreed to serve as advisor. All chartered student organizations must also submit to the Associated Students of Centralia College senate a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.~~

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

~~WAC 132L-20-080 ((FREEDOM OF ASSOCIATION AND ORGANIZATION)) PROHIBITIONS. ((Students bring to the campus a variety of interests previously acquired and develop many new interests as~~

~~members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational, or social.~~

~~Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a faculty member who has agreed to serve as advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin, except for religious qualification which may be required by organizations whose aims are primarily sectarian, or for other reasonable justifications which are directly related to the purposes of the organization. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.)) Any student shall be subject to disciplinary action who, either as a principal actor or aider or abettor commits any of the following which are hereby prohibited:~~

~~(1) ABUSIVE CONDUCT. Physical and/or verbal abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions including: Assault and battery; harassment; or hazing.~~

~~(2) DESTROYING OR DAMAGING PROPERTY. Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.~~

~~(3) DISHONESTY. All forms of dishonesty including: Cheating; plagiarism; knowingly furnishing false information to the college, intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency, on college premises or at any college-sponsored activity; forgery; any alteration or use of college documents or instruments of identification with intent to defraud.~~

~~(4) DISORDERLY CONDUCT. Materially and substantially interfering with the personal rights or privileges of others or the educational process of the college.~~

~~(5) DRUGS. Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.~~

~~(6) INCITING OTHERS. Any student who intentionally incites others to engage in any prohibited conduct as defined herein, which incitement directly leads to such conduct. Inciting is the advocacy which prepares the group or individual addressed for immediate action and compels that individual or group to engage in the prohibited conduct.~~

(7) INSUBORDINATION. Failure to comply with lawful directions of college personnel acting in performance of their lawful duties.

(8) LIQUOR. Possessing, consuming, or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

(9) THEFT/CONVERSION. Theft or conversion of college property or private property.

(10) TRESPASS/UNAUTHORIZED PRESENCE. Entering or remaining unlawfully, as defined by state law including computer trespass as defined in RCW 9A.52.010 through 9A.52.130, or using college premises, facilities, or property, without authority.

(11) UNAUTHORIZED USE OF SUPPLIES AND EQUIPMENT. Using, possessing, furnishing, or selling college supplies or equipment without authority.

(12) WEAPONS, FIREARMS, EXPLOSIVES, AND DANGEROUS CHEMICALS. Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities (as defined in RCW 9A.1.010(3) and 9A.1.250) on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean of educational services, or any other person designated by the college president.

(13) OTHER VIOLATIONS. Students may be accountable to both civil authorities and to the college for acts which constitute violations of federal, state, or local law as well as college rules and policy.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-090 STUDENT ((PARTICIPATION IN COLLEGE GOVERNANCE)) RECORDS. ((As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASCC or ASOTCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.)) In compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g and its implementing regulations, 45 CFR § 99), this policy has been created to insure continued confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) EDUCATION RECORDS. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Centralia College these are:

(a) Records pertaining to admission, advisement, registration, grading, and progress to a degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the cashier.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office or the athletics office.

(2) ACCESS TO EDUCATION RECORDS. Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired. (Charges for reproduced copies of education records are found in the current catalog.)

(3) DIRECTORY INFORMATION. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) DISCLOSURE FROM EDUCATION RECORDS. In addition to "directory information" the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the Associated Students of Centralia College senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organization, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than "directory information" and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally

identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosures to other parties listed in (a) through (f) of this subsection.

(5) CHALLENGE OF EDUCATION RECORDS. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy or other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing by the student services committee through a written request to the registrar. Should the student services committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and
Privacy Act Office (FERPA)
Department of Health, Education,
and Welfare
330 Independence Avenue S.W.
Washington, D.C. 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

NEW SECTION

WAC 132L-20-135 HANDICAPPED STUDENTS. Prospective students who are handicapped and who are eligible for department of social and health services division of vocational rehabilitation (DVR) funding and in need of auxiliary aids, are asked to give the college six weeks notice prior to enrolling in order to allow the student to arrange funding with DVR.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-20-140 USE OF COLLEGE FACILITIES. ((Any)) In accordance with state board for community college education regulations, any recognized ((ASCC or ASOTCC)) Associated Students of Centralia College organization may request ((approval from the director of student programs to utilize)) use of

available college facilities for authorized activities ((as provided for in official ASCC or ASOTCC documents)). Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

((Student organizations should schedule facility use requests with the director of student programs at least three academic calendar days in advance of an event whenever possible.))

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132L-20-020 DEFINITIONS.
WAC 132L-20-040 AUTHORITY TO PROHIBIT TRESPASS.
WAC 132L-20-060 FREEDOM OF ACCESS TO HIGHER EDUCATION.
WAC 132L-20-100 STUDENT RECORDS.
WAC 132L-20-110 STUDENT PUBLICATIONS.
WAC 132L-20-120 DISTRIBUTION AND POSTING OF MATERIALS.
WAC 132L-20-150 NONCOLLEGE SPEAKER POLICY.
WAC 132L-20-160 VIOLATIONS.
WAC 132L-20-170 EMERGENCY PROCEDURES.

Chapter 132L-22 WAC
CENTRALIA COLLEGE
CODE PROCEDURES

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-22-020 ((INITIAL PROCEEDINGS)) NONACADEMIC DISCIPLINARY PROCEDURES. (1) ((Initiation of prosecution. Students, faculty members, administrators and other employees of the district shall have concurrent authority to report violations which will be acted upon by the dean of students. All disciplinary proceedings will be initiated by the dean of students or designated representative)) INITIATION OF DISCIPLINARY ACTION. Anyone may report, orally or in writing, violations to the dean of educational services, or designee, who may initiate disciplinary action.

(2) NOTICE ((requirements)). Any student charged ((in a report filed pursuant to WAC 132L-22-020, subsection (1);)) with a violation ((of the code of student rights and responsibilities)) shall ((be notified by the dean of students or designated representative within two academic calendar days after the filing of such a report. The)) receive written notice delivered to the student personally or by registered or certified mail to the student's last known address no later than two weeks after a reported violation. This notice shall not be ineffective

if presented later due to the student's absence. ((Such))
The notice shall contain:

(a) ~~((Inform the student that a report has been filed alleging that the student violated specific provisions of the code and the date of the violation, and))~~ The time, date, place, and nature of the alleged misconduct;

(b) ~~Set forth those specific provisions allegedly violated; ((and))~~

(c) ~~((Specify the exact))~~ The time and date the student is required to meet with the dean of ((students; and)) educational services or designee;

(d) ~~((Specify the exact time, date, and location of the formal hearing, if one is required, and))~~ That anything the student says at the meeting with the dean or designee may be used against the student;

(e) ~~((Inform the student that he/she may question witnesses, that he/she may have anyone appear in his/her behalf to defend him/her, that he/she may have a maximum of three character witnesses appear in his/her behalf, and~~

(f)) ~~Inform the student that failure to appear ((at either of the appointed times at the dean of student's office or at the hearing)) may subject the student to ((suspension from the institution for a stated or indefinite period of time)) any sanction authorized by this code.~~

(3) MEETING WITH THE DEAN OF ((STU- DENTS)) EDUCATIONAL SERVICES.

(a) ~~At the meeting with the dean of ((students)) educational services the student shall be informed of provisions of the code of student rights and responsibilities that are involved, that the student may appeal any sanction imposed by the dean of ((students)) educational services, and that if a hearing is required ((the student may have that hearing open to the public. If the student requests a formal hearing, the dean of students shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the formal hearing)) it may be open to the public at the chairperson's discretion, if requested by the student. If the student requests a formal hearing, the dean of educational services shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the formal hearing.~~

(b) ~~After considering the evidence in the case and interviewing the student or students involved, the dean of ((students)) educational services may take any of the following actions:~~

~~((i) Terminate the proceedings exonerating the student or students, or~~

~~(ii) Dismiss the case after whatever counseling and advice may be appropriate, or~~

~~(iii) Impose minor sanctions directly (warning, reprimand, fine, restitution, disciplinary probation) subject to the student's right of appeal described below, or~~

~~(iv) Refer the matter to the student hearing committee for a recommendation to the campus president/district president or designee as to appropriate action; or~~

~~(v) Recommend to the campus president/district president or designee that the student be suspended. The~~

~~student shall immediately be notified in writing of such recommendation and of the right to a hearing before the student hearing committee prior to the campus president/district president's or designee's final decision.~~

~~(c) A student accused of violating any provision of the code of student rights and responsibilities shall be given immediate notification of any disciplinary action taken by the dean of students or designated representative)) Impose any sanction; exonerate a student or students; refer the case to the student services committee with or without a recommendation; or dismiss the case (after whatever counseling or advice may be appropriate.)~~

~~(c) Dean's decision - notice: The student shall receive written notice of the dean's decision, as well as a summary of the evidence and notice of the right to appeal within ten days to the student services committee.~~

~~(d) ((No)) Disciplinary action taken by or at the recommendation of the dean of ((students)) educational services or ((designated representative)) designee is final unless the student ((fails to exercise the right of appeal as provided for in these rules. The campus president/district president or designee after reviewing the case, including any statement the student may file with the campus president/district president or designee, shall either give written approval of the action taken by or at the recommendation of the dean of students, or give written direction as to what lesser disciplinary action, if any, is to be taken)) appeals.~~

~~(4) STUDENT SERVICES COMMITTEE. A standing committee composed of eight members: Two administrators chosen by the president; two faculty members chosen by the faculty representative; two students chosen by the student senate, and two classified employees chosen by the classified representative. The committee shall select a chairperson from their membership and make decisions according to a majority vote.~~

(5) HEARING PROCEDURES.

~~(a) The student services committee will hear, de novo, and make recommendations to the college president or designee on all disciplinary cases appealed to the committee by the student or referred to it by the dean of educational services or designee. Recommendations involving suspension, dismissal, or expulsion will be referred to the college president or designee.~~

~~(b) The student may be represented by counsel of the student's own choosing provided that the student shall bear the cost and shall tender three days' notice thereof to the dean of educational services.~~

~~(c) The college may be represented by the dean of educational services or designee, including an assistant attorney general.~~

~~(d) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts the hearing or who fails to adhere to the rulings of the chairperson or committee advisor may be excluded from the proceedings.~~

~~(e) Hearings will be closed to the public, except for the dean and/or designee; immediate members of the student's family, and the student's representative. An~~

open hearing may be held, at the discretion of the chairperson, if requested by the student. All parties, the witnesses, and the public shall be excluded during committee deliberations.

(f) The student may: Question witnesses, bring an advocate to defend him/her, including legal counsel, and have a maximum of three character witnesses appear on the student's behalf.

(g) The burden of proof shall be on the dean or designee, who must establish the guilt of the student by preponderance of the evidence.

(h) Formal rules of evidence and procedures shall not be applicable to disciplinary proceedings conducted pursuant to this code. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(i) The dean may appoint a special presiding officer to the committee in complex cases or in any case in which the respondent is represented by legal counsel. Special presiding officers may participate in committee deliberations but shall not vote.

(j) Final decisions of the student services committee shall be by majority vote of the members present and voting. A tie vote will result in an affirmation of the original decision.

(k) Final decisions of the committee, including findings of fact or reasons for the decision, shall be accompanied by a brief written opinion which will be delivered to the student personally or by registered or certified mail to the student's last known address.

(l) In order that a complete record of the proceedings, including all evidence presented, can be made, hearings may be tape recorded or transcribed. If a recording or transcription is made, a copy thereof shall be on file at the office of the dean of educational services. If a recording or transcription is not made, the decision of the committee, president, or designee should include a summary of the testimony and should be sufficiently detailed to permit appellate review.

(6) APPEALS. All appeals by a student must be made in writing and presented to the dean or designee within ten calendar days after the student has been notified of the action from which he/she has the right to appeal. Appeals contesting the dean's decision to suspend, dismiss or expel or appeals contesting disciplinary recommendations by the student services committee may be taken to the college president. Appeals contesting disciplinary recommendations by the college president may only be taken to the Community College District Twelve board of trustees whose decision is final.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-060 ((DISCIPLINARY)) SANCTIONS. The following definitions of disciplinary terms have been established and shall be the sanctions imposed upon violators of the code of student rights and responsibilities:

(1) ((Warning)) WARNING. Notice to a student, either verbally or in writing, that the student has been in

violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) ((Reprimand)) REPRIMAND. Formal action censuring a student for violation of the college rules or regulations or for failure to meet the college's standards of conduct. Reprimands shall be made in writing to the student by the officer or agency taking action, with copies filed in the office of the dean of ((students)) educational services. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(3) ((Fines. The dean of students and/or the student hearing committee may assess monetary fines up to a maximum of twenty-five dollars against individual students for violation of college rules and regulations or for failure to meet the college's standards of conduct. Failure to pay such fines within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section provided that a student may be reinstated upon payment of the fine.

(4) Restitution)) RESTITUTION. An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection ((6)) (5) of this section provided that a student may be reinstated upon payment.

((5) Disciplinary probation)) (4) DISCIPLINARY PROBATION. Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or ((other)) the failure to meet the college standards of conduct. The office or agency placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in ((extra-curricular)) extracurricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation may be for a specified ((term or for an indefinite)) period which may extend to graduation or other termination of the student's enrollment in the college.

((6) Suspension)) (5) SUSPENSION/DISMISSAL. Temporary ((or)), indefinite, or permanent dismissal from the college ((and termination of the student status)) of a student for violation of college rules ((or)) and regulations ((or for failure to meet the college standards of conduct)). The notification suspending/dismissing a student will indicate, in writing, the term of the suspension, if applicable, and any special conditions which must be met before readmission. Copies of the notification shall be kept on file in the office of the dean of educational services and in the student's official educational record.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.

Students who are suspended ((on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district,)) or dismissed from the college may be denied access to all or any part of the campus or other facility during the duration of the period of suspension.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-22-070 READMISSION AFTER SUSPENSION. Any student suspended from the college for disciplinary reasons may be readmitted upon expiration of the time period for which the suspension was issued. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the dean of ((students)) educational services. Such petitions must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petitions must be reviewed and approved by the ((campus)) college president((/district president)) or designee, or by the board of trustees in those cases in which it made the final disciplinary action decision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132L-22-010 PURPOSE OF DISCIPLINARY ACTIONS.

WAC 132L-22-030 APPEALS.

WAC 132L-22-040 STUDENT HEARING COMMITTEE.

WAC 132L-22-050 FINAL DECISION REGARDING DISCIPLINARY SANCTION.

Chapter 132L-24 WAC
CENTRALIA COLLEGE
SUMMARY SUSPENSION RULES

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-010 ((INITIATION OF)) SUMMARY SUSPENSION ((PROCEEDINGS)) PROCEDURE. The ((campus president)) dean of educational services or designee may suspend any student of the college for not more than ten academic calendar days pending investigation, action or prosecution on charges of an alleged ((code of student rights and responsibilities)) violation or violations of college policy, and if the ((campus president or designee)) dean of educational services has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property ((command)) requires such suspension.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-020 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the period of summary suspension, the suspended student shall not enter ((any)) the campus of ((District 12)) the college or facility under the operation of the college other than to meet with the dean of ((students)) educational services or to attend the hearing. However, the dean of ((students)) educational services may grant the student special permission to enter ((a)) the campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

AMENDATORY SECTION (Amending Resolution No. 80-9, filed 3/7/80)

WAC 132L-24-030 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) If the ((campus president)) dean of educational services or designee ((desires)) finds it necessary to exercise the authority to summarily suspend a student, ((the campus president)) he/she shall ((cause)) give the student notice ((thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the code of student rights and responsibilities involved, and

(b) That the student charged must appear before the dean of students at a time specified in the notice), orally or in writing, stating: The time, date, place, and nature of the alleged misconduct; the evidence in support of the charge(s); the corrective action or punishment which may be imposed against the student; that anything the student says to the dean may be used against the student; and that the student may either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the dean of educational services, a written request for a hearing by the student services committee. If the request is not filed within the prescribed time, it will be deemed as waived.

(2) Appeal and hearing: If oral notice is given, it shall be followed by a written notice within forty-eight hours or two working days. The hearing shall be accomplished according to the procedures set forth in WAC 132L-22-010. Failure by the student to appear at the hearing with the student services committee shall result in the dean of educational services suspending the student from the college.

(3) Nothing herein shall prevent faculty members from taking reasonable summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students or of college property or where the student's conduct materially and substantially disrupts the educational process.

(a) Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days.

(b) Any summary action taken by faculty members may be appealed to the dean of educational services pursuant to appeal procedures set forth in WAC 132L-22-010(6).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132L-24-040 PROCEDURES OF SUMMARY SUSPENSION HEARING.
- WAC 132L-24-050 DECISION BY THE DEAN OF STUDENTS.
- WAC 132L-24-060 NOTICE OF SUMMARY SUSPENSION.
- WAC 132L-24-070 SUSPENSION FOR FAILURE TO APPEAR.
- WAC 132L-24-080 APPEAL.

Chapter 132L-25 WAC
EMERGENCY PROCEDURES

WAC

132L-25-010 Emergency procedures.

NEW SECTION

WAC 132L-25-010 EMERGENCY PROCEDURES. In the event of activities which interfere with the orderly operation of the college, the dean of educational services or the college president shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

- (1) Inform those involved in such activities that they are in violation of college and/or civil regulations.
- (2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.
- (3) If they do not respond within a reasonable time, call the civil authorities.

WSR 87-14-025
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-60—Filed June 26, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting

the emergency is harvestable numbers of sockeye salmon are available. These rules are adopted pursuant to recommendation of the Columbia River Compact Commission.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 26, 1987.

By Ray Ryan
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100J SEASONS—SALMON ABOVE BONNEVILLE DAM. Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish, using 4 1/2 inch maximum mesh from:

Immediately to 6:00 p.m. June 27, 1987.

12:00 noon June 29 to 12:00 noon July 2, 1987.

It is lawful to sell sockeye salmon, chinook salmon, shad, and sturgeon taken in this fishery.

During the fishery provided for in this section the restriction zone at the mouth of Spring Hatchery is open.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100I SEASONS—SALMOM ABOVE BONNEVILLE DAM. (87-58)

Reviser's note: Errors of punctuation or spelling in the above repealer occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 87-14-026
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2505—Filed June 26, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Alcoholism and Drug Addiction Treatment and Support Act (ADATSA), amending chapter 388-40 WAC.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the

public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement ADATSA as set forth in chapter 406, Laws of 1987, SHB 646. Beginning July 26, 1987, indigent persons who are unemployable due to alcoholism or drug addiction will no longer be eligible for general assistance. ADATSA must be implemented on an emergency basis to ensure a continuum of services for this population.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 406, Laws of 1987, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 16, 1987.

By Leslie F. James, Director
Administrative Services

Chapter 388-40 WAC

ALCOHOLISM AND DRUG ADDICTION DETOXIFICATION, TREATMENT AND SUPPORT PROGRAMS

WAC

388-40-010	<u>Alcoholism detoxification program—Eligible persons.</u>
388-40-020	Alcoholism and Drug Addiction Treatment and Support Act (ADATSA)—Program description.
388-40-030	ADATSA services.
388-40-040	Financial eligibility requirements.
388-40-050	Medical eligibility requirements.
388-40-060	Eligibility determination and review—Timeframes.
388-40-070	SSI referral requirements.
388-40-080	ADATSA assessment centers—Role.
388-40-090	ADATSA treatment modalities—Description of services, requirements, and limitations.
388-40-100	ADATSA shelter services.

AMENDATORY SECTION (Amending Order 1884, filed 9/29/82)

WAC 388-40-010 ALCOHOLISM DETOXIFICATION PROGRAM—ELIGIBLE PERSONS. (1) *Persons eligible for three-day detoxification services for acute alcoholic condition shall be:*

(a) *All grant, medical, and supplemental security income (SSI) beneficiaries; and*

(b) *Individuals whose combined nonexempt income and/or resources do not exceed the aid to families with dependent children (AFDC) payment standards, and*

who have not transferred resources within two years prior to the date of application without having received adequate consideration according to the provisions of WAC 388-28-461.

(2) *The following resources shall be exempt for the alcoholism detoxification program:*

(a) *A home.*

(b) *Household furnishings and personal clothing essential for daily living.*

(c) *Other personal property used to reduce need for assistance or for rehabilitation.*

(d) *A used and useful automobile.*

(3) *The following resources are not exempt:*

Cash, marketable securities and any other resource not specifically exempted that can be converted to cash.

(4) *The following shall be deducted or exempted from income:*

(a) *Mandatory deductions of employment.*

(b) *Total income and resources of a noninstitutionalized SSI beneficiary.*

(c) *Support payments paid under a court order.*

(d) *Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs if failure to make such payments would result in garnishment of wages or loss of employment.*

(5) *Recipients receiving detoxification services shall not be required to incur a deductible as a factor of eligibility for the covered period of detoxification.*

(6)(a) *Eligibility for the alcoholism detoxification program shall be determined on the basis of information shown on the department's application forms.*

(b) *Supplemental forms, verification procedures, and/or face-to-face interviews shall be required only in cases where there is a specific reason for requiring further verification of eligibility.*

(7) *When the department is notified within ten working days of the date detoxification began, certification shall cover this period if all eligibility factors have been met.*

(8) *The effective period of eligibility shall be continued from the date detoxification treatment began through the end of the month in which the three-day treatment was completed.*

(9) *Services must meet the following criteria to be paid through the alcoholism detoxification program:*

(a) *Such services must be directly related to detoxification, and*

(b) *Such services must be performed in a certified detoxification center or a general hospital with certified detoxification facilities.*

NEW SECTION

WAC 388-40-020 ALCOHOLISM AND DRUG ADDICTION TREATMENT AND SUPPORT ACT (ADATSA)—PROGRAM DESCRIPTION. (1) *The Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) is a legislative enactment which provides state-financed treatment and support to indigent alcoholics and drug addicts.*

(2) *The purpose of ADATSA is to assist in the rehabilitation of those alcoholics and drug addicts who can*

benefit from available community treatment programs, and to provide a minimal but safe and humane level of subsistence for those who cannot.

NEW SECTION

WAC 388-40-030 ADATSA SERVICES. (1) Persons who qualify for the ADATSA program shall be eligible for:

- (a) A continuum of alcohol/drug treatment services and support as described in WAC 388-40-090, or
- (b) Shelter services as described in WAC 388-40-100.

(2) Recipients of ADATSA are eligible for medical care services as described in WAC 388-86-120.

NEW SECTION

WAC 388-40-040 FINANCIAL ELIGIBILITY REQUIREMENTS. An applicant/recipient of ADATSA shall:

- (1) Be at least eighteen years of age,
- (2) Be a resident of the state of Washington as defined in WAC 388-26-055 and either a United States citizen or alien who:
 - (a) Is lawfully admitted for permanent residence; or
 - (b) Is otherwise permanently residing in the United States under color of law; or
 - (c) Has been granted temporary residency status under the Immigration Reform and Control Act.
- (3) Furnish the department with his or her Social Security number. If the applicant cannot furnish a Social Security number because it has not been issued or is not known, he or she shall apply for a number prior to authorization of assistance, and shall provide the Social Security number to the department upon receipt.
- (4) Meet the same income and resource eligibility requirements as for the general assistance-unemployable (GA-U) program. The department shall exempt the first eighty-five dollars plus one-half of the remainder of total gross monthly earned income in determining eligibility and the amount of assistance for ADATSA.

NEW SECTION

WAC 388-40-050 MEDICAL ELIGIBILITY REQUIREMENTS. (1) If otherwise eligible, ADATSA assistance shall be granted to alcoholics and drug addicts whose chemical dependency is severe enough to render them incapable of gainful employment.

(2) Incapacity based on alcoholism or drug addiction shall be determined by a department designated chemical dependency assessment center. The assessment center is the department's sole source of medical evidence required for the diagnosis and evaluation of alcoholism/drug addiction and its effects on employability.

(a) The department shall require such an assessment in writing for all ADATSA applicants.

(b) The costs of assessments needed to determine eligibility shall be paid for by the department.

NEW SECTION

WAC 388-40-060 ELIGIBILITY DETERMINATION AND REVIEW—TIMEFRAMES. The department shall:

(1) Make a decision confirming or denying eligibility for ADATSA within forty-five days of the date of application, except in circumstances beyond the control of the agency such as failure or delay in securing necessary information or documentation on the part of the applicant.

(2) Redetermine incapacity and financial and medical eligibility for ADATSA at least every six months except that those recipients who are receiving only shelter services may have their incapacity reviewed yearly.

NEW SECTION

WAC 388-40-070 SSI REFERRAL REQUIREMENTS. (1) Any applicant or recipient whom the department determines may be potentially eligible for supplemental security income (SSI) must:

- (a) Make application for SSI, and
- (b) Assign the initial SSI payment to the department of social and health services up to the amount of ADATSA assistance provided to the individual pending approval of the SSI application.

(2) The department shall assist ADATSA applicants and recipients in making application for SSI and in obtaining the necessary documentation required by the Social Security administration to establish eligibility.

NEW SECTION

WAC 388-40-080 ADATSA ASSESSMENT CENTERS—ROLE. (1) ADATSA assessment centers are responsible for the administration of ADATSA services; they are not responsible for providing direct treatment.

(2) The assessment center shall, in accordance with standards set forth in WAC 275-19-185, conduct a face to face diagnostic assessment of the application to:

(a) Determine incapacity based on alcoholism or drug addiction; and

(b) Determine whether to place the incapacitated applicant on a course of treatment or to provide shelter only.

(3) Once the applicant's financial and medical eligibility is established, the assessment center shall:

(a) Arrange all placements as required into treatment and/or shelter facilities;

(b) Provide ongoing case monitoring of treatment and/or shelter services; and

(c) Notify the community services office promptly of all placement or eligibility status changes.

NEW SECTION

WAC 388-40-090 ADATSA TREATMENT MODALITIES—DESCRIPTION OF SERVICES, REQUIREMENTS, AND LIMITATIONS. (1) Applicants incapacitated by alcoholism or drug addiction shall be offered ADATSA treatment services.

(2) Treatment services are limited to a total of six months in a twenty-four month period. The twenty-four month period begins on the date of initial entry into treatment.

(3) Treatment is provided in a continuum of three phases as follows:

(a) Phase one: Intensive inpatient treatment, not to exceed thirty days;

(b) Phase two: Sixty days of residential recovery house treatment; and

(c) Phase three: Ninety days of outpatient treatment.

(4) Alcohol residential treatment programs that are structured to periods of ninety days of treatment may combine phases one and two for a total of ninety days of residential care.

(5) Drug residential treatment programs that are structured to periods of ninety days or more of treatment may combine phases one, two, and three for a total of one hundred eighty days of residential care.

(6) In order to qualify for outpatient treatment services, the client must have first participated in phases one and two of treatment within the same twenty-four month period.

(7) ADATSA recipients who withdraw from treatment for any reason must apply for readmission to treatment through the assessment center.

(a) Recipients who drop out of treatment in the intensive inpatient phase (phase one) shall be required to repeat this phase.

(b) Recipients who drop out of treatment during the recovery house or outpatient phase (phase two or three) shall be readmitted only to the modality from which they dropped out, for the remainder of the time allotted for that phase.

(c) Recipients who have been absent from phase one inpatient treatment or phase two residential services for less than seventy-two hours may, at full discretion of the providing program director, reenter that program without being considered as having dropped out and without being required to reapply for readmittance through the assessment center.

(8) Recipients in the inpatient or recovery house treatment modality shall be eligible for an allowance based on the department's current payment standard for clothing and personal incidentals.

(9) Recipients in the outpatient treatment modality shall be eligible for a treatment stipend for housing and other living expenses.

(a) The stipend amount shall be based on the current payment standard for public assistance recipients; and

(b) The community services office shall issue this stipend directly to the outpatient facility as custodial payee.

NEW SECTION

WAC 388-40-100 ADATSA SHELTER SERVICES. (1) Shelter services shall be available to otherwise eligible ADATSA applicants or recipients:

(a) Who refuse treatment; or

(b) Who have exhausted their six months of treatment in a twenty-four month period; or

(c) Who are in temporary need of shelter pending placement into a treatment facility, or pending SSI approval.

(2) All shelter placements shall be arranged by the assessment center in shelters contracted for by the department.

WSR 87-14-027
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2506—Filed June 26, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general assistance-unemployable (GA-U) eligibility, amending chapter 388-37 WAC.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement ADATSA as set forth in chapter 406, Laws of 1987, in SHB 646. Beginning July 26, 1987, indigent persons who are unemployable due to alcoholism or drug addiction will no longer be eligible for general assistance. The Alcoholism and Drug Addiction Treatment and Support Act must be implemented on an emergency basis to ensure a continuum of services for this population.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 406, Laws of 1987, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 16, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2374, filed 5/14/86)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state-financed program providing for the needs of some persons not eligible for a federal aid grant who are either pregnant or incapacitated from gainful employment. Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by Supplemental Security Income, except as provided in WAC 388-37-010 (2) through (5).

(2) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

(3) Effective August 23, 1983, an SSI recipient whose need is not being met by SSI because of separation from a spouse may be eligible to receive GA-U in the amount necessary to supplement his or her need up to the level of the existing GA-U payment standard.

(4) An SSI recipient whose SSI check has been lost, stolen, missent, or otherwise delayed, may be granted GA-U provided the recipient agrees in writing to repay the amount of GA-U assistance issued, and the applicant meets all other GA-U eligibility requirements. When an SSI check is lost in the mail system, issuance of GA-U will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.

(5) An applicant appearing to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(a) The applicant applies;

(b) The applicant assigns the initial SSI payment to DSHS up to the amount of the GA-U provided to the applicant pending approval of the SSI application;

(c) The applicant meets all other general assistance eligibility requirements.

(6) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes. The state cannot be reimbursed for any GA-U authorized during the time period these payments cover.

(7) Any agreement between the department and a Supplemental Security Income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States Department of Health and Human Services shall be released directly to the applicant's attorney. Payment is limited to cases where the reimbursement of interim assistance was received by the department on or after August 23, 1983, and the attorney of the applicant for whom reimbursement is received began representing the applicant on or after August 23, 1983. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature.

(8) Continuing general assistance cannot be granted to an individual eligible for or receiving AFDC or SSI when he or she:

(a) Is currently under sanction for failure to comply with AFDC or SSI requirements, or

(b) Has failed or refused to cooperate in obtaining AFDC or SSI, unless the department has determined there is good cause for failure to cooperate.

(9) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Such persons shall be referred to the alcoholism and drug addiction treatment and support program. Alcoholics or drug addicted clients who are currently receiving general assistance, may remain on general assistance, if otherwise eligible, until they are assessed for services in accordance with the alcoholism and drug addition treatment and support program.

AMENDATORY SECTION (Amending Order 2034, filed 10/6/83)

WAC 388-37-020 CONTINUING GENERAL ASSISTANCE—ELIGIBILITY CONDITIONS—GENERAL. (1) An applicant or recipient shall be a resident of the state of Washington as defined in WAC 388-26-055 and be living in an identifiable residence within the local office area.

(2) General assistance may be granted only to persons who are either citizens or aliens who:

(a) Are lawfully admitted for permanent residence;

(b) Are otherwise permanently residing in the United States under color of law, or

(c) Have been granted temporary residency status under the Immigration Reform and Control Act.

(3) An applicant or recipient shall furnish or apply for a Social Security number per WAC 388-37-021.

(4) An applicant or recipient shall not have transferred property contrary to law or rules as specified in WAC 388-28-458 through 388-28-465.

~~((3))~~ (5) If an individual is living in an institution, WAC 388-34-010 through 388-34-020 also apply in eligibility determination.

~~((4))~~ (6) Continuing general assistance follows financial need determination as provided in provisions of chapter 388-28 WAC, except wherever income and resource rules differ for continuing general assistance and AFDC, any individual applying for or receiving continuing general assistance on the basis of pregnancy, shall have her eligibility determined according to AFDC income and resource rules.

NEW SECTION

WAC 388-37-021 PROVISION OF SOCIAL SECURITY NUMBERS. (1) As a condition of eligibility each applicant for or recipient of general assistance shall be required to:

(a) Furnish a Social Security number for all persons whose needs are considered in determining the amount of assistance, or

(b) Apply for Social Security numbers if they are unknown or have not been issued.

(2) The applicant/recipient has the responsibility to report promptly and accurately any new Social Security number within twenty days of its receipt as provided in WAC 388-38-255.

(3) Assistance will not be denied, delayed, or terminated pending issuance of Social Security numbers if the

applicant/recipient provides verification that he or she has met the requirement in subsection (1)(b) of this section.

(4) If the applicant or recipient fails to comply with the requirement to furnish or apply for Social Security numbers for each person included in the assistance unit, eligibility for such person or persons cannot be determined and they shall be excluded from the assistance unit.

(5) The department shall assist the applicant in obtaining a Social Security number by referring him or her to the nearest Social Security office and by furnishing to the client from department records any verification requested by the Social Security administration.

AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility has been established, continuing general assistance shall be granted to:

(1) Incapacitated persons. As used in this section, incapacitated person means a person physically, emotionally, or mentally unable to work as a result of a condition expected to continue for at least sixty days from date of application, except as provided in WAC 388-37-038 (1) ~~((through (4)))~~ and (2). Persons incapacitated by alcoholism or drug addiction are not included in this definition, but an alcoholic or drug addict who is incapacitated due to other mental or physical conditions may be eligible for general assistance. Incapacity refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities.

(a) Eligible individuals are:

(i) An incapacitated single person age eighteen or older.

(ii) A married couple if both persons are incapacitated.

(iii) The incapacitated spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described in WAC 388-28-500 (2)(a) and (b).

(b) An incapacitated individual must accept and follow through on required available medical treatment, which can reasonably be expected to render him or her able to work, unless there is good cause for failure to do so.

The department shall make the "good cause" determination based on the criteria in WAC 388-37-037(4).

(c) An incapacitated individual may also receive medical services provided under the state-financed medical care services program as defined in WAC 388-86-120.

(2) ~~((Effective August 23, 1983,))~~ Pregnant women who:

(a) Meet all income and resource eligibility criteria for the federal aid to dependent children program; and

(b) Are in their first or second trimester of pregnancy and categorically eligible for a federal aid medical assistance program; or

(c) Are members of two-parent households during a time when the aid to dependent children-employable

program is in effect, but do not meet categorical eligibility for AFDC-E. These women may receive a continuing general assistance grant and medical assistance under the state-financed medical care services program for the duration of their pregnancy.

AMENDATORY SECTION (Amending Order 2297, filed 10/30/85)

WAC 388-37-032 CONTINUING GENERAL ASSISTANCE—DETERMINATION OF INCAPACITY. (1) Eligibility due to incapacity shall be determined by the department in accordance with the criteria set forth in this chapter.

(2) The department shall:

(a) Consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of eligibility due to incapacity within forty-five days of the date of application, except in circumstances beyond the control of the agency such as failure or delay in securing necessary information or documentation on the part of the applicant, the examining physician or other source of documentation.

(b) Request additional information when necessary.

(c) Determine probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence but shall not exceed twelve months without a redetermination of incapacity.

(d) Require available medical treatment which can reasonably be expected to render the client able to work. The department shall provide written notification of these treatment requirements at the time of initial approval and at each redetermination.

(e) Recommend available medical services, provided under the state-financed medical care services program as defined in WAC 388-86-120.

(3) Eligibility cannot be established if an applicant fails to cooperate in obtaining information documenting incapacity. Continued failure to so cooperate during the ten-day period following the mailing of a letter to the applicant's last known address specifically citing the required cooperation shall be grounds for denial of the application for assistance ~~((see WAC 388-38-265)))~~.

(4) Redetermination of eligibility for general assistance due to incapacity is based on current medical evidence and other available relevant medical information. If incapacity is not substantiated, then continued eligibility is denied. (See WAC 388-38-265.)

(5) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

AMENDATORY SECTION (Amending Order 2152, filed 9/17/84)

WAC 388-37-035 INCAPACITY—MEDICAL EVIDENCE. (1) The term "incapacity" refers to the existence of a physiological, emotional, or mental impairment (excluding alcohol/drug dependency) rendering the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence as specified in WAC 388-37-035(2).

(b) The person must be substantially prevented by reason of the impairment from engaging in gainful employment.

(2) The primary source of evidence for physiological incapacity will be a written report from a physician, a certified registered nurse (CRN) in their area of certification, or the chief of medical administration, or his or her designee, of the Veterans' Administration as authorized in federal law. The primary source of evidence for a mental incapacity will be a report from a psychiatrist, licensed clinical psychologist, or mental health professional designated by the local community mental health agency as defined in RCW 71.05.020, except that a physician can evaluate a mental condition at the department's discretion. (~~Any of the aforementioned may be used as primary sources of evidence for incapacity due to alcohol or drug addiction.~~) When it appears an individual may have a developmental disability, such persons may be referred to a medical professional who is skilled in identifying developmental disabilities. Supplemental medical evidence may be obtained from other treating practitioners, to include a chiropractor, nurse, physician's assistant, or DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to perform work-related activities, along with relevant medical history and sufficient medical documentation to support any conclusions of incapacity.

(3) An individual's report of symptoms will not have a significant effect on an incapacity determination unless medical findings show that a medical condition is present that could reasonably be that expected to produce the symptoms which are reported. Clear, objective medical information, including professional observation and relevant medical history, used to support conclusions about the existence and persistence of the symptom(s) and about its effect on the individual's ability to function, must be present.

(4) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual so it can be determined whether there remains a capacity to engage in gainful employment. The primary reason for incapacity must be a medical impairment, but vocational factors, i.e., age, education, and work skills, may also be considered. Reasons for unemployment other than incapacity, such as individual employer preferences, business and economic conditions, etc., are not factors to be considered in determining his or her inability to obtain and continue in employment.

(5) When determining incapacity, the department will take into consideration opinions of the treating or consulting physicians or health care professionals regarding incapacity. Any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(6) The determination of incapacity shall be made solely by the department based on the medical information received. Any decision of incapacity or unemployability made by another agency or person is not binding on the department.

AMENDATORY SECTION (Amending Order 2297, filed 10/30/85)

WAC 388-37-037 CONTINUING GENERAL ASSISTANCE—REFUSAL TO ACCEPT AVAILABLE AND REQUIRED MEDICAL TREATMENT.

(1) A continuing general assistance applicant or recipient who refuses without good cause to accept available required medical treatment, which can reasonably be expected to render him or her able to work shall be ineligible. The decision that the client has refused such treatment without good cause is based on the best objective judgment of the department.

(2) "Available medical treatment" shall mean and include medical, surgical, alcoholism, drug or mental health services, or any combination thereof.

(3) "Reasonably be expected to render him or her able to work" shall mean that in the opinion of the department, the required treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner.

(4) Any recipient who disagrees with these treatment requirements may request a fair hearing. Once a request is initiated, the department shall take no adverse action as a result of failure to comply with the treatment at issue pending a decision.

(5) For the purposes of this section, an applicant or recipient has good cause to refuse required medical treatment when such refusal is based upon one or more of the following conditions:

(a) The individual is genuinely fearful of undergoing required treatment. Such fear may appear to be unrealistic or irrational; however, fear exists in such a degree that treatment would be adversely affected;

(b) The individual could lose a faculty, or the remaining use of faculty he or she now has, and refuses to accept the risk;

(c) Because of his or her definitely stated religious scruples, the individual will not accept required medical treatment.

(d) The individual is temporarily unable to participate in required medical treatment, due to an intervening incapacity. The temporary inability to participate must be documented by medical evidence. The requirement to participate is again imposed as soon as the person is able to participate.

(e) The individual was not properly notified of the treatment required and/or the consequences for failure to comply with these requirements.

(f) The treatment required by previous written notification is subsequently determined to have been inappropriate or unavailable. For example, treatment is considered unavailable when it includes copayments or service charges not covered by the department, and the client is denied access to the treatment due to an inability to pay.

(6) Refusal to follow through with available required medical treatment without good cause shall result in

termination until the person agrees to cooperate in accepting such treatment and subject to the following maximum periods of ineligibility after reapplication:

- (a) First refusal – one week;
- (b) Second refusal within six months – one month;
- (c) Third and subsequent refusals within one year – two months.

AMENDATORY SECTION (Amending Order 2152, filed 9/17/84)

WAC 388-37-038 INCAPACITY—WAIVER OF MEDICAL DOCUMENTATION. (1) Incapacity will be considered to be established without medical documentation when the person:

(a) Has been determined to be eligible for any benefits based on Social Security Administration disability criteria;

(b) Is eligible for services from the division of developmental disabilities;

(c) Is sixty-five years of age or older.

(2) Incapacity will be considered established for a period of sixty days without a psychiatric/psychological evaluation when the person is being released from inpatient psychiatric treatment and is participating in direct treatment services to meet his or her mental health needs as described in WAC 275-56-015(17), with the exception of:

(a) Clients admitted under the Involuntary Treatment Act (ITA), who are subsequently released without participating in direct treatment services;

(b) Clients voluntarily admitted to a psychiatric hospital or the psychiatric ward of a general hospital for evaluation and diagnosis only, who are released without participating in direct treatment services;

(c) Clients voluntarily admitted to a psychiatric hospital or the psychiatric ward of a general hospital for an acute, short-term episode, who are released without participating in direct treatment services; and

(d) Clients who leave ongoing inpatient psychiatric treatment against medical advice.

~~((3)) Incapacity due to alcoholism will be considered to be established when an individual is admitted as a resident of a licensed alcoholism treatment facility, including intensive inpatient treatment or treatment at a recovery house or extended care recovery house as defined in WAC 275-19-020, according to the time limits in WAC 388-37-060.~~

~~(4) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is admitted as a resident into a certified residential drug treatment program, or certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.~~

~~(a) In accordance with the criteria, in subsection (4) of this section incapacity will be considered to be established for the following maximum periods of time:~~

~~(i) Detoxification—thirty days.~~

~~(ii) Maintenance—sixty days.~~

~~(iii) Residential treatment—sixty days.~~

~~(b) Assistance shall not be continued beyond the initial period of time described in subsection (4)(a) of this~~

~~section without documented medical evidence of incapacity:))~~

AMENDATORY SECTION (Amending Order 2152, filed 9/17/84)

WAC 388-37-040 CONTINUING GENERAL ASSISTANCE—STANDARDS FOR REQUIREMENTS—AUTHORIZATION. (1) The rules and procedures for payment of federal aid grants shall apply to continuing general assistance except that vendor payments may be made when payment by warrant is not possible or practical.

(2) The department may direct payment to a protective payee when a client has demonstrated an inability to care for himself/herself or his/her money. Follow procedures in WAC 388-33-455.

(3)(a) When incapacity is established a continuing grant shall be authorized to continue for the probable duration of the incapacity. The recipient shall be notified of the termination date at the time the grant is opened.

(b) If more than forty-five days are required to determine incapacity, and if incapacity is determined to have existed on the date of application, assistance shall be granted effective the forty-fifth day after application, per WAC 388-33-115.

A continuing grant shall not be authorized until incapacity is established by the department.

~~((3))~~ (4) Continuing assistance shall not be authorized following the termination date specified in subsection ~~((2))~~ (3) of this section until continuing incapacity has been redetermined by the department.

~~((4))~~ (5) If a recipient is terminated due to lack or insufficiency of medical evidence to establish incapacity, he/she shall be reinstated the day following the date of termination, if all the following conditions are met:

(a) The lack or insufficiency of medical evidence is not due to failure of the recipient to cooperate in gathering said evidence; and

(b) Additional medical evidence is provided subsequent to the termination, which establishes that the recipient has been, and continues to be, incapacitated since the date of termination; and

(c) The additional medical evidence substantiates incapacity as specified in WAC 388-37-010(1) and 388-37-035.

AMENDATORY SECTION (Amending Order 2152, filed 9/17/84)

WAC 388-37-050 CONTINUING GENERAL ASSISTANCE—REDETERMINATION OF ELIGIBILITY. (1) Continuing general assistance recipients shall have their continued financial eligibility for such assistance redetermined at least once every six months of continuous receipt of assistance.

(2) Before a recipient of GAU can be determined ineligible on the basis that he or she is no longer incapacitated, at least one of the following conditions must be met:

(a) New evidence must show a clear improvement in the medical condition. Clear improvement means that, since the last decision, the physical or mental

impairment(s) upon which the decision was based has decreased in severity((:)), or the effect of that impairment has been significantly diminished (through therapy, medication, rehabilitation, etc.) to the point where the individual is capable of gainful employment((:)); or

(b) It can be established that the previous decision was based on faulty or insufficient information or erroneous procedure based on the WAC in effect at the time.

(3) Whenever a general assistance recipient becomes eligible for AFDC or SSI benefits, he or she becomes ineligible for continuing general assistance.

(4) Acceptance of available medical treatment. WAC 388-37-030 and 388-37-037 apply to a recipient as well as to an applicant.

(5) Recipients of continuing general assistance shall be screened to determine appropriateness of referral to other agencies, i.e., SSA, SSI, DVR, VA, which can reasonably be expected to reduce their need for assistance. A recipient who has been referred and refuses, without good cause to accept referral to other agencies shall be ineligible. Refusal to accept referral to other agencies without good cause shall result in termination until the person agrees to cooperate in accepting such referral and subject to the following periods of ineligibility after reapplication:

(a) First refusal – one week;

(b) Second refusal within six months – one month;

(c) Third and subsequent refusals within one year – two months.

AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-120 PROGRESSIVE EVALUATION PROCESS STEP II—SEVERITY OF MENTAL IMPAIRMENTS. If a mental impairment is claimed, the severity rating of the mental or emotional disorder shall be determined on the basis of psychosocial and treatment history, clinical findings, results of special tests, and professionally observed symptomatology which indicate impairment of ability to perform basic work-related activities.

(1) A diagnosis of mental retardation shall be assigned a severity rating as follows:

(a) An IQ of 85 or above will be considered within normal limits and will be rated "01."

(b) An IQ of 70 to 84 will be considered as borderline intellectual functioning and will be rated "03."

(c) An IQ of 69 or below will be rated "05."

(d) When more than one IQ score (e.g., verbal and performance scores) is reported on a standardized IQ test, the severity rating will be based on the lowest of these scores.

(2) Individuals diagnosed as having organic brain damage shall be assigned a rating based on the most severe of the following three areas of impairment:

(a) Marked memory defect for recent events.

(b) Impoverished, slowed, perseverative thinking, with confusion or disorientation.

(c) Labile, shallow, or coarse affect.

(3) The severity of a functional psychotic or nonpsychotic disorder, excluding alcoholism or drug addiction, shall be based on a clinical assessment of these twelve

symptoms: Depressed mood, suicidal trends, expression of anxiety or fear, expression of anger, social withdrawal, motor agitation, motor retardation, paranoid behavior, hallucinations, thought disorder, hyperactivity/elation, and physical complaints; and an overall assessment of the intensity and pervasiveness of these symptoms and their effect on ability to perform work-related activities.

(a) An individual shall be assigned a minimum rating of "03" when at least one of the above symptoms is present and one or more of the following conditions are met:

(i) A diagnosis of psychotic disorder has been made, or

(ii) The individual has been hospitalized for psychiatric reasons two or more times within the preceding two years; or

(iii) The individual has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months duration within the preceding two years; or

(iv) The individual is considered as at least moderately impaired by three or more of the symptoms listed above; or

(v) The individual is considered as at least moderately impaired in the overall assessment of intensity and pervasiveness of these symptoms.

(b) An individual shall be assigned a minimum rating of "04" when the overall assessment of the intensity and pervasiveness of these symptoms is marked, or when it is moderate and three or more of the above symptoms are present to a marked degree or more.

(c) An individual shall be assigned a rating of "05" when the overall assessment of the intensity and pervasiveness of these symptoms is severe or when it is marked and three or more of the above symptoms are present to a severe degree.

(4) When an individual is diagnosed as being impaired in more than one area (i.e., mental retardation, organic brain damage, or functional disorder), one mental rating shall be assigned based on ratings in each of the three areas according to the following:

(a) An individual with at least two moderate impairments or at least one moderate and one marked impairment is considered to have an overall mental severity rating of "04."

(b) An individual with at least two marked impairments is considered to have an overall mental severity rating of "05."

(5) Based on the overall mental severity rating a determination of incapacity may be made as follows:

(a) An individual with no significant claimed physical impairment and an overall mental severity rating of "01" or "02" is not eligible for GAU, provided the overall functioning level appears consistent with this rating.

(b) An individual with an overall mental severity rating of "05," who meets the time limits in WAC 388-37-030(1), is eligible for GAU regardless of whether there is a significant claimed physical impairment, provided the overall functioning level appears consistent with this rating.

(c) An individual with an overall mental severity rating of "03" or "04" and no significant claimed physical

impairment must be evaluated to determine how functional capacity is affected by the mental impairment.

(d) An individual with an overall mental severity rating of "01," "02," "03" or "04," who claims a significant physical impairment, must have the severity of the physical impairment evaluated, if necessary to determine incapacity.

AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

~~WAC 388-37-135 ALCOHOLISM/DRUG ADDICTION. ((1) Unless otherwise exempted by WAC 388-37-038 (3) or (4), individuals claiming incapacity due to alcoholism or drug addiction will be required to provide medical evidence in accordance with WAC 388-37-035 which substantiates impaired ability to perform basic work-related activities. Supplemental evidence from a professional alcohol or drug counselor may be requested as needed to further assess the condition(s) and/or to recommend appropriate treatment.~~

~~(2) Severity of physical impairments associated with alcoholism or drug addiction shall be assessed according to WAC 388-37-130.~~

~~(3) Severity of organic brain syndrome associated with alcoholism or drug addiction shall be assessed according to WAC 388-37-120(2).~~

~~(4) Severity of functional nonpsychotic mental and emotional disorders associated with alcoholism or drug addiction shall be assessed according to WAC 388-37-120(3).~~

~~(5) Individuals found to be incapacitated due to alcoholism or drug addiction must participate in an approved alcoholism or certified drug treatment program, unless there is good cause for failure to do so.)) (1) Persons claiming incapacity based primarily on alcoholism or drug dependency shall be referred for evaluation under the alcoholism and drug addiction treatment and support program.~~

~~(2) Persons who appear to have significant mental or physical impairments resulting from or in addition to alcoholism or drug addiction should also be evaluated for general assistance when:~~

~~(a) The person indicates upon application that other physical or mental impairments may be incapacitating in themselves, or~~

~~(b) The person is rejected for the alcoholism and drug addiction treatment and support program and/or medical evidence obtained by assessment for that program indicates other significant medical impairments may exist.~~

~~(3) Any general assistance applicant or recipient who claims a secondary drinking or drug problem, or whose medical evaluation indicates such a problem appears to exist, may be required to undergo an alcohol/drug assessment.~~

~~(4) A person whose mental, emotional, and/or physical condition(s) is caused or exacerbated by alcoholism or drug addiction must have eligibility for general assistance based solely on the mental, emotional, and/or physical condition(s). The effects of the alcoholism or drug addiction must be differentiated from the other condition(s) in order to determine incapacity. Unless it~~

can be reasonably established that the other condition(s) would remain incapacitating for at least sixty days of abstinence from alcohol or drugs, the individual is not eligible for general assistance.

(5) When the effects of alcoholism or drug addiction in the individual's mental, emotional, and/or physical condition(s) cannot be clearly differentiated, the department shall refer him or her to the alcoholism and drug addiction treatment and support program for evaluation and/or treatment.

(6) The department may require the individual to undergo a period of alcohol or drug treatment before re-evaluating eligibility for general assistance.

(7) Persons qualifying for both general assistance and the alcoholism and drug addiction treatment and support program may choose either program.

(8) Alcoholics or drug addicts who choose general assistance in lieu of the alcoholism and drug addiction treatment and support program:

(a) Shall have their general assistance grant issued by protective payment in accordance with the criteria in WAC 388-33-420 and 388-33-455; and

(b) May be required to participate in an approved alcoholism or certified drug treatment program.

AMENDATORY SECTION (Amending Order 2259, filed 7/24/85)

WAC 388-37-140 PROGRESSIVE EVALUATION PROCESS STEP IV—MULTIPLE IMPAIRMENTS. (1) When an applicant has more than one diagnosed impairment rated "03" or "04," but none rated "05," one overall rating shall be determined as follows:

(a) Each diagnosis shall be classified according to body system based upon International Classification of Diseases (ICD), 9th revision.

(b) If all the diagnosed impairments are classified within the same body system, the overall severity rating will be equal to the highest rated impairment within that system.

(c) Severity ratings assigned for alcoholism or drug addiction shall not be considered in this process.

(2) If more than one body system is involved (including mental disorders), the overall severity will be determined by the following, using the highest rating from each body system:

(a) An individual with at least two moderate impairments or at least one marked and one moderate impairment is considered to have an overall severity rating of "04."

(b) An individual with at least two marked impairments is considered to have an overall severity rating of "05."

(3) Based on the overall severity rating, a determination of incapacity is made as follows:

(a) An individual with an overall severity rating of "05," who meets the time limits in WAC 388-37-030(1) is eligible for GAU.

(b) Individuals with a severity rating of "03" or "04" must be evaluated to determine how their multiple physical and/or mental impairments affect their functional capacity.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-37-060 CONGREGATE CARE—ALCOHOLISM TREATMENT.

WSR 87-14-028
PROPOSED RULES
SECRETARY OF STATE
 [Filed June 26, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning limited partnership filings;

that the agency will at 10:00 a.m., Wednesday, August 5, 1987, in the 2nd Floor Conference Room, Corporations Division, Republic Building, 505 East Union, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 25.10.610.

The specific statute these rules are intended to implement is RCW 25.10.610 and chapter 55, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 5, 1987.

Dated: June 26, 1987

By: Helen Morris
 Administrator, Corporations Division

STATEMENT OF PURPOSE

Title of Rule: Limited partnership filings.

Purpose of Rule: Update existing rules, including current addresses and filing fees under chapter 55, Laws of 1987.

Statutory Authority: RCW 25.10.610 and chapter 55, Laws of 1987.

Summary of Rule: The changes made to the existing regulations include deletion of obsolete references and addresses, clarification of the contents of an index sheet, and fee alignment with the fees charged similar corporate filings.

Reasons for Rule: To ensure rule is current and to implement chapter 55, Laws of 1987, which made some procedure changes for limited partnership filings.

Agency Personnel Responsible for Drafting: Laura Eckert, Assistant Secretary of State, Helen Morris, Administrator, Corporations Division, Carolyn Newby, Administrative Assistant, Corporations Division, 505 East Union, Olympia, WA 98504, (206) 753-7115; Implementation and Enforcement: Helen Morris, Administrator, Corporations Division, 505 East Union, Olympia, WA 98504, (206) 753-7115.

Agency Comments: None.

Declaration of Effect of Federal Law: None.

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-010 PURPOSE AND AUTHORITY. These regulations are adopted pursuant to RCW 25.10.600 - 25.10.610 and ((sections 187(2), 191, 193, chapter 35, Laws of 1982)) chapter 55, Laws of 1987, to implement a centralized system for limited partnership filings at the office of the secretary of state.

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-015 FILING OFFICE LOCATION AND ADDRESS. (1) Effective October 1, 1982, limited partnership filings under chapter 25.10 RCW are to be made at the Corporations Division of the Office of the Secretary of State, Olympia, Washington, rather than at the offices of the respective county clerks.

((2)) ((Effective October 1, 1982, limited partnership filings will be handled by the corporations division of the office of the secretary of state.

((3)) Mail address for the corporations division is: Corporations Division, Office of the Secretary of State, 505 E. Union St., Olympia, WA 98504. Use of any other address may delay mail delivery.

((4)) (3) The offices of the corporations division are located at ((500-A State Modular Office Building, Airdustrial Way and Armstrong Street SW, Tumwater, Washington. To reach the division's offices, take Exit 102, Interstate 5 (Trosper Road exit), go east two blocks to Capitol Boulevard, turn south on Capitol Boulevard, drive one mile to Airdustrial Way, turn right on Airdustrial Way, go one-half mile. The state modular office building is on the south (airport) side of Airdustrial Way, the division is located in the northwest corner of the building)) Republic Building, 2nd Floor, 505 E. Union St., Olympia, WA.

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-016 OFFICE HOURS. (1) Hours of operation for personnel in the division are 8:00 a.m. to 12 noon and 1:00 to 4:30 p.m., Monday through Friday.

(2) Over-the-counter or walk-in, same-day processing of documents is available only between 8:30 - 11:30 a.m. and 1:00 to 3:30 p.m. each day. Documents can be received, but not processed on a same-day basis, at other times when the office is open. Same-day or expedited counter service is available at other hours only under exigent circumstances or by approval of the ((supervisor of corporations)) Administrator of the Corporations Division.

(3) Certain expedited or over-the-counter services are subject to the special service fees established elsewhere in these regulations.

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-030 FILING DOMESTIC LIMITED PARTNERSHIPS—OPTIONAL INDEX SHEET. A new domestic limited partnership filing may use an index sheet or cover sheet to assist the secretary of state's review of the documents presented for filing, and to qualify for reduced filing fees.

The index sheet shall be on the form provided by the secretary of state or list the following ((in this order)) and provide a reference to the article and page number of the underlying document on which the information requested will be ((found)) set out:

(1) The name of the limited partnership;
 (2) ((The general character of its business;
 (3)) The ((specified office)) address of the office where records under RCW 25.10.040(1) are to be kept;

((4)) The specified)) (3) For service of process, the registered agent's name and address;

((5)) (4) The page or pages of the underlying document whereon the name(s) and ((addresses of partner(s) are identified)) the geographical and mailing addresses of each general partner appear;

((6) The time at which and any earlier events upon the happening of which the limited partnership is to be dissolved and its affairs wound up)) (5) The latest date upon which the partnership is to dissolve; and

((7)) (6) The page or pages on which executing signatures are located.

((The index cover sheet shall be signed by a partner or agent of the partnership.)) The index sheet may be, but is not required to be, submitted in duplicate.

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-040 EXECUTION OF DOCUMENTS, DUPLICATE ORIGINALS AND REPRODUCTION QUALITY. (1) At any time that the statute requires a limited partnership document filing with the secretary of state to be in duplicate form, the secretary of state will accept the following:

- (a) Two original copies, each with original signatures; or
- (b) Two original copies, one with original signatures and one with true and correct copies of the original signatures; or
- (c) One original with original signatures and a true and correct photocopy thereof.

In the case of duplicate originals submitted with only one original and one copy thereof, the secretary of state will retain as its official file copy the certificate or document with original signatures and will return to the limited partnership for its records the document version bearing copied signatures.

(2)(a) Certificates for domestic limited partnerships shall be executed as provided in RCW 25.10.110.

(b) Filings for foreign limited partnerships must be signed and sworn to by at least one general partner of the foreign limited partnership. The secretary of state will accept as a "sworn" document an application or amendment witnessed or attested to by an appropriate notary or official of the foreign limited partnership's home state, or a statement that the signature of the general partner is executed under penalties of perjury, and is, to the best of his or her knowledge, true and correct.

(3) All documents presented to the secretary of state for filing under the limited partnership act shall be of no larger size than standard legal paper (8-1/2 x 14). The materials shall be submitted in form and quality which is suitable for future microfilming or reproduction by a similar photographic process. The secretary of state will not accept documents for filing which are not typed, or with illegible text (~~and signatures~~)).

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-055 PRE-OCTOBER 1, 1982, LIMITED PARTNERSHIP FILINGS. (1) Except as otherwise provided by law or these regulations, limited partnership filings originally made at the respective county clerks' offices before October 1, 1982, shall be deemed to be filings at the secretary of state's office, and shall continue in full force and effect as when previously filed at the respective county clerks' offices. (~~No additional registration or refiling shall be required for pre-October 1, 1982, limited partnerships.~~)

(2) Pre-October 1, 1982, conflicts between limited partnership names in the separate 39 counties' files, between filings in the same county, and between pre-October 1, 1982, limited partnership filings and active corporation filings since 1889 render a satisfactory integration of pre-October 1, 1982, limited partnership filings into the corporate name protection system impossible. Except as provided below, the secretary of state will therefore not consider or research the name of any pre-October 1, 1982, limited partnership in determining whether a proposed name for a post-October 1, 1982, limited partnership is acceptable under RCW 25.10.020. The post-October 1, 1982, name will be checked as against other post-October limited partnership names and the names of active profit and nonprofit corporations registered at the office of the secretary of state.

Nothing in this section is intended to limit any judicial remedies which may be available to a pre-October 1, 1982, limited partnership for protection of its business name. In addition, if the probable existence of a name conflict between (a) a specific pre-October 1, 1982, limited partnership, and (b) a post-October 1, 1982, limited partnership filing that would have been filed in that same county if the centralized system had not been established, is brought to the attention of the secretary of state, the secretary of state may determine that an unacceptable conflict exists and/or would be perpetuated if the proposed name of the post-October 1, 1982, limited partnership were accepted. Under those circumstances, the secretary of state may refuse to accept the proposed name without modification, or without consent of the existing pre-October 1, 1982, limited partnership, sufficient to comply with RCW 25.10.020.

(3) Pre-October 1, 1982, limited partnerships are not prohibited from "refiling" under chapter 25.10 RCW. Such optional "refiling" is accomplished by submitting a regular certificate/application as outlined in chapter 25.10 RCW and WAC 434-55-020 - 434-55-035. However, a "refiling" limited partnership is not guaranteed the use of its pre-October 1, 1982, name.

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-060 DOCUMENT FILING FEES—LIMITED PARTNERSHIPS. The following fees are due and must be submitted concurrently with the limited partnership documents presented to the secretary of state for filing under the Washington Uniform Limited Partnership Act:

(1) Filing of a certificate of limited partnership for a domestic (~~or foreign~~) limited partnership: (~~(\$65.00)~~) \$175.00 with index sheet, (~~(\$100.00)~~) \$225.00 without (~~((domestics); \$65.00-(foreign))~~) index sheet

(2) Filing an application for registration of a foreign limited partnership: \$175.00

(3) Filing a certificate of dissolution: No charge

(4) Filing of a certificate of cancellation for a domestic or foreign limited partnership: ((~~\$10.00~~)) No charge

(~~((3))~~) (5) Filing of a certificate of amendment for a domestic or foreign limited partnership: \$25.00

(6) Filing a certificate of restatement: \$25.00

(~~((4))~~) (7) Filing an application to reserve or transfer a limited partnership name: \$10.00 ((to reserve or transfer

(~~((5))~~) (8) Filing any other statement or report required by the limited partnership act: \$10.00

(~~((6))~~) (9) Furnishing a certified copy of any certificate of limited partnership or of any other document or instrument relating to a limited partnership: \$5.00 plus \$.20 per page copied

(~~((7))~~) Furnishing a certified copy of any other document, instrument, or paper relating to a limited partnership: \$5.00, plus \$.20 per page copied

(~~((8))~~) (10) Furnishing a certificate, under seal, attesting to the fact that a limited partnership is on file with the office of the secretary of state, or to facts on record in a particular limited partnership file: \$5.00

(~~((9))~~) (11) Furnishing copies of any document, instrument, or paper relating to a limited partnership: \$1.00 first page. \$.20 each page thereafter

(~~((10))~~) (12) Service of process on the office of the secretary of state as agent of a limited partnership: \$25.00

(~~All fees under this section are general fund fees and do not support services or operations of the office of the secretary of state.~~)

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-55-020 DOMESTIC LIMITED PARTNERSHIPS—REQUIREMENTS FOR FILING.

WAC 434-55-035 FOREIGN (OUT-OF-STATE) LIMITED PARTNERSHIPS—REQUIREMENTS FOR FILING.

WSR 87-14-029**ADOPTED RULES****DEPARTMENT OF ECOLOGY**

[Order DE-87-4—Filed June 26, 1987]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the generation and management of dangerous waste.

This action is taken pursuant to Notice No. WSR 87-09-078 filed with the code reviser on April 22, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.105 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 26, 1987.

By Phillip C. Johnson
Deputy Director

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-017 RECYCLING PROCESSES INVOLVING SOLID WASTE. (1) The purpose of this section is to identify those materials that are and are not solid wastes when recycled. Certain materials, as described in subsection (2) of this section, would not typically be considered to involve waste management and are exempt from the requirements of this chapter. All recycling processes not exempted by subsection (2) of this section are subject to the recycling requirements of WAC 173-303-120.

(2) General categories of materials that are not solid waste when recycled.

(a) Except as provided in subsection (3) of this section, materials are not solid wastes when they can be shown to be recycled by being:

(i) Used or reused as ingredients in an industrial process to make a product provided the materials are not being reclaimed; or

(ii) Used or reused as effective substitutes for commercial products; or

(iii) Returned to the original process from which they are generated without first being reclaimed. The material must be returned as a substitute for raw material feedstock, and the process must use raw materials as principal feedstocks.

(b) Except as provided in subsection (3) of this section, the department has determined that the following materials when used as described are not solid wastes:

(i) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process;

(ii) Spent pickle liquor which is reused in wastewater treatment at a facility holding a national pollutant discharge elimination system (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(iii) Spent sulfuric acid used to produce virgin sulfuric acid.

(3) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (as described in subsection (2)(a) of this section):

(a) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(b) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(c) Materials accumulated speculatively as defined in WAC 173-303-016 (5)(d)(ii); or

(d) Materials listed in WAC 173-303-016(6); or

(e) Any materials that the department determines are being accumulated, used, reused or handled in a manner that poses a threat to public health or the environment.

(4) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(5) Variances from classification as a solid waste.

(a) In accordance with the standards and criteria in (b) of this subsection and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that the following recycled materials are not solid wastes:

(i) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in WAC 173-303-016 (5)(d)(ii));

(ii) Materials that are reclaimed and then reused within the original primary production process in which they were generated;

(iii) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;

(iv) State-only dangerous materials (not regulated as hazardous wastes (defined in WAC 173-303-040(39)) by EPA) which serve as an effective substitute for a commercial product or raw material.

(b) Standards and criteria for variances from classification as a solid waste.

(i) The department may grant requests for a variance from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The department's decision will be based on the following standards and criteria:

(A) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);

(B) The reason that the applicant has accumulated the material for one or more years without recycling seventy-five percent of the volume accumulated at the beginning of the year;

(C) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(D) The extent to which the material is handled to minimize loss;

(E) Other relevant factors.

(ii) The department may grant requests for a variance from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original primary production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(A) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(B) The prevalence of the practice on an industry-wide basis;

(C) The extent to which the material is handled before reclamation to minimize loss;

(D) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

(E) The location of the reclamation operation in relation to the production process;

(F) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(G) Whether the person who generates the material also reclaims it;

(H) Other relevant factors.

(iii) The department may grant requests for a variance from classifying as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:

(A) The degree of processing the material has undergone and the degree of further processing that is required;

(B) The value of the material after it has been reclaimed;

(C) The degree to which the reclaimed material is like an analogous raw material;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The extent to which the reclaimed material is handled to minimize loss;

(F) Other relevant factors.

(iv) The department may grant requests for a variance from classifying as a solid waste those materials that serve as an effective substitute for a commercial product or raw material, when such material is not regulated as hazardous waste (defined in WAC 173-303-040(39)) by EPA, if the materials are recycled in a manner such that they more closely resemble products or raw materials rather than wastes. This determination will be based on the following factors:

(A) The effectiveness of the material for the claimed use;

(B) The degree to which the material is like an analogous raw material or product;

(C) The extent to which the material is handled to minimize loss or escape to the environment;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The time period between generating the material and its recycling;

(F) Other factors as appropriate.

(6) Variance to be classified as a boiler.

In accordance with the standards and criteria in WAC 173-303-040(8) (definition of "boiler"), and the procedures in subsection (7) of this section the department may determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in WAC 173-303-040(8), after considering the following criteria:

(a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(b) The extent to which the combustion chamber and energy recovery equipment are of integral design; and

(c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(d) The extent to which exported energy is utilized; and

(e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids, or heated gases; and

(f) Other factors, as appropriate.

(7) Procedures for variances from classification as a solid waste or to be classified as a boiler.

The department will use the following procedures in evaluating applications for variances from classification as a solid waste or applications to classify particular enclosed flame combustion devices as boilers:

(a) The applicant must apply to the department. The application must address the relevant criteria contained in subsections (5)(b) or (6) of this section.

(b) The department will evaluate the application and issue a draft public notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the recycler is located. The department will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at its discretion. The department will issue a final decision after receipt of comments and after the hearing (if any), and this decision may not be appealed to the department.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-040 DEFINITIONS. When used in this regulation, the following terms have the meanings given below.

(1) "Active portion" means that portion of a facility which is not a closed portion (subsection (11) of this

section), and where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after:

(a) The effective date of the waste's designation by 40 CFR Part 261; and

(b) March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. (See also "closed portion" and "inactive portion.")

(2) "Acutely hazardous waste" means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the reason for designation column.

(3) "Aquatic LC₅₀" (same as TLM₉₆) means a concentration in mg/L (ppm) which kills in 96 hours half of a group of ten or more of a medium sensitivity warm water species of fish such as *Lepomis macrochirus* (bluegill) or *Pimephales promelas* (fathead minnow), or cold water species such as salmonidae, when using the testing method described in WAC 173-303-110.

(4) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Asbestos containing waste material" means any waste that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.

(6) "Batch" means any waste which is generated less frequently than once a month.

(7) "Berm" means the shoulder of a dike.

(8) "Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

(a)(i) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(ii) The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: Process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

(iii) While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(iv) The unit must export and utilize at least seventy-five percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given

for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(b) The unit is one which the department has determined, on a case-by-case basis, to be a boiler, after considering the standards in WAC 173-303-017(6).

(9) "By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

(10) "Carcinogenic" means a material known to contain an IARC positive or suspected, human or animal carcinogen.

(11) "Closed portion" means that portion of a facility which an owner or operator has closed, in accordance with the approved facility closure plan and all applicable closure requirements.

(12) "Closure" means the requirements placed upon all TSD facilities to ensure that all such facilities are closed in an acceptable manner (see also "post-closure").

(13) "Compliance procedure" shall mean any proceedings instituted pursuant to the Hazardous Waste Disposal Act as amended in 1980 and 1983, and chapter 70.105A RCW, or regulations issued under authority of state law, which seeks to require compliance, or which is in the nature of an enforcement action or an action to cure a violation. A compliance procedure includes a notice of intention to terminate a permit pursuant to WAC 173-303-830(5), or an application in the state superior court for appropriate relief under the Hazardous Waste Management Act. A compliance procedure is considered to be pending from the time a notice of violation or of intent to terminate a permit is issued or judicial proceedings are begun, until the department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

(14) "Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

(15) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

(16) "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste or dangerous waste constituents which could threaten the public health or environment.

(17) "Contract" means the written agreement signed by the department and the state operator.

(18) "Dangerous wastes" means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste. As used in this chapter, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter (including dangerous and extremely hazardous waste),

while the abbreviation "DW" will refer to that part of the regulated universe which is dangerous only, and not extremely hazardous. (See also "extremely hazardous waste" and "hazardous waste" definitions.)

(19) "Department" means the department of ecology.

(20) "Dermal LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight which, when dermally (skin) applied for 24 hours, within 14 days kills half of a group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

(21) "Designated facility" means the facility designated by the generator on the manifest to receive a dangerous waste shipment and which is authorized pursuant to this chapter or RCRA to recycle or manage dangerous waste.

(22) "Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

(23) "Director" means the director of the department of ecology.

(24) "Discharge" or "dangerous waste discharge" means the accidental or intentional release of hazardous substances, dangerous waste or dangerous waste constituents such that the substance, waste or a waste constituent may enter or be emitted into the environment. Release includes, but is not limited to, the actions of: Spilling, leaking, pumping, pouring, emitting, dumping, emptying, depositing, placing, or injecting.

(25) "Disposal" means the discharging, discarding, or abandoning of dangerous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any dangerous wastes into or on any land, air, or water.

(26) "Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue or deny, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate or deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination as discussed in WAC 173-303-830 is not a draft permit.

(27) "Elementary neutralization unit" means a device which:

(a) Is used for neutralizing wastes which are dangerous wastes only because they exhibit the corrosivity characteristics defined in WAC 173-303-090 or are listed in WAC 173-303-081, or in 173-303-082 only for this reason; and

(b) Meets the definition of tank, container, transport vehicle, or vessel.

(28) "EPA/state identification number" or "EPA/state ID#" means the number assigned by EPA or by the department of ecology to each generator, transporter, and TSD facility.

(29) "Extremely hazardous waste" means those dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

(30) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "TSD facility," "dangerous waste facility" or "waste management facility" shall be used interchangeably.

(31) "Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

(32) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

(33) "Fugitive emissions" means the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

(34) "Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

(35) "Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

(36) "Ground water" means water which fills voids below the land surface and in the earth's crust.

(37) "Halogenated hydrocarbons" (HH) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, iodine, or astatine. The requirements of this chapter apply to only those halogenated hydrocarbons which can be obtained using the testing method described in WAC 173-303-110, testing methods, and which are persistent dangerous wastes.

(38) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090, 173-303-101, 173-303-102, or 173-303-103.

(39) "Hazardous wastes" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous waste by the United States EPA. This term will never be abbreviated in this chapter to avoid confusion with the abbreviations "DW" and "EHW." (See also "dangerous waste" and "extremely hazardous waste" definitions.)

(40) "Inactive portion" means that portion of a facility which has not recycled, treated, stored, or disposed dangerous waste after:

(a) The effective date of the waste's designation, for wastes designated under 40 CFR Part 261; and

(b) March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

(41) "Incinerator" means any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.

(42) "Incompatible waste" means a dangerous waste which is unsuitable for placement in a particular device

or facility because it may corrode or decay the containment materials, or is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

(43) "Industrial-furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy; cement kilns, lime kilns, aggregate kilns, phosphate kilns, blast furnaces, smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces), titanium dioxide chloride process oxidation reactors, coke ovens, methane reforming furnaces, combustion devices used in the recovery of sulfur values from spent sulfuric acid, and pulping liquor recovery furnaces. The department may decide to add devices to this list on the basis of one or more of the following factors:

- (a) The device is designed and used primarily to accomplish recovery of material products;
- (b) The device burns or reduces secondary materials as ingredients in an industrial process to make a material product;
- (c) The device burns or reduces secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;
- (d) The device burns or reduces raw materials to make a material product;
- (e) The device is in common industrial use to produce a material product; and
- (f) Other factors, as appropriate.

(44) "Infectious waste" means organisms or materials listed in WAC 173-303-083, infectious dangerous wastes.

(45) "Inhalation LC₅₀" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours, kills within 14 days half of a group of ten rats each weighing between 200 and 300 grams.

(46) "Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the waste or reagents used to treat the waste.

(47) "Interim status permit" means a temporary permit given to TSD facilities which qualify under WAC 173-303-805.

(48) "Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

(49) "Land treatment" means the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose. If the waste will remain after the facility is closed, this practice is disposal.

(50) "Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

(51) "Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

(52) "Liner" means a continuous layer of man-made or natural materials which restrict the escape of dangerous waste, dangerous waste constituents, or leachate through the sides, bottom, or berms of a surface impoundment, waste pile, or landfill.

(53) "Major facility" means a facility or activity classified by the department as major.

(54) "Manifest" means the shipping document, prepared in accordance with the requirements of WAC 173-303-180, which is used to identify the quantity, composition, origin, routing, and destination of a dangerous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

(55) (~~"Moderate risk waste" means any dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is not a regulated hazardous waste under 40 CFR Part 261, and that is designated as only DW in WAC 173-303-090, 173-303-101, 173-303-102 or 173-303-103. Any solid waste that is EHW or that is regulated by the United States EPA as hazardous waste cannot be a moderate risk waste.~~) (Reserved.)

(56) "NIOSH registry" means the registry of toxic effects of chemical substances which is published by the National Institute for Occupational Safety and Health.

(57) "Nonsudden accident" or "nonsudden accidental occurrence" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

(58) "Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage which the owner or operator neither expected nor intended to occur.

(59) "On-site" means the same, geographically contiguous, or bordering property. Travel between two properties divided by a public right of way, and owned, operated, or controlled by the same person, shall be considered on-site travel if: (a) The travel crosses the right of way at a perpendicular intersection; or, (b) the right of way is controlled by the property owner and is inaccessible to the public.

(60) "Operator" means the person responsible for the overall operation of a facility. (See also "state operator.")

(61) "Oral LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

(62) "Permit" means an authorization which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific conditions for such facility operations. Permits must be issued by one of the following:

- (a) The department, pursuant to this chapter;
- (b) United States EPA, pursuant to 40 CFR Part 270; or
- (c) Another state authorized by EPA, pursuant to 40 CFR Part 271.

(63) "Permit-by-rule" means a provision of this chapter stating that a facility or activity is deemed to have a dangerous waste permit if it meets the requirements of the provision.

(64) "Persistence" means the quality of a material which retains more than half of its initial activity after one year (365 days) in either a dark anaerobic or dark aerobic environment at ambient conditions.

(65) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(66) "Pesticide" means but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the department of agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the department of agriculture by regulation. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this chapter.

(67) "Pile" means any noncontainerized accumulation of solid, nonflowing dangerous waste that is used for treatment or storage.

(68) "Point source" means any confined and discrete conveyance from which pollutants are or may be discharged. This term includes, but is not limited to, pipes, ditches, channels, tunnels, wells, cracks, containers, rolling stock, concentrated animal feeding operations, or watercraft, but does not include return flows from irrigated agriculture.

(69) "Polycyclic aromatic hydrocarbons" (PAH) means those hydrocarbon molecules composed of two or more benzene rings. For the purposes of this chapter, the PAH of concern for designation are only those PAH with more than three rings and less than seven rings.

(70) "Post-closure" means the requirements placed upon disposal facilities (e.g., landfills, impoundments closed as disposal facilities, etc.) after closure to ensure their environmental safety for a number of years after closure. (See also "closure.")

(71) "Publicly owned treatment works" or "POTW" means any device or system, owned by the state or a municipality, which is used in the treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW.

(72) "Reclaim" means to process a material in order to recover useable products, or to regenerate the material. Reclamation is the process of reclaiming.

(73) "Recover" means extract a useable material from a solid or dangerous waste through a physical, chemical, biological, or thermal process. Recovery is the process of recovering.

(74) "Recycle" means to use, reuse, or reclaim a material.

(75) "Regulated unit" means any new or existing surface impoundment, landfill, land treatment area or waste pile that receives any dangerous waste after:

(a) January 26, 1983 for wastes regulated by 40 CFR Part 261;

(b) October 31, 1984 for wastes designated only by this chapter and not regulated by 40 CFR Part 261; or

(c) The date six months after a waste is newly identified by amendments to 40 CFR Part 261 or this chapter which cause the waste to be regulated.

(76) "Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

(77) "Reuse or use" means to employ a material either:

(a) As an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(b) In a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

(78) "Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

(79) "Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

(80) "Schedule of compliance" means a schedule of remedial measures in a permit including an enforceable sequence of interim requirements leading to compliance with this chapter.

(81) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. This term does not include the treated effluent from a wastewater treatment plant.

(82) "Scrap metal" means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

(83) "Spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

(84) "State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

(85) "Storage" means the holding of dangerous waste for a temporary period. "Accumulation" of dangerous waste, by the generator on the site of generation, is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

(86) "Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

(87) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(88) "Tank" means a stationary device designed to contain an accumulation of dangerous waste, and which is constructed primarily of nonearthen materials to provide structural support.

(89) "Thermal treatment" means the use of a device which uses primarily elevated temperatures to treat a dangerous waste.

(90) "TLM₉₆" means the same as "Aquatic LC₅₀".

(91) "Totally enclosed treatment facility" means a facility for treating dangerous waste which is directly connected to a production process and which prevents the release of dangerous waste or dangerous waste constituents into the environment during treatment.

(92) "Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

(93) "Transfer facility" or "collection facility" means a facility at which dangerous waste shipments are collected, consolidated, and stored for more than ten days before transfer to a storage, treatment, or disposal facility.

(94) "Transportation" means the movement of dangerous waste by air, rail, highway, or water.

(95) "Transporter" means a person engaged in the off-site transportation of dangerous waste.

(96) "Travel time" means the period of time necessary for a dangerous waste constituent released to the soil (either by accident or intent) to enter any on-site or off-site aquifer or water supply system.

(97) "Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

(98) "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which dangerous wastes are degraded, transformed or immobilized.

(99) "Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160 (2)(b), containers.

(100) "Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

(101) "Unsaturated zone" means the zone between the land surface and the water table.

(102) "Uppermost aquifer" means the geological formation nearest the natural ground surface that is capable of yielding ground water to wells or springs. It includes lower aquifers that are hydraulically interconnected with this aquifer within the facility property boundary.

(103) "Water or rail (bulk shipment)" means the bulk transportation of dangerous waste which is loaded or carried on board a vessel or railcar without containers or labels.

(104) "Waste water treatment unit" means a device which:

(a) Is part of a waste water treatment facility which is subject to regulation under either:

(i) Section 402 or section 307(b) of the Federal Clean Water Act; or

(ii) Chapter 90.48 RCW, State Water Pollution Control Act, provided that any dangerous waste treated at the facility is designated only by this chapter 173-303 WAC and is not regulated as hazardous waste under 40 CFR Part 261; and

(b) Handles dangerous waste as defined in WAC 173-303-070 through 173-303-103 in either of the following manner:

(i) Receives and treats or stores an influent dangerous waste water; or

(ii) Generates and accumulates or treats or stores a dangerous waste water treatment sludge; and

(c) Meets the definition of tank in WAC 173-303-040.

(105) "Existing TSD facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state and local statutes, regulations and ordinances and either:

(a) A continuous on-site, physical construction program has begun; or

(b) The owner or operator has entered into contractual obligation, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

(106) "New TSD facility" means a facility which began operation or for which construction commenced after November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

(107) "Special waste" means any dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is not a regulated hazardous waste under 40 CFR Part 261, and that is designated as only DW in WAC 173-303-090, 173-303-101, 173-303-102, or 173-303-103. Any solid waste that is EHW or that is regulated by the United States EPA as hazardous waste cannot be a special waste.

(108) "Active life" of a facility means the period from the initial receipt of dangerous waste at the facility until the department receives certification of final closure.

(109) "Final closure" means the closure of all dangerous waste management units at the facility in accordance with all applicable closure requirements so that dangerous waste management activities under WAC 173-303-400 and 173-303-600 through 173-303-670 are no longer conducted at the facility unless subject to the provisions in WAC 173-303-200.

(110) "Partial closure" means the closure of a dangerous waste management unit in accordance with the applicable closure requirements of WAC 173-303-400 and 173-303-600 through 173-303-670 at a facility that contains other active dangerous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other dangerous waste management unit, while other units of the same facility continue to operate.

(111) "Dangerous waste management unit" is a contiguous area of land on or in which dangerous waste is placed, or the largest area in which there is a significant likelihood of mixing dangerous waste constituents in the same area. Examples of dangerous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

Any terms used in this chapter which have not been defined in this section shall have either the same meaning as set forth in Title 40 CFR Parts 260, 264, 270, and 124 or else shall have their standard, technical meaning.

As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the singular include the plural, and words in the plural include the singular.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-045 REFERENCES TO EPA'S HAZARDOUS WASTE AND PERMIT REGULATIONS. Any references in this chapter to any parts, subparts, or sections from EPA's Hazardous Waste Regulations, including 40 CFR Parts 260 through 270 and Part 124, shall be in reference to those rules as they existed on (~~June 3~~) July 11, 1986, with the exception of rules adopted by EPA pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA), Public Law 98-616, amending RCRA. Copies of the appropriate referenced federal requirements are available upon request from the department.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-060 NOTIFICATION AND IDENTIFICATION NUMBERS. (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who owns or operates a dangerous

waste TSD facility shall have a current EPA/state identification number (EPA/state ID#). Any person who offers a dangerous waste to a transporter or to a dangerous waste TSD facility which does not have an EPA/state ID#, or whose EPA/state ID# has been cancelled(~~;~~ ~~closed~~;) or withdrawn, shall be in violation of this regulation.

(2) Every person who must have an EPA/state ID#, and who has not already received his ID#, must notify the department by obtaining and completing a Washington state notification of dangerous waste activities, Form 2, and submitting the completed form to the department. Any person already assigned an EPA/state ID# must submit a revised notification Form 2 to the department prior to any changes to his company's name, mailing address, ownership, physical location, or type of dangerous waste activity. Any change in location will require the issuance of a new EPA/state ID#. An EPA/state ID# may not be used at new company locations. Notification of dangerous waste activities, Form 2 and instructions for its completion may be obtained by contacting the department.

(3) Any person with an EPA/state ID# may request that his ID# be withdrawn if he will no longer be handling dangerous waste at the site the ID# has been assigned to. Any person whose ID# has been withdrawn must notify the department before he uses the ID# at any later date. Notification must be in writing, except in the case of emergencies (e.g., fires, spills, etc.) such notification may be provided by telephone first, and followed within one week by a written notification. Withdrawal will only be granted (~~if an ID# will not be used for at least two years~~) when all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(4) Any person with an EPA/state ID# may request that his ID# be cancelled (~~or closed~~) if he will no longer occupy the site. Notification must be in writing. An EPA/state ID# shall be considered cancelled (~~or closed~~) only after issuance of written confirmation by the department and when all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(5) Any person with a current EPA/state ID# must submit an annual report as required by WAC 173-303-070(8), 173-303-220, and 173-303-390. Any person that has withdrawn(~~;~~ ~~closed~~;) or cancelled their ID# and received confirmation from the department must submit an annual report for the calendar year in which their request was approved.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-070 DESIGNATION OF DANGEROUS WASTE. (1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

(b) The procedures in this section are applicable to any person who generates a solid waste (including recyclable materials) that is not exempted or excluded by this chapter or by the department. Any person who must determine whether or not his solid waste is designated must follow the procedures set forth in subsection (3) of

this section. Any person who determines by these procedures that his waste is designated DW or EHW shall be subject to all applicable requirements of this chapter.

(2)(a) Once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:

(i)(A) It does not exhibit any of the characteristics of WAC 173-303-090; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-083 has been exempted pursuant to WAC 173-303-910(3); or

(ii) If originally designated only through WAC 173-303-084 or 173-303-101 through 173-303-103, does not exhibit any of the criteria of WAC 173-303-101 through 173-303-103.

Such solid waste shall include but not be limited to any sludge, spill residue, ash emission control dust, leachate, or precipitation run-off. Precipitation run-off will not be considered a dangerous waste if it can be shown that the run-off has not been contaminated with the dangerous waste, or that the run-off is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the run-off does not exhibit any of the criteria or characteristics described in WAC 173-303-100.

(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(3) Designation procedures.

(a) To determine whether or not his waste is designated a person shall check his waste against the following sections, and in the following order:

(i) First, Discarded chemical products, WAC 173-303-081;

(ii) Second, Dangerous waste sources, WAC 173-303-082;

(iii) Third, Infectious dangerous wastes, WAC 173-303-083;

(iv) Fourth, Dangerous waste mixtures, WAC 173-303-084; and

(v) Last, Dangerous waste characteristics, WAC 173-303-090.

(b) In addition to the designation procedures specified in (a) of this subsection, a person may choose or may be required under subsection (4) of this section to check his waste against the following sections, and in the following order:

(i) First, Toxic dangerous wastes, WAC 173-303-101;

(ii) Second, Persistent dangerous wastes, WAC 173-303-102;

(iii) Last, Carcinogenic dangerous wastes, WAC 173-303-103.

(c) A person shall check each section, in the order set forth, until he determines that his waste is designated. Once his waste is designated through the lists or characteristics, he need not determine any other designations for his waste, except as required by subsection (4) or (5)

of this section. For the purposes of designating through the criteria, if a person determines that his waste is designated DW, then he must assure that it is not also EHW by checking it against the remaining sections. If the designation procedures identify a waste as both EHW and DW (e.g., a waste may be DW for corrosivity and EHW for EP toxicity), the waste must be designated EHW. If a person has checked his waste against each section that he is required by this section to check and his waste is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW shall comply with the requirements of WAC 173-303-072.

(4) Criteria designation required. Notwithstanding any other provisions of this chapter, the department may require any person to determine whether or not his waste is designated under the dangerous waste criteria, WAC 173-303-100 through 173-303-103, if the department has reason to believe that his waste would be designated DW or EHW by the dangerous waste criteria, or if the department has reason to believe that his waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW by the criteria). If a person, pursuant to the requirements of this subsection, determines that his waste is a dangerous waste or that its designation must be changed, then he shall be subject to the applicable requirements of this chapter 173-303 WAC. The department shall base a requirement to designate a waste by the dangerous waste criteria on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another persons' already designated DW or EHW;

(c) Evidence that the persons' waste has historically been a DW or EHW; or

(d) Evidence or information about a person's manufacturing materials or processes which indicate that his wastes may be DW or EHW.

(5) Special knowledge. If a generator has designated his waste under the dangerous waste lists, WAC 173-303-080 through 173-303-084, and has knowledge that his waste also exhibits any of the dangerous waste characteristics, WAC 173-303-090, or that his waste also meets any of the dangerous waste criteria, WAC 173-303-101 through 173-303-103, or both, then he shall also designate his waste in accordance with those dangerous waste characteristics, or criteria, or both.

(6) Dangerous waste numbers. When a person is reporting or keeping records on a dangerous waste, he shall use all the dangerous waste numbers which he knows are assignable to his waste from the dangerous waste lists, characteristics, or criteria. For example, if his waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the dangerous waste numbers of D001 and WP01. This shall not be construed as requiring a person to designate his waste beyond those designation requirements set forth in subsections (2), (3), (4), and (5) of this section.

(7) Quantity exclusion limits; aggregated waste quantities.

(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is fully subject to the requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to certain requirements described in subsection (8) of this section.

(b) Aggregated waste quantities. A person may be generating, accumulating, or storing more than one kind of dangerous waste identified by this chapter. In such cases, the person must consider the aggregate quantity of his wastes when determining whether or not his waste amounts exceed the specific quantity exclusion limits (QEL). Waste quantities must be aggregated for all wastes with common QEL's. For the purposes of this subsection, when aggregating waste quantities, a person shall include in his calculation dangerous wastes produced by on-site treatment or recycling of dangerous wastes and dangerous wastes being accumulated or stored. For example, if a person generates, accumulates, or stores 300 pounds of an ignitable waste and 300 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity (600 pounds) exceeds their common QEL of 400 pounds. On the other hand, if a person generates, accumulates, or stores one pound of an EHW discarded chemical product and 300 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 400 pounds, respective QEL's). Additional guidance on aggregating waste quantities is available from the department.

(c) The following are categories of waste that are excluded from the quantity determination and need not be aggregated as required by (b) of this subsection when calculating total waste quantities.

(i) Dangerous waste that is recycled and that is excluded from regulation under WAC 173-303-120 (2)(a), (3)(d) or (e) is not included in the quantity determinations of this section and is not subject to any requirements of this section.

(ii) ~~((Reserved.))~~ Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

(8) Small quantity generators.

(a) A person is a small quantity generator and is subject to the requirements of this subsection if his waste is designated under subsection (3) of this section, and the quantity of waste that he generates, accumulates, or stores (or the aggregated quantity if he generates more than one kind of waste) does not exceed the quantity exclusion limit for such waste (or wastes). If a person generates, accumulates, or stores any dangerous wastes that exceed the QEL, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter. For example, if a person generates four pounds of an EHW discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an

ignitable waste (QEL is ~~((400))~~ 220 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste. A small quantity generator may accumulate such listed or characteristic waste on-site, however when the quantity (or aggregate quantity) on-site at any time exceeds the quantity exclusion limit for such waste (or wastes) he will not be a small quantity generator and will be subject to all applicable requirements of this chapter. A small quantity generator who generates, accumulates, or stores waste in excess of the quantity exclusion limit and becomes subject to the full requirements of this chapter cannot again be a small quantity generator until after all dangerous waste on-site at the time he became fully regulated have been removed, treated, or disposed.

(b) A small quantity generator will not be subject to the requirements of this chapter if he:

(i) Complies with subsections (1), (2), (3), and (4) of this section; and

(ii) Either treats or disposes of his dangerous waste in an on-site facility, or ensures delivery to an off-site facility, either of which is:

(A) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(B) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

(C) Permitted to manage municipal or industrial solid waste in accordance with state or local regulations, or in accordance with another state's solid waste laws if the waste is sent out of state; or

(D) A facility that beneficially uses or reuses, or legitimately recycles or reclaims his dangerous waste, or that treats his waste prior to such recycling activities; and

(iii) Submits an annual report in accordance with WAC 173-303-220 if he has obtained an EPA/state identification number pursuant to WAC 173-303-060.

~~((c) If a small quantity generator's dangerous wastes are mixed with used oil, the mixture is subject to WAC 173-303-515 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.))~~

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-071 EXCLUDED CATEGORIES OF WASTE. (1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter shall comply with the applicable requirements of WAC 173-303-072. No waste class will be

excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050:

(a) Domestic sewage, and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system. This exclusion does not apply to the generation, treatment, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment;

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes which are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas);

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-084(6) or 173-303-102. For the purposes of this exclusion, asphaltic materials means materials intended and used for structural and construction purposes (e.g., roads, dikes, paving) which are produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Waste wood or wood products treated with preservatives if the waste is generated by persons who utilize the treated wood or wood products for these materials' intended end use;

(h) Irrigation return flows;

(i) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes.

(i) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60;

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when, using EPA's PCB testing method 600/4-81-045, the waste can be shown to contain less than one part per million (ppm) PCB or when, using ASTM method D 4059-86, the

waste can be shown to contain less than two parts per million (ppm) PCB;

(iii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are:

(A) Stored in a manner equivalent to the requirements of 40 CFR 761.65; and

(B) Within one year of removal from service, disposed of either in an incinerator that complies with 40 CFR 761.70, in a chemical waste landfill that complies with 40 CFR 761.75, in a high efficiency boiler that complies with 40 CFR 761.60 (a)(2)(iii) or (a)(3)(iii), or in a facility otherwise approved in accordance with 40 CFR 761.60(e);

(l) Samples.

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemption in (l)(i)(A) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(I) Assure that the following information accompanies the sample:

(aa) The sample collector's name, mailing address, and telephone number;

(bb) The laboratory's name, mailing address, and telephone number;

(cc) The quantity of the sample;

(dd) The date of shipment;

(ee) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (l)(i) of this subsection;

(m) Asbestos wastes or asbestos containing wastes which would be designated only as respiratory carcinogens by WAC 173-303-084 or 173-303-103, and any other inorganic wastes which are designated only under

WAC 173-303-084 or 173-303-103 because they are respiratory carcinogens, if these wastes are managed in compliance with or in a manner equivalent to the asbestos management procedures of 40 CFR Part 61;

(n) Dangerous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100 through 173-303-103) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(v), (vi), (vii), (viii), or (ix);

(q) As of January 1, 1987, secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; and

(v) The generator ensures that any residues (e.g., sludges, filters, etc.) produced from the collection, reclamation, and reuse of the secondary materials are delivered to a dangerous waste treatment, storage, or disposal facility or legitimate recycler. The generator must be able to provide documentation of such delivery. If the generator can demonstrate that the residues do not exhibit any of the dangerous waste characteristics (WAC 173-303-090) and criteria (WAC 173-303-100 through 173-303-103), then he is exempt from the requirements of this condition (v).

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-081 DISCARDED CHEMICAL PRODUCTS. (1) A waste shall be designated as a dangerous waste if it is handled in any of the manners described in (e) of this subsection, and if it is a residue from the management of:

(a) A commercial chemical product or manufacturing chemical intermediate which has the generic name listed

in the discarded chemical products list, WAC 173-303-9903;

(b) An off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(c) Any containers or inner liners that have been used to hold any commercial chemical product or manufacturing chemical intermediate that has, or any off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed on the acutely dangerous chemical products list of WAC 173-303-9903, unless the containers or inner liners are empty and have been triple rinsed as described in WAC 173-303-160 (2) (~~and (3)~~);

(d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial chemical product or manufacturing chemical intermediate which has, or of an off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(e) The materials or items described in (a), (b), (c), and (d) of this subsection are dangerous wastes when they are:

(i) Discarded or intended to be discarded as described in WAC 173-303-016 (3)(b)(i);

(ii) Burned for purposes of energy recovery in lieu of their original intended use;

(iii) Used to produce fuels in lieu of their original intended use;

(iv) Applied to the land in lieu of their original intended use; or

(v) Contained in products that are applied to the land in lieu of their original intended use.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes (including residues from the management of wastes) identified in subsection (1) of this section, shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) per month or per batch. Such wastes are designated EHW;

(ii) For chemicals and for residues from the cleanup of spills involving chemicals designated on the moderately dangerous chemical products list of WAC 173-303-9903 - ~~((400 lbs. (181.8 kg)))~~ 220 lbs. (100 kg) per month or per batch. Such wastes are designated DW;

(iii) For containers or inner liners which held any chemical designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) of residue remaining in the containers or inner liners per month or per batch unless the containers or inner liners meet the definition of empty and have been triple rinsed as described in WAC 173-303-160 (2) (~~and (3)~~);

(iv) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated EHW.

(b) A person's total monthly waste quantity shall be the sum of all his wastes which share a common quantity exclusion limit (e.g., the total quantity of all EHW discarded chemical products, the total quantity of all residues contaminated by EHW discarded chemical products, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Dangerous waste numbers and mixtures. A waste which has been designated as a discarded chemical product dangerous waste shall be assigned the dangerous waste number or numbers listed in WAC 173-303-9903 next to the generic chemical or chemicals which caused the waste to be designated. If a person mixes a solid waste with a waste that would be designated as a discarded chemical product under this section, then the entire mixture shall be designated. The mixture designation shall be the same as the designation for the discarded chemical product which was mixed with the solid waste. For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (dangerous waste number P004; EHW designation) and 22 lbs. (10 kg) of a solid waste, would be designated as an EHW, and would have the dangerous waste number P004.

(4) For the purposes of this chapter, the term "acutely hazardous waste" shall include discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the reason for designation column.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-082 DANGEROUS WASTE SOURCES. (1) The dangerous waste sources list appears in WAC 173-303-9904. Any waste which is listed or which is a residue from the management of a waste listed on the dangerous waste sources list shall be designated a dangerous waste, and shall be identified as DW, except that WAC 173-303-9904 includes several footnotes describing circumstances under which certain dangerous waste sources should be designated EHW rather than DW.

(2) Quantity exclusion limit. A person whose waste is listed in WAC 173-303-9904 (including residues from the management of such wastes) shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(a) 2.2 lbs. (1 kg) per month or per batch for wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027. For the purposes of this chapter, the term "acutely hazardous waste" shall include dangerous waste sources F020, F021, F022, F023, F026, and F027;

(b) 220 lbs. (100 kg) per month or per batch of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water of a waste listed in (a) of this subsection; or

(c) (~~400 lbs. (181.8 kg)~~) 220 lbs. (100 kg) per month or per batch for all other wastes.

(3) Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. If a person mixes a solid waste with a waste that would be designated as a dangerous waste source under this section, then the entire mixture shall be designated as a dangerous waste source. The mixture shall have the same designation (DW or EHW), and shall have the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

(4) For the purposes of this section, any dangerous waste source listed in WAC 173-303-9904 which lists more than one chemical compound must be designated as a dangerous waste if it contains any one or any combination of the listed chemical compounds. For example, a spent nonhalogenated solvent containing both xylene and acetone must be designated as dangerous waste source F003.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-084 DANGEROUS WASTE MIXTURES. (1) Purpose. It is the purpose of this section to describe the means for designating a waste mixture containing dangerous wastes which are not listed in WAC 173-303-081 through 173-303-083.

(2) References. The National Institute for Occupational Safety and Health's (NIOSH) Registry of Toxic Effects of Chemical Substances (Registry) is adopted by reference. The table in the United States EPA's regulations 40 CFR Table 302.4 (Spill Table) is adopted by reference.

(3) Waste mixture defined. For the purposes of this section, a waste mixture shall be any waste about which some or all of its constituents and concentrations are known, and which has not been designated as:

(a) A discarded chemical product under WAC 173-303-081;

(b) A dangerous waste source under WAC 173-303-082;

(c) An infectious dangerous waste under WAC 173-303-083; or

(d) A dangerous waste that has been designated by the criteria of WAC 173-303-101 through 173-303-103.

(4) A person who has a waste mixture shall use data which is available to him, and, when such data is inadequate for the purposes of this section, shall refer to the NIOSH Registry and/or to the EPA Spill Table to determine:

(a) Toxicity data or category for each known constituent in his waste;

(b) Whether or not each known constituent of his waste is a halogenated hydrocarbon or a polycyclic aromatic hydrocarbon with greater than three rings and less than seven rings; and,

(c) Whether or not each known constituent of his waste is an International Agency for Research on Cancer (IARC) human or animal, positive or suspected carcinogen.

(5) Toxicity.

(a) If a person has toxic constituents in his waste, he shall determine the toxic category for each known toxic constituent. The toxic category for each constituent may be determined directly from EPA'S Spill Table, or by obtaining data from the NIOSH Registry and checking this data against the toxic category table, below. If data is available for more than one of the four toxicity criteria (aquatic, oral, inhalation, or dermal), then the data of severest toxicity shall be used, and the most acutely toxic category shall be assigned to the constituent. If toxicity data for a constituent cannot be found in EPA'S Spill Table, NIOSH Registry, or other source reasonably available to a person, then he need not determine the toxic category for that constituent.

TOXIC CATEGORY TABLE

Category	TLm ₉₆ (Fish) or, Aquatic (Fish) LC ₅₀ (ppm)	Oral (Rat) LD ₅₀ (mg/kg)	Inhalation (Rat) LC ₅₀ (mg/L)	Dermal (Rabbit) LD ₅₀ (mg/kg)
X	<.1	<.5	<.02	< 2
A	.1 - 1	.5 - 5	.02 - .2	2 - 20
B	1 - 10	5 - 50	.2 - 2	20 - 200
C	10 - 100	50 - 500	2 - 20	200 - 2000
D	100 - 1000	500 - 5000	20 - 200	2000 - 20,000

(b) A person whose waste mixture contains one or more toxic constituents shall determine the equivalent concentration for his waste from the following formula:

$$\text{Equivalent Concentration}(\%) = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{100000}$$

where $\Sigma(X,A,B,C, \text{ or } D) \%$ is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste mixture contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C.}(\%) &= \frac{.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{1000} + \frac{(4\% + 2\% + 5\%)}{10000} + \frac{0\%}{100000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

So his equivalent concentration equals .031%.

(c) A person whose waste mixture contains toxic constituents shall determine his designation from the toxic dangerous waste mixtures graph in WAC 173-303-9906 by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked DW, he shall designate his waste as DW; if the plotted point is in the area marked EHW, he shall designate his waste as EHW.

(d) If a person knows only some of the toxic constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated for toxicity under this subsection.

(e) Toxic dangerous waste mixtures graph. The toxic dangerous waste mixtures graph appears in WAC 173-303-9906.

(6) Persistence.

(a) A person whose waste mixture contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of those halogenated hydrocarbons for which he knows the concentrations in his waste mixture.

Example 2. A person's waste mixture contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1-trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

$$\text{Total HH Concentration}(\%) = .009\% + .012\% + .02\% = .041\%$$

(b) A person whose waste mixture contains one or more polycyclic aromatic hydrocarbons with more than three rings and less than seven rings for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of those polycyclic aromatic hydrocarbons with more than three rings and less than seven rings about which he knows the concentration in his waste mixture.

Example 3. A person's waste mixture contains: Chrysene - .08%; 3, 4 - benzopyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration}(\%) = .08\% + 1.22\% = 1.3\%$$

(c) A person whose waste mixture contains halogenated hydrocarbons shall determine his designation from the persistent dangerous waste mixtures graph in WAC 173-303-9907 by finding the total halogenated hydrocarbon concentration for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total halogenated hydrocarbon concentration. If the plotted point is in the area marked DW, then he shall designate his waste DW; if the plotted point is in the area marked EHW, then he shall designate his waste EHW.

(d) A person whose waste mixture contains polycyclic aromatic hydrocarbons with more than three rings and less than seven rings shall determine his designation from the persistent dangerous waste mixtures graph in WAC 173-303-9907 by finding the total polycyclic aromatic hydrocarbon concentration of his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture

quantity intersects the vertical line drawn from his waste mixture's total polycyclic aromatic hydrocarbon concentration. If the plotted point is in the area marked EHW, then he shall designate his waste EHW. If the plotted point is outside of the area marked EHW, then his waste is not designated.

(e) If a person knows only some of the persistent constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated for persistence under this subsection.

(f) Persistent dangerous waste mixtures graph. The persistent dangerous waste mixtures graph appears in WAC 173-303-9907.

(7) Carcinogens. Any person whose waste mixture contains one or more IARC human or animal, positive or suspected carcinogen(s) shall designate his waste DW if:

(a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and

(b) The monthly or batch waste quantity exceeds ~~((400 lbs. (181.8 kg.)))~~ 220 lbs. (100 kg.).

(c) For designation purposes, any IARC human or animal, positive or suspected carcinogen that is so rated because of studies involving implantation of the substance into test animals as sole cause for the IARC rating, shall not be carcinogenic. This additional information is available in the IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans.

(8) Assigning dangerous waste numbers. A person whose waste is a dangerous waste mixture shall assign a dangerous waste number from the generic dangerous waste numbers table in WAC 173-303-104, Generic dangerous waste numbers. He shall assign the dangerous waste number from the table which corresponds to the designation for his dangerous waste.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-090 DANGEROUS WASTE CHARACTERISTICS. (1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The department will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), sampling and testing methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section shall be the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910(2).

(4) Quantity exclusion limit. A solid waste is a dangerous waste if it exhibits one or more of the dangerous waste characteristics described in subsections (5), (6), (7), and (8) of this section. If a person's solid waste exhibits one or more of these characteristics, then he shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of his waste exceeds

~~((400 lbs. (181.8 kg.)))~~ 220 lbs. (100 kg) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation; or,

(iv) It is an oxidizer as defined in 49 CFR 173.151.

(b) A solid waste that exhibits the characteristic of ignitability, but is not designated as a dangerous waste under any of the dangerous waste lists, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated DW, and shall be assigned the dangerous waste number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any one or more of the following properties:

(i) It is aqueous, and has a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using Method 5.2 in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, available from the department;

(ii) It is liquid, and corrodes steel (SAE 1020) at a rate greater than 0.250 inch (6.35 mm) per year at a test temperature of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods. The NACE Standard is available from the department; or

(iii) It is solid or semi-solid, and when mixed with an equal weight of water results in a solution, the liquid portion of which has the property specified in (a)(i) of this subsection. Procedures for preparing and extracting the solution and liquid are described in the test procedures of WAC 173-303-110 (3)(a).

(b) A solid waste that exhibits the characteristic of corrosivity, but is not designated as a dangerous waste under any of the dangerous waste lists, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated DW, and shall be assigned the dangerous waste number of D002.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating;

(ii) It reacts violently with water;

(iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity, but is not designated as a dangerous waste under any of the dangerous waste lists, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated DW, and shall be assigned the dangerous waste number of D003.

(8) Characteristic of EP toxicity.

(a) A solid waste exhibits the characteristic of EP toxicity if, using Extraction Procedure Test Methods - 1981 on file with the department, the extract from a representative sample of the waste contains any of the contaminants listed in the EP toxicity list in (c) of this subsection, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering, is considered to be the extract for the purposes of this subsection.

(b) A solid waste that exhibits the characteristic of EP toxicity, but is not designated as a dangerous waste under any of the dangerous waste lists, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, has the dangerous waste number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) EP toxicity list. Two levels of concentration are established for the contaminants listed. Any waste containing one or more contaminants with concentrations in the EHW range shall cause that waste to be designated EHW. Any waste containing contaminants which occur at concentrations in the DW range only (i.e., no EHW contaminants), shall be designated DW.

EP TOXICITY LIST

Dangerous Waste Number	Contaminant	EHW Maximum Concentration In Extract (mg/L)	DW Maximum Concentration In Extract (mg/L)
D004	Arsenic	> 500	5 - 500
D005	Barium	> 10,000	100 - 10,000
D006	Cadmium	> 100	1 - 100
D007	Chromium	> 500	5 - 500
D008	Lead	> 500	5 - 500
D009	Mercury	> 20	0.2 - 20
D010	Selenium	> 100	1 - 100
D011	Silver	> 500	5 - 500
D012	Endrin	> 2	0.02 - 2
D013	Lindane	> 40	0.4 - 40
D014	Methoxychlor	> 1,000	10 - 1,000
D015	Toxaphene	> 50	0.5 - 50
D016	2,4-D	> 1,000	10 - 1,000
D017	2,4,5-TP Silvex	> 100	1 - 100

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-101 TOXIC DANGEROUS WASTES. (1) Purpose. This section describes methods for determining the toxicity of a waste and the criteria by which a toxic waste shall be designated DW or EHW.

(2) Categorization.

(a) The following toxic category table establishes categories (X, A, B, C, or D) for particular toxicity levels. The X category is the most toxic, and the D category is least toxic. Substances which have toxicity levels below the D category are generally considered to be nontoxic.

TOXIC CATEGORY TABLE

Category	TLm ₉₆ (Fish) or Aquatic (Fish) LC ₅₀ (ppm)	Oral (Rat) LD ₅₀ (mg/kg)	Inhalation (Rat) LC ₅₀ (mg/L)	Dermal (Rabbit) LD ₅₀ (mg/kg)
X	<.1	<.5	<.02	<2
A	.1 - 1	.5 - 5.02	.2 - 2	2 - 20
B	1 - 10	5 - 50.2	2 - 20	20 - 200
C	10 - 100	50 - 500	20 - 200	200 - 2000
D	100 - 1000	500 - 5000	200 - 2000	2000 - 20,000

(b) In order to determine the toxic categories for the constituents in his waste, a person must obtain toxicity data on the constituents either through knowledge he has about his waste, or by obtaining data from the two sources referenced in subsection (3)(a) and (b) of this section, (EPA's Spill Table and NIOSH Registry). If data obtained for a constituent is available for more than one of the toxicity criteria (aquatic, oral, inhalation, or dermal), then the data of severest toxicity shall be used to assign the most acutely toxic category to the waste constituent.

(3) Establishing waste toxicity. A person shall establish the toxicity of his waste or waste constituents by applying his knowledge about his waste, or by using the following information sources or testing methods, or all of these:

(a) The National Institute for Occupational Safety and Health (NIOSH) document Registry of Toxic Effects of Chemical Substances (Registry);

(b) The United States EPA's regulation 40 CFR Table 302.4 (Spill Table); and

(c) The bioassay testing methods adopted under WAC 173-303-110(3).

(4) Book designation procedure.

(a) A person may use the book designation procedure described in this paragraph only if:

(i) He knows the toxic categories (as set forth in subsection (2) of this section) for the significant toxic constituents in his waste;

(ii) He knows the concentrations of the significant toxic constituents in his waste; and

(iii) He can demonstrate to the department beyond a reasonable doubt that any waste constituents about which he has limited or no knowledge do not significantly affect the toxicity of his waste.

(b) Equivalent concentration. A person who is book designating his waste shall determine the equivalent concentration (in percent) of the toxic constituents in his waste by using the following formula:

$$\text{Equivalent Concentration (\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{10,000}$$

where $\Sigma(X,A,B,C, \text{ or } D)\%$ is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C. (\%)} &= \frac{.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{1000} + \frac{(4\% + 2\% + 5\%)}{10000} + \frac{0\%}{10,000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

So his equivalent concentration equals .031%.

(c) Toxic dangerous waste graph. To book designate his waste, a person shall use the toxic dangerous waste mixtures graph in WAC 173-303-9906, by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked DW, he shall designate his waste DW; if the plotted point is in the area marked EHW, he shall designate his waste EHW.

(5) Designation from bioassay data. If a person has established the toxicity of his waste by means of the bioassay test methods adopted under WAC 173-303-110(3), and has determined his waste's toxicity range (C category or greater toxicity, or D category toxicity), then he shall designate his waste according to the toxic dangerous waste designation table, below.

TOXIC DANGEROUS WASTE DESIGNATION TABLE

If your waste's toxic range falls in the . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation is . . .
D Category	Greater than $\frac{((400))220 \text{ lbs.}}{(((+8+8))100 \text{ kg})}$	DW

TOXIC DANGEROUS WASTE DESIGNATION TABLE

If your waste's toxic range falls in the . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation is . . .
X, A, B, or C Category	$40 - \frac{((400))220 \text{ lbs.}}{(18.2 - \frac{(((+8+8))100 \text{ kg})})}$	DW
	Greater than $\frac{((400))220 \text{ lbs.}}{(((+8+8))100 \text{ kg})}$	EHW

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-102 PERSISTENT DANGEROUS WASTES. (1) Purpose. This section describes the procedures for designating wastes which contain halogenated hydrocarbons (HH) and/or polycyclic aromatic hydrocarbons with more than three rings and less than seven rings (PAH).

(2) Concentration determination. A person shall determine the concentration of HH and/or PAH in his waste by either testing his waste as specified in (a) of this subsection, or by the calculation procedures described in (b) of this subsection.

(a) Concentration tests. A person shall test his waste to determine its concentration level as follows:

(i) For HH - By using the testing methods specified in WAC 173-303-110 (3)(a)(v); and,

(ii) For PAH - By using the testing methods specified in WAC 173-303-110 (3)(a)(vi).

(b) Concentration calculations. If a person knows the concentrations of the significant persistent constituents in his waste, and if he can demonstrate to the department beyond a reasonable doubt that any remaining persistent constituents for which he does not know the concentrations would not contribute significantly to the total persistent concentration, then he may calculate the concentration of persistent constituents in his waste as follows:

(i) A person whose waste contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of his waste's significant halogenated hydrocarbons.

Example 1. A person's waste contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1-trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

$$\text{Total HH Concentration (\%)} = .009\% + .012\% + .02\% = .041\%$$

(ii) A person whose waste contains one or more polycyclic aromatic hydrocarbons with more than three rings and less than seven rings for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of his waste's significant polycyclic aromatic hydrocarbons with more than three rings and less than seven rings.

Example 2. A person's waste contains: Chrysene - .08%; 3, 4 - benzopyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

Total PAH Concentration (%) = .08% + 1.22% = 1.3%

(3) Designation criteria and quantity. A person whose waste contains persistent (HH or PAH) constituents shall designate his waste according to the persistent dangerous waste table, below, if his monthly or batch waste quantity exceeds (~~400 lbs. (181.8 kg.)~~) 220 lbs. (100 kg).

PERSISTENT DANGEROUS WASTE TABLE

If your waste contains . . .	At a concentration level of . . .	Then your waste's designation is . . .
Halogenated	0.01 to 1.0%	DW
Hydrocarbons (HH)	greater than 1.0%	EHW
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*

* No DW concentration level for PAH.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-103 **CARCINOGENIC DANGEROUS WASTES.** (1) Criteria. A substance which is listed in the National Institute for Occupational Safety and Health (NIOSH) document Registry of Toxic Effects of Chemical Substances (Registry), or any other scientific or technical documents, as an IARC (International Agency for Research on Cancer) human or animal, positive or suspected carcinogen, shall be a carcinogenic substance for the purposes of this section. Any IARC identified substance which is an inorganic, respiratory carcinogen shall be a carcinogenic substance only if it occurs in a friable format (i.e., if it is in a waste which easily crumbles and forms dust which can be inhaled).

(2) Designation. Any person whose waste contains one or more IARC carcinogen(s) shall designate his waste if:

(a) The monthly or batch waste quantity exceeds (~~400 lbs. (181.8 kg.)~~) 220 lbs. (100 kg); and either

(b)(i) The concentration of any one IARC positive (human or animal) carcinogen exceeds 1.0% of the waste quantity. Such waste shall be designated EHW, and such designation shall take precedence over any DW designation determined by (b)(ii) or (iii) of this subsection; or

(ii) The concentration of any one IARC positive (human or animal) carcinogen exceeds 0.01% of the waste quantity. Such waste shall be designated DW; or

(iii) The total concentration summed for all IARC positive and suspected (human and animal) carcinogens exceeds 1.0% of the waste quantity. Such waste shall be designated DW.

(c) For designation purposes, any IARC human or animal, positive or suspected carcinogen that is so rated

because of studies involving implantation of the substance into test animals as sole cause for the IARC rating, shall not be carcinogenic. This additional information is available in the IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-120 **RECYCLED, RECLAIMED, AND RECOVERED WASTES.** (1) This section describes the requirements for persons who recycle materials that are solid wastes and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2)(a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:

(i) Industrial ethyl alcohol that is reclaimed;

(ii) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

(iii) Used oil that exhibits one or more of the characteristics or criteria of dangerous waste and is recycled in some (~~other~~) manner other than:

(A) Being burned for energy recovery; or

(B) Being used in a manner constituting disposal, except when such use is by the generator on his own property;

(iv) Scrap metal;

(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;

(vi) Oil reclaimed from dangerous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;

(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under WAC 173-303-515 (1)(~~fe~~) (d) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;

(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under WAC 173-303-515 (1)(e); and

(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under WAC 173-303-515 (1)(e); and

(ix) Petroleum coke produced from petroleum refinery dangerous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exhibits one or more of the characteristics of dangerous waste in WAC 173-303-090.

(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:

(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or

(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).

(3) The following recyclable materials are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840:

(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);

(d) Used oil that is burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:

(i) Exhibits one or more of the characteristics of a dangerous waste; or

(ii) Is designated as DW solely through WAC 173-303-084 or 173-303-101 through 173-303-103; or

(iii) Is designated solely as W001, (see WAC 173-303-515);

(e) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

(f) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling.

The recycling process itself is generally exempt from regulation unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.

Unless specified otherwise in subsections (2) and (3) of this section:

(a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but

not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

(i) WAC 173-303-060, and

(ii) WAC 173-303-370;

(d) Owners or operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

(i) For all recyclers, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395,

(B) WAC 173-303-420 through 173-303-440,

(C) WAC 173-303-800 through 173-303-840;

(ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iii) For recyclers with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650, and

(B) WAC 173-303-660.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-170 REQUIREMENTS FOR GENERATORS OF DANGEROUS WASTE. (1) A person shall be a dangerous waste generator if his solid waste is designated by the requirements of WAC 173-303-070 through 173-303-103.

(a) The generator shall be responsible for designating his waste as DW or EHW.

(b) The generator may request an exemption for his dangerous waste according to the procedures of WAC 173-303-072.

(2) A dangerous waste generator shall notify the department and obtain an EPA/state identification number as required by WAC 173-303-060, and shall comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) Except for the accumulation and storage of dangerous wastes for less than ninety days as allowed under WAC 173-303-200, any generator who transfers, stores, treats, or disposes of dangerous waste on-site shall perform his operations in accordance with the TSD facility requirements of this chapter.

(4) The generator of a (~~(moderate risk)~~) special waste may, upon approval by the department, for (~~(moderate risk)~~) special waste only:

(a) Develop and implement an alternative manifest mechanism in lieu of the requirements of WAC 173-303-180 for (~~(moderate risk)~~) special waste shipments. Such alternative mechanism might employ a single manifest for multiple shipments of the same (~~(moderate risk)~~) special waste, might not require signatures or multiple copies for transporters or designated receiving facilities, and might include such other factors as the generator might develop and the department approve.

The generator must, however, demonstrate to the department's satisfaction before implementing the alternative mechanism that it will assure accurate tracking and recording of waste shipments, and that the mechanism provides for the proper submission of exception reports as specified in WAC 173-303-220(2). The generator shall be responsible for assuring that all transporters and facilities involved in implementing the alternative manifest mechanism are complying with the terms and conditions of the mechanism as approved by the department; and

(b) Pursuant to the requirements of WAC 173-303-200, accumulate (~~(moderate risk)~~) special waste in containers and tanks for up to one hundred eighty days, and accumulate (~~(moderate risk)~~) special waste in piles for up to ninety days provided that he complies with WAC 173-303-660 (2), (3)(a), (b)(i), (ii)(A), (7), (8), and (9)(a).

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-201 SPECIAL ACCUMULATION STANDARDS. (1) This section applies to persons who generate less than 2200 pounds (1000 kg) per month and do not accumulate on-site more than 2200 pounds (1000 kg) of dangerous waste. The special provisions of this section do not apply to any acutely hazardous wastes (as defined in WAC 173-303-040(2)) that are being generated or accumulated by the generator.

(2) For purposes of accumulating dangerous waste on-site, persons who generate per month and accumulate on-site less than 2200 pounds (1000 kg) per month of dangerous waste are subject to all applicable provisions of WAC 173-303-200 except (~~that in lieu of the ninety-day accumulation period, dangerous waste may be accumulated for one hundred eighty days or less~~) as follows:

(a) In lieu of the ninety-day accumulation period, dangerous wastes may be accumulated for one hundred eighty days or less. The department may, on a case-by-case basis, grant a maximum ninety-day extension to this one hundred eighty-day period if the generator must transport his waste, or offer his waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal, and the dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances;

(b) The generator need not comply with WAC 173-303-330 (Personnel training); and

(c) In lieu of the contingency plan and emergency procedures required by WAC 173-303-350 and 173-303-360, the generator must comply with the following:

(i) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in (c)(iv) of this subsection. This employee is the emergency coordinator.

(ii) The generator must post the following information next to all emergency communication devices (including telephones, two-way radios, etc.):

(A) The name and telephone number of the emergency coordinator;

(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm.

(iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(iv) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:

(A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(B) In the event of a spill, contain the flow of dangerous waste to the extent possible, and as soon as is practicable, clean up the dangerous waste and any contaminated materials or soil;

(C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached waters of the state, the generator must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their twenty-four hour toll free number 800/424-8802.) The report must include the following information:

(I) The name, address, and EPA/state identification number of the generator;

(II) Date, time, and type of incident (e.g., spill or fire);

(III) Quantity and type of hazardous waste involved in the incident;

(IV) Extent of injuries, if any; and

(V) Estimated quantity and disposition of recovered materials, if any.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-220 GENERATOR REPORTING. The generator shall submit the following reports to the department by the specified due date for each report, or within the time period allowed for each report.

(1) Annual reports.

(a) A generator or any person who (~~holds an active EPA/state identification number~~) has obtained an EPA/state identification number pursuant to WAC 173-303-060 shall submit an annual report((s)) to the department, on the Generator Annual Dangerous Waste Report - Form 4 according to the instructions on the form (copies are available from the department), no later than March 1 for the preceding calendar year.

(b) In addition, any generator who stores, treats, or disposes of dangerous waste on-site shall comply with the annual reporting requirements of WAC 173-303-390, Facility reporting.

(2) Exception reports.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within thirty-

five days of the date the waste was accepted by the initial transporter must contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

(b) A generator must submit an exception report to the department if he has not received a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

(c) The exception report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of those efforts.

(d) The department may require a generator to submit exception reports in less than forty-five days if it finds that the generator frequently or persistently endangers public health or the environment through improper waste shipment practices.

(3) Additional reports. The director, as he deems necessary under chapter 70.105 RCW, may require a generator to furnish additional reports concerning the quantities and disposition of his dangerous waste.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-230 SPECIAL CONDITIONS. (1) Exporting dangerous waste.

~~((a) The requirements of 40 CFR, Section 262.50 (a), (b) and (c), International Shipments, are adopted by reference.~~

~~((b)) Federal export requirements, administered by EPA, are set forth in 40 CFR 262.50 and specify the procedures applicable to generators of hazardous waste (as defined in WAC 173-303-040(39)). Copies of any ((exception)) forms or reports submitted to the administrator of United States EPA as required by 40 CFR 262.50 shall also be submitted to ((the director of)) the department.~~

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer shall comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), except that:

(a) In place of the generator's name, address and EPA/state identification number, the name and address of the foreign generator and the importer's name, address and EPA/state identification number shall be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his agent shall sign and date the certification and obtain the signature of the initial transporter.

(3) ~~((Triple rinsing))~~ Empty containers. For the purposes of this chapter, a person who stores, treats, disposes, transports, or offers for transport empty containers of dangerous waste that were for his own use shall not be treated as a generator or as a facility

owner/operator if the containers are empty as defined in WAC 173-303-160(2), and either:

(a) The rinsate is not a dangerous waste under this chapter; or

(b) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide residues, he reuses or manages the rinsate in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars shall handle the rinsate according to this chapter, and according to chapter 90.48 RCW, Water pollution control.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-240 REQUIREMENTS FOR TRANSPORTERS OF DANGEROUS WASTE. (1) Transporters shall comply with the requirements of WAC 173-303-060, notification and identification numbers. Transporters who are involved in interstate transport shall use the identification number assigned to their national headquarters office, unless the department requires, on a case-by-case basis, that a transporter obtain his own unique EPA/state ID#. Transporters who are involved only in intrastate transport shall use the identification number assigned to their headquarters office located within the state. Transporters who must comply with the generator requirements as a result of a spill at a terminal or during transport shall obtain a separate generator EPA/state ID# for such spill or terminal.

(2) Any person who transports a dangerous waste shall comply with the requirements of WAC 173-303-240 through 173-303-270, when such dangerous waste is required to be manifested by WAC 173-303-180.

Any person who transports ~~((moderate-risk))~~ special waste shall, if the generator of the waste has implemented an alternative manifest mechanism approved by the department under WAC 173-303-170 ~~((2)(b)(i)))~~ (4)(a), comply with the terms and conditions specified by the generator and approved by the department for the alternative manifest mechanism.

(3) Any person who transports a dangerous waste shall also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the state from another country; or

(b) Mixes dangerous waste of different United States DOT shipping descriptions by mixing them into a single container.

(4) These requirements shall not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or by owners/operators of permitted TSD facilities.

(5) Transporters may store manifested shipments of dangerous waste in containers meeting the requirements of WAC 173-303-190 (1), (2), and (3) for ten days or less. Transporters may not accumulate or store manifested shipments of dangerous waste for more than ten

days. Reference to WAC 173-303-200 in 173-303-240(3) does not constitute authority for storage in excess of ten days for transporters. Transporters who do not comply with these conditions are subject to all applicable TSD facility requirements.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-280 GENERAL REQUIREMENTS FOR DANGEROUS WASTE MANAGEMENT FACILITIES. (1) Applicability. The requirements of WAC 173-303-280 through 173-303-395 apply to all owners and operators of facilities which store, treat, or dispose of dangerous wastes and which must be permitted under the requirements of this chapter 173-303 WAC, unless otherwise specified in this chapter. The owner or operator of a facility which manages (~~moderate risk~~) special waste may comply with the special requirements specified in WAC 173-303-550 through 173-303-560 in lieu of the general requirements of WAC 173-303-280 through 173-303-395, but only for those (~~moderate risk~~) special wastes which he manages. Whenever a shipment of dangerous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements for generators, WAC 173-303-170 through 173-303-230.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of a facility present an imminent and substantial hazard to the public health and the environment, regardless of the quantity or concentration of a dangerous waste.

(3) Identification numbers. Every facility owner or operator shall apply for an EPA/state identification number from the department in accordance with WAC 173-303-060.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-360 EMERGENCIES. (1) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, required by WAC 173-303-350(2), all operations and activities at the facility, the location and properties of all wastes handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(2) Emergency procedures. The following procedures shall be implemented in the event of an emergency.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(ii) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials.

(c) Concurrently, the emergency coordinator shall assess possible hazards to human health and the environment (considering direct, indirect, immediate, and long-term effects) that may result from the release, fire, or explosion.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) He must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their 24-hour toll free number (800) 424-8802).

(e) His assessment report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health or the environment outside the facility.

(f) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other dangerous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(g) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(h) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(i) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(i) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(j) The owner or operator must notify the department, and appropriate local authorities, that the facility is in compliance with (i) of this subsection before operations are resumed in the affected area(s) of the facility.

(k) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, he must submit a written report on the incident to the department. The report must include:

- (i) Name, address, and telephone number of the owner or operator;
- (ii) Name, address, and telephone number of the facility;
- (iii) Date, time, and type of incident (e.g., fire, explosion);
- (iv) Name and quantity of material(s) involved;
- (v) The extent of injuries, if any;
- (vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; ~~((and))~~
- (vii) Estimated quantity and disposition of recovered material that resulted from the incident;
- (viii) Cause of incident; and
- (ix) Description of corrective action taken to prevent reoccurrence of the incident.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-400 INTERIM STATUS FACILITY STANDARDS. (1) Purpose. The purpose of WAC 173-303-400 is to establish standards which define the acceptable management of dangerous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(2) Applicability.

(a) The interim status standards apply to owners and operators of facilities which treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section, interim status shall apply to all facilities which comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-805. The interim status standards shall also apply to those owners and operators of facilities in existence on November 19, 1980, for RCRA wastes and those facilities in existence on August 9, 1982, for state only wastes who have failed to provide the required notification pursuant to WAC 173-303-060 or failed to file Part A of the permit application pursuant to WAC 173-303-805 (4) and (5). Interim status shall end after final administrative disposition of the Part B permit application is completed, or may be terminated for the causes described in WAC 173-303-805(7).

(b) Interim status facilities must meet the interim status standards by November 19, 1980, except that:

- (i) Interim status facilities which handle only state designated wastes (i.e., not designated by 40 CFR Part 261) must meet the interim status standards by August 9, 1982; and
- (ii) Interim status facilities must comply with the additional state interim status requirements specified in subsection (3)(c)(ii), (iii) and (v), of this section, by August 9, 1982.

(c) The requirements of the interim status standards do not apply to:

- (i) Persons disposing of dangerous waste subject to a permit issued under the Marine Protection, Research and Sanctuaries Act;
- (ii) Persons disposing of dangerous waste by underground injection which is permitted under the Safe Drinking Water Act;
- (iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes;
- (iv) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment units as defined in WAC 173-303-040, provided that he complies with the permit by rule requirements of WAC 173-303-802(5);
- (v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200 provides otherwise; and
- (vi) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b).

(d) The owner or operator of an interim status facility which manages ~~((moderate-risk))~~ special waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the interim status facility standards of this section, but only for those ~~((moderate-risk))~~ special wastes which he manages and only after the owner or operator has requested and the department has issued a notice of interim status modification.

(3) Standards.

(a) Interim status standards shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 265 Subparts F through R which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter), and:

- (i) WAC 173-303-280 through 173-303-440;
- (ii) WAC 173-303-630(3), for containers. In addition, for container storage, the department may require that the storage area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being stored, or due to a history of spills or releases from stored containers. Any new container storage areas constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7).
- (iii) WAC 173-303-640 (2)(c), for tanks; and
- (iv) WAC 173-303-805.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R to the state of Washington facilities, the federal terms shall have (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, shall be replaced with) the following state of Washington meanings:

(i) "Regional administrator" shall mean the "department";

(ii) "Hazardous" shall mean "dangerous"; and

(iii) "Compliance procedure" shall have the meaning set forth in WAC 173-303-040, Definitions.

(c) In addition to the changes described in (b) of this subsection, the following modifications shall be made to interim status standards of 40 CFR Part 265 Subparts F through R:

(i) The words "the effective date of these regulations" shall mean:

(A) November 19, 1980, for facilities which manage any wastes designated by 40 CFR Part 261; and

(B) March 12, 1982, for facilities which manage wastes designated only by WAC 173-303-080 through 173-303-103 and not designated by 40 CFR Part 261;

(ii) "Subpart N - landfills" shall have an additional section added which reads: "An owner/operator shall not landfill an organic carcinogen or an EHW, as defined by WAC 173-303-080 to 173-303-103, except at the EHW facility at Hanford";

(iii) "Subpart R - underground injection" shall have an additional section which reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-103";

(iv) "Subpart M - land treatment," section 265.273(b) shall be modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080";

(v) "Subpart F - ground water monitoring," section 265.91(c) shall include the requirement that: "Ground-water monitoring wells shall be designed, constructed, and operated so as to prevent groundwater contamination. Chapter 173-160 WAC may be used as guidance in the installation of wells"; and

(vi) "Subpart H - financial requirements" shall have an additional section which reads: "Any owner or operator who can provide financial assurances and instruments which satisfy the requirements of WAC 173-303-620 will be deemed to be in compliance with 40 CFR Part 265 Subpart H."

AMENDATORY SECTION (Amending Order 86-37, filed 1/13/87)

WAC 173-303-420 SITING STANDARDS. (1) Purpose. This section provides criteria for the siting of dangerous waste facilities. The criteria are to be viewed as standards which a facility owner/operator shall meet in siting his facility.

(2) Applicability. These siting standards will apply to all facilities which require a permit under WAC 173-303-805 and 173-303-806, or as otherwise limited in each of the applicable paragraphs of this section.

(3) Earthquake fault criteria.

(a) Active portions of new TSD facilities will not be located within two hundred feet of a fault which has had displacement in Holocene times. For facilities managing ((moderate risk)) special waste only, engineering efforts, as approved by the department, may be substituted for the two hundred-foot buffer zone.

(b) As used in (a) of this subsection:

(i) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side;

(ii) "Displacement" means the relative movement of any two sides of a fault measured in any direction; and

(iii) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

(c) Facilities which are located in counties other than those listed below are assumed to be in compliance with this subsection.

Chelan	Grant	Lewis	Skagit
Clallam	Grays Harbor	Mason	Skamania
Clark	Jefferson	Okanogan	Snohomish
Cowlitz	King	Pacific	Thurston
Douglas	Kitsap	Pierce	Wahkiakum
Ferry	Kittitas	San Juan	Whatcom
			Yakima

(4) Floodplain criteria.

(a) A facility located in a one hundred-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any dangerous waste by a one hundred-year flood, unless, in the case of facilities which manage DW only, the owner or operator has included in his contingency plan (WAC 173-303-350) procedures which will cause the waste to be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes will be removed must be a facility permitted according to this chapter.

(b) For facilities which manage EHW, a facility located in a one hundred-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any EHW by a one hundred-year flood. Contingency procedures for removal of EHW will not be deemed equivalent to engineered flood proofing.

(c) As used in (a) and (b) of this subsection:

(i) "One hundred-year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source;

(ii) "Washout" means the movement of dangerous waste from the active portion of the facility as a result of flooding; and

(iii) "One hundred-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(5) The siting of facilities in areas under the jurisdiction of the 1971 Shoreline Management Act (chapter 90.58 RCW).

(a) Areas defined as "wetlands" under RCW 90.58-.030 (2)(f) (those areas under jurisdiction of the Shoreline Management Act) shall not be considered or used for the disposal of dangerous waste.

(b) Dangerous waste storage and treatment facilities, where such facilities have either historically located in areas under jurisdiction of the Shoreline Management Act, or where such facilities require a waterfront or harbor area location, shall be limited to those locations where the local shoreline management master program permits industrial, navigation, manufacturing, or similar activities. Areas classified natural, conservancy, rural, or

residential shall not be considered for the location of a dangerous waste facility.

(6) Sole source aquifer criteria. No new facility shall dispose of dangerous waste over a sole source aquifer designated pursuant to section 1424(e) of the Safe Drinking Water Act (Public Law 93-523).

(7) Interim siting standards.

(a) Purpose. The purpose of this subsection is to establish interim siting considerations and criteria for preempted facilities requiring permits pursuant to WAC 173-303-805 or 173-303-806. These interim sitings standards are to be used until superseded by final siting regulations adopted pursuant to RCW 70.105.200 through 70.105.270.

(b) Applicability. The interim siting standards described in this subsection apply to owners and operators of any preempted facilities for which:

(i) Interim or final status permits have been issued by the department, pursuant to WAC 173-303-805 or 173-303-806; or

(ii) Interim or final status permit applications that will be or have been submitted to the department, pursuant to WAC 173-303-805 or 173-303-806. This subsection does not apply to owners or operators of facilities who prior to July 28, 1985, manage wastes in landfills, land treatment, surface impoundments, or waste piles to be closed as landfills, or through incineration. In addition, this subsection does not apply to owners/operators of facilities or portions of facilities applying for research, development, and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65.

(c) Implementation. Owners/operators of preempted facilities to which the interim siting standards of this subsection apply must include in (or amend the existing) TSD facility application, submitted pursuant to WAC 173-303-805 or 173-303-806, information that demonstrates consideration of and compliance with the interim siting standards of this subsection.

(i) Applications for facilities that do not meet prohibitions or set back requirements specified in this subsection will be rejected by the department.

(ii) The department may place additional restrictions and conditions on a facility permit (including interim status) pursuant to its authority under this chapter and the State Environmental Policy Act, chapter 43.21C RCW.

(d) Definitions. Any terms used in this subsection that are not defined below shall have the meanings provided in WAC 173-303-040. For the purposes of this subsection, the following terms shall have the described meanings:

(i) "Preempted facility" means any facility that includes as a significant part of its activities the following operations: (A) Landfill, (B) incineration, (C) land treatment, (D) surface impoundment to be closed as a landfill, or (E) waste pile to be closed as a landfill.

(ii) "Perennial surface water body" means any lake, river, pond, canal, stream, reservoir, inland water, salt-water, and other surface waters under the jurisdiction of the state of Washington that normally has continuous flow throughout the year. This does not include man-

made lagoons, or impoundments associated with a facility.

(iii) "Area of influence" means the area surface and subsurface area surrounding a well(s) within which the potentiometric surface has been changed due to ground water withdrawal.

(iv) "Residences" means any dwelling, including private homes, rental homes, boarding houses, apartments, motels, and hotels.

(v) "Institution" means any public or private:

(A) School, college, university, hospital, health care facility, church;

(B) Retail shopping center;

(C) Stadium and auditorium; and

(D) Building with free public access that is operated by a local, state, or federal government.

(e) Structural stability.

(i) Proximity to Holocene earthquake fault - All provisions of subsection (3) of this section shall apply.

(ii) Subsidence. Consideration shall be given to any sinking of the land surface within the facility boundaries due to the removal of solid mineral matter or fluids from the subsurface.

(iii) Unstable slopes. Consideration shall be given to any steeply sloping areas within facility boundaries where the rapid mass movement of earth materials is likely to occur.

(iv) Soils stability. Consideration shall be given to any weak or unstable soils within the facility boundaries. Weak or unstable soils or conditions include, but are not limited to, organic soils, expansive soils, sands subject to liquefaction during seismic events, soft clays, sensitive clays, loess and quick conditions.

(v) Tsunami/storm surge. Consideration shall be given to shoreline areas bordering the Pacific Ocean and the Straits of Juan De Fuca that may flood because of tsunamis or storm surges.

(f) Surface water quality protection.

(i) One hundred-year floodplain. All requirements of subsection (4) of this section shall apply.

(ii) Proximity to surface water. No preempted facility shall be located within five hundred feet of a perennial surface water body. Five hundred feet shall be measured horizontally from the ordinary high water mark of the perennial surface water body to the nearest portion of the facility.

(g) Ground water protection.

(i) Minimum depth to regional aquifer. Consideration shall be given to the depth from any portion of the facility to the regional aquifer. Regional aquifer shall be determined by the department.

(ii) Regional aquifer recharge areas. Consideration shall be given to the areas that provide principal recharge to regional aquifers. Such areas shall be determined by the department.

(iii) Ground water travel time. Consideration shall be given to the rate of ground water movement in all directions from the facility to the facility property boundary.

(h) Drinking water protection.

(i) Public water supply watersheds. No facility shall be located within the boundaries of a designated public water supply watershed.

(ii) Sole source aquifer. All provisions of subsection (6) of this section shall apply.

(iii) Proximity to drinking water intakes. No preempted facilities shall be located within:

(A) Five hundred feet, measured horizontally from the nearest portion of the facility, of a surface or ground water intake for public or private drinking water if the facility is located up gradient from such an intake; or

(B) Two hundred fifty feet, measured horizontally from the nearest point of the facility boundary, of a surface or ground water intake for public or private drinking water if the facility is located down gradient or cross gradient from such an intake.

(iv) Wellhead protection areas. No preempted facility shall be located within the area of influence surrounding a water well or wellfield that is supplying potable water to a domestic water supply system for use outside the facility boundaries.

(i) Sensitive area protection. Preempted facilities shall be subject to the following locational standards for sensitive areas:

(i) Threatened and endangered species. No preempted facility shall locate in an area that would result in the taking of individuals of a species, or the direct elimination of habitat of species that are on the federal list of threatened and endangered species;

(ii) Shorelines and wetlands. All provisions of subsection (5) of this section shall apply;

(iii) Wilderness areas. No preempted facility shall locate in a wilderness area as so designated under the Wilderness Protection Act;

(iv) State and federal wildlife refuges. No preempted facility shall locate in a state or federal refuge as so designated under state and federal laws and regulations;

(v) Parks, scenic and recreational areas. No preempted facility shall be located in a city, county, state, or federally designated park, scenic area, or recreational area; and

(vi) Archeological and historic areas, national monuments. No preempted facility shall be located within any area designated by a city, county, state, or federal agency as an archeological or historic area or a national monument.

(j) Air quality protection. Evaluation shall be made of air impacts considering the effect of local meteorology, control technology and facility operation and maintenance on air emissions. The maximum ambient air concentration for toxic air contaminant emissions at or beyond the facility property boundaries, as estimated by dispersion modeling, shall not exceed an acceptable ambient level as determined by the department.

(k) Transportation routes.

(i) Traffic flow and capacity. Consideration shall be given to the traffic flow and capacity of existing or proposed roadways in the immediate area leading to a facility.

(ii) Safety standards for transport routes. Consideration shall be given to safety factors of primary and secondary access routes to a facility, including road, rail, and marine, as appropriate. Such factors shall include freedom from obstructions, sight distance, traffic flow and capacity at critical intersections, and such other

traffic safety requirements designed to minimize public exposure to transport vehicles.

(l) Adjacent land use considerations.

(i) Proximity to residences. No preempted facility shall be located within:

(A) Two thousand feet from the nearest point of the facility property boundary to the boundary of an area zoned for residential uses by local governments. For the purposes of this subsection, the department shall consider local zoning in place as of July 28, 1985; and

(B) For areas not zoned for residential purposes, five hundred feet from the nearest point of the facility property boundary to the nearest property boundary of a residence.

(ii) Proximity to institutions. Consideration shall be given to a facility's proximity to institutions, as defined in (d) of this subsection. No preempted facility shall be located within two thousand feet from the nearest point of the facility property boundary to the nearest property boundary of an institution.

(iii) Proximity to agricultural lands. Consideration shall be given to a facility's proximity to lands used for raising agricultural crops or livestock. Such consideration shall include emissions to the air, water, and soils due to operation that may cause known adverse impacts to agricultural crops or livestock.

(m) Host community considerations.

(i) Utilities and public services. The availability of utilities and public services (such as water, gas, electricity, sewage, and refuse collection), and the costs for necessary increases in capacity shall be considered when siting any preempted facility.

(ii) Emergency services. The availability of emergency responses services (such as police, fire departments, and hospitals), and costs for necessary increases in capacity shall be considered when siting any preempted facility.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-515 SPECIAL REQUIREMENTS FOR USED OIL BURNED FOR ENERGY RECOVERY. (1) Applicability.

(a) This section applies to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:

(i) Exhibits any characteristic of a dangerous waste identified in WAC 173-303-090; or

(ii) Is designated as DW solely through WAC 173-303-084 or 173-303-101 through 173-303-103; or

(iii) Is designated solely as W001(~~or~~

~~(iv) Contains dangerous waste generated only by a person subject to the special requirements for small quantity generators under WAC 173-303-070(8)).~~

(b)(i) This section does not apply to used oil burned for energy recovery that is mixed with a listed waste (except as provided in (a) (iii) (~~and (iv)~~)) of this subsection) or that is designated as EHW through WAC 173-303-084 or 173-303-101 through 173-303-103. Such used oil is subject to the requirements of WAC 173-303-510.

(ii) Used oil containing more than 1000 ppm of total halogens is presumed to be a dangerous waste because it has been mixed with halogenated dangerous waste listed in WAC 173-303-9903 or 173-303-9904. Such dangerous wastes are subject to the requirements of WAC 173-303-510. Persons may rebut this presumption by demonstrating that the used oil does not contain dangerous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated dangerous constituents listed in WAC 173-303-9905).

(iii) This section does not apply to used oil (~~burned for energy recovery in marine or diesel engines, except that marketers of such used oil are subject to the notification requirements of WAC 173-303-060, and the presumptive test of (b)(ii) of this subsection~~) that is designated for any reason other than being listed as W001 if such used oil is burned for energy recovery by the generator of the used oil in his own marine or diesel engines.

(c) If a used oil subject to this section does not exceed any of the specifications of Table 1, it is subject only to the analysis and recordkeeping requirements under subsection (4)(b)(i) and (vi) of this section; otherwise, it is subject to all applicable provisions of this section.

(d) For the purposes of this chapter:

(i) "Used oil" means any oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities;

(ii) Used oil fuel includes any fuel produced from used oil by processing, blending, or other treatments;

(iii) Used oil fuel that exceeds any specification level (described in Table 1) is termed "off-specification used oil fuel."

TABLE 1

USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO THIS SECTION WHEN BURNED FOR ENERGY RECOVERY^a

Constituent/property	Allowable level
Arsenic.....	5 ppm maximum
Cadmium.....	2 ppm maximum
Chromium.....	10 ppm maximum
Lead.....	100 ppm maximum
Flash Point.....	100° F minimum
Total Halogens.....	4,000 ppm maximum ^b
Polychlorinated Biphenyls.....	2 ppm maximum ^(b)

^aThe specification does not apply to used oil fuel mixed with a dangerous waste other than small quantity generator dangerous waste.

^bUsed oil containing more than 1,000 ppm total halogens is presumed to be a dangerous waste under the rebuttable presumption provided under WAC 173-303-515 (1)(b)(ii). Such used oil is subject to WAC 173-303-510 rather than this section when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(2) Prohibitions.

(a) A person may market off-specification used oil for energy recovery only:

(i) To burners or other marketers who have notified the department of their used oil management activities stating the location and general description of such activities, and who have an EPA/state identification number; and

(ii) To burners who burn the used oil in an industrial furnace or boiler identified in (b) of this subsection.

(b) Off-specification used oil may be burned for energy recovery in only the following devices:

(i) Industrial furnaces identified in WAC 173-303-040; or

(ii) Boilers, as defined in WAC 173-303-040 that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale; or

(C) Used oil-fired space heaters provided that:

(I) The heater burns only used oil that the owner or operator generates or used oil received from do-it-yourself oil changers who generate used oil as household waste;

(II) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and

(III) The combustion gases from the heater are vented to the ambient air.

(3) Standards applicable to generators of used oil burned for energy recovery.

(a) Except as provided in (b) and (c) of this subsection generators of used oil are not subject to this section.

(b) Generators who market used oil directly to a burner are subject to subsection (4) of this section.

(c) Generators who burn used oil are subject to subsection (5) of this section.

(4) Standards applicable to marketers of used oil burned for energy recovery.

(a) Persons who market used oil fuel are termed "marketers." However, the following persons are not marketers subject to this section:

(i) Used oil generators, and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing are considered to be burning incidentally to processing. Thus, generators and collectors who market to such incidental burners are not marketers subject to this section;

(ii) Persons who market only used oil fuel that meets the specification under Table 1 of subsection (1) of this section and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel).

(b) Marketers are subject to the following requirements:

(i) Analysis of used oil fuel. Used oil fuel is subject to regulation under this section unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under Table 1 of subsection (1) of this section.

(ii) Prohibitions. The prohibitions under subsection (2)(a) of this section;

(iii) Notification. Notification to the department stating the location and general description of used oil management activities. Even if a marketer has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an EPA/state identification number, he must renotify to identify his used oil management activities.

(iv) Invoice system. When a marketer initiates a shipment of off-specification used oil, he must prepare and send the receiving facility an invoice containing the following information:

(A) An invoice number;

(B) His own EPA/state identification number and the EPA/state identification number of the receiving facility;

(C) The names and addresses of the shipping and receiving facilities;

(D) The quantity of off-specification used oil to be delivered;

(E) The date(s) of shipment or delivery; and

(F) The following statement: "This used oil subject to Washington state department of ecology regulation under WAC 173-303-515;

Note—Used oil that meets the definition of combustible liquid (flash point below 200° F but at or greater than 100° F) or flammable liquid (flash point below 100° F) is subject to Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 100-177.

(v) Required notices.

(A) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(I) The burner or marketer has notified the department stating the location and general description of his used oil management activities; and

(II) If the recipient is a burner, the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(B) Before a marketer accepts the first shipment of off-specification used oil from another marketer subject to the requirements of this subsection, he must provide the marketer with a one-time written and signed notice certifying that he has notified the department of his used oil management activities; and

(vi) Recordkeeping.

(A) Used oil fuel that meets the specification. A marketer who first claims under (b)(i) of this subsection that used oil fuel meets the specification must keep copies of analysis (or other information used to make the determination) of used oil for three years. Such marketers

must also record in an operating log and keep for three years the following information on each shipment of used oil fuel that meets the specification. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with dangerous waste or unless it is mixed with used oil so that it no longer meets the specification.

(I) The name and address of the facility receiving the shipment;

(II) The quantity of used oil fuel delivered;

(III) The date of shipment or delivery; and

(IV) A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required under (b)(vi)(A) of this subsection.

(B) Off-specification used oil fuel. A marketer who receives or initiates an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received or prepared. In addition, a marketer must keep a copy of each certification notice that he receives or sends for three years from the date he last engages in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.

(5) Standards applicable to burners of used oil burned for energy recovery.

Owners and operators of facilities that burn used oil fuel are "burners" and are subject to the following requirements:

(a) Prohibition. The prohibition under subsection (2)(b) of this section;

(b) Notification. Burners of off-specification used oil fuel must notify the department stating the location and general description of used oil management activities, except that owners and operators of used oil-fired space heaters that burn used oil fuel under the provisions of subsection (2)(b)(ii) of this section are exempt from these notification requirements. Even if a burner has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an identification number, he must renotify to identify his used oil management activities.

(c) Required notices. Before a burner accepts the first shipment of off-specification used oil fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(i) He has notified the department stating the location and general description of his used oil management activities; and

(ii) He will burn the used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(d) Used oil fuel analysis.

(i) Used oil fuel burned by the generator is subject to regulation under this section unless the burner obtains analysis (or other information) documenting that the used oil meets the specification provided under Table 1 of subsection (1) of this section.

(ii) Burners who treat off-specification used oil fuel by processing, blending, or other treatment to meet the specification provided under Table 1 of subsection (1) of

this section must obtain analyses (or other information) documenting that the used oil meets the specification.

(e) Recordkeeping. A burner who receives an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received. Burners must also keep for three years copies of analyses of used oil fuel as may be required by (d) of this subsection. In addition, he must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives off-specification used oil from that marketer.

(f) Local requirements. Any person who burns used oil for energy recovery, except for burning in used oil-fired space heaters that meet the provisions of subsection (2)(b)(ii) of this section, must comply with the air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-550 SPECIAL REQUIREMENTS FOR FACILITIES MANAGING ((~~MODERATE RISK~~)) SPECIAL WASTE. (1) Purpose. ((~~Moderate risk~~)) Special wastes (as defined in WAC 173-303-040((~~55~~))(107)) pose less risk to public health and the environment than do other dangerous wastes, therefore, they do not require as high a level of regulation. The purpose of WAC 173-303-550 through 173-303-560 is to set forth those mandatory standards which are minimally acceptable for managing ((~~moderate-risk~~)) special waste, and the criteria and selective standards which will be applied based on the specific risks posed by such wastes.

(2) Applicability. The requirements of WAC 173-303-550 through 173-303-560 apply to owners and operators of facilities which manage ((~~moderate-risk~~)) special waste, and are only applicable to such ((~~moderate risk~~)) special wastes as are being managed. Whenever a ((~~moderate-risk~~)) special waste is shipped from a facility, the owner or operator must comply with WAC 173-303-170 through 173-303-230, requirements for generators.

(3) Standards. The owner/operator of a facility managing moderate risk wastes must comply with all applicable standards of this chapter unless he requests (as described in subsection (4) of this section) and the department approves (as described in subsection (5) of this section) the application of less stringent standards to his facility. The owner/operator may request relief from any standards except those minimum standards specified in WAC 173-303-560. Failure to comply with an approval issued by the department pursuant to subsection (5) of this section, will be a violation of this chapter. Failure to comply with all applicable requirements of this chapter while the department is considering a request or after a request has been denied will be a violation of this chapter.

(4) Request. The owner/operator may request that less stringent standards be applied to his ((~~moderate~~

risk)) special waste management activities in any manner or form that he chooses. His request must be submitted in writing to the department, and must include:

(a) The facility name, EPA/state identification #, address, telephone number, and a contact person at the facility;

(b) The ((~~moderate-risk~~)) special waste(s) managed at the facility and the type(s) of management applied to them;

(c) The specific standards from which the owner/operator seeks relief;

(d) A description, for each standard, demonstrating:

(i) Why the owner/operator believes the standard to be unnecessary;

(ii) How public health and the environment will continue to be protected if the standard is not applied to the facility; and

(iii) Any evidence supporting the contention that public health and the environment will be adequately protected if the standard is not applied (e.g., test data, diagrams, experiences at similar facilities, records, reports, etc.); and

(e) The following certification, signed and dated by a person who would be authorized to sign a report under WAC 173-303-810 (12)(b):

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

The department may ask for any additional information it deems necessary, and will not consider approval of the owner's/operator's request until all necessary information has been submitted. Failure to provide any of the information required by this subsection may result in the department's denying the owner's/operator's request.

(5) Approval or denial. The department will review any requests submitted pursuant to subsection (4) of this section, and based on the adequacy of the information provided in the request will approve or deny all or any part of the request. The department will notify the owner/operator of its decision in writing. Approval of a request will not be final until the permit has been modified or issued as described in (a) or (b) of this subsection. If the department decides to approve all or part of the request and the owner/operator agrees with the department's decision, then the department will proceed to grant such approval as follows:

(a) Interim status facilities. For a facility which qualifies for interim status (as described in WAC 173-303-805), the department shall issue a notice of interim status modification in accordance with WAC 173-303-805(8) stating what standards the owner/operator must meet;

(b) Final facilities.

(i) For facilities which are required to have a final facility permit, the department shall follow the procedures for issuing (or, for facilities which already have a final

facility permit, the procedures for modifying) a final facility permit, as described in WAC 173-303-806. The new or modified final facility permit shall include the standards the owner/operator must meet.

(ii) The department may request that an applicant for a final facility permit submit his planned (~~moderate risk~~) special waste demonstrations (prepared in accordance with subsection (4) of this section) a maximum of three months prior to submittal of his Part B application.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-560 MINIMUM STANDARDS FOR FACILITIES MANAGING (~~MODERATE RISK~~) SPECIAL WASTE. In no case will the department approve standards for facilities managing (~~moderate risk~~) special waste which do not include, at a minimum, the following applicable requirements:

- (1) WAC 173-303-060;
- (2) WAC 173-303-350;
- (3) WAC 173-303-360;
- (4) WAC 173-303-370;
- (5) WAC 173-303-380;
- (6) WAC 173-303-390; and
- (7) WAC 173-303-430.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-600 FINAL FACILITY STANDARDS. Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-670, is to establish minimum state-wide standards which describe the acceptable management of dangerous waste. In addition to WAC 173-303-600 through 173-303-670, the final facility standards include WAC 173-303-280 through 173-303-395, and 173-303-420 through 173-303-440.

(2) The final facility standards apply to owners and operators of all facilities which treat, store or dispose of dangerous waste, and which are not exempted by subsection (3) of this section.

(3) The final facility standards do not apply to:

(a) Persons whose disposal activities are permitted under the Marine Protection, Research and Sanctuaries Act, except that storage, or treatment facilities where dangerous waste is loaded onto an ocean vessel for incineration or disposal at sea are subject to final facility standards;

(b) Persons whose disposal activities are permitted under the Underground Injection Control Program of the Safe Drinking Water Act, except that storage, or treatment facilities needed to handle dangerous wastes are subject to final facility standards;

(c) Owners or operators of POTWs which treat, store, or dispose of dangerous waste provided they follow the permit-by-rule requirement of WAC 173-303-802(4);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a facility which is permitted to manage solid waste pursuant to chapter (~~173-~~

~~301~~) 173-304 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC 173-303-070(8);

(f) A farmer disposing of waste pesticides from his own use provided he complies with WAC 173-303-160(2)(b);

(g) A transporter storing a manifested shipment of dangerous waste for ten days or less in accordance with WAC 173-303-240(5);

(h) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance;

(i) The owner or operator of a facility which is in compliance with the interim status requirements of WAC 173-303-400 and 173-303-805, until final administrative disposition of his final facility permit;

(j) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment unit as defined in WAC 173-303-040, provided that he complies with the permit by rule requirements of WAC 173-303-802(5); and

(k) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b).

(4) The owner or operator of a final status TSD facility which manages (~~moderate risk~~) special waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the final facility standards of WAC 173-303-600 through 173-303-670, but only for those (~~moderate risk~~) special wastes which he manages and only after the department has issued or modified his final facility permit in accordance with WAC 173-303-800 through 173-303-840 to incorporate the special requirements.

(5) The owner or operator of a facility which recycles dangerous waste may, for such recycled wastes only, comply with the applicable recycling standards specified in WAC 173-303-120 and 173-303-500 through 173-303-525 in lieu of the final facility standards.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-610 CLOSURE AND POSTCLOSURE. (1) Applicability.

(a) Subsections (2) to (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities.

(b) Subsections (7) to (10) of this section, (which concern postclosure care), apply to the owners and operators of all regulated units (as defined in WAC 173-303-040(75)) at which dangerous waste will remain after closure, to surface impoundments and waste piles as specified in WAC 173-303-650(6) and 173-303-660(9), and, unless otherwise authorized by the department, to the owners and operators of all facilities which, at closure, cannot meet the removal or decontamination limits specified in subsection (2)(b) of this section.

(c) For the purposes of the closure and postclosure requirements, any portion of a facility which closes is subject to the applicable closure and postclosure standards even if the rest of the facility does not close and continues to operate.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a)(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes or eliminates to the extent necessary to ~~((prevent threats to))~~ protect human health and the environment, postclosure escape of dangerous waste, dangerous ~~((waste))~~ constituents, leachate, contaminated ~~((rainfall))~~ run-off, or dangerous waste decomposition products to the ground, surface water, ground water, or the atmosphere; and

(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible given the nature of the previous dangerous waste activity.

(b) Where the closure requirements of this section, or of WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), or 173-303-670(8) call for the removal or decontamination of dangerous wastes, waste residues, or equipment, bases, liners, soils or other materials containing or contaminated with dangerous wastes or waste residue, then such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed:

(i) Background environmental levels, for any dangerous waste, managed at the facility, which either is listed under WAC 173-303-081 or 173-303-082 or is designated by the characteristics of WAC 173-303-090; and

(ii) At least the designation limits of WAC 173-303-084, or 173-303-101 through 173-303-103 for any dangerous waste, managed at the facility, which is not listed under WAC 173-303-081 or 173-303-082 and is not designated by the characteristics of WAC 173-303-090. In addition to these limits, the department may specify in the closure plan for a facility any lower limits for removal or decontamination which the department deems appropriate.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the dangerous waste at partial or final closure are required by WAC 173-303-650(6) and 173-303-660(9) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance ~~((proceeding))~~ procedures under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with subsections (2), (3), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8). A copy of the approved plan and all revisions to the plan must be ~~((kept at the facility))~~ furnished to the department

upon request, including request by mail until final closure is completed and certified in accordance with subsection (6) of this section. The plan must identify steps necessary to ~~((completely or partially close))~~ perform partial and/or final closure of the facility at any point during its ~~((intended operating))~~ active life ~~((and to completely close the facility at the end of its intended operating life))~~. The closure plan must include at least:

(i) A description of how each dangerous waste management unit at the facility will be closed in accordance with subsection (2) of this section;

(ii) A description of how ~~((and when the facility will be partially closed, if applicable, and finally closed))~~ final closure of the facility will be conducted in accordance with subsection (2) of this section. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility ~~((and how the requirements of subsections (2) to (6) of this section, and the applicable closure requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8) will be met))~~;

~~((iii))~~ (iii) An estimate of the maximum inventory of dangerous wastes ~~((in storage and in treatment at any time during))~~ ever on-site over the active life of the facility. (Any change in this estimate is a minor modification under WAC 173-303-830(4));

(iv) A detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all dangerous wastes, and identification of the type(s) of the off-site dangerous waste management units to be used, if applicable;

~~((iii))~~ (v) A detailed description of the steps needed to remove or decontaminate ~~((facility equipment during closure))~~ all dangerous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

(vi) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and run-off control; and

~~((iv))~~ An estimate of the expected year of closure and a schedule for final closure. (vii) A schedule for closure of each dangerous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close ~~((the facility))~~ each dangerous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat ~~((and))~~ or dispose of all dangerous waste inventory and of the time required to place a final cover must be included.) Additionally, for facilities that use trust funds to establish financial

assurance under WAC 173-303-620 (4) or (6) and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

(b) ~~The owner or operator ((may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically managed on-site or received from off-site.) The owner or operator must amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, he must request a modification of the closure plan at the same time. If a permit modification is not needed to authorize the change in operating plans or facility design, the request for modification of the closure plan must be made within sixty days after the change in plans or design occurs.~~

(c) ~~The owner or operator must notify the department at least one hundred eighty days prior to the date he expects to begin closure)) must submit a written request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The written request must include a copy of the amended closure plan for approval by the department.~~

(i) ~~The owner or operator may submit a written request to the department for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.~~

(ii) ~~The owner or operator must submit a written request for a permit modification to authorize a change in the approved closure plan whenever:~~

(A) ~~Changes in operating plans or facility design affect the closure plan; or~~

(B) ~~There is a change in the expected year of closure, if applicable; or~~

(C) ~~In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.~~

(iii) ~~The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than thirty days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to prepare a contingent closure plan under WAC 173-303-650(6) or 173-303-660(9), must submit an amended closure plan to the department no later than sixty days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665, or no later than thirty days from that date if the determination is made~~

~~during partial or final closure. The department will approve, disapprove, or modify this amended plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved closure plan will become a condition of any permit issued.~~

(iv) ~~The department may request modifications to the plan under the conditions described in (b)(ii) of this subsection. The owner or operator must submit the modified plan within sixty days of the department's request, or within thirty days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the department will be approved in accordance with the procedures in WAC 173-303-800 through 173-303-840.~~

(c) ~~Notification of partial closure and final closure.~~

(i) ~~The owner or operator must notify the department in writing at least sixty days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the department in writing at least forty-five days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed.~~

(ii) ~~The date when he "expects to begin closure" must be either no later than thirty days after the date on which any dangerous waste management unit receives the known final volume of dangerous wastes or, if there is a reasonable possibility that the dangerous waste management unit will receive additional dangerous wastes, no later than one year after the date on which the unit received the most recent volume of dangerous waste. If the owner or operator of a dangerous waste management unit can demonstrate to the department that the dangerous waste management unit or facility has the capacity to receive additional dangerous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit.~~

(iii) ~~If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order to cease receiving dangerous wastes or to close, then the requirements of (c) of this subsection do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in subsection (4) of this section.~~

(iv) ~~Removal of wastes and decontamination or dismantling of equipment. Nothing in this subsection shall preclude the owner or operator from removing dangerous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.~~

(4) ~~Closure; time allowed for closure.~~

(a) ~~Within ninety days after receiving the final volume of dangerous wastes at a dangerous waste management unit or facility, the owner or operator must treat, remove from the ((site)) unit or facility, or dispose of on site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period~~

if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, and either:

(i) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes;

(B) There is a reasonable likelihood that ((a)) he or another person ((other than the owner or operator)) will recommence operation of the ((site)) dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(b) The owner or operator must complete partial and final closure activities in accordance with the approved closure plan and within one hundred eighty days after receiving the final volume of dangerous wastes at the dangerous waste management unit or facility. The department may approve ((a longer)) an extension to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating dangerous waste management unit or facility, including compliance with all applicable permit requirements, and either:

(i) The partial or final closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii) (A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes;

(B) There is reasonable likelihood that ((a)) he or another person ((other than the owner or operator)) will recommence operation of the ((site)) dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(c) The demonstrations referred to in (a) and (b) of this subsection must be made as follows: The demonstrations in (a) of this subsection must be made at least thirty days prior to the expiration of the specified ninety-day period; and the demonstration in (b) of this subsection must be made at least thirty days prior to the expiration of the specified one hundred eighty-day period.

(5) Disposal or decontamination of equipment((: When closure is completed, all facility equipment and structures must have been properly disposed of, or decontaminated by removing all dangerous waste and residues)), structures and soils. During the partial and final closure periods, all contaminated equipment, structures and soils must be properly disposed of or decontaminated unless otherwise specified in WAC 173-303-650(6),

173-303-655(8), 173-303-660(9), 173-303-665(6). By removing any dangerous wastes or dangerous constituents during partial and final closure, the owner or operator may become a generator of dangerous waste and must handle that waste in accordance with all applicable requirements of WAC 173-303-170 through 173-303-230.

(6) Certification of closure. ((When closure is completed, the owner or operator must submit to the department certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.)) Within sixty days of completion of closure of each dangerous waste surface impoundment, waste pile, land treatment, and landfill unit, and within sixty days of the completion of final closure, the owner or operator must submit to the department by registered mail, a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until it releases the owner or operator from the financial assurance requirements for closure under WAC 173-303-620(4).

(7) Postclosure care and use of property.

(a) Postclosure care for each dangerous waste management unit subject to postclosure requirements must begin after completion of closure of the unit and continue for thirty years after ((the)) that date ((of completing closure)) and must consist of at least the following:

(i) Ground water monitoring and reporting as applicable; and

(ii) Maintenance ((of)) and monitoring ((and)) of waste containment systems as applicable.

(b) ((During the one hundred eighty-day period preceding closure (see subsection (3)(c) of this section) or at any time thereafter, the department may reduce the postclosure care period to less than thirty years)) Any time preceding partial closure of a dangerous waste management unit subject to postclosure care requirements or final closure, or any time during the postclosure period for a particular unit, the department may, in accordance with the permit modification procedures in WAC 173-303-800 through 173-303-840:

(i) Shorten the postclosure care period applicable to the dangerous waste management unit, or facility, if all disposal units have been closed, if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the dangerous waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the dangerous waste management unit or facility is secure)((:

Prior to the time that the postclosure care period is due to expire the department may extend the postclosure care period if)); or

(ii) Extend the postclosure care period applicable to the dangerous waste management unit or facility if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of dangerous waste at levels which may be harmful to human health and the environment).

(c) The department may require, at partial or final closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the postclosure period (~~((after the date of completing closure))~~) when:

(i) Dangerous wastes may remain exposed after completion of partial or final closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health (~~(or may disturb the postclosure monitoring or waste containment systems)).~~

(d) Postclosure use of property on or in which dangerous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the function of the facility's monitoring systems, unless the department finds that the disturbance:

(i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(ii) Is necessary to reduce a threat to human health or the environment.

(e) All postclosure care activities must be in accordance with the provisions of the approved postclosure plan as specified in subsection (8) of this section.

(8) Postclosure plan; amendment of plan.

(a) The owner or operator of a dangerous waste disposal ((facility)) unit must have a written postclosure plan. In addition, certain piles and certain surface impoundments from which the owner or operator intends to remove or decontaminate the dangerous wastes at partial or final closure are required by WAC 173-303-650 and 173-303-660, respectively, to have written contingent postclosure plans. ((The plan must be submitted with the permit application in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved postclosure plan will become a condition of any permit issued. The department's decision must assure that the approved postclosure plan is consistent with subsections (7), (8), (9), and (10) of this section, and the applicable requirements of WAC 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6). A copy of the approved plan and all revisions to the plan must be kept at the facility until the postclosure care period begins. This)) Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent postclosure plans under WAC 173-303-650 or 173-303-660 must submit a postclosure plan to the department within ninety days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the postclosure requirements. The plan must be submitted with the permit application, in accordance with WAC 173-303-806, and approved by the department as part of the permit

issuance procedures under WAC 173-303-840. The approved postclosure plan will become a condition of any permit issued.

(b) For each dangerous waste management unit subject to the requirements of this subsection, the postclosure plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;

(ii) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

(A) The integrity of the cap and final cover or other containment structures where applicable; and

(B) The function of the facility monitoring equipment;

(iii) And the name, address, and phone number of the person or office to contact about the dangerous waste disposal unit or facility during the postclosure care period. ((This person or office must keep an updated postclosure plan during the postclosure period.

~~(b) The owner or operator may amend his postclosure plan at any time during the active life of the disposal facility or during the postclosure care period. The owner or operator must amend his plan whenever changes in operating plans or facility design, or events which occur during the active life of the facility or during the postclosure period, affect his postclosure plan. He must also amend his plan whenever there is a change in the expected year of closure.~~

~~(c) When a permit modification is requested during the active life of the facility to authorize a change in operating plans or facility design which affects the postclosure plan, modification of the postclosure plan must be requested at the same time. In all other cases the request for modification of the postclosure plan must be made within sixty days after the change in operating plans or facility design or the events which affect his postclosure plan occur.))~~

(c) Until final closure of the facility, a copy of the approved postclosure plan must be furnished to the department upon request, including request by mail. After final closure has been certified, the person or office specified in (b)(iii) of this subsection must keep the approved postclosure plan during the remainder of the postclosure period.

(d) Amendment of plan. The owner or operator must request a permit modification to authorize a change in the approved postclosure plan in accordance with the applicable requirements of WAC 173-303-800 through 173-303-840. The written request must include a copy of the amended postclosure plan for approval by the department.

(i) The owner or operator may submit a written request to the department for a permit modification to amend the postclosure plan at any time during the active life of the facility or during the postclosure care period.

(ii) The owner or operator must submit a written request for a permit modification to authorize a change in the approved postclosure plan whenever:

(A) Changes in operating plans or facility design affect the approved postclosure plan; or

(B) There is a change in the expected year of final closure, if applicable; or

(C) Events which occur during the active life of the facility, including partial and final closures, affect the approved postclosure plan.

(iii) The owner or operator must submit a written request for a permit modification at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the postclosure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to submit a contingent postclosure plan under WAC 173-303-650 or 173-303-660 must submit a postclosure plan to the department no later than ninety days after the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665. The department will approve, disapprove, or modify this plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved postclosure plan will become a permit condition.

(iv) The department may request modifications to the plan under the conditions described in (d)(ii) of this subsection. The owner or operator must submit the modified plan no later than sixty days after the department's request, or no later than ninety days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent postclosure plan. Any modifications requested by the department will be approved, disapproved, or modified in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(9) Notice to local land authority. ~~((Within ninety days after closure is completed))~~ No later than the submission of the certification of closure of each dangerous waste disposal unit, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plat indicating the location and dimensions of landfill cells or other dangerous waste disposal ~~((areas))~~ units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the ~~((site as specified in subsection (7)(d)))~~ dangerous waste disposal unit in accordance with the applicable requirements of this section. In addition, no later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department, a record of the type, location, and quantity of dangerous wastes disposed of within each cell or ~~((area))~~ other disposal unit of the facility. For wastes disposed of before November 19, 1980 (March 12, 1982, for facilities subject to this chapter

but not subject to 40 CFR Part 264), the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of his knowledge and in accordance with any records he has kept ~~((including, but not limited to, records kept in compliance with 40 CFR Part 265)). Any changes in the type, location, or quantity of dangerous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed must be reported to the local zoning authority or the authority with jurisdiction over local land use and to the department)).~~

(10) Notice in deed to property.

(a) ~~((The owner of the property on which a disposal facility is located))~~ No later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the department a record of the type, location, and quantity of dangerous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes (as defined in WAC 173-303-040(39)) disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of his knowledge and in accordance with any records he has kept.

(b) Within sixty days of certification of closure of the first dangerous waste disposal unit and within sixty days of certification of closure of the last dangerous waste disposal unit, the owner or operator must:

(i) Record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

~~((i))~~ (A) The land has been used to manage dangerous wastes;

~~((ii))~~ (B) Its use is restricted under ~~((subsection (7)(d) of))~~ this section; and

~~((iii))~~ (C) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or ~~((area))~~ other dangerous waste disposal unit of the facility required in subsection (9) of this section have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department; and

(ii) Submit a certification, signed by the owner or operator, that he has recorded the notation specified in (b)(i) of this subsection, including a copy of the document in which the notation has been placed, to the department.

~~((b))~~ (c) If ~~((at any time))~~ the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located ~~((removes the waste and waste residues, the liner, if any, and all contaminated underlying and surrounding soil, he may remove the notation on the deed to the facility property or other instrument normally examined during title search, or he may add a notation to the deed or instrument indicating the removal of the waste))~~ wishes to remove dangerous wastes and dangerous waste residues, the liner, if any, or contaminated soils, he must request a modification to the

postclosure permit in accordance with the applicable requirements in WAC 173-303-800 through 173-303-840. The owner or operator must demonstrate that the removal of dangerous wastes will satisfy the criteria of subsection (7)(d) of this section. By removing dangerous waste, the owner or operator may become a generator of dangerous waste and must manage it in accordance with all applicable requirements of this chapter. If he is granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the department approve either:

(i) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

(ii) The addition of a notation to the deed or instrument indicating the removal of the dangerous waste.

(11) Certification of completion of postclosure care. No later than sixty days after completion of the established postclosure care period for each dangerous waste disposal unit, the owner or operator must submit to the department, by registered mail, a certification that the postclosure care period for the dangerous waste disposal unit was performed in accordance with the specifications in the approved postclosure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until he releases the owner or operator from the financial assurance requirements for postclosure care under WAC 173-303-620(6).

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-620 FINANCIAL REQUIREMENTS. (1) Applicability.

(a) The requirements of subsections (3), (4), (7), (8), (9), and (10) of this section, apply to owners and operators of all dangerous waste facilities, except as provided otherwise in this section.

(b) The requirements of subsections (5) and (6) of this section apply only to owners and operators of dangerous waste disposal facilities, and piles and surface impoundments to the extent that WAC 173-303-650 and 173-303-660, respectively, require that such facilities comply with this section.

(c) States and the federal government are exempt from the requirements of this section, except that operators of facilities who are under contract with the state or federal government must meet the requirements of this section.

(2) Definitions. As used in this section, the following listed or referenced terms shall have the meanings given below:

(a) "Closure plan" means the plan for closure prepared in accordance with the requirements of WAC 173-303-610(3);

(b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (3) of this section;

(c) "Current postclosure cost estimate" means the most recent of the estimates prepared in accordance with subsection (5) of this section;

(d) "Parent corporation" means a corporation which directly owns at least fifty percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation;

(e) "Postclosure plan" means the plan for postclosure care prepared in accordance with the requirements of WAC 173-303-610 (7), (8), (9), and (10);

(f) "Regional administrator" means the department;

(g) "Hazardous waste" means dangerous waste; and

(h) The additional terms listed and defined in 40 CFR 264.141 (f) and (g) are adopted by reference.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in WAC 173-303-610 (2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-670(8). The closure cost estimate:

(i) ((The estimate)) Must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610 (3)(a));

(ii) Must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The owner or operator may use costs for on-site disposal if he can demonstrate that on-site disposal capacity will exist at all times over the life of the facility;

(iii) May not incorporate any salvage value that may be realized with the sale of dangerous wastes, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure; and

(iv) May not incorporate a zero cost for dangerous wastes that might have economic value.

(b) ((The owner or operator must prepare a new closure cost estimate whenever a change in the closure plan increases the cost of closure:

(c) The owner or operator must adjust the closure cost estimate for inflation within thirty days after each anniversary of the date on which the first closure cost estimate was prepared. The adjustment must be made as specified in (c) (i) and (ii) of this subsection;)) During the active life of the facility, the owner or operator must revise the closure cost estimate no later than thirty days after the department has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in (c) (i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of

the establishment of the financial instrument(s) used to comply with this section. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before submission of updated information to the department as specified in subsection (4) of this section. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the ((annual)) most recent Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted closure cost estimate.

(4) Financial assurance for facility closure.

(a) An owner or operator of a TSD facility must establish financial assurance for closure of the facility. The owner or operator must choose from the following options or combination of options:

- (i) Closure trust fund;
- (ii) Surety bond guaranteeing payment into a closure trust fund;
- (iii) Surety bond guaranteeing performance of closure;
- (iv) Closure letter of credit;
- (v) Closure insurance; or
- (vi) Financial test and corporate guarantee for closure.

(b) In satisfying the requirements of financial assurance for facility closure in this subsection, the owner or operator shall meet all the requirements set forth in 40 CFR 264.143.

(5) Cost estimate for postclosure monitoring and maintenance.

(a) The owner or operator of a facility subject to postclosure monitoring or maintenance requirements must have a detailed written estimate, in current dollars, of the annual cost of postclosure monitoring and maintenance of the facility in accordance with the applicable postclosure regulations in WAC 173-303-610 (7) through (10), 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6). The postclosure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct postclosure care activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The postclosure cost estimate is calculated by multiplying the annual postclosure cost estimate by the

number of years of postclosure care required by WAC 173-303-610.

~~(b) ((The owner or operator must prepare a new annual postclosure cost estimate whenever a change in the postclosure plan increases the cost of postclosure care.)) During the active life of the facility, the owner or operator must revise the postclosure cost estimate within thirty days after the department has approved the request to modify the postclosure plan, if the change in the postclosure plan increases the cost of postclosure care. The revised postclosure cost estimate must be adjusted for inflation as specified in (c) (i) and (ii) of this subsection.~~

~~(c) During the ((operating)) active life of the facility, the owner or operator must adjust the postclosure cost estimate for inflation within ((thirty days after each anniversary of the date on which the first postclosure cost estimate was prepared. The adjustment must be made as specified in (c)(i) and (ii) of this subsection)) sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (6) of this section. For owners or operators using the financial test or corporate guarantee, the postclosure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before the submission of updated information to the department as specified in subsection (6) of this section. The adjustment may be made by recalculating the postclosure cost estimate in current dollars or by using an inflation factor derived from the ((annual)) most recent Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.~~

~~(i) The first adjustment is made by multiplying the postclosure cost estimate by the inflation factor. The result is the adjusted postclosure cost estimate.~~

~~(ii) Subsequent adjustments are made by multiplying the latest adjusted postclosure cost estimate by the latest inflation factor.~~

~~(d) During the operating life of the facility, the owner or operator must keep at the facility the latest postclosure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted postclosure cost estimate.~~

~~(6) Financial assurance for postclosure monitoring and maintenance.~~

~~(a) An owner or operator of a facility subject to postclosure monitoring or maintenance requirements must establish financial assurance for postclosure care in accordance with the approved postclosure care plan. He must choose from the following options or combination of options:~~

- ~~(i) Postclosure trust fund;~~
- ~~(ii) Surety bond guaranteeing payment into a postclosure trust fund;~~
- ~~(iii) Surety bond guaranteeing performance of postclosure care;~~
- ~~(iv) Postclosure letter of credit;~~
- ~~(v) Postclosure insurance; or~~

(vi) Financial test and corporate guarantee for postclosure care.

(b) In satisfying the requirements of financial assurance for facility postclosure care in this subsection, the owner or operator shall meet all the requirements set forth in 40 CFR 264.145.

(7) Use of a mechanism for financial assurance of both closure and postclosure care. An owner or operator may satisfy the requirements for financial assurance for both closure and postclosure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both 40 CFR 264.143 and 264.145. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of postclosure care.

(8) Liability requirements.

(a) An owner or operator of a TSD facility or a group of such facilities must demonstrate financial responsibility for bodily injury and property damages to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(a) or, when applicable, (f).

(b) An owner or operator of a facility with a regulated unit or units (as defined in WAC 173-303-040(75)) used to manage dangerous waste or a group of such facilities must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(b) or, when applicable, (f).

(c) Request for variance. If an owner or operator can demonstrate to the satisfaction of the department that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the department. The request for a variance must be submitted to the department as part of the application under WAC 173-303-806(4) for a facility that does not have a permit, or pursuant to the procedures for permit modification under WAC 173-303-830 for a facility that has a permit. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The department may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the department to determine a level of financial responsibility other than that required by (a) or (b) of this subsection. Any request for a variance for a permitted facility will be treated as a request for a permit modification under WAC 173-303-830.

(d) Adjustments by the department. If the department determines that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent

with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the department may adjust the level of financial responsibility required under (a) or (b) of this subsection as may be necessary to protect human health and the environment. This adjusted level will be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the department determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that has no regulated units (as defined in WAC 173-303-040(75)), it may require that the owner or operator of the facility comply with (b) of this subsection. An owner or operator must furnish to the department within a reasonable time, any information which the department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustments of level or type of coverage for a facility that has a permit will be treated as a permit modification under WAC 173-303-830.

(e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this subsection until certifications of closure of the facility, as specified in WAC 173-303-610(6), are received by the department.

(9) Incapacity of owners or operators, guarantor or financial institutions.

(a) An owner or operator must notify the department by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code, naming the owner or operator as debtor, within ten days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in 40 CFR 264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h)).

(b) An owner or operator who fulfills the requirements of 40 CFR 264.143, 264.145, or 264.147 (a) or (b) by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within sixty days after such an event.

(10) Wording of the instruments. The financial instruments required by this section shall contain the wording specified by 40 CFR 264.151, except that:

(a) The words "regional administrator" and "environmental protection agency" must be replaced with the word "department";

(b) The words "hazardous waste" must be replaced with the words "dangerous waste"; and

(c) Any other words specified by the department shall be changed as necessary to assure financial responsibility

of the facility in accordance with the requirements of this section.

Copies of the financial instruments with the appropriate word changes will be available from the department by June 30, 1984.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-660 WASTE PILES. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that store or treat dangerous waste in piles.

(b) The regulations in this section do not apply to owners or operators of waste piles that will be closed with wastes left in place. Such waste piles are subject to regulation under WAC 173-303-665 (Landfills).

(c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under subsection (2) of this section, or under WAC 173-303-645, provided that:

(i) Liquids or materials containing free liquids are not placed in the pile;

(ii) The pile is protected from surface water run-on by the structure or in some other manner;

(iii) The pile is designed and operated to control dispersal of the waste by wind, by means other than wetting; and

(iv) The pile will not generate leachate through decomposition or other reactions.

(d) All EHW and respiratory carcinogens stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.).

(2) Design and operating requirements.

(a) A waste pile (except for an existing portion of a waste pile) must have:

(i) A liner that is designed, constructed, installed and maintained to prevent any migration of wastes out of the pile into the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the pile and to the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying wastes, waste cover materials, and by any equipment used at the pile; and

(B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

(b) A liner and leachate collection and removal system must be protected from plant growth which could adversely affect any component of the system.

(c) For EHW management, the owner or operator shall submit an engineering report with his permit application stating the basis for selecting the liner required in subsection (2)(a)(i) of this section. The statement shall be certified by a licensed professional engineer.

(d) The owner or operator will be exempted from the requirements of (a), (b), and (c) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents identified under WAC 173-303-645(4) into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(e) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto any portion of the pile during peak discharge from at least a twenty-five-year storm.

(f) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(g) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(h) If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the pile to control wind dispersal.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined piles; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a double-lined waste pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) and (c) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) The pile must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii) (A) Within the period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(4) Inspection of liners; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liner) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by a liner (base) that meets all the specifications of subsection (2)(a)(i) of this section;

(iii) The wastes in the pile must be removed periodically, and the liner must be inspected for deterioration, cracks, or other conditions that may result in leaks. The frequency of inspection will be specified in the inspection plan required in WAC 173-303-320 and must be based on the potential for the liner (base) to crack or otherwise deteriorate under the conditions of operation;

(iv) The liner must be of sufficient strength and thickness to prevent failure due to puncture, cracking, tearing, or other physical damage from equipment used to

place waste in or on the pile or to clean and expose the liner surface for inspection; and

(v) The pile must have a leachate collection and removal system above the liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If deterioration, cracking, or other condition is identified that is causing or could cause a leak, the owner or operator must:

(i) Notify the department of the condition in writing within seven days after detecting the condition; and

(ii)(A) Repair or replace the liner (base) and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the liner (base) has been repaired and leakage will not occur; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(5) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of piles exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;

(iii) Proper functioning of wind dispersal control systems; and

(iv) The presence of leachate in and proper functioning of leachate collection and removal systems.

(6) Containment system repairs—Contingency plans.

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by (d) of this subsection. Indications of possible failure of the containment system include liquid detected in the leachate detection system, evidence of leakage or the potential for leakage in the base, erosion of the base, or

apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials.

(b) Whenever there is a positive indication of a failure of the containment system, the waste pile must be removed from service. Indications of positive failure of the containment system include waste detected in the leachate detection system, or a breach (e.g., a hole, tear, crack, or separation) in the base.

(c) If the waste pile must be removed from service as required by (b) of this subsection, the owner or operator must:

- (i) Immediately stop adding wastes to the pile;
- (ii) Immediately contain any leakage which has occurred or is occurring;
- (iii) Immediately cause the leak to be stopped; and
- (iv) If the leak cannot be stopped by any other means, remove the waste from the base.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of (c) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the waste pile to be removed from service. For EHW piles, the owner or operator must submit with his permit application a statement signed by a licensed professional engineer of the basis on which the evaluation and repair plan has been established.

(e) No waste pile that has been removed from service pursuant to (b) of this subsection, may be restored to service unless:

- (i) The containment system has been repaired; and
- (ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A waste pile that has been removed from service pursuant to (b) of this subsection, and will not be repaired, must be closed in accordance with subsection (9) of this section.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a pile, unless:

(a) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under WAC 173-303-090, and complies with WAC 173-303-395 (1)(b); or

(b)(i) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; and

(ii) The generator complies with WAC 173-303-395 (1)(d).

(8) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless WAC 173-303-395 (1)(b) is complied with.

(b) A pile of dangerous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. Piles of incompatible wastes must not be served by the same containment system.

(c) Dangerous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with WAC 173-303-395 (1)(b).

(9) Closure and postclosure care.

(a) At closure, the owner or operator must remove or decontaminate all dangerous waste, waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them in accordance with this chapter.

(b) If, after removing or decontaminating all residues and making all reasonable efforts regarding removal or decontamination of contaminated components, subsoils, structures, and equipment as required in (a) of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated (except that no EHW may ever be left in place), he must close the facility and perform postclosure care in accordance with the closure and postclosure care requirements that apply to landfills, WAC 173-303-665(6).

(c) (i) The owner or operator of a waste pile that does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (1)(c) or (2)(d) of this section, must:

(A) Include in the closure plan for the pile under WAC 173-303-610(3) both a plan for complying with (a) of this subsection, and a contingent plan for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure; and

(B) Prepare a contingent postclosure plan under WAC 173-303-610(8) for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620(3) and (5) for closure and postclosure care of a pile must include the cost of complying with the contingent closure plan and the contingent postclosure plan but are not required to include the cost of expected closure under (a) of this subsection.

(10) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in subsection (1)(c) of this section) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, to surface water, or air so as to protect human health and the environment.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-801 TYPES OF DANGEROUS WASTE MANAGEMENT FACILITY PERMITS. The following types of permits may be issued by the department to carry out the purpose of this regulation.

(1) Permits by rule:

(a) Ocean disposal - See WAC 173-303-802(2);

(b) Underground injection wells - See WAC 173-303-802(3);

(c) Publicly owned treatment works - See WAC 173-303-802(4); and

(d) Totally enclosed treatment facilities and elementary neutralization and wastewater treatment units - See WAC 173-303-802(5).

(2) Emergency permits - See WAC 173-303-804.

(3) Interim status permits - See WAC 173-303-805.

(4) Final facility permits:

(a) Final status TSD permits - See WAC 173-303-806;

(b) ~~((Moderate risk))~~ Special waste permits - See WAC 173-303-806; and

(c) Recycling permits - See WAC 173-303-806.

(5) Trial burns for dangerous waste incinerator final facility permits - See WAC 173-303-807.

(6) Demonstrations for dangerous waste land treatment final facility permits - See WAC 173-303-808.

(7) ~~((Demonstration permit for new chemical, physical or biological treatment processes))~~ Research, development, and demonstration permits - See WAC 173-303-809.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-802 PERMITS BY RULE. (1) Purpose and applicability. This section provides for permit by rule for particular facilities and activities managing dangerous wastes, provided that certain conditions are met. These facilities, activities, and conditions are listed in this section. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit.

(2) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, shall have a permit by rule if the owner or operator:

(a) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. § 1420 et seq.);

(b) Complies with the conditions of that permit; and

(c) Complies with the following dangerous waste regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste report.

(3) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection shall have a permit by rule if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control, and complies with the conditions of the permit and requirements of 40 CFR 144.14 and applicable state waste discharge rules. All underground injection wells must comply with WAC 173-303-060, notification and identification numbers. However, underground injection wells disposing of EHW are prohibited.

(4) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, shall have a permit by rule if the owner or operator:

(a) Has a National Pollutant Discharge Elimination System (NPDES) permit;

(b) Complies with the conditions of that permit;

(c) Complies with the following regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste reports;

(d) Accepts the waste only if it meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and

(e) Accepts no EHW for disposal at the POTW.

(5) Totally enclosed treatment facilities ~~((and))~~ or elementary neutralization or wastewater treatment units.

(a) The owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit shall have a permit by rule, except as provided in (b) or (c) of this subsection, if he complies with:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-310, 173-303-350, 173-303-360, 173-303-370, 173-303-380 (1)(d), and 173-303-390 of the general facility standards; and

(iii) WAC 173-303-430, performance standards.

(b) A facility is not required to have a permit by rule under this subsection if the owner or operator can demonstrate to the department's satisfaction that:

(i) The facility already has an existing permit (or permits) issued under federal, state or local authority (such as NPDES, state waste discharge, pretreatment, etc.); and

(ii) The permit (or permits) include, either separately or jointly in the case of multiple permits, all requirements specified in (a) of this subsection.

(c) The department may require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit subject to either (a) or (b) of this subsection to apply for and obtain a final facility permit in accordance with WAC 173-303-800 through 173-303-840, if:

(i) The owner or operator violates the general facility or performance requirements specified in (a) of this subsection;

(ii) The owner or operator is conducting other activities which require him to obtain a final facility permit; ((or))

(iii) The department determines that the general facility or performance requirements specified in (a) of this subsection, are not sufficient to protect public health or the environment and that additional requirements under chapter 173-303 WAC are necessary to provide such protection; or

(iv) The owner or operator does not comply with applicable local, state or federal requirements established pursuant to sections 402 or 307(b) of the Federal Clean Water Act, or chapter 90.48 RCW.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-805 INTERIM STATUS PERMITS. (1) Applicability. This section applies to all facilities eligible for an interim status permit. When a facility is owned by one person but is operated by another person, it is the operator's duty to qualify for interim status, except that the owner must also sign an interim status application.

(2) Failure to qualify for interim status. If the department has reason to believe upon examination of a Part A application that it fails to provide the required information, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for the department's belief that the application is deficient. The owner or operator shall have thirty days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part A application. If, after such notification and opportunity for response, the department determines that the application is deficient it may take appropriate enforcement action.

(3) Interim status for facilities under RCRA interim status. Any existing facility operating under interim status gained under section 3005 of RCRA shall be deemed to have an interim status permit under chapter 173-303 WAC provided that the owner/operator complies with the applicable requirements of WAC 173-303-400 and this section.

(4) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which does not satisfy subsection (3) of this section, but which is only managing dangerous wastes that are not hazardous wastes under 40 CFR Part 261, shall be deemed to have an interim status permit provided that the owner/operator of the facility has complied with the notification requirements of WAC 173-303-060 by May 11, 1982 and has submitted Part A of his permit application by August 9, 1982. If an existing facility becomes subject to this chapter due to amendments to this chapter and the facility was not previously subject to this chapter, then the owner/operator of an existing facility may qualify for an interim status permit by complying with the notification requirements of WAC 173-303-060 within three months, and submitting Part A of his permit application within six months, after the adoption date of the amendments which cause the facility to be subject to the requirements of this chapter. Facilities qualifying for interim status under this subsection shall not be deemed to have interim status under section 3005 of RCRA, and may only manage non-RCRA wastes until they either qualify separately for interim status under section 3005 of RCRA or receive a final status facility permit allowing them to manage RCRA wastes.

(5) Maintaining the interim status permit.

(a) Timely notification and submission of a Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department terminates interim status pursuant to subsection (8) of this section.

(b) Interim status for the existing TSD facility shall be maintained while the department makes final administrative disposition of a final facility permit pursuant to WAC 173-303-806 if:

(i) The owner/operator has submitted his final facility permit application (as described in WAC 173-303-806) within six months of the written request by the department to submit such application; and

(ii) Grounds for terminating interim status (as described in subsection (8) of this section) do not exist.

(c) The owner/operator of an interim status facility must update his Part A whenever he is managing wastes that are newly regulated under this chapter, and as necessary to comply with subsection (7) of this section. Failure to comply with this updating requirement is a violation of interim status.

(6) Prohibitions for interim status permits. Facilities with an interim status permit shall not:

(a) Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;

(b) Employ processes not specified in Part A of the permit application; or

(c) Exceed the design capacities specified in Part A of the permit application.

(7) Changes during interim status.

(a) Dangerous wastes not previously identified in Part A of the application may be treated, stored, or disposed at a facility with interim status if the owner/operator submits to the department a revised Part A permit application prior to accepting the new dangerous wastes.

(b) Increases in the design capacity of processes used at a facility with interim status may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the department approves the change because of a lack of available treatment, storage, or disposal capacity at other permitted TSD facilities.

(c) Changes in the processes for the treatment, storage, or disposal of dangerous waste may be made at a facility with interim status, or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such changes (along with a justification explaining the need for the change) and the department approves the change because:

(i) It is necessary to prevent a threat to public health or the environment because of an emergency situation; or

(ii) It is necessary to comply with state, local, or federal regulations.

(d) Changes in the ownership or operational control of a facility with interim status may be made if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the interim status financial requirements of 40 CFR Part 265 subpart H (as referenced in WAC 173-303-400), until the new owner or operator has demonstrated to the department that he is complying with the financial requirements. The new owner or operator must demonstrate compliance with the financial requirements within six months of the date of the change in the ownership or operational control of the facility.

All other interim status ((~~permit~~)) duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with the interim status financial requirements, the department shall notify the old owner or operator in writing that he no longer needs to comply with the interim status financial requirements as of the date of demonstration.

(e) In no event shall changes be made to a TSD facility under the interim status permit which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new TSD facility.

(f) Any revisions to an existing interim status permit must be made on the applicable Part A form(s), (forms 1 or 3 are available from the department). The owner and operator certification page must be signed and included with those sections completed.

(8) Termination of interim status permit. The following are causes for terminating an interim status permit:

(a) Final administrative disposition of a final facility permit application is made pursuant to WAC 173-303-806;

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the applicable standards of this chapter, it may notify the owner or operator that the application is deficient and that the interim status permit has been revoked. The owner or operator will then be subject to enforcement for operating without a permit;

(c) Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application; or

(d) Violation of applicable interim status standards.

(9) (~~(Moderate risk)~~) Special waste facilities. If the department determines, pursuant to WAC 173-303-550 through 173-303-560, that interim status standards can be reduced, the department will issue a notice of interim status modification stating what standards will be applied. Failure to comply with the conditions and standards as stated in the notice of modification or with the requirements of this section shall form a basis for revoking the notice. Upon revocation of the notice of interim status modification by the department, the owner or operator shall be subject to all of the requirements applicable to interim status dangerous waste management facilities. Before issuing the notice of modification, the department shall provide public notice of its intent, shall allow thirty days for public comment, and shall hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing shall be provided at least fifteen days in advance, and the public comment period shall be extended to include the date of the hearing if it will occur after the initial thirty-day comment period. Within fifteen days of the end of the public comment period the department shall, based on comments received, issue, modify and issue, or deny the notice of interim status modification.

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-806 FINAL FACILITY PERMITS. (1) Applicability. This section applies to all dangerous waste facilities required to have a final facility permit. The final facility permit requirements are applicable to:

(a) Final status TSD facilities;

(b) (~~(Moderate risk)~~) Special waste management facilities; and

(c) Certain recycling facilities that are not exempt from the permit requirements.

(2) Application. Any person subject to the permit requirements of this section who intends to operate a new TSD facility must apply for a final facility permit. The department may, at any time, require the owner or operator of an existing TSD facility to apply for a final facility permit. Such owner or operator will be allowed one

hundred eighty days to submit his application; the department may extend the length of the application period if it finds that there are good reasons to do so. The owner or operator of an existing TSD facility may voluntarily apply for a final facility permit at any time. Any person seeking a final facility permit shall complete, sign, and submit an application to the department. An application shall consist of a Part A permit form (which can be obtained from the department), and the contents of Part B as specified in subsection (4) of this section.

(3) Effective regulations. A final facility permit will include all applicable requirements of this chapter which are in effect on the date that the ~~((application for the))~~ permit is ~~((submitted to))~~ issued by the department. ~~((If new regulations become effective between the date that the permit application is submitted and the date that public notice of the draft permit is issued under WAC 173-303-840(3), then the permit applicant may, at his option, request that the final facility permit include the new regulatory requirements and provide the additional information necessary to do so.))~~ WAC 173-303-840(7) provides a means for reopening permit proceedings at the discretion of the department where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. Any other changes to the final facility permit will be in accordance with the permit modification requirements of WAC 173-303-830.

(4) Contents of Part B. Part B of a permit application shall consist of the information required in (a) through (h) of this subsection.

(a) General requirements. Part B of the permit application consists of the general information requirements of this subsection, and the specific information requirements in (b) through (h) of this subsection as applicable to the facility. The Part B information requirements presented in (a) through (h) of this subsection, reflect the standards promulgated in WAC 173-303-600. These information requirements are necessary in order for the department to determine compliance with WAC 173-303-600 through 173-303-670. If owners and operators of TSD facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the department may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the department and signed in accordance with requirements in WAC 173-303-810(12). Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer. The following information is required for all TSD facilities, except as WAC 173-303-600(3) provides otherwise.

(i) A general description of the facility.

(ii) Chemical, biological, and physical analyses of the dangerous waste to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with WAC 173-303-600.

(iii) A copy of the waste analysis plan required by WAC 173-303-300(5) and, if applicable WAC 173-303-300 (5)(g).

(iv) A description of the security procedures and equipment required by WAC 173-303-310, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(v) A copy of the general inspection schedule required by WAC 173-303-320(2): Include where applicable, as part of the inspection schedule, specific requirements in WAC 173-303-395 (1)(d), 173-303-630(6), 173-303-640(4), 173-303-650(4), 173-303-660 (4) and (5), 173-303-665(4), and 173-303-670(7).

(vi) A justification of any request for a waiver(s) of the preparedness and prevention requirements of WAC 173-303-340.

(vii) A copy of the contingency plan required by WAC 173-303-350: Include, where applicable, as part of the contingency plan, specific requirements in WAC 173-303-640(8), 173-303-650(5) and 173-303-660(6).

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent hazards and contain spills in unloading/loading operations (for example, ramps, berms, pavement, special forklifts);

(B) Prevent run-off from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages; and

(E) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing).

(ix) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with WAC 173-303-395 including documentation demonstrating compliance with WAC 173-303-395 (1)(c).

(x) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).

(xi) Facility location information;

(A) In order to determine the applicability of the earthquake fault criteria (WAC 173-303-420(3)) the owner or operator of a new facility must identify the county in which the facility is proposed to be located.

(Comment: If the county is not listed in WAC 173-303-420 (3)(c), no further information is required to demonstrate compliance with WAC 173-303-420(3).)

(B) If the facility is proposed to be located in a county listed in WAC 173-303-420 (3)(c), the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

(I) No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within three thousand feet of a facility

are present, based on data from: Published geologic studies; aerial reconnaissance of the area within a five-mile radius from the facility; an analysis of aerial photographs covering a three thousand foot radius of the facility; and if needed to clarify the above data, a reconnaissance based on walking portions of the area within three thousand feet of the facility; or

(II) If faults (to include lineations) which have had displacement in Holocene time are present within three thousand feet of a facility, no faults pass within two hundred feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within two hundred feet of such portions of the facility data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than two hundred feet from portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within three thousand feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults found.

(C) Owners and operators of all facilities shall provide an identification of whether the facility is located within a one hundred-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the one hundred-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a one hundred-year flood.

(Comment: Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the one hundred-year floodplain. However, if the FIA map excludes an area (usually areas of the floodplain less than two hundred feet in width), these areas must be considered and a determination made as to whether they are in the one hundred-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the one hundred-year floodplain, and if so located, what the one hundred-year flood elevation would be.)

(D) Owners and operators of facilities located in the one hundred-year floodplain must provide the following information:

(I) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result

at the site as the consequence of a one hundred-year flood;

(II) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

(III) If applicable, and in lieu of (a)(xi)(D)(I) and (II) of this subsection, a detailed description of procedures to be followed to remove dangerous waste to safety before the facility is flooded, including: Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility; a description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive dangerous waste in accordance with the regulations under this chapter; the planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and the potential for accidental discharges of the waste during movement.

(E) Existing facilities not in compliance with WAC 173-303-420(4) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

(F) Owners and operators of all facilities shall provide all information necessary to demonstrate compliance with the shoreline siting standards of WAC 173-303-420(5).

(G) The owner or operator of a new disposal facility must provide all information necessary to demonstrate compliance with the sole source aquifer siting standards of WAC 173-303-420(6).

(xii) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with WAC 173-303-330. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in WAC 173-303-330 (1)(d).

(xiii) A copy of the closure plan and, where applicable, the postclosure plan required by WAC 173-303-610 (3) and (8). Include, where applicable, as part of the plans, specific requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6).

(xiv) For ~~((existing disposal facilities, documentation that a notice has been placed in the deed or appropriate alternate instrument as required by WAC 173-303-610(10)))~~ dangerous waste disposal units that have been closed, documentation that notices required under WAC 173-303-610(10) have been filed.

(xv) The most recent closure cost estimate for the facility prepared in accordance with WAC 173-303-620(3) ~~((plus))~~ and a copy of the documentation required to demonstrate financial assurance ((mechanism adopted in compliance with)) under WAC 173-303-620(4). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvi) Where applicable, the most recent postclosure cost estimate for the facility prepared in accordance with WAC 173-303-620(5) plus a copy of the documentation required to demonstrate financial assurance ((mechanism adopted in compliance with)) under WAC 173-303-620(6). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvii) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of WAC 173-303-620(8). For a new facility, documentation showing the amount of insurance meeting the specification of WAC 173-303-620 (8)(a) and, if applicable, WAC 173-303-620 (8)(b), that the owner or operator plans to have in effect before initial receipt of dangerous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in WAC 173-303-620 (8)(c).

(xviii) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of TSD facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

- (A) Map scale and date;
- (B) One hundred-year floodplain area;
- (C) Surface waters including intermittent streams;
- (D) Surrounding land uses (residential, commercial, agricultural, recreational);
- (E) A wind rose (i.e., prevailing windspeed and direction);
- (F) Orientation of the map (north arrow);
- (G) Legal boundaries of the TSD facility site;
- (H) Access control (fences, gates);
- (I) Injection and withdrawal wells both on-site and off-site;
- (J) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);
- (K) Barriers for drainage or flood control; and
- (L) Location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed (include equipment clean-up areas).

(Note - For large TSD facilities the department will allow the use of other scales on a case-by-case basis.)

(xix) Applicants may be required to submit such information as may be necessary to enable the department to carry out its duties under other state or federal laws as required.

(xx) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of dangerous waste surface impoundments, waste piles, land treatment units, and landfills except as otherwise provided in WAC 173-303-645 (1)(b):

(A) A summary of the ground water monitoring data obtained during the interim status period under 40 CFR 265.90 through 265.94, where applicable;

(B) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

(C) On the topographic map required under (a)(xviii) of this subsection, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under WAC 173-303-645(6), the proposed location of ground water monitoring wells as required under WAC 173-303-645(8), and, to the extent possible, the information required in (a)(xx)(B) of this subsection;

(D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(I) Delineates the extent of the plume on the topographic map required under (a)(xviii) of this subsection;

(II) Identifies the concentration of each constituent throughout the plume or identifies the maximum concentrations of each constituent in the plume. (Constituents are those listed in WAC 173-303-9905, and any other constituents not listed there which have caused a managed waste to be regulated under this chapter.);

(E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of WAC 173-303-645(8);

(F) If the presence of dangerous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of WAC 173-303-645(9). This submission must address the following items specified under WAC 173-303-645(9):

(I) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of dangerous constituents in the ground water;

(II) A proposed ground water monitoring system;

(III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data;

(G) If the presence of dangerous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program

which meets the requirements of WAC 173-303-645(10). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of WAC 173-303-645(11) except as provided in WAC 173-303-645(9)(h)(v). To demonstrate compliance with WAC 173-303-645(10), the owner or operator must address the following items:

(I) A description of the wastes previously handled at the facility;

(II) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(III) A list of constituents and parameters for which compliance monitoring will be undertaken in accordance with WAC 173-303-645 (8) and (10);

(IV) Proposed concentration limits for each dangerous constituent and parameter, based on the criteria set forth in WAC 173-303-645 (5)(a), including a justification for establishing any alternate concentration limits;

(V) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of WAC 173-303-645(8); and

(VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(H) If dangerous constituents or parameters have been measured in the ground water which exceed the concentration limits established under WAC 173-303-645(5), Table 1, or if ground water monitoring conducted at the time of permit application under 40 CFR 265.90 through 265.94 at the waste boundary indicates the presence of dangerous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of WAC 173-303-645(11). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the department that alternate concentration limits will protect human health and the environment after considering the criteria listed in WAC 173-303-645(5). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of WAC 173-303-645 (10) and (a)(xx)(F) of this subsection. To demonstrate compliance with WAC 173-303-645(11), the owner or operator must address, at a minimum, the following items:

(I) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(II) The concentration limit for each dangerous constituent and parameter found in the ground water as set forth in WAC 173-303-645(5);

(III) Detailed plans and an engineering report describing the corrective action to be taken; and

(IV) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action.

(b) Specific Part B information requirements for containers. Except as otherwise provided in WAC 173-303-600(3), owners or operators of facilities that store containers of dangerous waste must provide the following additional information:

(i) A description of the containment system to demonstrate compliance with WAC 173-303-630(7). Show at least the following:

(A) Basic design parameters, dimensions, and materials of construction including allowance for a twenty-five-year, twenty-four-hour storm;

(B) How the design promotes positive drainage control or how containers are kept from contact with standing liquids in the containment system;

(C) Capacity of the containment system relative to the volume of the largest container to be stored;

(D) Provisions for preventing or managing run-on;

(E) How accumulated liquids can be analyzed and removed to prevent overflow; and

(F) A description of the building or other protective covering for EHW containers;

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with WAC 173-303-630 (7)(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

(iii) A description of the procedures for labeling containers;

(iv) Sketches, drawings, or data demonstrating compliance with WAC 173-303-630(8) (location of buffer zone and containers holding ignitable or reactive wastes) and WAC 173-303-630 (9)(c) (location of incompatible wastes), where applicable; and

(v) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with WAC 173-303-630 (9)(a) and (b), and 173-303-395 (1)(b) and (c).

(c) Specific Part B information requirements for tanks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use tanks to store or treat dangerous waste must provide the following information:

(i) References to design standards or other available information used (or to be used) in design and construction of the tank;

(ii) A description of design specifications including identification of construction materials and lining materials (include pertinent characteristics such as corrosion or erosion resistance);

(iii) Tank dimensions, capacity, and the basis for selecting shell thickness, certified by a licensed professional engineer;

(iv) A diagram of piping, instrumentation, and process flow;

(v) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(vi) Description of procedures for handling incompatible ignitable, or reactive wastes, including the use of buffer zones;

(vii) A description of the containment system to demonstrate compliance with WAC 173-303-640 (2)(b) and, where applicable, WAC 173-303-640(8). Show at least the following:

(A) Drawings and a description of the basic design parameters, dimensions, and materials of construction of the containment system;

(B) Capacity of the containment system relative to the design capacity of the tank(s) within the system;

(C) Description of the system to detect leaks and spills, and how precipitation and run-on will be prevented from entering into the detection system;

(viii) A description of the marking and/or labeling of tanks; and

(ix) Tank design to prevent escape of vapors and emissions of acutely or chronically toxic (upon inhalation) EHW.

(d) Specific Part B information requirements for surface impoundments. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store, treat, or dispose of dangerous waste in surface impoundments must provide the following additional information:

(i) A list of the dangerous wastes placed or to be placed in each surface impoundment;

(ii) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of WAC 173-303-650(2). This submission must address the following items as specified in WAC 173-303-650(2):

(A) The liner system (except for an existing portion of a surface impoundment), including the certification required by WAC 173-303-650 (2)(a)(i)(D) for EHW management. If an exemption from the requirement for a liner is sought as provided by WAC 173-303-650 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(B) Prevention of overtopping; and

(C) Structural integrity of dikes;

(iii) If any exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-650(3), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liners;

(iv) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of WAC 173-303-650 (4)(a) and (b). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under WAC 173-303-650 (4)(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

(vi) A description of the procedure to be used for removing a surface impoundment from service, as required under WAC 173-303-650 (5)(b) and (c). This information should be included in the contingency plan submitted under (a)(vii) of this subsection;

(vii) A description of how dangerous waste residues and contaminated materials will be removed from the unit at closure, as required under WAC 173-303-650 (6)(a)(i). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-650 (6)(a)(ii) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the postclosure plan submitted under (a)(xiii) of this subsection;

(viii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how WAC 173-303-650(7) will be complied with;

(ix) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how WAC 173-303-650(8) will be complied with; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how the surface impoundment is or will be designed to meet the requirements of WAC 173-303-650(9).

(e) Specific Part B information requirements for waste piles. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store or treat dangerous waste in waste piles must provide the following additional information:

(i) A list of dangerous wastes placed or to be placed in each waste pile;

(ii) If an exemption is sought to WAC 173-303-660(2), and 173-303-645 as provided by WAC 173-303-660 (1)(c), an explanation of how the standards of WAC 173-303-660 (1)(c) will be complied with;

(iii) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(2). This submission must address the following items as specified in WAC 173-303-660(2):

(A) The liner system (except for an existing portion of a pile), including the licensed engineer's certification when required by WAC 173-303-660 (2)(c). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660 (2)(d), the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

- (B) Control of run-on;
- (C) Control of run-off;
- (D) Management of collection and holding units associated with run-on and run-off control systems; and
- (E) Control of wind dispersal of particulate matter, where applicable;

(iv) If an exemption from WAC 173-303-645 is sought as provided by WAC 173-303-660 (3) or (4), submit detailed plans and an engineering report describing how the requirements of WAC 173-303-660 (3)(a) or (4)(a) will be complied with;

(v) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of WAC 173-303-660(5). This information should be included in the inspection plan submitted under (a)(v) of this subsection. If an exemption is sought to WAC 173-303-645 pursuant to WAC 173-303-660(4), describe in the inspection plan how the inspection requirements of WAC 173-303-660 (4)(a)(iii) will be complied with;

(vi) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(vii) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of WAC 173-303-660(7) will be complied with;

(viii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how WAC 173-303-660(8) will be complied with;

(ix) A description of how dangerous waste, waste residues and contaminated materials will be removed from the waste pile at closure, as required under WAC 173-303-660 (9)(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665 (6)(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the postclosure plan submitted under (a)(xiii) of this subsection;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a waste pile that is not enclosed (as defined in WAC 173-303-660 (1)(c)) is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(10).

(f) Specific Part B information requirements for incinerators. Except as WAC 173-303-670(1) provides otherwise, owners and operators of facilities that incinerate dangerous waste must fulfill the informational requirements of (f) of this subsection.

(i) When seeking an exemption under WAC 173-303-670 (1)(b) (ignitable or reactive wastes only):

(A) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is ignitable; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive for characteristics other than those listed in WAC 173-303-090 (7)(a)(iv) and (v), and will not be burned when other dangerous wastes are present in the combustion zone; or

(C) Documentation that the waste is a dangerous waste solely because it possesses the characteristic of ignitability, as determined by the tests for characteristics of dangerous waste under WAC 173-303-090; or

(D) Documentation that the waste is a dangerous waste solely because it possesses the reactivity characteristics listed in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii), and (viii), and that it will not be burned when other dangerous wastes are present in the combustion zone.

(ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with WAC 173-303-807.

(iii) In lieu of a trial burn, the applicant may submit the following information;

(A) An analysis of each waste or mixture of wastes to be burned including:

(I) Heating value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(III) An identification of any dangerous organic constituents listed in WAC 173-303-9905 or, if not listed, which cause the waste(s) to be regulated, which are present in the waste to be burned, except that the applicant need not analyze for constituents which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110(3), or their equivalent;

(IV) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110(3); and

(V) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC's) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in WAC 173-303-670(4);

(B) A detailed engineering description of the incinerator, including:

(I) Manufacturer's name and model number of incinerator;

(II) Type of incinerator;

(III) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

(IV) Description of auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cutoff system(s);

(VII) Stack gas monitoring and pollution control monitoring system;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating devices and control devices;

(C) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data

should include those items listed in (f)(iii)(A) of this subsection. This analysis should specify the principal organic dangerous constituents (PODC's) which the applicant has identified in the waste for which a permit is sought, and any differences from the PODC's in the waste for which burn data are provided;

(D) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

(E) A description of the results submitted from any previously conducted trial burn(s) including:

(I) Sampling and analysis techniques used to calculate performance standards in WAC 173-303-670(4); and

(II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(F) The expected incinerator operation information to demonstrate compliance with WAC 173-303-670 (4) and (6), including:

(I) Expected carbon monoxide (CO) level in the stack exhaust gas;

(II) Waste feed rate;

(III) Combustion zone temperature;

(IV) Indication of combustion gas velocity;

(V) Expected stack gas volume, flow rate, and temperature;

(VI) Computed residence time for waste in the combustion zone;

(VII) Expected hydrochloric acid removal efficiency;

(VIII) Expected fugitive emissions and their control procedures; and

(IX) Proposed waste feed cutoff limits based on the identified significant operating parameters;

(G) Such supplemental information as the department finds necessary to achieve the purposes of this subsection;

(H) Waste analysis data, including that submitted in (f)(iii)(A) of this subsection, sufficient to allow the department to specify as permit principal organic dangerous constituents (permit PODC's) those constituents for which destruction and removal efficiencies will be required; and

(I) Test protocols and sampling and analytical data to demonstrate the designation status under WAC 173-303-070 of:

(I) Incinerator ash residues, if any; and

(II) Residues from the air pollution control devices.

(iv) The department shall approve a permit application without a trial burn if the department finds that:

(A) The wastes are sufficiently similar; and

(B) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under WAC 173-303-670(6)) operating conditions that will ensure that the performance standards in WAC 173-303-670(4) will be met by the incinerator.

(g) Specific Part B information requirements for land treatment facilities. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use land treatment to dispose of dangerous waste must provide the following additional information:

(i) A description of plans to conduct a treatment demonstration as required under WAC 173-303-655(3). The description must include the following information:

(A) The wastes for which the demonstration will be made and the potential dangerous constituents in the waste;

(B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(C) Any specific laboratory or field test that will be conducted, including:

(I) The type of test (e.g., column leaching, degradation);

(II) Materials and methods, including analytical procedures;

(III) Expected time for completion; and

(IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(ii) A description of a land treatment program, as required under WAC 173-303-655(2). This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(A) The wastes to be land treated;

(B) Design measures and operating practices necessary to maximize treatment in accordance with WAC 173-303-655 (4)(a) including:

(I) Waste application method and rate;

(II) Measures to control soil pH;

(III) Enhancement of microbial or chemical reactions; and

(IV) Control of moisture content;

(C) Provisions for unsaturated zone monitoring, including:

(I) Sampling equipment, procedures, and frequency;

(II) Procedures for selecting sampling locations;

(III) Analytical procedures;

(IV) Chain of custody control;

(V) Procedures for establishing background values;

(VI) Statistical methods for interpreting results; and

(VII) The justification for any dangerous constituents recommended for selection as principal dangerous constituents, in accordance with the criteria for such selection in WAC 173-303-655 (6)(a);

(D) A list of dangerous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to WAC 173-303-300;

(E) The proposed dimensions of the treatment zone;

(iii) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of WAC 173-303-655(4). This submission must address the following items:

(A) Control of run-on;

(B) Collection and control of run-off;

(C) Minimization of run-off of dangerous constituents from the treatment zone;

(D) Management of collection and holding facilities associated with run-on and run-off control systems;

(E) Periodic inspection of the unit. This information should be included in the inspection plan submitted under (a)(v) of this subsection; and

(F) Control of wind dispersal of particulate matter, if applicable;

(iv) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under WAC 173-303-655(5) will be conducted including:

(A) Characteristics of the food-chain crop for which the demonstration will be made;

(B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown; and

(E) If cadmium is present in the land treated waste, a description of how the requirements of WAC 173-303-655 (5)(b) will be complied with;

(v) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the postclosure care period, as required under WAC 173-303-655 (8)(a)(viii) and (c)(ii). This information should be included in the closure plan and, where applicable, the postclosure care plan submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of WAC 173-303-655(9) will be complied with; and

(vii) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how WAC 173-303-655(10) will be complied with.

(viii) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-655(12).

(h) Specific Part B information requirements for landfills. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that dispose of dangerous waste in landfills must provide the following additional information;

(i) A list of the dangerous wastes placed or to be placed in each landfill or landfill cell;

(ii) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of WAC 173-303-665(2). This submission must address the following items as specified in WAC 173-303-665(2):

(A) The liner system and leachate collection and removal system (except for an existing portion of a landfill), including the licensed engineer's certification required by WAC 173-303-665 (2)(a)(i). If an exemption from the requirements for a liner and a leachate collection and removal system is sought, as provided by WAC

173-303-665 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituent into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding facilities associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iii) If an exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-665(3), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners, and a leachate collection and removal system above the liners;

(iv) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of WAC 173-303-665(4). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with WAC 173-303-665 (6)(a), and a description of how each landfill will be maintained and monitored after closure in accordance with WAC 173-303-665 (6)(b) and (c). This information should be included in the closure and postclosure plans submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be landfilled, an explanation of how the standards of WAC 173-303-665(7) will be complied with;

(vii) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how WAC 173-303-665(8) will be complied with;

(viii) If bulk of noncontainerized liquid waste or wastes containing free liquids is to be landfilled, an explanation of how the requirements of WAC 173-303-665(9) will be complied with;

(ix) If containers of dangerous waste are to be landfilled, an explanation of how the requirements of WAC 173-303-665(10) will be complied with; and

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-665(11).

(5) Construction. A person may begin physical construction of a new facility, or of new portions of an existing facility if the new portions would amount to reconstruction under interim status (WAC 173-303-805(7)), only after submitting Part A and Part B of the permit application and receiving a final facility permit. All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin.

(6) Reapplications. Any dangerous waste facility with an effective final facility permit shall submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date provided that such date will never be later than the expiration date of the effective permit.

(7) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final facility permit and the application is determined by the department to be complete pursuant to subsection (8) of this section, the facility is allowed to continue operating under the expiring or expired permit until the effective date of the new permit.

(b) When the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; and/or

(iv) Take other actions authorized by this chapter.

(8) Completeness. The department shall not issue a final facility permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the application form and any supplemental information has been submitted to the department's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(9) Recordkeeping. Applicants shall keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(10) General permit conditions. All final facility permits shall contain general permit conditions described in WAC 173-303-810.

(11) Permit duration.

(a) Final facility permits shall be effective for a fixed term not to exceed ten years.

(b) The department may issue any final facility permit for a duration that is less than the full allowable term.

(c) The term of a final facility permit shall not be extended beyond ten years, unless otherwise authorized under WAC 173-303-806(7).

(12) Grounds for termination. The following are causes for terminating a final facility permit during its term, or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and the hazard

can only be controlled by permit modification or termination.

(13) Permit changes. All final facility permits shall be subject to the requirements of permit changes, WAC 173-303-830.

(14) Procedures for decision making. Issuance of final facility permits will be subject to the procedures for decision making described in WAC 173-303-840.

(15) Other requirements for final ~~((moderate-risk)) special waste and recycling facility permits. In lieu of issuing a final ((moderate-risk)) special waste or recycling facility permit, the department may, after providing opportunity for public comment in accordance with WAC 173-303-840, defer to a permit already issued under other statutory authority administered by the department (such as the State Water Pollution Control Act, chapter 90.48 RCW, the State Clean Air Act, chapter 70.94 RCW, etc.) which incorporates the requirements of this section, and WAC 173-303-500 through ((173-303-520)) 173-303-525 for recycling facilities or WAC 173-303-550 through 173-303-560 for ((moderate-risk)) special waste facilities.~~

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-809 ~~((DEMONSTRATION PERMIT FOR NEW CHEMICAL, PHYSICAL, OR BIOLOGICAL TREATMENT PROCESSES)) RESEARCH, DEVELOPMENT AND DEMONSTRATION PERMITS. ((1) Purpose and applicability. This section applies to TSD facilities which will be chemically, physically, or biologically treating dangerous waste through new processes, and which are applying for a final facility permit. The purpose of this section is to provide permits which will allow new treatment processes (NTP) to operate and demonstrate the conditions of operation. The department will use the demonstration information developed under permits issued pursuant to this section to specify the final operating conditions in the final facility permit. Demonstration permits will not be issued under this section to applicants whose NTP will be treating dangerous waste which is also designated as hazardous waste under 40 CFR Part 261. Demonstration permits for trial burns or land treatment will not be issued under this section; they must be issued under WAC 173-303-807 and 173-303-808 respectively.~~

~~(2) Permit issuance. The department may issue a NTP demonstration permit either in advance of or as part of a final facility permit. The demonstration permit will include the demonstration and performance standards of subsection (3) of this section. If issued in lieu of the final facility permit, the NTP demonstration permit shall be issued as described in subsection (4) of this section. If issued as part of the final facility permit, the NTP demonstration permit and final facility permit shall be issued as described in subsection (5) of this section. The department will decide which permit issuance procedure will be followed based on information provided by the NTP applicant in Part B of the facility permit application.~~

~~(3) Demonstration and performance standards. This subsection describes the standards that will be included~~

in a NTP demonstration permit to determine and establish the effectiveness of the NTP and the necessary final facility operating conditions. These standards will also assure that the NTP demonstration will be performed in a manner which will not pose a threat to public health and the environment.

(a) ~~Demonstration.~~ The NTP demonstration must be likely to show whether or not the NTP will effectively treat the dangerous waste. If the information provided by the applicant in his Part B application is determined by the department to be inadequate or to provide insufficient information regarding the likelihood of effective treatment, then a permit will not be issued under subsection (4) or (5) of this section. At a minimum, the NTP demonstration must:

(i) ~~Accurately simulate the operating conditions of the NTP;~~

(ii) ~~Specify the wastes and waste quantities to be treated and the duration of the demonstration;~~

(iii) ~~Be likely to result in effective treatment; and~~

(iv) ~~Obtain the following information during the demonstration:~~

(A) ~~Data on the concentrations and quantities of dangerous and nondangerous wastes and constituents before and after treatment;~~

(B) ~~Recommended changes in operating conditions that could provide for more effective treatment;~~

(C) ~~Identification of situations which resulted in not meeting the operating conditions, or in releases of dangerous waste or constituents to the environment;~~

(D) ~~Data from any required monitoring equipment and process control instruments, such as temperature or pressure gauges, level indicators, waste feed rate and flow meters, etc.;~~

(E) ~~The effectiveness of any emergency control equipment or measures, when tested or implemented, such as shut off valves, spill containment systems, cleanup actions, etc.; and~~

(F) ~~Such other information or data as required by the department.~~

(b) ~~Performance.~~ The NTP demonstration must be performed in a manner which will not pose a threat to public health or the environment. If the department determines, from the information provided by the applicant in his Part B application, that the NTP demonstration would pose a threat to public health or the environment, then a permit will not be issued under subsection (4) or (5) of this section. The NTP demonstration will be considered to pose a threat if it cannot comply with the performance standards of WAC 173-303-430(3).

(4) ~~Demonstration permit only.~~ If the department finds that the Part B application does not contain enough information regarding the NTP to establish the full final facility operating conditions, then the department will issue a demonstration permit only. This permit will be issued in accordance with the decision-making procedures of WAC 173-303-840, and will cover only the NTP demonstration. The duration of the demonstration, and applicable operating conditions and performance standards will be specified in the permit. The department may extend the demonstration as a modification (or minor modification, if applicable) to the permit.

~~Within thirty days of the end of the demonstration, the owner/operator shall provide to the department the information obtained under subsection (2)(a)(iv) of this section, and a revised Part B application covering any necessary changes or new operating conditions. Based on the adequacy of the information and the revised Part B application, the department will either:~~

(a) ~~Issue a final facility permit under WAC 173-303-806, if the available information is sufficient to establish all necessary operating conditions; or~~

(b) ~~Issue a phased permit under subsection (5) of this section, if the available information is nearly sufficient to establish the necessary operating conditions; or~~

(c) ~~Deny the final facility permit under WAC 173-303-840, if the available information indicates that the NTP cannot operate without posing a threat to public health or the environment.~~

(5) ~~Phased permit.~~ If the department finds that the Part B application contains substantial information regarding the NTP that would be sufficient to establish nearly all final operating conditions, then the department may issue a two-phase final facility permit. This phased permit will be issued in the same manner as a final facility permit under WAC 173-303-806, except that it shall contain a first phase for a NTP demonstration, and a second phase (to become effective as described in (b) of this subsection) for establishing the NTP facility operating conditions:

(a) ~~First phase.~~ The department will establish, as requirements in the first phase of the permit, conditions for conducting the NTP demonstration. The NTP demonstration may be conducted, if approved by the department, as an actual trial run of the NTP facility itself. The demonstration conditions will include design and operating parameters, demonstration duration, monitoring procedures, information to be collected pursuant to subsection (2)(a)(iv) of this section, performance standards, and such other conditions deemed appropriate by the department.

Upon completion of the first phase, the owner/operator must submit to the department a certification, signed by a person authorized to sign a permit application or report under WAC 173-303-810(12), that the NTP demonstration has been carried out in accordance with the conditions specified in the first phase of the permit. The owner/operator must also submit a report containing all information and data collected and identifying any significant problems encountered during the demonstration. The owner/operator shall not implement the second phase of his permit until after the certification and report have been submitted to the department, and he has been notified by the department in accordance with (b) of this subsection that the second phase of his permit is effective.

(b) ~~Second phase.~~ The department will establish, as requirements in the second phase of the permit, final operating conditions for the NTP facility. These conditions will, to the maximum extent possible given the information available and provided in the Part B application, include all applicable requirements necessary to comply with the final facility standards of this chapter (including, but not limited to, WAC 173-303-600

through 173-303-670 and 173-303-806). The second phase shall also identify those operating conditions which are reasonably expected to change as a result of information developed during the first phase demonstration, and the maximum extent to which those conditions are expected to change. The second phase shall also specify what criteria, if met, will result in a need to terminate the permit or to make a major modification to the permit under WAC 173-303-830 because of new information developed during the first phase.

Upon completion of the first phase, the department will review the certification and report submitted pursuant to (a) of this subsection. Based on the new information provided in the certification and report, the department will either:

(i) Notify the owner/operator that the second phase of his permit is effective immediately, if the new information indicates that the second phase is adequate and no changes are necessary; or

(ii) Notify the owner/operator that the second phase of his permit will not be effective until changes to the second phase are made, if the new information indicates that the requirements of the second phase must be changed:

(A) If the necessary changes have already been identified in the second phase prior to permit issuance and the changes are no greater in extent than already identified in the second phase, then the department shall immediately make the appropriate changes to the requirements in the second phase of the permit. Upon completing the changes, the department shall notify the owner/operator of the changes and that, as soon as the owner/operator has included the new requirements into his facility operations, the second phase of his permit is effective.

(B) If the necessary changes are not already identified, or are greater than the extent specified in the second phase so that the changes cannot be included as provided in (b)(ii)(A) of this subsection, or if the necessary changes meet the criteria already specified in the second phase as being cause for major modification of the permit, then the department will proceed to modify the permit in accordance with WAC 173-303-830(3). The second phase of the permit will be effective only after the permit modifications have been made and the department has notified the owner/operator that his permit is effective; or

(iii) Notify the owner/operator that the second phase will not be effective and that his permit will be terminated, if the new information indicates radical problems with the NTP that cannot be addressed through a permit modification, or if the new information meets the criteria already specified in the second phase as being cause for termination of the permit. Permit termination will proceed in accordance with WAC 173-303-830(5):) (1) The department may issue a research, development, and demonstration permit for any dangerous waste treatment facility which proposes to utilize an innovative and experimental dangerous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under WAC 173-303-500 through 173-303-670. Any

such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits:

(a) Shall provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in subsection (4) of this section; and

(b) Shall provide for the receipt and treatment by the facility of only those types and quantities of dangerous waste which the department deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment; and

(c) Shall include such requirements as the department deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, financial responsibility, closure, and remedial action), and such requirements as the department deems necessary regarding testing and providing of information to the department with respect to the operation of the facility.

(2) For the purpose of expediting review and issuance of permits under this section, the department may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements in WAC 173-303-800 through 173-303-840 except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

(3) The department may order an immediate termination of all operations at the facility at any time he determines that termination is necessary to protect human health and the environment.

(4) Any permit issued under this section may be renewed not more than three times. Each such renewal shall be for a period of not more than one year.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-810 GENERAL PERMIT CONDITIONS. (1) Purpose and applicability. This section sets forth the general permit conditions that are applicable to all permits, except interim status permits and permits by rule, to assure compliance with this chapter. If the conditions of this section are incorporated in a permit by reference, a specific citation to this section must be given in the permit.

(2) Duty to comply. The permittee must comply with all conditions of his permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee need not comply with the conditions of his permit to the extent and for the duration such noncompliance is authorized in an emergency permit.

(3) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after its expiration date, the permittee must apply for and obtain a new permit.

(4) Duty to halt or reduce activity. A permittee who has not complied with his permit, and who subsequently is subject to enforcement actions, may not argue that it would have been necessary to halt or reduce the permitted activities in order to maintain compliance with the conditions of the permit.

(5) Duty to mitigate. The permittee shall take all steps required by the department to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(6) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(7) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay any permit condition.

(8) Effect of a permit. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

(9) Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with a permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) Inspection and entry. The permittee shall allow representatives of the department, upon the presentation of proper credentials, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 173-303 WAC, any substances or parameters at any location.

(11) Monitoring and monitoring records. (a) All permits shall specify:

(i) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods; and

(ii) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(b) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(c) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time.

(d) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(e) The permittee shall maintain all records of ground water quality and ground water surface elevations for the active life of the facility, and for the post-closure period as well.

(12) Signatory requirement. All applications, reports, or information submitted to the department shall be signed in accordance with ~~((WAC 173-303-810(12)))~~ this subsection and shall be certified according to ~~((WAC 173-303-810(13)))~~ subsection (13) of this section.

(a) Applications. When a dangerous waste facility is owned by one person, but is operated by another person, ~~((it is the duty of the operator and owner to obtain and cosign the permit application. The))~~ then the operator shall be the permit applicant and responsible for developing the permit application and all accompanying materials, except that the owner must also sign and certify the permit application. Permit applications shall be signed as follows:

(i) For a corporation: By a responsible corporate officer. For the purposes of this subsection, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production or operating facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(ii) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(iii) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes:

(A) The chief executive officer of the agency; or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) Reports. All reports required by permits and other information requested by the department shall be signed by a person described in (a) of this subsection, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in (a) of this subsection;

(ii) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(iii) The written authorization is submitted to the department.

(c) Changes to authorization. If an authorization under (b) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of (b) of this subsection must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(13) Certification. (a) Except as provided in (b) of this subsection, any person ((~~identified in subsection (12) of this section as appropriate for~~) signing the documents required ((~~for a permit application~~)) under (a) or (b) of subsection (12) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) When a dangerous waste facility is owned by one person, but is operated by another person, then the permit application must be certified as follows:

(i) The operator must make the certification described under (a) of this subsection; and

(ii) The owner must make the following certification:

"I certify under penalty of law that I own the real property described in, and am aware of the contents of, this permit application, and that I have received a copy

of this application. As owner of the real property, I understand that I am responsible for complying with any requirements of chapter 173-303 WAC with which only I am able to comply, and that there are significant penalties for failure to comply with such requirements."

(14) Reporting. The following reports shall be provided:

(a) Planned changes. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. For a new TSD facility and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the new or modified portion of the facility until:

(i) The permittee has submitted to the department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and either

(ii) The department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(iii) Within fifteen days of the date of submission of the letter, the permittee has not received notice from the department of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of dangerous waste.

(b) Anticipated noncompliance. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. The permit is not transferable to any person except after notice to the department. The department may require modification or revocation and re-issuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

(d) Monitoring reports. Monitoring results (including monitoring of the facility's impacts as required by the applicable sections of this chapter) shall be reported at the intervals specified elsewhere in the permit.

(e) Compliance schedules. Reports of permit compliance or noncompliance or any progress reports on interim and final permit requirements contained in any compliance schedule shall be submitted no later than fourteen days following each scheduled date.

(f) Immediate reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment. Information shall be provided orally to the department as soon as the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances provided that the department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Information which must be reported immediately shall include:

(i) Release of dangerous waste that may cause an endangerment to drinking water supplies or ground or surface waters;

(ii) Any information of a release or discharge of dangerous waste, fire, or explosion from the permitted facility which could threaten the environment or human health outside the facility;

(iii) The following description of any such occurrence:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under (d), (e), and (f) of this subsection, at the time monitoring reports are submitted. The reports shall contain the information listed in (f) of this subsection.

(h) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, he shall promptly submit this information.

(i) Other reports. In addition, the following reports are required when appropriate:

(i) Manifest discrepancy report as required by WAC 173-303-370(5);

(ii) Unmanifested waste report as required by WAC 173-303-390(1); and

(iii) Annual report as required by WAC 173-303-390(2).

(15) Confidentiality.

(a) Information submitted by the owner/operator of a facility identified as confidential will be treated in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(b) Proprietary information can be held confidential if the owner/operator indicates to the department the degree of harm if the information is made to the public.

(c) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions. Claims of confidentiality for the name and address of any permit applicant will be denied.

(d) If a submitter does not provide substantiation, the department will notify the owner/operator by certified mail of the requirement to do so. If the department does not receive the substantiation within ten days after the submitter receives the notice, the department shall place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidential information criteria.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-830 PERMIT CHANGES. (1) Purpose and applicability. This section describes the types of permit changes that may be made to all permits issued by the department. This section does not apply to permits by rule or interim status permits.

(2) Transfer of permits. A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued under subsection (3) of this section, or a minor modification has been made to identify the new permittee and incorporate such other requirements as stipulated under subsection (4) of this section.

(3) Modification or revocation and reissuance of permits. When the department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for modification or revocation and reissuance, or conducts a review of the permit file), the department may determine whether or not one or more of the causes listed in (a) and (b) of this subsection for modification or revocation and reissuance or both exist. If cause exists, the department may modify or revoke and reissue the permit accordingly and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. If cause does not exist under subsection (3) or (4) of this section, the department shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in subsection (4) of this section for "minor modifications," the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and public review provided in accordance with WAC 173-303-840.

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits, unless agreed to or requested by the permittee:

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(ii) Information. Permits may be modified during their terms if the department receives information that was not available at the time of permit issuance and which would have justified the application of different permit conditions at the time of issuance;

(iii) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only when:

(A) The permit condition requested to be modified was based on an effective regulation; and

(B) The department has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; and either

(I) The department decides to modify the permit because there would be a potential threat to public health or the environment if the permit does not incorporate the requirements of the amended regulation; or

(II) A permittee requests modification within ninety days after the date the regulation amendments are adopted;

(iv) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy;

(v) Closure plans or postclosure. When modification of a closure or postclosure plan is required under WAC 173-303-610 (3) or (8);

(vi) Revocation of changes approved prior to notice of closure. After the department receives the notification of expected closure under WAC 173-303-610(3), the department may determine that previously approved changes are no longer warranted. These include:

(A) Extension of the ninety or one hundred eighty day periods under WAC 173-303-610(4);

(B) Modification of the thirty year postclosure period under WAC 173-303-610(7);

(C) Continuation of security requirements under WAC 173-303-610(7); or

(D) Permission to disturb the integrity of the containment system under WAC 173-303-610(7);

(vii) When the permittee has filed a request under WAC 173-303-620 for a variance to the level of financial responsibility or when the department demonstrates under WAC 173-303-620 that an upward adjustment of the level of financial responsibility is required;

(viii) When the corrective action program specified in the permit under WAC 173-303-645 has not brought the regulated unit into compliance with the ground water protection standard within a reasonable period of time;

(ix) To include a detection monitoring program meeting the requirements of WAC 173-303-645, when the owner or operator has been conducting a compliance monitoring program under WAC 173-303-645 or a corrective action program under WAC 173-303-645 and compliance period ends before the end of the postclosure care period for the unit;

(x) When a permit requires a compliance monitoring program under WAC 173-303-645, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the ground water protection standard;

(xi) To include conditions applicable to units at a facility that were not previously included in the facility's permit; or

(xii) When a land treatment unit is not achieving complete treatment of dangerous constituents under its current permit conditions.

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or alternatively, revoke and reissue a permit:

(i) Cause exists for termination under WAC 173-303-806(11) for final facility permits, and the department determines that modification or revocation and reissuance is appropriate; or

(ii) The department has received notification of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

(4) Minor modifications of permits. Unless the permittee indicates otherwise, the department may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section without following the procedures of WAC 173-303-840. Any permit modification not processed as a minor modification under this section must be made for cause and with a draft permit and public notice as required in WAC 173-303-840. Minor modifications may only be made to:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the permittee;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than one hundred twenty days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

(d) Allow for a change in ownership or operational control of a facility where the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility (~~(- coverage, and liability)~~) between the current and new permittees has been submitted to the department. Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised permit application no later than ninety days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of WAC 173-303-620 (Financial requirements), until the new owner or operator has demonstrated to the department that he is complying with the requirements of that section. The new owner or operator must demonstrate compliance with financial requirements within six months of the date of the change in the ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with WAC 173-303-620, the department shall notify the old owner or operator in writing that he no longer needs to comply with the financial requirements as of the date of demonstration;

(e) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan;

(f) Change the following:

(i) Estimates of maximum inventory under WAC 173-303-610 (3)(a)((~~iii~~)) (iii);

(ii) Estimates of expected year of closure or schedules for final closure under WAC 173-303-610 (3)(a)((iv)) (vii); or

(iii) Approve periods longer than ninety days or one hundred eighty days under WAC 173-303-610 (4)(a) or (b);

(g) Change the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided that the change is minor;

(h) Change the operating requirements set in the permit for conducting a trial burn, provided that the change is minor;

(i) Grant one extension of the time period for determining operational readiness following completion of construction, for up to seven hundred twenty hours operating time for treatment of dangerous waste in an incinerator;

(j) Change the treatment program requirements for land treatment units under WAC 173-303-655(2) to improve treatment of dangerous constituents, provided that the change is minor;

(k) Change any conditions specified in the permit for land treatment units to reflect the results of field tests or laboratory analyses used in making a treatment demonstration in accordance with WAC 173-303-808, provided that the change is minor; and

(l) Allow a second treatment demonstration for land treatment to be conducted when the results of the first demonstration have not shown the conditions under which the waste or wastes can be treated completely as required by WAC 173-303-655, provided that the conditions for the second demonstration are substantially the same as the conditions for the first demonstration.

(5) Permit termination. The department shall follow the applicable procedures in WAC 173-303-840, procedures for decision making, in terminating any permit. The following are causes for terminating a permit during its term or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and can only be regulated to acceptable levels by permit modification or termination.

(6) Schedules of compliance.

(a) General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with chapter 173-303 WAC.

(b) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.

(c) Interim dates. If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement as follows;

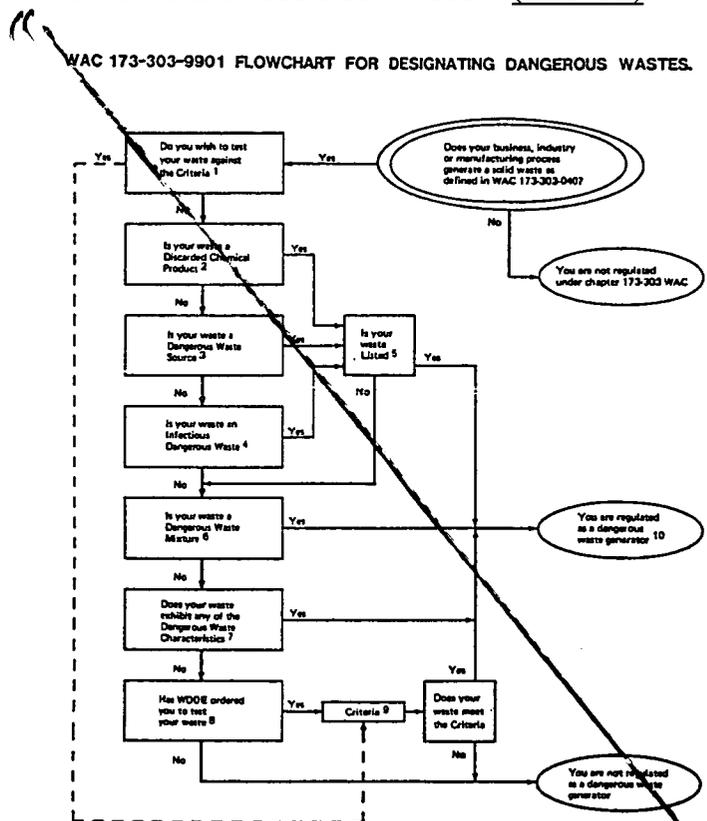
(i) The time between interim dates shall not exceed one year; or

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(d) Reporting. The permit shall be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the department in writing of its compliance or noncompliance with the interim or final requirements.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-9901 FLOW CHART FOR DESIGNATING DANGEROUS WASTES. (Reserved.)



- ~~1. Voluntary testing, allowed under WAC 173-303-070 (2)(b).~~
- ~~2. See WAC 173-303-081.~~
- ~~3. See WAC 173-303-082.~~
- ~~4. This section, WAC 173-303-083, is reserved, and is not applicable at the publication date of this chapter.~~
- ~~5. The discarded chemical products list appears in WAC 173-303-9903, and the dangerous waste sources list appears in WAC 173-303-9904.~~
- ~~6. See WAC 173-303-084.~~
- ~~7. See WAC 173-303-090. The dangerous waste characteristics include the properties~~

- of ignitability, corrosivity, reactivity, and EP toxicity.
- ~~8. Washington department of ecology may order testing pursuant to WAC 173-303-070(4).~~
 - ~~9. See WAC 173-303-100.~~
 - ~~10. As a dangerous waste generator you must comply with the requirements set forth under WAC 173-303-170.)~~

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-9904 DANGEROUS WASTE SOURCES LIST.

DANGEROUS WASTE SOURCES LIST

Dangerous Waste No.	Sources
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Nonspecific Sources

Generic:

- F001 The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated ((~~fluorocarbons~~) fluorocarbons); and sludges from the recovery of these solvents in degreasing operations. (See footnote 1, below.)
- F002 The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recovery of these solvents. (See footnote 1, below.)
- F003 The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.
- F004 The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene; and the still bottoms from the recovery of these solvents.
- F005 The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine; and the still bottoms from the recovery of these solvents.
- F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating

Dangerous Waste No.	Sources
	on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum.
F007	Spent cyanide plating bath solutions from electroplating operations.
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.
F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (See footnote 2, below.)
F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (See footnote 2, below.)
F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (See footnote 2, below.)
F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of

Dangerous Waste No.	Sources
	tri- and tetrachlorophenols. (See footnote 2, below.) (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)
F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (See footnote 2, below.)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (See footnote 2, below.) (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with nonspecific sources wastes F020, F021, F022, F023, F026 and F027.
F024	Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (See footnote 1, below.) (This listing does not include light ends, spent filters and filter aids, spent dessicants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed under specific sources, below.)

Specific Sources

Wood Preservation:

K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (See footnote 1, below.)
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Inorganic Pigments:

K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003	Wastewater treatment sludge from the production of molybdate orange pigments.
K004	Wastewater treatment sludge from the production of zinc yellow pigments
K005	Wastewater treatment sludge from the production of chrome green pigments.

Dangerous Waste No.	Sources
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007	Wastewater treatment sludge from the production of iron blue pigments.
K008	Oven residue from the production of chrome oxide green pigments.
Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene.
K010	Distillation side cuts from the production of acetaldehyde from ethylene.
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.
K015	Still bottoms from the distillation of benzyl chloride. (See footnote 1, below.)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride. (See footnote 1, below.)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (See footnote 1, below.)
K018	Heavy ends from the fractionation column in ethyl chloride production. (See footnote 1, below.)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (See footnote 1, below.)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (See footnote 1, below.)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production. (See footnote 1, below.)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Dangerous Waste No.	Sources	Dangerous Waste No.	Sources
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (See footnote 1, below.)
K026	Stripping still tails from the production of methyl ethyl pyridines.		
K027	Centrifuge and distillation residues from toluene diisocyanate production.	Explosives:	
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (See footnote 1, below.)	K044	Wastewater treatment sludges from the manufacturing and processing of explosives.
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (See footnote 1, below.)	K045	Spent carbon from the treatment of wastewater containing explosives.
K095	Distillation bottoms from the production of 1,1,1-trichloroethane. (See footnote 1, below.)	K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (See footnote 1, below.)	K047	Pink/red water from TNT operations.
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (See footnote 1, below.)	Inorganic Chemicals:	
K083	Distillation bottoms from aniline production.	K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.
K103	Process residues from aniline extraction from the production of aniline.	K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (See footnote 1, below.)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	K106	Wastewater treatment sludge from the mercury cell process in chlorine production.
K085	Distillation of fractionation column bottoms from the production of chlorobenzenes. (See footnote 1, below.)	Petroleum Refining:	
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (See footnote 1, below.)	K048	Dissolved air flotation (DAF) float from the petroleum refining industry.
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.	K049	Slop oil emulsion solids from the petroleum refining industry.
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	K051	API separator sludge from the petroleum refining industry.
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	K052	Tank bottoms (lead) from the petroleum refining industry.
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	Iron and Steel:	
		K061	Emission control dust/sludge from the primary production of steel in electric furnaces.
		K062	Spent pickle liquor ((from)) <u>generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).</u>
		Pesticides:	
		K031	Byproduct salts generated in the production of MSMA and cacodylic acid.
		K032	Wastewater treatment sludge from the production of chlordane. (See footnote 3, below.)

Dangerous Waste No.	Sources	Dangerous Waste No.	Sources
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (See footnote 3, below.)	Secondary Lead:	
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (See footnote 3, below.)	K069	Emission control dust/sludge from secondary lead smelting.
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (See footnote 3, below.)	K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
K035	Wastewater treatment sludges generated in the production of creosote.	Veterinary Pharmaceuticals:	
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K037	Wastewater treatment sludges from the production of disulfoton.	K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K038	Wastewater from the washing and stripping of phorate production. (See footnote 3, below.)	K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (See footnote 3, below.)	Ink Formulation:	
K040	Wastewater treatment sludge from the production of phorate. (See footnote 3, below.)	K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.
K041	Wastewater treatment sludge from the production of toxaphene. (See footnote 3, below.)	Coking:	
K098	Untreated process wastewater from the production of toxaphene. (See footnote 3, below.)	K060	Ammonia still-lime sludge from coking operations.
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (See footnote 1, below.)	K087	Decanter tank tar sludge from coking operations.
K043	2,6-Dichlorophenol waste from the production of 2,4-D. (See footnote 1, below.)	1	These wastes contain or may contain halogenated hydrocarbons. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than one percent of these listed halogenated hydrocarbons to designate their waste EHW.
K099	Untreated wastewater from the production of 2,4-D. (See footnote 1, below.)	2	For wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027 the quantity exclusion limit is 2.2 lbs. (1 kg) per month or per batch.
K123	<u>Process wastewater (including supernates, filtrates, and wastewaters) from the production of ethylenebisdithiocarbamic acid and its salts.</u>	3	These wastes contain or may contain X Category toxic constituents. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than 0.1 percent of these listed toxic constituents to designate their waste EHW.
K124	<u>Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.</u>		
K125	<u>Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.</u>		
K126	<u>Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.</u>		

Dangerous
Waste No.

Sources

State Sources

W001 The following wastes generated from the salvaging, rebuilding, or discarding of transformers or capacitors which contain polychlorinated biphenyls (PCB): Cooling and insulating fluids; cores, including core papers, from unrinsed transformers and capacitors; transformers and capacitors which will no longer be used for their intended use, except for those transformers or capacitors which have been rinsed; and, rinsate from the rinsing of transformers and capacitors. For the purposes of this listing, the rinsing of PCB containing items shall be conducted as follows: First, the item is drained of all free flowing liquid; second, the item is filled with solvent and allowed to stand for at least eighteen hours; last, the item is drained thoroughly and the solvent is collected. Solvents may include kerosene, xylene, toluene and other solvents in which PCB are readily soluble. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-071 (3)(k). The generator should check that section to determine if his PCB waste is excluded from the requirements of chapter 173-303 WAC.)

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-9905 DANGEROUS WASTE CONSTITUENTS LIST.

Acetonitrile [Ethanenitrile]
Acetophenone (Ethanone, 1-phenyl)
3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts (Warfarin)
2-Acetylaminofluorene (Acetamide,N-9H-fluoren-2-yl)-
Acetyl chloride (Ethanoyl chloride)
1-Acetyl-2-thiourea (Acetamide, N-(aminothioxomethyl)-
Acrolein (2-Propenal)
Acrylamide (2-Propenamide)
Acrylonitrile (2-Propenenitrile)
Aflatoxins
Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a,8b-hexahydro-endo,exo-1,4:5,8-Dimethanonaphthalene)
Allyl alcohol (2-Propen-1-ol)
Aluminum phosphide
4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)
6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methyl-carbamate azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, (ester) (Mitomycin C)

(Azirino[2',3':3,4]pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-((amino-carbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl)-5-(Aminomethyl)-3-isoxazolol (3(2H)-Isoxazolone, 5-(aminomethyl)-)-4
Aminopyridine (4-Pyridinamine)¹
Amitrole (1H-1,2,4-Triazol-3-amine)
Aniline (Benzenamine)
Antimony and compounds, N.O.S.*
Aramite (Sulfurous acid, 2-chloroethyl- 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester)
Arsenic and compounds, N.O.S.*
Arsenic acid (Orthoarsenic acid)
Arsenic pentoxide (Arsenic (V) oxide)
Arsenic trioxide (Arsenic (III) oxide)
Auramine (Benzenamine, 4,4-carbonimidoylbis[N,N-Dimethyl-monohydrochloride)
Azaserine (L-Serine, diazoacetate (ester))
Barium and compounds, N.O.S.*
Barium cyanide
Benz[c]acridine (3,4-Benzacridine)
Benz[a]anthracene (1,2-Benzanthracene)
Benzene (Cyclohexatriene)
Benzenearsonic acid (Arsonic acid, phenyl-)
Benzene, 2-amino-1-methyl (o-Toluidine)
Benzene, 4-amino-1-methyl (p-Toluidine)
Benzene, dichloromethyl- (Benzal chloride)
Benzenethiol (Thiophenol)
Benzidine ([1,1'-Biphenyl]-4,4'diamine)
Benzo[b]fluoranthene (2,3-Benzofluoranthene)
Benzo[j]fluoranthene (7,8-Benzofluoranthene)
Benzo[a]pyrene (3,4-Benzopyrene)
p Benzoquinone (1,4-Cyclohexadienedione)
Benzotrifluoride (Benzene, trichloromethyl-)
Benzyl chloride (Benzene, (chloromethyl)-)
Beryllium and compounds, N.O.S.*
Bis(2-chloroethoxy)methane (Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])
Bis(2-chloroethyl) ether (Ethane, 1,1'-oxybis[2-chloro-])
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornaphazine)
Bis(2-chloroisopropyl) ether (Propane, 2,2'-oxybis[2-chloro-])
Bis(chloromethyl) ether (Methane, oxybis[chloro-])
Bis(2-ethylhexyl) phthalate (1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester)
Bromoacetone (2-Propanone, 1-bromo-)
Bromomethane (Methyl bromide)
4-Bromophenyl phenyl ether (Benzene, 1-bromo-4-phenoxy-)
Brucine (Strychnidin-10-one, 2,3-dimethoxy-)
2-Butanone peroxide (Methyl ethyl ketone, peroxide)
Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl

- phenylmethyl ester)
 2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol, 2,4-dinitro-6-(1-methylpropyl)-)
 Cadmium and compounds, N.O.S.*
 Calcium chromate (Chromic acid, calcium salt)
 Calcium cyanide
 Carbon disulfide (Carbon bisulfide)
 Carbon oxyfluoride (Carbonyl fluoride)
 Chloral (Acetaldehyde, trichloro-)
 Chlorambucil (Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)
 Chlordane (alpha and gamma isomers) (4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3,4,7,7a-tetrahydro-) (alpha and gamma isomers)
 Chlorinated benzenes, N.O.S.*
 Chlorinated ethane, N.O.S.*
 Chlorinated fluorocarbons, N.O.S.*
 Chlorinated naphthalene, N.O.S.*
 Chlorinated phenol, N.O.S.*
 Chloroacetaldehyde (Acetaldehyde, chloro-)
 Chloroalkyl ethers, N.O.S.*
 p-Chloroaniline (Benzenamine, 4-chloro-)
 Chlorobenzene (Benzene, chloro-)
 Chlorobenzilate (Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-,ethyl ester)
 2-Chloro-1,3-butadiene
 p-Chloro-m-cresol (Phenol, 4-Chloro-3-methyl)
 1-Chloro-2,3-epoxypropane (Oxirane, 2-(chloromethyl)-)
 2-Chloroethyl vinyl ether (Ethene, (2-chloroethoxy)-)
 Chloroform (Methane, trichloro-)
 Chloromethane (Methyl chloride)
 Chloromethyl methyl ether (Methane, chloromethoxy-)
 2-Chloronaphthalene (Naphthalene, beta-chloro-)
 2-Chlorophenol (Phenol, o-chloro-)
 1-(o-Chlorophenyl)thiourea (Thiourea, (2-chlorophenyl)-)
 3-Chloropropene
 3-Chloropropionitrile (Propanenitrile, 3-chloro-)
 Chromium and compounds, N.O.S.*
 Chrysene (1,2-Benzphenanthrene)
 Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
 Coal tars
 Copper cyanide
 Creosote (Creosote, wood)
 Cresols (Cresylic acid) (Phenol, methyl-)
 Crotonaldehyde (2-Butenal)
 Cyanides (soluble salts and complexes), N.O.S.*
 Cyanogen (Ethanedinitrile)
 Cyanogen bromide (Bromine cyanide)
 Cyanogen chloride (Chlorine cyanide)
 Cycasin (beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)
 2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)
 Cyclophosphamide (2H-1,3,2,-Oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)
 Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl]oxy)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
 DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)
 DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
 DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
 Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)
 Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)
 Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)
 Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)
 7H-Dibenzo[c,g]carbazole (3,4,5,6-Dibenzcarbazole)
 Dibenzo[a,e]pyrene (1,2,4,5-Dibenzpyrene)
 Dibenzo[a,h]pyrene (1,2,5,6-Dibenzpyrene)
 Dibenzo[a,i]pyrene (1,2,7,8-Dibenzpyrene)
 1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)
 1,2-Dibromoethane (Ethylene dibromide)
 Dibromomethane (Methylene bromide)
 Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
 o-Dichlorobenzene (Benzene, 1,2-dichloro-)
 m-Dichlorobenzene (Benzene, 1,3-dichloro-)
 p-Dichlorobenzene (Benzene, 1,4-dichloro-)
 Dichlorobenzene, N.O.S.* (Benzene, dichloro-, N.O.S.*)
 3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)
 1,4-Dichloro-2-butene (2-Butene, 1,4-Butene, 1,4-dichloro-)
 Dichlorodifluoromethane (Methane, dichlorodifluoro-)
 1,1-Dichloroethane (Ethylidene dichloride)
 1,2-Dichloroethane (Ethylene dichloride)
 trans-1,2-Dichloroethene (1,2-Dichloroethylene)
 Dichloroethylene, N.O.S.* (Ethene, dichloro-, N.O.S.*)
 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
 Dichloromethane (Methylene chloride)
 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
 2,6-Dichlorophenol (Phenol, 2,6-dichloro)
 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)
 Dichlorophenylarsine (Phenyl dichloroarsine)
 Dichloropropane, N.O.S.* (Propane, dichloro-, N.O.S.*)
 1,2-Dichloropropane (Propylene dichloride)

- Dichloropropanol, N.O.S.* (Propanol, dichloro-, N.O.S.*)
- Dichloropropene, N.O.S.* (Propene, dichloro-, N.O.S.*)
- 1,3-Dichloropropene, (1-Propene, 1,3-dichloro-)
- Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4:5,8-Dimethanonaphthalene)
- 1,2:3,4-Diepoxybutane (2,2'-Bioxirane)
- Diethylarsine (Arsine, diethyl-)
- N,N-Diethylhydrazine (Hydrazine, 1,2-diethyl)
- O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester)
- O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)
- Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)
- O,O-Diethyl O-2-pyrazinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)
- Diethylstilbesterol (4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)
- Dihydrosafrole (Benzene, 1,2-methylenedioxy-4-propyl-)
- 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
- Diisopropylfluorophosphate (DFP) (Phosphorofluoric acid, bis(1-methylethyl) ester)
- Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)
- 3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'diamine, 3-3'dimethoxy-)
- p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)
- 7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)
- 3,3'Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
- Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)
- 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)
- 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)
- 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl]oxime (Thiofanox)
- alpha,alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl)
- 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)
- Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)
- Dimethyl sulfate (Sulfuric acid, dimethyl ester)
- Dinitrobenzene, N.O.S.* (Benzene, dinitro-, N.O.S.*)
- 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)
- 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)
- 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)
- 2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)
- Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)
- 1,4-Dioxane (1,4-Diethylene oxide)
- Diphenylamine (Benzenamine, N-Phenyl-)
- 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)
- Di-n-propylmitrosamine (N-Nitroso-di-n-propylamine)
- Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)
- 2,4-Dithiobiuret (Thioimidodicarbonic diamide)
- Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)
- Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)
- Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)
- Ethyl cyanide (propanenitrile)
- Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediybis(carbamodithioic acid, salts and esters.
- Ethyleneimine (Aziridine)
- Ethylene oxide (Oxirane)
- Ethylenethiourea (2-Imidazolidinethione)
- Ethylmethacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)
- Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)
- Fluoranthene (Benzo[j,k]fluorene)
- Fluorine
- 2-Fluoroacetamide (Acetamide, 2-fluoro-)
- Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)
- Formaldehyde (Methylene, oxide)
- Formic acid (Methanoic acid)
- Glycidylaldehyde (1-Propanol-2-3-epoxy)
- Halomethane, N.O.S.*
- Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
- Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)
- Hexachlorobenzene (Benzene, hexachloro-)
- Hexachlorobutadiene (1,3-Butadiene, 1,1,2,3,4,4-hexachloro-)
- Hexachlorocyclohexane (all isomers) (Lindane and isomers)
- Hexachlorocyclopentadiene (1,3-

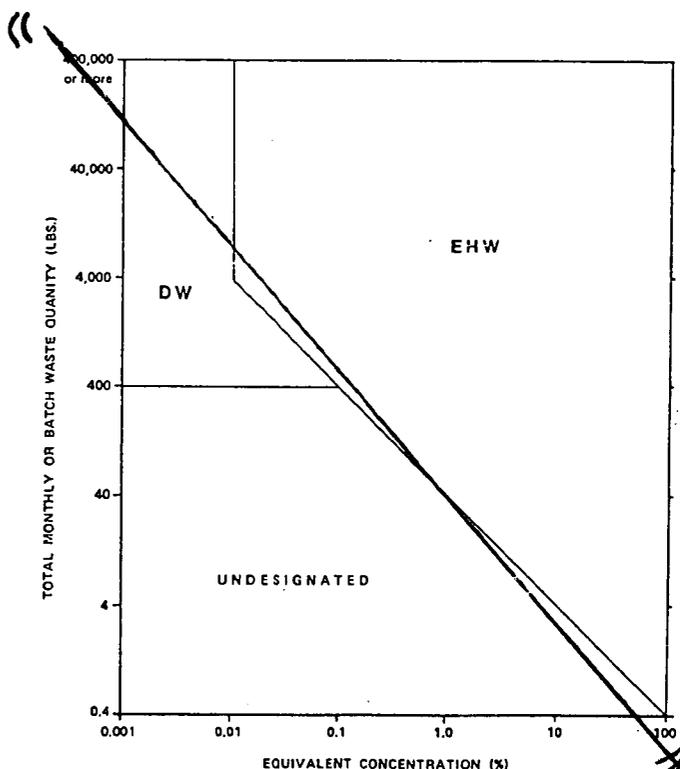
- Cyclopentadiene, 1,2,3,4,5,5-hexachloro-)
Hexachlorodibenzo-p-dioxins
Hexachlorodibenzofurans
Hexachloroethane (Ethane, 1,1,1,2,2,2-hexachloro-)
1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonphthalene
(Hexachlorohexahydro-endo,endo-dimethanonaphthalene)
Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))
Hexachloropropene (1-Propene, 1,1,2,3,3,3-hexachloro-)
Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)
Hydrazine (Diamine)
Hydrocyanic acid (Hydrogen cyanide)
Hydrofluoric acid (Hydrogen fluoride)
Hydrogen sulfide (Sulfur hydride)
Hydroxydimethylarsine oxide (Cacodylic acid)
Indeno(1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)
Iodomethane (Methyl iodide)
Iron Dextran (Ferric dextran)
Isocyanic acid, methyl ester (Methyl isocyanate)
Isobutyl alcohol (1-Propanol, 2-methyl-)
Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)
Kepone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta[cd]pentalen-2-one)
Lasiocarpine (2-Butenoic acid, 2-methyl-, 7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
Lead and compounds, N.O.S.*
Lead acetate (Acetic acid, lead salt)
Lead phosphate (Phosphoric acid, lead salt)
Lead subacetate (Lead, bis(acetato-O)tetrahydroxytri-)
Maleic anhydride (2,5-Furandione)
Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)
Malononitrile (Propanedinitrile)
Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-,L-)
Mercury Fulminate (Fulminic acid, mercury salt)
Mercury and compounds, N.O.S.*
Methacrylonitrile (2-Propenenitrile, 2-methyl-)
Methanethiol (Thiomethanol)
Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
Metholonyl (Acetimidic acid, N-[(methylcarbonyl)oxy]thio-,methyl ester)
Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
2-Methylaziridine (1,2-Propylenimine)
3-Methylcholanthrene (Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)
4,4'-Methylenebis(2-chloroaniline)
(Benzenamine, 4,4'-methylenebis-(2-chloro-)
Methyl ethyl ketone (MEK) (2-Butanone)
Methyl hydrazine (Hydrazine, methyl-)
2-Methylactonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
2-Methyl-2-(methylthio)propionaldehyde-(methylcarbonyl) oxime (Propanal,2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime)
N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitros-N-methyl-N'nitro-)
Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thio-)
Mustard gas (Sulfide, bis(2-chloroethyl)-)
Naphthalene
1,4-Naphthoquinone (1,4-Naphthalenedione)
1-Naphthylamine (alpha-Naphthylamine)
2-Naphthylamine (beta-Naphthylamine)
1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)
Nickel and compounds, N.O.S.*
Nickel carbonyl (Nickel tetracarbonyl)
Nickel cyanide (nickel (II) cyanide)
Nicotine and salts, Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
Nitric oxide (Nitrogen (II) oxide)
p-Nitroaniline (Benzenamine, 4-nitro-)
Nitrobenzine (Benzene, nitro-)
Nitrogen dioxide (Nitrogen (IV) oxide)
Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
Nitroglycerine (1,2,3-Propanetriol, trinitrate)
4-Nitrophenol (Phenol, 4-nitro-)
4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)
Nitrosamine, N.O.S.*
N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)
N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)
N-Nitrosodiethylamine (Ethanamine, N-Ethyl-N-nitroso-)
N-Nitrosodimethylamine (Dimethylnitrosamine)
N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)
N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)

- N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)
 N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)
 N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)
 N-Nitrosomorpholine (Morpholine, N-nitroso-)
 N-Nitrosornicotine (Nornicotine, N-nitroso-)
 N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)
 Nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)
 N-Nitrososarcosine (Sarcosine, N-nitroso-)
 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)
 Octamethylpyrophosphoramidate (Diphosphoramidate, octamethyl-)
 Osmium tetroxide (Osmium (VIII) oxide)
 7-Ocabcyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)
 Paraldehyde (1,3,5-Trioxane, 2,4,6-trinethyl-)
 Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)
 Pentachlorobenzene (Benzene, pentachloro-)
 Pentachlorodibenzo-p-dioxins
 Pentachlorodibenzofurans
 Pentachloroethane (Ethane, pentachloro-)
 Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)
 Pentachlorophenol (Phenol, pentachloro-)
 Phenacetin (Acetamide, N-(4-ethoxyphenyl)-)
 Phenol (Benzene, hydroxy-)
 Phenylenediamine (Benzenediamine)
 Phenylmercury acetate (Mercury, acetatophenyl-)
 N-Phenylthiourea (Thiourea, phenyl-)
 Phosgene (Carbonyl chloride)
 Phosphine (Hydrogen phosphide)
 Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester (Phorate)
 Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)sulfonyl)phenyl] ester (Famphur)
 Phthalic acid esters, N.O.S.* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.*)
 Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)
 2-Picoline (Pyridine, 2-methyl-)
 Polychlorinated biphenyl, N.O.S.*
 Potassium cyanide
 Potassium silver cyanide (Argentate(1-), dicyano-, potassium)
 Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
 1,3-Propanesultone (1,2-Oxathiolane, 2,2-dioxide)
 n-Propylamine (1-Propane)
 Propylthiouracil (Undecamethylenediamine, N,N'-bis(2-chlorobenzyl)-, dihydrochloride)
 2-Propyn-1-ol (Propargyl alcohol)
 Pyridine
 Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)
 Resorcinol (1,3-Benzenediol)
 Saccharin and salts (1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts)
 Safrol (Benzene, 1,2-methylenedioxy-4-allyl-)
 Selenious acid (Selenium dioxide)
 Selenium and compounds, N.O.S.*
 Selenium sulfide (Sulfur selenide)
 Selenourea (Carbamimidoseleonic acid)
 Silver and compounds, N.O.S.*
 Silver cyanide
 Sodium cyanide
 Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
 Strontium sulfide
 Strychnine and salts (Strychnidin-10-one, and salts)
 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)
 Tetrachlorodibenzo-p-dioxins
 Tetrachlorodibenzofurans
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)
 Tetrachloroethane, N.O.S.* (Ethane, tetrachloro-, N.O.S.*)
 1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)
 1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)
 Tetrachlorethylene (Ethane, 1,1,2,2-tetrachloro-)
 Tetrachloromethane (Carbon tetrachloride)
 2,3,4,6-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)
 Tetraethyldithiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)
 Tetraethyl lead (Plumbane, tetraethyl-)
 Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)
 Tetranitromethane (Methane, tetranitro-)
 Thallium and compounds, N.O.S.*
 Thallous oxide (Thallium (III) oxide)
 Thallium (I) acetate (Acetic acid, thallium (I) salt)
 Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)
 Thallium (I) chloride
 Thallium (I) nitrate (Nitric acid, thallium (I) salt)
 Thallium selenite
 Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)
 Thioacetamide (Ethanethioamide)
 Thiosemicarbazide (Hydrazinecarbothioamide)
 Thiourea (Carbamide thio-)
 Thiuram (Bis(dimethylthioucarbonyl) disulfide)
 Toluene (Benzene, methyl-)
 Toluenediamine, N.O.S. (Diaminotoluene)

- 2,4-Toluenediamine
- 2,6-Toluenediamine
- 3,4-Toluenediamine
- o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)
- Tolylene diisocyanate (Benzene, 1,3-diisocyanatomethyl-)
- Toxaphene (Camphene, octachloro-)
- Tribromomethane (Bromoform)
- 1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)
- 1,1,1-Trichloroethane (Methyl chloroform)
- 1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)
- Trichloroethene (Trichloroethylene)
- Trichloromethanethiol (Methanethiol, trichloro-)
- Trichloromonofluoromethane (Methane, trichlorofluoro-)
- 2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
- 2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)
- 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T) (Acetic acid, 2,4,5-trichlorophenoxy-)
- 2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP) (Silvex) (Propionic acid, 2-(2,4,5-trichlorophenoxy)-)
- Trichloropropane, N.O.S.* (Propane, trichloro-, N.O.S.*)
- 1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)
- O,O,O-Triethyl phosphorothioate (Phosphorothioic acid, O,O,O-triethyl ester)
- sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)
- Tris(1-aziridinyl) phosphine sulfide (Phosphine sulfide, tris(1-aziridinyl)-)
- Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-dibromo-, phosphate)
- Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)
- Uracil mustard (Uracil 5-[bis(2-chlorethyl)amino]-)
- Vanadic acid, ammonium salt (ammonium vanadate)
- Vanadium pentoxide (Vanadium (V) oxide)
- Vinyl chloride (Ethane, chloro-)
- Zinc cyanide
- Zinc phosphide

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

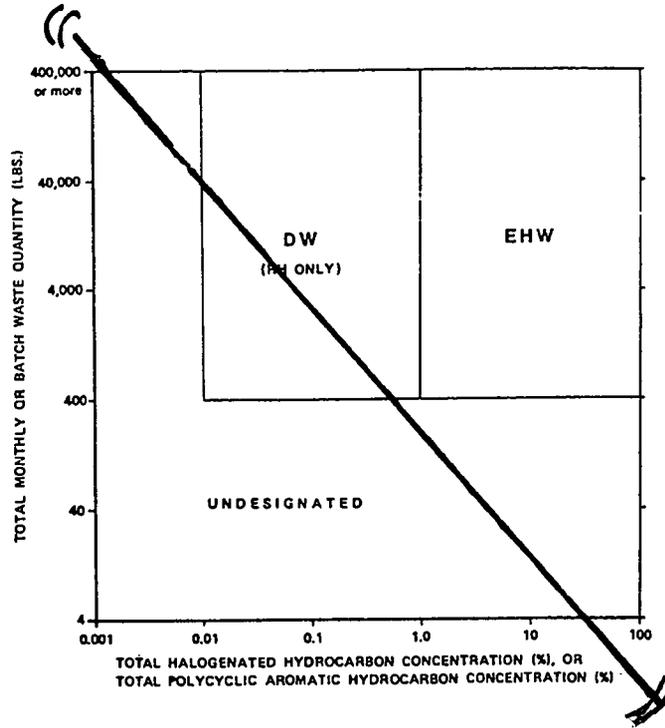
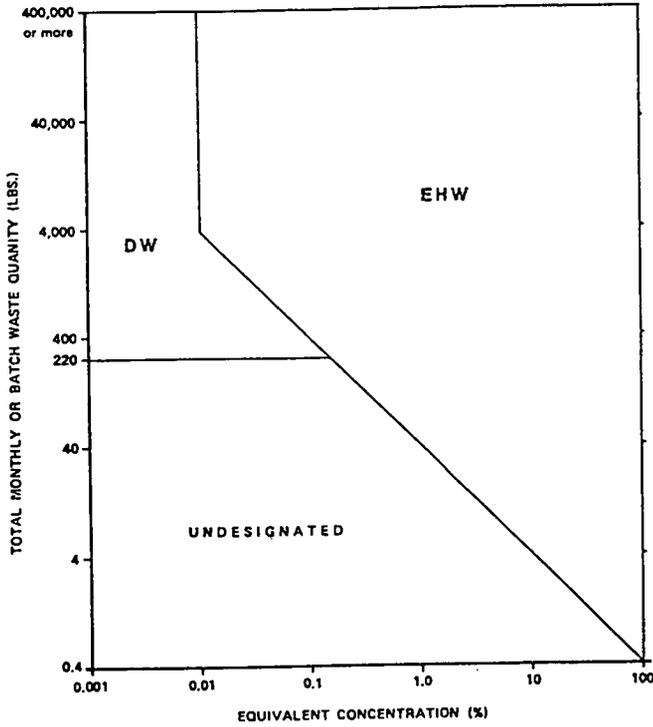
WAC 173-303-9906 TOXIC DANGEROUS WASTE MIXTURES GRAPH.



*The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing.

AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

WAC 173-303-9907 PERSISTENT DANGEROUS WASTE MIXTURES GRAPH.



NEW SECTION

WAC 308-50-035 EXAMINATION REVIEW AND APPEAL PROCEDURES. (1) Each applicant who is administered the examination for licensure and does not pass both parts of the examination will be provided information indicating the area of the examination in which the applicant was deficient with the notice of the examination results.

(2) Any applicant who does not pass a part of the examination may request an informal review by the council of his or her examination results. This request must be in writing and must be received by the department within thirty (30) days of the postmark of the notice of examination results.

(3) The procedure for the informal review is as follows:

(a) An applicant submitting a written request for an informal review by the deadline described in (2) above will be contacted by the department to arrange an appointment to appear personally in the Olympia office to review the part or parts of the examination failed.

(b) The applicant will be provided a form to complete in the Olympia office in defense of examination answers and/or examination performance.

(c) The applicant will be identified only by applicant number for the purpose of this procedure. Letters of reference or requests for special consideration will not be read or considered by the council.

(d) That applicant may bring textbooks or published material for use in completing the informal review, but such material must be retained by the Olympia office until the council has completed the informal review request submitted by the applicant.

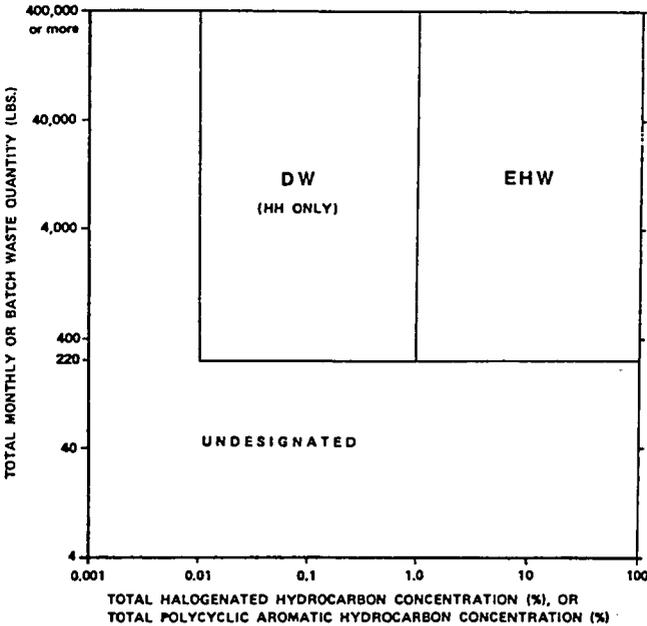
(e) The applicant will not be allowed to take any notes or materials from the office upon leaving.

(f) The information submitted to the council for its consideration in the informal review must state the specific reason or reasons why the results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reviewed could result in a passing score in the examination.

(g) The council will schedule a closed session meeting to conduct the informal review of the material submitted by the applicant.

(h) The applicant will be notified in writing of the results of the informal review.

(4) Any applicant who is not satisfied with the result of the examination review may request that a formal hearing be held before the council pursuant to the Administrative Procedures Act. Such a hearing must be prepared within thirty (30) days of postmark of the notification of the result of the council's informal review of the applicant's examination results. The request must be in writing and must state the specific reasons why the



WSR 87-14-030
ADOPTED RULES
COUNCIL ON HEARING AIDS
 [Order PM 654—Filed June 26, 1987]

Be it resolved by the Washington State Council on Hearing Aids, acting at the Sheraton-Renton Inn, Renton, Washington, that it does adopt the annexed rules relating to new section WAC 308-50-035, and amendatory sections WAC 308-50-010 and 308-50-020.

This action is taken pursuant to Notice No. WSR 87-10-066 filed with the code reviser on May 6, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Council on Hearing Aids as authorized in RCW 18.35.161(3).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 18, 1987.
 By Thomas S. Rees, Ph.D
 Chairperson

results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reconsidered could result in a passing score in the examination.

(5) The hearing will not be scheduled until the applicant and the state's attorney have appeared before an administrative law judge for a prehearing conference to consider the following:

- (a) the simplification of issues;
- (b) the necessity of amendments to the notice of specific reasons for the examination result modification;
- (c) the possibility of obtaining stipulations, admission of facts and documents;
- (d) the limitation of the number of expert witnesses;
- (e) a schedule for completion of all discovery; and,
- (f) such other matters as may aid in the disposition of the proceeding.

(6) The administrative law judge shall enter an order which recites the actions taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(7) Applicants will receive at least twenty (20) days notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the applicant has identified as the basis for a change in the examination score.

AMENDATORY SECTION (Amending Order PL 463, filed 4/4/84)

WAC 308-50-010 EXAMINATIONS. (1) The examination required of applicants shall be in two parts: Written and practical, each consisting of several sections(~~(Note: The home study course prepared by the National Hearing Aid Society will be used as a guide-line.))~~): PROVIDED, That effective with the July 1988 examination, the examination shall be in two parts: Written and practical.

(2) The minimum passing grade for each section shall be seventy percent with the minimum average grade of seventy-five percent for each part before an applicant shall be considered to have satisfactorily passed the required examination for licensure: PROVIDED, That effective with the July 1988 examination, the minimum passing grade shall be seventy percent for each part to pass the required examination for licensure.

(3) In addition to those subjects listed in RCW 18.35.070, the examination shall test the knowledge of the applicant in the basic act governing hearing aid fitter/dispensers and rules and regulations promulgated pursuant to this act.

(4) Applications for examination shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application.

AMENDATORY SECTION (Amending Order PL 479, filed 9/12/84)

WAC 308-50-020 REEXAMINATIONS. (1) Should an applicant fail any section, he/she may apply to the department to be reexamined in such section(s): PROVIDED, That effective with the July 1988 examination, should an applicant fail either the written part or any portion(s) of the practical part of the examination, he/she may apply to the department to retake the failed written part and/or failed portion(s) of the practical part of the examination.

(2) All reexaminations shall be conducted at the next regularly scheduled examination.

(3) Any person who fails to qualify for licensure after three consecutive regularly scheduled examinations shall be required to take the entire examination. A waiver may be granted upon a showing of emergency circumstances.

WSR 87-14-031
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 291—Filed June 29, 1987]

Be it resolved by the State Game Commission, acting at the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, that it does adopt the annexed rules relating to:

- New WAC 232-28-213 1987 Hunting seasons and game bag limits for [and] 1987 Game management units and area legal descriptions.
- Rep WAC 232-28-212 1986 Hunting seasons and game bag limits and 1986 Game management units and area legal descriptions.

This action is taken pursuant to Notice No. WSR 87-08-069 filed with the code reviser on April 1, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 19, 1987.
 By Dr. James M. Walton
 Chairman, Game Commission

NEW SECTION**WAC 232-28-213 1987 HUNTING SEASONS AND GAME BAG LIMITS FOR [AND] 1987 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS.**

Reviser's note: The text and accompanying pamphlet comprising the 1987 Hunting seasons and game bag limits for [and] 1987 Game management units and area legal descriptions adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-212 1986 HUNTING SEASONS AND GAME BAG LIMITS AND 1986 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS**WSR 87-14-032****WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF FISHERIES**

[Filed June 29, 1987]

The Department of Fisheries withdraws the proposed new section, WAC 220-20-018, filed in WSR 87-13-010 on June 8, 1987. This notice is given pursuant to RCW 34.04.048.

Judith Merchant
for Joseph R. Blum
Director

WSR 87-14-033**EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 87-61—Filed June 29, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial and personal use rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is hatchery escapement needs have been met and harvestable numbers of salmon are available in the Soleduck River. Harvestable numbers of sockeye salmon are available in the Columbia River and the regulations adopted at the recommendation of the Columbia River Compact Commission.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 29, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-32-03000H COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. Notwithstanding the provisions of WAC 220-32-022, WAC 220-32-030, WAC 220-32-031, WAC 220-32-032, WAC 220-32-040, and WAC 220-32-041, it is unlawful to fish for or possess salmon, sturgeon, or shad except as provided for in WAC 220-32-04100J, taken for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, or 1E except in those areas, at those times, and with the gear designated below:

Areas 1A, 1B, those waters of Area 1C downstream from the Longview Bridge – Open 6:00 p.m. June 29 to 6:00 p.m. June 30, 1987.

Those waters of the Columbia River upstream and easterly of a line projected from the flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island, diagonally north to a white equal-interval light on the Washington shore and downstream and westerly of a line projected across the Columbia River at a point 5 miles below Bonneville Dam – Open 6:00 p.m. June 29 to 6:00 p.m. July 2, 1987.

Lawful gear is restricted to single wall floating gill nets with a 4 1/2 inch maximum mesh.

It is lawful to sell only sockeye salmon, shad, sturgeon of lawful commercial size, and chinook less than or equal to 24 inches in length taken in this fishery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-03000G COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE (87-59)

NEW SECTION

WAC 220-32-05100K SEASONS—SALMON ABOVE BONNEVILLE DAM. Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish, using 4 1/2 inch maximum mesh from:

Immediately to 6:00 p.m. July 5, 1987.

It is lawful to sell sockeye salmon, chinook salmon, shad and sturgeon taken in this fishery.

During the fishery provided for in this section the restriction zone at the mouth of Spring Hatchery is open.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100J SEASONS—SALMON ABOVE BONNEVILLE DAM. (87-60)

NEW SECTION

WAC 220-57-46000S SOLEDUCK RIVER. Notwithstanding the provisions of WAC 220-57-460, effective immediately through August 31, 1987: Bag Limit A downstream from the concrete pump station at the Soleduck Hatchery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-46000R SOLEDUCK RIVER. (87-53)

WSR 87-14-034

PROPOSED RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed June 29, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning this notice proposes to amend and adopt new rules under chapter 415-112 WAC entitled teachers' retirement board of trustees. WAC 415-112-410 is amended to clarify the definition of earnable compensation for Plan I TRS members; new sections include WAC 415-112-411, which defines earnable compensation for Plan II TRS members; 415-112-412 defines nonmoney maintenance compensation for Plan I TRS members; 415-112-413 establishes recordkeeping rules for vehicles and vehicle allowances provided to TRS Plan II members; 415-112-414 establishes accounting procedures for back pay awards or settlements; and 415-112-415 establishes accounting methods for determining when leave is earned.

The purpose of this filing is to provide a uniform procedure for administering existing law and to codify long-standing administrative procedure;

that the agency will at 1:30 p.m., Tuesday, August 11, 1987, in the Second Floor Board Room, Department of Retirement Systems, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.32.010 (11), (11)(a) and (11)(b) and 41.32.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1987.

Dated: June 24, 1987

By: Robert L. Hollister, Jr.
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: Chapter 415-112 WAC, Teachers' retirement board of trustees.

Statutory Authority: RCW 41.32.010 (11), (11)(a) and (11)(b) and 41.32.160.

Summary of Rule: This notice proposes to amend and add new sections to chapter 415-112 WAC entitled teachers' retirement board of trustees. WAC 415-112-410 clarifies the definition of earnable compensation for Plan I TRS members; 415-112-411 defines earnable compensation for Plan II TRS members; 415-112-412 defines nonmoney maintenance compensation for Plan I TRS members; 415-112-413 establishes recordkeeping rules for vehicles and vehicle allowances provided to TRS Plan II members; 415-112-414 establishes accounting procedures for back pay awards or settlements; and 415-112-415 establishes accounting methods for determining when leave is earned.

Description of the Purpose of the Rule: To clarify accounting practices for recording compensation credited under the TRS system.

Reasons for Supporting the Proposed Rule: To provide a uniform procedure for administering existing law.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Robert L. Hollister, Jr., Director, Department of Retirement Systems, 1025 East Union, Olympia, Washington, (206) 753-5281.

Name of the Governmental Agency Proposing the Rule: Department of Retirement Systems.

The Department of Retirement Systems has no additional comments regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-112-410 EARNABLE COMPENSATION (~~FO INCLUDE ALL SALARY AND WAGES~~) FOR PLAN I TRS MEMBERS. ((Earnable compensation for Plan I members shall be based on salaries and wages paid by the employer to the employee member on the basis of when the service was rendered, rather than when the payment was made, and shall include all salary and wages paid by the employer to the employee member of the teachers' retirement system for personal services rendered during each calendar year, including not only the basic salary for services as a teacher but also all salary or wages paid for extracurricular activity assignments, evening school and summer school teaching, sabbatical leave, paid sick leave, other paid leave, school bus driving, other nonteaching services, and all other personal services for which salaries or wages are paid by

the employer to the employee member of the teachers' retirement system. Payment made to a member by an employer for services rendered as a private contractor shall not be regarded as earnable compensation.

~~Earnable compensation for Plan II members will be governed by chapter 293, Laws of 1977 ex. sess. as now or hereafter amended; (1) Earnable compensation for Plan I TRS members shall be computed on the basis of when the service is rendered, rather than when the payment is made.~~

~~(2) Except as provided in subsection (3) of this section, "earnable compensation," for Plan I TRS members, means all salaries or wages legally earned by a member during a calendar year for personal services, including:~~

- ~~(a) Payments for extracurricular activity assignments;~~
- ~~(b) Payments for evening school and summer school teaching;~~
- ~~(c) Payments for school bus driving and other nonteaching services;~~
- ~~(d) Overtime payments;~~
- ~~(e) Salaries or wages the taxation of which is deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar section of the United States Internal Revenue Code;~~
- ~~(f) Back pay awards or settlements, as defined in WAC 415-112-414;~~
- ~~(g) Nonmoney maintenance compensation, as defined in WAC 415-112-412;~~

~~(h) The cash value of leave or severance pay accrued during a calendar month and later paid to the member in a lump sum rather than being used as paid leave; and~~

~~(i) Salaries or wages for time during which a member is excused from work because of holidays, sick leave, vacation leave, sabbatical leave, compensatory time off, or other paid leave of absence.~~

~~(3) "Earnable compensation," for Plan I TRS members, does not include:~~

~~(a) The provision by an employer of any medical, hospital, or other health care plan, or any medical, dental, life, or other insurance of any kind, to a member (or the member and the member's dependents), any contribution by the employer to meet the premium or charge for such plan or insurance, or any payment by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents);~~

~~(b) Any payment by a member's employer of the employer or employee portion of taxes imposed by the Federal Insurance Contribution Act;~~

~~(c) Any payment received by a member under a workers' compensation act or other statutory program having similar purposes;~~

~~(d) Any payment made by an employer to a member as an incentive or bonus (whether contractual or not) for voluntary termination of employment or retirement;~~

~~(e) Any payment or allowance in the nature of a reimbursement for expenses incurred or expected to be incurred in performing services for the employer;~~

~~(f) Any other compensation in any form, whether in cash or otherwise, received by a member pursuant to a "cafeteria plan," "flexible benefits plan," or similar arrangement that permits employees to select fringe benefits they want from a package of employer-provided fringe benefits, to the extent that the member has a choice under the plan or arrangement between items that, but for this subdivision, would qualify as "earnable compensation" under this section and items that would not so qualify;~~

~~(g) Any compensation in any form, whether in cash or otherwise, provided by an employer to a member in lieu of the items described in (a) through (f) of this subsection;~~

~~(h) Any payment received pursuant to a statute containing language to the effect that the payment shall not be included in the calculation of TRS retirement benefits;~~

~~(i) Any payment made to a member for services rendered as an independent contractor;~~

~~(j) Any payment made without legal authority by an employer to a member; or~~

~~(k) Any payment, other than those described in subsection (1) (c), (e), and (f) of this section, made by an employer to a member, that is not in exchange for personal services rendered by the member to the employer.~~

NEW SECTION

WAC 415-112-411 EARNABLE COMPENSATION FOR PLAN II TRS MEMBERS. (1) Earnable compensation for Plan II TRS members shall be computed on the basis of when the service is rendered, rather than when the payment is made.

(2) Except as provided in subsection (3) of this section, "earnable compensation," for Plan II TRS members, means all salaries or wages legally earned by a member during a calendar month for personal services, including:

(a) Overtime payments;

(b) Salaries or wages the taxation of which is deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar section of the United States Internal Revenue Code;

(c) Back pay awards or settlements, as defined in WAC 415-112-414; and

(d) Salaries or wages for time during which a member is excused from work because of holidays, sick leave, vacation leave, sabbatical leave, compensatory time off, or other paid leave of absence.

(3) "Earnable compensation," for Plan II TRS members, does not include:

(a) Any compensation provided to a member by an employer in a medium other than cash, including but not limited to "nonmoney maintenance compensation," as defined in WAC 415-112-412;

(b) Any lump sum payment for accrued leave or any form of severance pay;

(c) The provision by an employer of any medical, hospital, or other health care plan, or any medical, dental, life, or other insurance of any kind, to a member (or the member and the member's dependents), any contribution by the employer to meet the premium or charge for such plan or insurance, or any payment by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents);

(d) Any payment by a member's employer of the employer or employee portion of taxes imposed by the Federal Insurance Contribution Act;

(e) Any payment received by a member under a workers' compensation act or other statutory program having similar purposes;

(f) Any payment made by an employer to a member as an incentive or bonus (whether contractual or not) for voluntary termination of employment or retirement;

(g) Any payment or allowance in the nature of a reimbursement for expenses incurred or expected to be incurred in performing services for the employer;

(h) Any compensation in any form, whether in cash or otherwise, received by a member pursuant to a "cafeteria plan," "flexible benefits plan," or similar arrangement that permits employees to select fringe benefits they want from a package of employer-provided fringe benefits, to the extent that the member has a choice under the plan or arrangement between items that but for this subdivision would qualify as "earnable compensation" under this section and items that would not so qualify;

(i) Any compensation in any form, whether in cash or otherwise, provided by an employer to a member in lieu of any of the items described in (a) through (h) of this subsection;

(j) Any payment received pursuant to a statute containing language to the effect that the payment shall not be included in the calculation of TRS retirement benefits;

(k) Any payment made to a member as an independent contractor;

(l) Any payment made without legal authority by an employer to a member; or

(m) Any payment, other than those described in subsection (1) (c) and (d) of this section, made by an employer to a member, that is not in exchange for personal services rendered by the member to the employer.

NEW SECTION

WAC 415-112-412 NONMONEY MAINTENANCE COMPENSATION—DETERMINATION AND REPORTING—FORM AND WEIGHT OF EVIDENCE. (1) Except for compensation described in WAC 415-112-410(3) or except as otherwise provided in this section, "nonmoney maintenance compensation" means the fair market value of living quarters, shelter, lodging, food, board, clothing, laundry, transportation, fuel, utilities, or other personal advantages of a similar nature legally furnished in a medium other than cash to a member (or the member and the member's dependents) by the member's employer in partial payment for the member's rendering of personal services to the employer.

(2) "Nonmoney maintenance compensation" does not include:

(a) Clothing, materials, vehicles, fuel, or equipment furnished by the member's employer or purchased, rented, or leased by the employee

with an allowance provided by the employer, if such clothing, materials, vehicles, fuel, or equipment are used by the member in rendering personal services to the employer;

(b) Any form of compensation in a medium other than cash: (i) That is associated with an available corresponding deduction for ordinary and necessary employee business expenses; or (ii) that is excludable from taxation, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member, regardless of whether the employer and/or member reported the nonmonetary compensation to the Internal Revenue Service as taxable.

(3) Every employer furnishing one or more items of nonmoney maintenance compensation to a Plan I TRS member shall contemporaneously establish and regularly update a written schedule reflecting the monthly fair market value of each such item of nonmoney maintenance compensation. The fair market value of an item of nonmoney maintenance compensation is determined on the basis of all objective facts and circumstances. It is usually what the cost of the item would be if acquired in an arm's length purchase or lease.

(4) For each month during which an employer furnishes to a Plan I TRS member "nonmoney maintenance compensation," the employer shall report to the department as earnable compensation the amount by which the fair market value of the "nonmoney maintenance compensation" exceeds the amount, if any, paid by the member for the "nonmoney maintenance compensation."

(5)(a) No item reported to the department as "nonmoney maintenance compensation" shall be included in the calculation of a Plan I TRS member's retirement benefits unless the employer or the member substantiates by adequate records or by other sufficient corroborating evidence, the employer's report under subsection (4) of this section and the member's own statement: (i) That the net amount of the item, as reported in accordance with subsection (4) of this section is accurate; (ii) that the item was furnished for the personal use of the member in partial payment for the member's rendering of personal services to the employer; and (iii) that for federal income tax purposes the item was neither associated with an available corresponding deduction for ordinary and necessary employee business expenses nor excludable from taxation, as reflected in subsection (2)(b) of this section. Absent such evidence corroborating each of these elements, the department shall presume that the item neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."

(b) Except as provided in WAC 415-112-413 (containing special substantiation rules for employer-provided vehicle, and vehicle allowances), corroborating records or other evidence may take any form, but different types of evidence have different degrees of probative value. Usually, oral evidence alone has considerably less probative value than written evidence. In addition, the probative value of written evidence is greater the closer in time it relates to the furnishing of the item. Thus, written evidence prepared at or near the time the item was furnished, absent unusual circumstances, generally has much more probative value than evidence created years later. Except as provided in WAC 415-112-413, the department will carefully weigh the probative value of all forms of evidence submitted or obtained to determine whether it is sufficient, when taken as a whole, to corroborate the employer's report and the member's own statement.

NEW SECTION

WAC 415-112-413 SPECIAL RECORDKEEPING RULES FOR VEHICLES AND VEHICLE ALLOWANCES PROVIDED BY EMPLOYERS TO PLAN I TRS MEMBERS—EXEMPTION—PRESUMPTION IN ABSENCE OF RECORDS. (1)(a) For fiscal years beginning after the effective date of this regulation, and except as provided in (b) of this subsection, each employer shall maintain monthly contemporaneous records for each vehicle provided to a Plan I TRS member reflecting: (i) Whether the vehicle was authorized and available for other personal use including commuting; (ii) whether the vehicle was used for commuting and, if so, the distance the member normally commuted on a daily basis during the month; (iii) the dates, if any, on which the member used the vehicle for other personal purposes, the miles driven on each such trip, and the itinerary of each such trip; (iv) the total number of miles the vehicle was driven during the month; and (v) the percentage of the total miles driven during the month which were driven by the member for personal use of the vehicle (including commuting) during the month. If the employer maintains such records, the employer shall report to the department as "earnable compensation" for each month the lesser of: (A) The product of the monthly fair market lease value of the vehicle times the

percentage of personal use of the vehicle during the month, or (B) one-twelfth of the amount reported by the employer to the Internal Revenue Service as the member's taxable income attributable to the personal use of the vehicle during the year under any alternative valuation method authorized by Internal Revenue Service regulations.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The employer has an established policy that the vehicle shall not be used for personal purposes; (ii) any commuting or other personal use of the vehicle by the member during the month is excludable from the member's taxable income under any provision of the United States Internal Revenue Code; or (iii) any commuting or other personal use of the vehicle by the member is otherwise excluded from the definition of "earnable compensation" under WAC 415-112-410(3).

(c) Unless the employer maintains the records required under (a) of this subsection, the department shall presume that any vehicle provided by an employer to a member is authorized for use solely in connection with the employer's business, and therefore the use of the vehicle neither qualifies as "nonmoney maintenance compensation" nor as "earnable compensation."

(2)(a) For fiscal years beginning after the effective date of this regulation and except as provided in (b) of this subsection, each employer that provides a vehicle allowance to one or more TRS members shall maintain monthly contemporaneous records for each such member reflecting: (i) The dates, if any, on which each such member used a privately owned vehicle in performing services for the employer, (ii) the miles driven on each such trip, and (iii) the itinerary of each such trip. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each member the difference between the vehicle allowance and the number of miles such employee drove a privately owned vehicle in performing services for the employer during the reporting period times the mileage reimbursement rate used by the employer to reimburse its other employees for expenses incurred in performing service to the employer; or (iv) if the employer has established no such rate, the rate established by the United States Internal Revenue Service for use by taxpayers in computing deductions for employees' business expenses.

(b) The monthly records required under (a) of this subsection need not be maintained if (i) the contract of employment that provides such allowance is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer, or (ii) the member receiving such allowance also receives separate reimbursement for automobile expenses for each use of a privately owned vehicle in performing services for the employer on the same basis as the other employees of the employer.

(c) For purposes of (a) and (b) of this subsection, a "privately owned vehicle" means any vehicle not owned by or leased to the employer.

(d) Unless the employer maintains the records required under (a) of this subsection, or is excused from maintaining the records under (b) of this subsection, the department shall presume that any vehicle allowance provided by an employer to a TRS member is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer and therefore does not constitute "earnable compensation."

NEW SECTION

WAC 415-112-414 BACK PAY AWARD OR SETTLEMENT—DEFINITION—ALLOCATED BY THE DEPARTMENT FOR RETIREMENT SYSTEM PURPOSES. "Back pay award or settlement" means a retroactive payment made by an employer or former employer to a member pursuant to an award by a court or an order of or conciliation agreement with an administrative agency charged with enforcing federal, state, or local statutes, ordinances, or regulations protecting employment rights, or a bona fide settlement of such a claim before a court or administrative agency. The department shall allocate any such award or settlement to the period or periods in which the work was done or in which it would have been done and, for retirement system purposes, deem such payments as earned in the period or periods to which the award or settlement is so allocated.

NEW SECTION

WAC 415-112-415 FIRST-IN-FIRST-OUT ACCOUNTING METHOD FOR DETERMINING WHEN LEAVE EARNED. When an employer provides cash compensation in lieu of unused leave,

the department applies a first-in-first-out accounting method to determine when the compensated leave was earned, unless the employer has in place a regulation, charter provision, ordinance, collective bargaining agreement, or other comparable written policy statement which clearly delineates a different method of accounting for the accrual and use of leave, and, if applicable, compensation for unused leave and the same such method is consistently applied in each instance and for all purposes.

Any employer's policy which is not consistent for all purposes which is contained in a regularly negotiated labor agreement in effect on the effective date of this section will be honored until the expiration date of the agreement not including any extensions at which time it will be brought into compliance with this section. Any employer's policy which is not consistent for all purposes which is established by the employer shall be brought into compliance within sixty days of the effective date of this section. In the event an employer fails to come into full compliance with this section by the dates established herein, the department will treat cashed out leave on the same basis as the employer has established for using leave.

WSR 87-14-035

EMERGENCY RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Order 87-06—Filed June 29, 1987]

I, Robert L. Hollister, Jr., director of the Department of Retirement Systems, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this notice proposes to amend that section of chapter 415-112 WAC entitled service credit, by adding a new section which implements chapter 265, Laws of 1987, which has an effective date of July 26, 1987. This section will direct the department to adopt rules to ensure that the retirement benefit provided to teachers' retirement system members is not used to unfairly inflate a member's retirement allowance.

I, Robert L. Hollister, Jr., find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the Department of Retirement Systems finds that immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare, and that observance of the requirements of notice and opportunity to present views would be contrary to the public interest. This finding is based on the following: The fact that this rule implements chapter 265, Laws of 1987, which has an effective date of July 26, 1987; the fact that chapter 265, Laws of 1987, directs the department to adopt rules to ensure that the benefit provided for therein is not used to unfairly inflate a member's retirement allowance; the fact that the great majority of applications for retirement under the teachers' retirement system are as a rule made in the summer months and that it is to be expected that the provisions of chapter 265, Laws of 1987, will apply to some of these retiring members.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 41.32 RCW, as amended by chapter 265, Laws of 1987, and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 24, 1987.

By Robert L. Hollister, Jr.
Director

NEW SECTION

WAC 415-112-800 SCOPE. WAC 415-112-800 through 415-112-820 govern the application of RCW 41.32.010 (11)(a)(ii), as amended by section 1, chapter 265, Laws of 1987 and by section 2, chapter 265, Laws of 1987, and shall apply only to persons who became members prior to October 1, 1977.

NEW SECTION

WAC 415-112-810 BONA FIDE EMPLOYEE. The purpose of WAC 415-112-800 through 415-112-820 is to implement the intent of the legislature that section 2, chapter 265, Laws of 1987 not be used to unfairly inflate a member's retirement allowance. The department shall apply section 2, chapter 265, Laws of 1987 only to members who are bona fide part-time employees. A member will be deemed a bona fide part-time employee only if the member is employed less than full time and only as necessary to ensure that a member who receives fractional years of service credit receives benefits proportional to those received by members who have received full time service credit.

NEW SECTION

WAC 415-112-820 BONA FIDE PART-TIME POSITION—HOW DETERMINED. (1) In the case of a member who elects to have earnable compensation defined as provided in section 2, chapter 265, Laws of 1987, the department will determine whether the member held a bona fide part-time position during the years used to compute benefits, and what earnable compensation the member would have received if employed on a regular full-time basis in the same position under section 2, chapter 265, Laws of 1987. The department will consider, but not be limited to considering, the following factors:

(a) The salary schedule and related workload provisions, if any, adopted pursuant to RCW 28A.67.066 by the school district by which the member was employed;

(b) The salary schedule, workload provisions, or related documents, used by the community college district by which the member was employed, including salary schedules or workload provisions contained in a collective bargaining agreement negotiated pursuant to chapter 28B.52 RCW;

(c) Whether the member's position is included on the employing district's salary schedule, in workload provisions, or in a collective bargaining agreement, and whether the member's position has duties, responsibilities, workload requirements, or methods of pay similar to those of positions found in the district's schedule, provisions, or collective bargaining agreement;

(d) When the member's position was created, and how long the position was held by the member,

(e) Whether the member has previously retired under the provisions of chapter 41.32 RCW.

(2) Employers shall provide to the department information addressing the factors listed in subsection (1) of this section and such further information as the department may request.

WSR 87-14-036

EMERGENCY RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Order 87-05—Filed June 29, 1987]

I, Robert L. Hollister, Jr., director of the Department of Retirement Systems, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this notice proposes to amend that section of chapter 415-02 WAC entitled actuarial tables, schedules and factors, by adding new tables to cover options which not have been previously authorized. The proposal sets forth in WAC the tables, schedules and factors currently being used by the Department of Retirement Systems to calculate benefits.

I, Robert L. Hollister, Jr., find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the legislature passed HB 1067 containing, in part, the provisions which are the subject of this rule. Because of the emergent nature of the material contained in HB 1067 I have to administer it immediately and need the rule to establish the administrative procedures.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065 and 43.43.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 24, 1987.

By Robert L. Hollister, Jr.
Director

NEW SECTION

WAC 415-02-099 PURPOSE. These new actuarial tables cover options which now have been authorized by House Bill No. 1067.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PLAN I - OPTION I*

<u>AGE</u>	<u>FACTOR</u>
20	.623
21	.625
22	.627
23	.629
24	.632
25	.634
26	.636
27	.639
28	.641
29	.644
30	.646
31	.649
32	.652
33	.654
34	.657
35	.660
36	.663
37	.666
38	.670
39	.673
40	.676
41	.680
42	.683
43	.687
44	.690
45	.694
46	.698
47	.702
48	.706
49	.710
50	.714
51	.718
52	.722
53	.727
54	.731
55	.736
56	.741
57	.745
58	.750
59	.755
60	.760
61	.765
62	.770
63	.776
64	.781
65	.787
66	.792
67	.798
68	.803
69	.809
70	.815
71	.821
72	.827
73	.833
74	.839
75	.845
76	.850

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PLAN I - OPTION 1*

77	.856
78	.862
79	.868
80	.874
81	.880
82	.886
83	.892
84	.897
85	.903
86	.908
87	.913
88	.918
89	.922
90	.926
91	.930
92	.933
93	.936
94	.939
95	.941
96	.943
97	.945
98	.947
99	.949

* For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN I		
<u>OPTION 2</u> <u>with COLA*</u>	<u>AGE</u> <u>DIFFERENCE</u>	<u>OPTION 3</u> <u>with COLA*</u>
BENEFICIARY YOUNGER		
.637	0	.695
.629	1	.689
.621	2	.685
.615	3	.682
.610	4	.679
.604	5	.677
.600	6	.674
.595	7	.672
.589	8	.669
.585	9	.666
.580	10	.664
.576	11	.661
.571	12	.659
.565	13	.656
.562	14	.653
.558	15	.651
.554	16	.648
.548	17	.645
.543	18	.643
.540	19	.640
.537	20	.638
.533	21	.636
.530	22	.633
.527	23	.631
.524	24	.629
.521	25	.626
.518	26	.624
.515	27	.622
.512	28	.619
.508	29	.617
.505	30	.615
.502	31	.612
.499	32	.610
.496	33	.608
.493	34	.605
.490	35	.603
.487	36	.601
.483	37	.598
.480	38	.596
.477	39	.594
.474	40	.591

* For converting from the Normal Form (without a COLA) to an annuity with a COLA

PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN I		
<u>OPTION 2</u> <u>with COLA*</u>	<u>AGE</u> <u>DIFFERENCE</u>	<u>OPTION 3</u> <u>with COLA*</u>
BENEFICIARY OLDER		
.724	-20	.738
.724	-19	.738
.724	-18	.738
.723	-17	.737
.722	-16	.737
.719	-15	.737
.717	-14	.736
.714	-13	.736
.713	-12	.736
.711	-11	.735
.708	-10	.734
.704	-09	.732
.700	-08	.730
.695	-07	.727
.692	-06	.725
.684	-05	.720
.676	-04	.717
.669	-03	.712
.657	-02	.706
.644	-01	.699

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

* For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

TEACHERS' RETIREMENT SYSTEM
PLAN I - OPTION I*

<u>AGE</u>	<u>FACTOR</u>
20	.618
21	.620
22	.622
23	.624
24	.626
25	.628
26	.630
27	.632
28	.634
29	.637
30	.639
31	.641
32	.644
33	.647
34	.650
35	.652
36	.655
37	.658
38	.660
39	.663
40	.666
41	.670
42	.673
43	.676
44	.679
45	.683
46	.686
47	.690
48	.693
49	.697
50	.701
51	.704
52	.708
53	.712
54	.716
55	.720
56	.724
57	.728
58	.732
59	.736
60	.740
61	.745
62	.749
63	.754
64	.758
65	.763
66	.767
67	.772
68	.776
69	.780
70	.784
71	.789
72	.793
73	.797
74	.800
75	.804
76	.807

TEACHERS' RETIREMENT SYSTEM
PLAN I - OPTION I*

77	.809
78	.811
79	.813
80	.813
81	.813
82	.812
83	.809
84	.806
85	.801
86	.794
87	.786
88	.775
89	.761
90	.745
91	.726
92	.704
93	.681
94	.656
95	.630
96	.603
97	.576
98	.548
99	.521

* For converting from the Normal Form Option O without a COLA, to Option I with a COLA

TEACHERS' RETIREMENT SYSTEM
PLAN I

<u>OPTION 2</u> <u>with COLA*</u>	<u>AGE</u> <u>DIFFERENCE</u>	<u>OPTION 3</u> <u>with COLA*</u>
BENEFICIARY OLDER		
.682	-20	.715
.682	-19	.715
.682	-18	.715
.682	-17	.715
.676	-16	.712
.670	-15	.709
.664	-14	.706
.658	-13	.702
.652	-12	.698
.645	-11	.694
.639	-10	.691
.632	-09	.687
.626	-08	.683
.619	-07	.679
.613	-06	.675
.604	-05	.670
.594	-04	.664
.584	-03	.658
.572	-02	.650
.554	-01	.638
.539	0	.628

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

* For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

WSR 87-14-037
PROPOSED RULES
DEPARTMENT OF RETIREMENT SYSTEMS
 [Filed June 29, 1987]

TEACHERS' RETIREMENT SYSTEM
PLAN I

<u>OPTION 2</u> <u>with COLA*</u>	<u>AGE</u> <u>DIFFERENCE</u>	<u>OPTION 3</u> <u>with COLA*</u>
BENEFICIARY YOUNGER		
.539	0	.628
.529	1	.622
.520	2	.615
.513	3	.613
.507	4	.608
.501	5	.604
.495	6	.600
.493	7	.599
.487	8	.595
.482	9	.591
.477	10	.587
.471	11	.583
.470	12	.583
.465	13	.580
.458	14	.573
.454	15	.570
.450	16	.567
.446	17	.564
.442	18	.561
.438	19	.558
.435	20	.555
.432	21	.553
.429	22	.550
.425	23	.547
.422	24	.545
.419	25	.543
.417	26	.541
.415	27	.538
.412	28	.536
.409	29	.534
.407	30	.532
.406	31	.530
.403	32	.528
.401	33	.527
.400	34	.525
.397	35	.524
.396	36	.522
.394	37	.521
.393	38	.519
.391	39	.518
.390	40	.517

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

* For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning this notice proposes to amend that section of chapter 415-02 WAC entitled actuarial tables, schedules and factors. The proposal sets forth in WAC the tables, schedules and factors currently being used by the Department of Retirement Systems to calculate benefits;

that the agency will at 1:30 p.m. Tuesday, August 11, 1987, in the Second Floor Conference Room, Department of Retirement Systems, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065 and 43.43.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1987.

Dated: June 24, 1987
 By: Robert L. Hollister, Jr.
 Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: Chapter 415-02 WAC, Actuarial tables, schedules and factors.

Statutory Authority: RCW 41.04.050, 41.26.060, 41-32.150, 41.40.065 and 43.43.200.

Summary of Rule: This notice proposes to amend that section of chapter 415-02 WAC entitled actuarial tables, schedules and factors. The proposal sets forth in WAC the tables, schedules and factors currently being used by the Department of Retirement Systems to calculate benefits.

Description of the Purpose of the Rule: The passage of House Bill 1067 provided Plan I members of PERS and TRS an additional retirement option which would provide the same post retirement adjustment that exists in the plans II of that system. The option can be elected in addition to the options provided in current law and will be calculated so as to be actuarially equivalent to the other options.

Reasons for Supporting the Proposed Rule: To provide a uniform procedure for administering existing law.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Robert L. Hollister, Jr., Director, Department of Retirement Systems, 1025 East Union, Olympia, Washington, (206) 753-5281.

Name of the Governmental Agency Proposing the Rule: Department of Retirement Systems.

The Department of Retirement Systems has no additional comments regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

NEW SECTION

WAC 415-02-099 PURPOSE. These new actuarial tables cover options which now have been authorized by House Bill No. 1067.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PLAN I - OPTION 1*

AGE	FACTOR
20	.623
21	.625
22	.627
23	.629
24	.632
25	.634
26	.636
27	.639
28	.641
29	.644
30	.646
31	.649
32	.652
33	.654
34	.657
35	.660
36	.663
37	.666
38	.670
39	.673
40	.676
41	.680
42	.683
43	.687
44	.690
45	.694
46	.698
47	.702
48	.706
49	.710
50	.714
51	.718
52	.722
53	.727
54	.731
55	.736
56	.741
57	.745
58	.750
59	.755
60	.760
61	.765
62	.770
63	.776
64	.781
65	.787
66	.792
67	.798
68	.803
69	.809
70	.815
71	.821
72	.827
73	.833
74	.839
75	.845
76	.850
77	.856
78	.862
79	.868
80	.874
81	.880

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PLAN I - OPTION 1*

82	.886
83	.892
84	.897
85	.903
86	.908
87	.913
88	.918
89	.922
90	.926
91	.930
92	.933
93	.936
94	.939
95	.941
96	.943
97	.945
98	.947
99	.949

* For converting from the Normal Form (without a COLA) to an annuity with a COLA

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PLAN I

OPTION 2 with COLA*	AGE DIFFERENCE	OPTION 3 with COLA*
BENEFICIARY OLDER		
.724	-20	.738
.724	-19	.738
.724	-18	.738
.723	-17	.737
.722	-16	.737
.719	-15	.737
.717	-14	.736
.714	-13	.736
.713	-12	.736
.711	-11	.735
.708	-10	.734
.704	-09	.732
.700	-08	.730
.695	-07	.727
.692	-06	.725
.684	-05	.720
.676	-04	.717
.669	-03	.712
.657	-02	.706
.644	-01	.699

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

* For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PLAN I

OPTION 2 with COLA*	AGE DIFFERENCE	OPTION 3 with COLA*
BENEFICIARY YOUNGER		
.637	0	.695
.629	1	.689
.621	2	.685
.615	3	.682
.610	4	.679
.604	5	.677
.600	6	.674
.595	7	.672

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PLAN I

<u>OPTION 2 with COLA*</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3 with COLA*</u>
BENEFICIARY YOUNGER		
.589	8	.669
.585	9	.666
.580	10	.664
.576	11	.661
.571	12	.659
.565	13	.656
.562	14	.653
.558	15	.651
.554	16	.648
.548	17	.645
.543	18	.643
.540	19	.640
.537	20	.638
.533	21	.636
.530	22	.633
.527	23	.631
.524	24	.629
.521	25	.626
.518	26	.624
.515	27	.622
.512	28	.619
.508	29	.617
.505	30	.615
.502	31	.612
.499	32	.610
.496	33	.608
.493	34	.605
.490	35	.603
.487	36	.601
.483	37	.598
.480	38	.596
.477	39	.594
.474	40	.591

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

* For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

TEACHERS' RETIREMENT SYSTEM
PLAN I - OPTION I*

<u>AGE</u>	<u>FACTOR</u>
20	.618
21	.620
22	.622
23	.624
24	.626
25	.628
26	.630
27	.632
28	.634
29	.637
30	.639
31	.641
32	.644
33	.647
34	.650
35	.652
36	.655
37	.658
38	.660
39	.663
40	.666
41	.670
42	.673
43	.676

TEACHERS' RETIREMENT SYSTEM
PLAN I - OPTION I*

44	.679
45	.683
46	.686
47	.690
48	.693
49	.697
50	.701
51	.704
52	.708
53	.712
54	.716
55	.720
56	.724
57	.728
58	.732
59	.736
60	.740
61	.745
62	.749
63	.754
64	.758
65	.763
66	.767
67	.772
68	.776
69	.780
70	.784
71	.789
72	.793
73	.797
74	.800
75	.804
76	.807
77	.809
78	.811
79	.813
80	.813
81	.813
82	.812
83	.809
84	.806
85	.801
86	.794
87	.786
88	.775
89	.761
90	.745
91	.726
92	.704
93	.681
94	.656
95	.630
96	.603
97	.576
98	.548
99	.521

* For converting from the Normal Form Option O without a COLA, to Option I with a COLA

TEACHERS' RETIREMENT SYSTEM
PLAN I

<u>OPTION 2 with COLA*</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3 with COLA*</u>
BENEFICIARY OLDER		
.682	-20	.715
.682	-19	.715
.682	-18	.715
.682	-17	.715
.676	-16	.712

TEACHERS' RETIREMENT SYSTEM
PLAN I

<u>OPTION 2 with COLA*</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3 with COLA*</u>
	BENEFICIARY OLDER	
.670	-15	.709
.664	-14	.706
.658	-13	.702
.652	-12	.698
.645	-11	.694
.639	-10	.691
.632	-09	.687
.626	-08	.683
.619	-07	.679
.613	-06	.675
.604	-05	.670
.594	-04	.664
.584	-03	.658
.572	-02	.650
.554	-01	.638
.539	0	.628

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

* For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

TEACHERS' RETIREMENT SYSTEM
PLAN I

<u>OPTION 2 with COLA*</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3 with COLA*</u>
	BENEFICIARY YOUNGER	
.539	0	.628
.529	1	.622
.520	2	.615
.513	3	.613
.507	4	.608
.501	5	.604
.495	6	.600
.493	7	.599
.487	8	.595
.482	9	.591
.477	10	.587
.471	11	.583
.470	12	.583
.465	13	.580
.458	14	.573
.454	15	.570
.450	16	.567
.446	17	.564
.442	18	.561
.438	19	.558
.435	20	.555
.432	21	.553
.429	22	.550
.425	23	.547
.422	24	.545
.419	25	.543
.417	26	.541
.415	27	.538
.412	28	.536
.409	29	.534
.407	30	.532
.406	31	.530
.403	32	.528
.401	33	.527
.400	34	.525
.397	35	.524
.396	36	.522
.394	37	.521

TEACHERS' RETIREMENT SYSTEM
PLAN I

<u>OPTION 2 with COLA*</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3 with COLA*</u>
	BENEFICIARY YOUNGER	
.393	38	.519
.391	39	.518
.390	40	.517

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

* For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

WSR 87-14-038
PROPOSED RULES
DEPARTMENT OF RETIREMENT SYSTEMS
[Filed June 29, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning this notice proposes to adopt new rules under chapter 415-108 WAC entitled public employees retirement board. Included with this filing are the following new sections: WAC 415-108-450 Compensation earnable for Plan I PERS members; 415-108-460 Compensation earnable for Plan II PERS members; 415-108-470 Nonmoney maintenance compensation—Determination and reporting—Form and weight of evidence; 415-108-480 Special recordkeeping rules for vehicles and vehicle allowances provided by employers to PERS members—Exemption—Presumption in absence of records; 415-108-490 Back pay award or settlement—Definition—Allocated by the department for retirement system purposes; and 415-108-510 First-in-first-out accounting method for determining when leave is earned.

The purpose of this filing is to provide a uniform procedure for administering existing law and to codify long-standing administrative procedure;

that the agency will at 1:30 p.m., Tuesday, August 11, in the Board Room, Department of Retirement Systems, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.40.010 (8), (8)(a) and (8)(b) and 41.40.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1987.

Dated: June 24, 1987
By: Robert L. Hollister, Jr.
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: Chapter 415-108 WAC, Public employees retirement board.

Statutory Authority: RCW 41.40.010 (8), (8)(a) and (8)(b) and 41.40.020.

Summary of Rule: This notice proposes to add new sections to chapter 415-108 WAC entitled public employees retirement board. WAC 415-108-450 clarifies the definition of earnable compensation for Plan I PERS members; 415-108-460 defines earnable compensation for Plan II PERS members; 415-108-470 defines non-money maintenance compensation for Plan I PERS members; 415-108-480 establishes recordkeeping rules for vehicle and vehicle allowances provided to PERS Plan II members; 415-108-490 establishes accounting procedures for back pay awards or settlements; and 415-108-510 establishes accounting methods for determining when leave is earned.

Description of the Purpose of the Rule: To clarify accounting practices for recording compensation credited under the PERS system.

Reasons for Supporting the Proposed Rule: To provide a uniform procedure for administering existing law.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Robert L. Hollister, Jr., Director, Department of Retirement Systems, 1025 East Union, Olympia, Washington, (206) 753-5281.

Name of the Governmental Agency Proposing the Rule: Department of Retirement Systems.

The Department of Retirement Systems has no additional comments regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

NEW SECTION

WAC 415-108-450 COMPENSATION EARNABLE FOR PLAN I PERS MEMBERS. (1) Compensation earnable for Plan I PERS members shall be computed on the basis of when the service is rendered, rather than when the payment is made.

(2) Except as provided in subsection (3) of this section, "compensation earnable," for Plan I PERS members, means all salaries or wages legally earned by a member during a calendar month for personal services, including:

(a) Overtime payments;

(b) Salaries or wages the taxation of which is deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar section of the United States Internal Revenue Code;

(c) Back pay awards or settlements, as defined in WAC 415-108-490;

(d) Nonmoney maintenance compensation, as defined in WAC 415-108-470;

(e) Salaries or wages for time during which a member is excused from work because of holidays, sick leave, vacation leave, compensatory time off, or other paid leave of absence.

(3) "Compensation earnable," for Plan I PERS members, does not include:

(a) The provision by an employer of any medical, hospital, or other health care plan, or any medical, dental, life, or other insurance of any kind, to a member (or the member and the member's dependents), any contribution by the employer to meet the premium or charge for such plan or insurance, or any payment by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents);

(b) Any payment by a member's employer of the employer or employee portion of taxes imposed by the Federal Insurance Contribution Act;

(c) Any payment received by a member under a workers' compensation act or other statutory program having similar purposes;

(d) Any payment made by an employer to a member as an incentive or bonus (whether contractual or not) for voluntary termination of employment or retirement;

(e) Any payment or allowance in the nature of a reimbursement for expenses incurred or expected to be incurred in performing services for the employer;

(f) Any other compensation in any form, whether in cash or otherwise, received by a member pursuant to a "cafeteria plan," "flexible benefits plan," or similar arrangement that permits employees to select fringe benefits they want from a package of employer-provided fringe benefits, to the extent that the member has a choice under the plan or arrangement between items that, but for this subdivision would qualify as "compensation earnable" under this section and items that would not so qualify;

(g) Any compensation in any form, whether in cash or otherwise, provided by an employer to a member in lieu of any of the items described in (a) through (f) of this subsection;

(h) Any payment received pursuant to a statute containing language to the effect that the payment shall not be included in the calculation of PERS retirement benefits;

(i) Any payment made to a member for services rendered as an independent contractor;

(j) Any payment made without legal authority by an employer to a member; or

(k) Any payment, other than those described in subsection (1) (c), (e), and (f) of this section, made by an employer to a member, that is not in exchange for personal services rendered by the member to the employer.

NEW SECTION

WAC 415-108-460 COMPENSATION EARNABLE FOR PLAN II PERS MEMBERS. (1) Compensation earnable for Plan II PERS members shall be computed on the basis of when the service is rendered, rather than when the payment is made.

(2) Except as provided in subsection (3) of this section, "compensation earnable," for Plan II PERS members, means all salaries or wages legally earned by a member during a calendar month for personal services, including:

(a) Overtime payments;

(b) Salaries or wages the taxation of which is deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar section of the United States Internal Revenue Code;

(c) Back pay awards or settlements, as defined in WAC 415-108-490; and

(d) Salaries or wages for time during which a member is excused from work because of holidays, sick leave, vacation leave, compensatory time off, or other paid leave of absence.

(3) "Compensation earnable," for Plan II PERS members, does not include:

(a) Any compensation provided to a member by an employer in a medium other than cash, including but not limited to "nonmoney maintenance compensation," as defined in WAC 415-108-470;

(b) Any lump sum payment for accrued leave or any form of severance pay;

(c) The provision by an employer of any medical, hospital, or other health care plan, or any medical, dental, life, or other insurance of any kind, to a member (or the member and the member's dependents), any contribution by the employer to meet the premium or charge for such plan or insurance, or any payment by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents);

(d) Any payment by a member's employer of the employer or employee portion of taxes imposed by the Federal Insurance Contribution Act;

(e) Any payment received by a member under a workers' compensation act or other statutory program having similar purposes;

(f) Any payment made by an employer to a member as an incentive or bonus (whether contractual or not) for voluntary termination of employment or retirement;

(g) Any payment or allowance in the nature of a reimbursement for expenses incurred or expected to be incurred in performing services for the employer;

(h) Any compensation in any form, whether in cash or otherwise, received by a member pursuant to a "cafeteria plan," "flexible benefits plan," or similar arrangement that permits employees to select fringe

benefits they want from a package of employer-provided fringe benefits, to the extent that the member has a choice under the plan or arrangement between items that but for this subdivision would qualify as "compensation earnable" under this section and items that would not so qualify;

(i) Any compensation in any form, whether in cash or otherwise, provided by an employer to a member in lieu of any of the items described in (a) through (h) of this subsection;

(j) Any payment received pursuant to a statute containing language to the effect that the payment shall not be included in the calculation of PERS retirement benefits;

(k) Any payment made to a member for services rendered as an independent contractor;

(l) Any payment made without legal authority by an employer to a member; or

(m) Any payment, other than those described in subsection (1) (c) and (d) of this section, made by an employer to a member, that is not in exchange for personal services rendered by the member to the employer.

NEW SECTION

WAC 415-108-470 NONMONEY MAINTENANCE COMPENSATION—DETERMINATION AND REPORTING—FORM AND WEIGHT OF EVIDENCE. (1) Except for compensation described in WAC 415-108-450(2) or except as otherwise provided in this section, "nonmoney maintenance compensation" means the fair market value of living quarters, shelter, lodging, food, board, clothing, laundry, transportation, fuel, utilities, or other personal advantages of a similar nature legally furnished in a medium other than cash to a member (or the member and the member's dependents) by the member's employer in partial payment for the member's rendering of personal services to the employer.

(2) "Nonmoney maintenance compensation" does not include:

(a) Clothing, materials, vehicles, fuel, or equipment furnished by the member's employer or purchased, rented, or leased by the employee with an allowance provided by the employer, if such clothing, materials, vehicles, fuel, or equipment are used by the member in rendering personal services to the employer;

(b) Any form of compensation in a medium other than cash: (i) That is associated with an available corresponding deduction for ordinary and necessary employee business expenses, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member; or (ii) that is excludable from taxation, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member, regardless of whether the employer and/or member reported the nonmonetary compensation to the Internal Revenue Service as taxable.

(3) Every employer furnishing one or more items of "nonmoney maintenance compensation," to a Plan I PERS member shall contemporaneously establish and regularly update a written schedule reflecting the monthly fair market value of each such item of nonmoney maintenance compensation. The fair market value of an item of nonmoney maintenance compensation is determined on the basis of all objective facts and circumstances. It is usually what the cost of the item would be if acquired in an arm's length purchase or lease.

(4) For each month during which an employer furnishes to a Plan I PERS member "nonmoney maintenance compensation," the employer shall report to the department as "compensation earnable" the amount by which the fair market value of the "nonmoney maintenance compensation" exceeds the amount, if any, paid by the member for the "nonmoney maintenance compensation."

(5)(a) No item reported to the department as "nonmoney maintenance compensation" shall be included in the calculation of a Plan I PERS member's retirement benefits unless the employer or the member substantiates, by adequate records or by other sufficient corroborating evidence, the employer's report under subsection (4) of this section and the member's own statement: (i) That the net amount of the item, as reported in accordance with subsection (4) of this section is accurate; (ii) that the item was furnished for the personal use of the member in partial payment for the member's rendering of personal services to the employer; and (iii) that for federal income tax purposes the item was neither associated with an available corresponding deduction for ordinary and necessary employee business expenses nor excludable from taxation, as reflected in subsection (2)(b) of this section. Absent such evidence corroborating each of these elements, the department shall presume that the item neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."

(b) Except as provided in WAC 415-108-480 (containing special substantiation rules for employer-provided vehicles and vehicle allowances), corroborating records or other evidence may take any form, but different types of evidence have different degrees of probative value. Usually, oral evidence alone has considerably less probative value than written evidence. In addition, the probative value of written evidence is greater the closer in time it relates to the furnishing of the item. Thus, written evidence prepared at or near the time the item was furnished, absent unusual circumstances, generally has much more probative value than evidence created years later. Except as provided in WAC 415-108-480, the department will carefully weigh the probative value of all forms of evidence submitted or obtained to determine whether it is sufficient, when taken as a whole, to corroborate the employer's report and the member's own statement.

NEW SECTION

WAC 415-108-480 SPECIAL RECORDKEEPING RULES FOR VEHICLES AND VEHICLE ALLOWANCES PROVIDED BY EMPLOYERS TO PERS MEMBERS—EXEMPTION—PRESUMPTION IN ABSENCE OF RECORDS. (1)(a) For fiscal years beginning after the effective date of this regulation, and except as provided in (b) of this subsection, each employer shall maintain monthly contemporaneous records for each vehicle provided to a Plan I PERS member reflecting: (i) Whether the vehicle was authorized and available for personal use, including commuting; (ii) whether the vehicle was used for commuting and, if so, the distance the member normally commuted on a daily basis during the month; (iii) the dates, if any, on which the member used the vehicle for other personal purposes, the miles driven on each such trip, and the itinerary of each such trip; (iv) the total number of miles the vehicle was driven during the month; and (v) the percentages of the total miles driven during the month which were driven by the member for personal use of the vehicle (including commuting) during the month. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each month the lesser of: (A) The product of the monthly fair market lease value of the vehicle times the percentage of personal use of the vehicle during the month, or (B) one-twelfth of the amount reported by the employer to the Internal Revenue Service as the member's taxable income attributable to the personal use of the vehicle during the year under any alternative valuation method authorized by Internal Revenue Service regulations.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The employer has an established policy that the vehicle shall not be used for personal purposes; (ii) any commuting or other personal use of the vehicle by the member during the month is excludable from the member's taxable income under any provision of the United States Internal Revenue Code; or (iii) any commuting or other personal use of the vehicle by the member is otherwise excluded from the definition of "compensation earnable" under WAC 415-108-450(2).

(c) Unless the employer maintains the records required under (a) of this subsection, the department shall presume that any vehicle provided by an employer to a member is authorized for use solely in connection with the employer's business, and therefore the use of the vehicle neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."

(2)(a) For fiscal years beginning after the effective date of this regulation and except as provided in (b) of this subsection, each employer that provides a vehicle allowance to one or more PERS members shall maintain monthly contemporaneous records for each such member reflecting: (i) The dates, if any, on which each such member used a privately owned vehicle in performing services for the employer, (ii) the miles driven on each such trip, and (iii) the itinerary of each such trip. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each member the difference between: (A) The vehicle allowance; and (B) the number of miles such employee drove a privately owned vehicle in performing services for the employer during the reporting period times the mileage reimbursement rate used by the employer to reimburse its other employees for expenses incurred in performing service to the employer; or (C) if the employer has established no such rate, the rate established by the United States Internal Revenue Service for use by taxpayers in computing deductions for employees business expenses.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The contract of employment provides that such allowance is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer; or

(ii) the member receiving such allowance also receives separate reimbursement for automobile expenses for each use of a privately owned vehicle in performing services for the employer on the same basis as the other employees of the employer.

(c) For purposes of (a) and (b) of this subsection, a "privately owned vehicle" means any vehicle not owned by or leased to the employer.

(d) Unless the employer maintains the records required under (a) of this subsection or is excused from maintaining the records under (b) of this subsection, the department shall presume that any vehicle allowance provided by an employer to a PERS member is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer and therefore does not constitute "compensation earnable."

NEW SECTION

WAC 415-108-490 BACK PAY AWARD OR SETTLEMENT—DEFINITION—ALLOCATED BY THE DEPARTMENT FOR RETIREMENT SYSTEM PURPOSES. "Back pay award or settlement" means a retroactive payment made by an employer or former employer to a member pursuant to an award by a court or an order of or conciliation agreement with an administrative agency charged with enforcing federal, state, or local statutes, ordinances, or regulations protecting employment rights, or a bona fide settlement of such a claim before a court or administrative agency. The department shall allocate any such award or settlement to the period or periods in which the work was done or in which it would have been done and, for retirement system purposes, deem such payments as earned in the period or periods to which the award or settlement is so allocated.

NEW SECTION

WAC 415-108-510 FIRST-IN-FIRST-OUT ACCOUNTING METHOD FOR DETERMINING WHEN LEAVE EARNED. When an employer provides cash compensation in lieu of unused leave, the department applies a first-in-first-out accounting method to determine when the compensated leave was earned, unless the employer has in place a regulation charter provision, ordinance, collective bargaining agreement, or other comparable written policy statement which clearly delineates a different method of accounting for the accrual and use of leave, and, if applicable, compensation for unused leave and the same such method is consistently applied in each instance and for all purposes.

Any employer's policy which is not consistent for all purposes which is contained in a regularly negotiated labor agreement in effect on the effective date of this section will be honored until the expiration date of the agreement not including any extensions at which time it will be brought into compliance with this section. Any employer's policy which is not consistent for all purposes which is established by the employer shall be brought into compliance within sixty days of the effective date of this section. In the event an employer fails to come into full compliance with this section by the dates established herein, the department will treat cashed out leave on the same basis as the employer has established for using leave.

WSR 87-14-039

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

[Filed June 30, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning public use of managed lands and road, chapter 332-52 WAC. Eight sections are amended. Modifications cover the permit system for recreational use of the portion of the Milwaukee Road Corridor under the jurisdiction of the Department of Natural Resources;

that the agency will on August 18, 1987, 7:00 p.m., in the Holiday Inn, Cascade Room, Issaquah, and on August 19, 1987, 7:00 p.m., in the Hallmark Inn, Sage

Room, Moses Lake, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 25, 1987.

The authority under which these rules are proposed is RCW 79.08.277 and 79.08.279.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1987.

Dated: June 29, 1987

By: Brian J. Boyle

Commissioner of Public Lands

STATEMENT OF PURPOSE

Purpose of Rule: To modify the permit system for recreational use of the portion of the Milwaukee Road Corridor under the jurisdiction of the Department of Natural Resources.

Statutory Authority: RCW 79.08.277 and 79.08.279.

Summary of Rules and Reasons Supporting Proposed Action: To increase the Department of Natural Resources ability to administer and provide permit service for users of the Milwaukee Road Corridor.

Agency Personnel Responsible for Drafting: Walter Carlson, Right of Ways Division, Department of Natural Resources, John Cherberg Building, Olympia, Washington 98504, phone (206) 753-5334; and Implementation: Edward G. Price, Deputy Supervisor/Field Operations, Department of Natural Resources, John Cherberg Building, Olympia, Washington 98504, phone (206) 753-5310.

AMENDATORY SECTION (Amending Order 435, filed 10/11/84)

WAC 332-52-010 DEFINITIONS. The following definitions shall apply ~~((to all of the listed regulations [:-] [-:]))~~ throughout this chapter:

(1) ~~((The term))~~ "Developed recreation sites" means all improved observation, swimming, boating, camping and picnic sites.

(2) ~~((The term))~~ "Camping equipment" includes tent or vehicle used to accommodate the camper, the vehicles used for transport, and the associated camping paraphernalia.

(3) ~~((The term))~~ "Department" ~~((shall))~~ means the department of natural resources.

(4) ~~((The term))~~ "Vehicle" ~~((shall))~~ means any motorized device capable of being moved upon a road and in, upon, or by which any persons or property is or may be transported or drawn upon a road. It shall include, but not be limited to automobiles, trucks, motorcycles, motor bikes, motor-scooters and snowmobiles, whether or not they can legally be operated on the public highways.

(5) ~~((The term))~~ "Organized event" ~~((shall))~~ means any event involving more than fifty participants which is advertised in advance, sponsored by any recognized club(s), and conducted at a predetermined time and place.

(6) ~~((The term))~~ "Corridor" ~~((shall))~~ means that portion of the Milwaukee ~~((Railroad right of way))~~ Road Corridor under the jurisdiction of the department ~~((of natural resources))~~.

AMENDATORY SECTION (Amending Order 435, filed 10/11/84)

WAC 332-52-020 APPLICABILITY AND SCOPE. The following public use rules are aimed at protecting recreational, economic and industrial activities on land and roads under the jurisdiction of the department ~~((of natural resources of the state of Washington))~~. These rules are designed to allow Washington's trust lands to fulfill their historic roles of revenue production. The rules cover public use activities on developed recreation sites and all other lands under the jurisdiction of the department ~~((of natural resources))~~. They cover the public use of roads and trails under the jurisdiction of the department ~~((of natural resources))~~ and the recreational use of fire. These public use rules

are not applicable to persons, or their assignees or representatives, engaged in industrial harvest, commercial leases or agriculture or grazing activities carried on under sale, lease or permit from the department on lands under its jurisdiction if such application is incompatible with state contracts or agreements. Nor shall these rules, except the provisions of WAC 332-52-060, apply on lands under ~~((the))~~ the department's jurisdiction that are withdrawn or leased by a public agency having rules governing public use on the lands withdrawn or leased, provided that these rules may apply upon request of the applicable public agency. Public notices of these rules shall be posted by the department ~~((of natural resources))~~ in such locations as will reasonably bring them to the attention of the public. The department will also set forth conditions with respect to any areas on which special restrictions are imposed and post in same manner. A copy of the rules shall be made available to the public in the office of the commissioner of public lands, Olympia, and in ~~((area))~~ region offices.

AMENDATORY SECTION (Amending Order 435, filed 10/11/84)

WAC 332-52-060 USE OF FIRE. Chapter 76.04 RCW and all rules and regulations duly promulgated thereunder apply to recreational fires on lands under the jurisdiction of the department ~~((of natural resources))~~ other than developed recreation sites. The written permission required under WAC ~~((332-24-080))~~ 332-24-201 may be waived for good cause shown for recreational fires by the ~~((area))~~ region manager in designated areas within his jurisdiction.

AMENDATORY SECTION (Amending Order 435, filed 10/11/84)

WAC 332-52-065 MILWAUKEE ~~((RAILROAD RIGHT OF WAY))~~ ROAD CORRIDOR—RECREATIONAL USE. Motorized vehicles including snowmobiles are prohibited on the corridor at all times, except for motorized use for authorized administrative purposes or motorized use approved by the department for reasons of health and safety. ~~((Through December 31, 1986))~~ The corridor will be open for non-motorized use, by permit only, from ~~((April 15 through May 31 and during the month of))~~ October 1 through June 15, east of the Columbia River and September 1 through July 1, west of the Columbia River. The remainder of the year the corridor will be closed to all recreational use. The department may close portions of the corridor, at any time of the year, to reduce fire danger or protect public safety ~~((im))~~ after consultation with local legislative authorities ~~((or))~~ and fire districts. After December 31, ~~((1986))~~ 1990 the department may, if determined necessary to better carry out the purposes of chapter 174, Laws of 1984, adjust the designated periods of the year during which permits will be issued, after first giving public notice and holding at least one public hearing each in eastern and western Washington.

AMENDATORY SECTION (Amending Order 435, filed 10/11/84)

WAC 332-52-066 MILWAUKEE ~~((RAILROAD RIGHT OF WAY))~~ ROAD CORRIDOR—PERMITS. (1) Any individual, group or organization wishing to use the corridor shall make written application at least ~~((thirty))~~ fifteen days in advance of such intended use to the department's southeast ~~((area))~~ region office in Ellensburg on a form designated by the department for this purpose. The department, on request of an applicant, may for good cause shown provide for a shorter period of advance notice ~~((for good cause))~~.

(2) Upon request of abutting landowners, the department shall notify the landowners of permits issued for use of the corridor adjacent to their property.

(3) For portions of the corridor where no abutting landowner has requested notification of permits issued and no gates have been constructed by lessees of the corridor, the department may issue permits ~~((without advance application to parties of five or fewer individuals;))~~ for day use only ~~((;))~~ without advance application where use is confined to such portion of the corridor. In this case, one permit may be issued which covers such use on any number of days within the use period specified in WAC 332-52-065.

(4) All requests for use of the corridor shall include the following information except for use as specified in subsection (3) of this section:

- (a) The name and address of the applicant.
- (b) The name, title, address, and telephone number of the group leader.
- (c) A brief description of the planned use of the corridor.
- (d) The size of the group.
- (e) The period of use, including the starting and ending dates.

(f) The locations of the starting point and destination of the proposed trip.

(g) The portions of the corridor planned to be covered each day of the proposed trip.

(h) The mode of travel to be used while on the corridor.

(i) Whether there is to be overnight use of the corridor and if so the location of the overnight use.

(5) The department's southeast ~~((area))~~ region office shall make a determination regarding the application within ~~((ten calendar))~~ five working days of receiving the application, and shall notify the applicant in writing of its determination to approve or disapprove the application. All permits shall include appropriate conditions on use including appropriate indemnity and waiver of liability clauses. The department's determination and the conditions included in the permit will be based on providing for the orderly and safe use of the corridor, the protection of adjoining landowners, the nature of the proposed use, environmental conditions, other known uses, and other requests for use.

(6) The permit will be valid for not more than one trip in each direction over the route identified on the application, except as specified in subsection (3) of this section.

(7) A permit fee will be charged, the amount of the fee to be determined by the department and to be based on the cost of processing the permit application plus the cost of notifying adjacent landowners under subsection (2) of this section. The permit fee shall be no greater than one hundred dollars and not less than ten dollars. The permit fee for one person using the corridor for fewer than two nights shall be ten dollars. No fee will be charged for use permitted under subsection (3) of this section or abutting lands owned by the bureau of land management.

(8) While traveling the corridor, the permit must be in the possession of the permit holder at all times. For groups, the permit holder is the person designated on the application as the group leader, or the group leader's designee. The permit holder is required to show the permit, if requested by an authorized department representative.

AMENDATORY SECTION (Amending Order 435, filed 10/11/84)

WAC 332-52-067 MILWAUKEE ~~((RAILROAD RIGHT OF WAY))~~ ROAD CORRIDOR—RESTRICTIONS ON USE. The following acts are prohibited on the corridor:

(1) Sanitation

(a) Disposal of all garbage or refuse of any kind whatsoever.

(b) Depositing any human waste in a manner which could cause pollution of any surface or ground water or threat to human health. No human waste shall be deposited within one-quarter mile of any building, water source, lake, pond, or stream whether running or dry. In all other cases human waste shall be buried. Permit conditions for groups may include a requirement to remove human waste from the corridor.

(2) Public behavior

(a) Destroying, injuring, defacing, removing, or disturbing in any manner any public or private building, sign, equipment, marker or other structure or property.

(b) Erecting unauthorized shelters, entering any structure without permission, or camping in locations not designated on the permit.

(c) Destroying, defacing, or removing any natural feature or vegetation or the surface of the corridor.

(d) Hunting or discharging of firearms, or having in possession shotguns or rifles. Other firearms will be unloaded and stored. No person shall discharge on any portion of the corridor a firearm, bow and arrow, or air or gas device or any device capable of injuring or killing any animal or person or damaging or destroying any public or private property. However, the department may allow hunting on portions of the corridor leased by or covered by an agreement with another public agency which owns or controls adjoining property.

(e) Exploding or igniting firecrackers, rockets or fireworks of any kind.

(f) Operating or using any audible devices, including public address system, radio, television, and musical instrument and other noise producing devices, such as electrical generating plants and equipment driven by motors or engines, in such a manner and at such times so as to unreasonably disturb other persons.

(g) ~~((Operating or using portable public address system, whether fixed or portable;))~~

~~((h))~~ Building of open fires, without a written burning permit from the department.

~~((i))~~ ~~((h))~~ Having animals on the corridor which are not under physical restrictive control at all times.

AMENDATORY SECTION (Amending Order 435, filed 10/11/84)

WAC 332-52-068 MILWAUKEE (~~RAILROAD RIGHT OF WAY~~) ROAD CORRIDOR—PROTECTION OF ADJOINING PROPERTY. The following acts are prohibited:

- (1) Entering onto adjoining property from the corridor by any person or animal without permission of landowner.
- (2) Destroying, injuring, defacing, removing, or disturbing in any manner any public or private building, sign, equipment, marker, or other structure or property on adjoining property.
- (3) Discharging of firearms. No person shall discharge at or onto any adjoining property a firearm, bow and arrow, or air or gas device or any device capable of injuring or killing any animal or person or damaging or destroying any public or private property.
- (4) Leaving gates in a condition other than the condition in which they are found.

AMENDATORY SECTION (Amending Order 435, filed 10/11/84)

WAC 332-52-069 MILWAUKEE (~~RAILROAD RIGHT OF WAY~~) ROAD CORRIDOR—PENALTIES. Any violations of WAC 332-52-065 through 332-52-068, chapter 174, Laws of 1984 or the terms or conditions of the permit shall subject the permittee to the revocation of the permit and the penalties under WAC 332-52-070.

WSR 87-14-040**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—June 29, 1987]

The Washington State Human Rights Commission will hold its next regular commission meeting in Ellensburg on July 22 and 23, 1987. The meeting on July 22 will be held at the Best Western Ellensburg Inn, Cascade Room, 1700 Canyon Road, Ellensburg, from 7:00 p.m. to 11:00 p.m. and will be a training and work session only. The regular business meeting will be held at the County Courthouse, Extension Assembly Room, 5th and Main, Ellensburg, beginning at 9:30 a.m. on July 23. The main topic of discussion for the July meeting will be credit, insurance, and housing as they pertain to the law against discrimination.

WSR 87-14-041**PROPOSED RULES
DEPARTMENT OF TRANSPORTATION**

[Filed June 30, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 47.60.326 and 47.56.030, that the Washington State Department of Transportation intends to adopt, amend, or repeal rules concerning a new WAC section to establish a tariff for transporting hazardous materials on Washington state ferries;

that the agency will at 10 a.m., Thursday, August 20, 1987, in Nendel's Inn, Fairhaven Room, 714 Lakeway Drive, Bellingham, WA 98226, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.326.

The specific statute these rules are intended to implement is RCW 47.60.326.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1987, at Room 1D2, Transportation Building, Olympia, WA 98504.

Dated: June 30, 1987

By: Lue Clarkson
Administrator**STATEMENT OF PURPOSE**

Title: The adoption of a revised schedule of tolls for the Washington state ferry system.

Statutory Authority: RCW 47.60.326.

Summary of Rule: To establish a tariff for transporting hazardous materials on Washington state ferries.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: H. W. Parker, Assistant Secretary for Marine Transportation.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Transportation Commission, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: No.

Small Business Economic Impact Statement: The department has considered this rule and determined that it does not affect more than 10 percent of one industry or 20 percent of all industry.

NEW SECTION

WAC 468-300-210 TRANSPORTING HAZARDOUS MATERIALS ON WASHINGTON STATE FERRIES. (1) "Hazardous materials" mean any materials which are prohibited by 49 CFR § 172.101 from being carried on a regularly scheduled, passenger-carrying vessel sailing. An example is a fully loaded gasoline truck.

(2) The operations superintendent of Washington state ferries (WSF) or his designee may approve the transport of hazardous materials when a vessel and vessel crew are available.

(3) Fares for WSF transport of hazardous materials shall be equal to the round-trip cost of fuel, deck, and engine labor (including overtime and minimum crew callouts, where applicable), supplies, and maintenance. If more than one carrier of hazardous materials is on a particular trip, the fare for that trip may be divided among the carriers involved.

WSR 87-14-042**ADOPTED RULES
DEPARTMENT OF REVENUE**

[Order 87-2—Filed June 30, 1987]

I, William R. Wilkerson, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to taxation of forest land and timber, amending sections of chapter 458-40 WAC.

This action is taken pursuant to Notice No. WSR 87-10-062 filed with the code reviser on May 6, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 84.33 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
 APPROVED AND ADOPTED June 30, 1987.

By John B. Conklin
 Forest Tax Supervisor

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-650 TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

**TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, and 5**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and over 40% Special Mill, No. 1 Sawmill & better log grade
<u>1</u>	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and over 15% Special Mill, No. 1 Sawmill, Peeler & better log grade
((+))	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 3 Sawmill logs & better log grades
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and 15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
<u>2</u>	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill, Peeler & better log grade
((2))	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and 5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill & better log grade

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
<u>3</u>	Western Redcedar & Alaska-cedar	5-30% inclusive No. 2 Sawmill & better log grade
((3))	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and less than 5% Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir & Spruce	25-50% inclusive No. 2 Sawmill & better log grade
<u>4</u>	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	25-50% inclusive No. 2 Sawmill & better log grade
	Douglas-fir & Spruce	5% to but not including 25% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	5% to but not including 25% No. 2 Sawmill & better log grade
<u>5</u>	Conifer Utility	All conifer logs graded as utility log grade
((5))	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility
<u>6</u>	Douglas-fir, Spruce, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
 Stumpage Value Areas 6 and 7**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
<u>1</u>	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
<u>2</u>	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
<u>5</u>	Utility	All logs graded as utility

TABLE 3—Timber Quality Code Table
Stumpage Value Area 10

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-660 TIMBER EXCISE TAX—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 1 through June 30, 1987:

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Douglas-fir	DF	1		\$203	\$196	\$189	\$182	\$175
		2		178	171	164	157	150
		3		158	151	144	137	130
		4		147	140	133	126	119
		5		123	116	109	102	95
		6		118	111	104	97	90
Western Redcedar ²	RC	1		241	234	227	220	213
		2		218	211	204	197	190
		3		161	154	147	140	133
		4		138	131	124	117	110
Sitka Spruce	SS	1		222	215	208	201	194
		2		188	181	174	167	160
		3		118	111	104	97	90
		4		114	107	100	93	86
		5		95	88	81	74	67
		6		94	87	80	73	66

TABLE 1—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ³	WH	1	135	128	121	114	107
		2	106	99	92	85	78
		3	105	98	91	84	77
		4	98	91	84	77	70
		5	76	69	62	55	48
		6	72	65	58	51	44
Other Conifer	OC	1	135	128	121	114	107
		2	106	99	92	85	78
		3	105	98	91	84	77
		4	98	91	84	77	70
		5	76	69	62	55	48
		6	72	65	58	51	44
Red Alder	RA	1	36	29	22	15	8
Black Cottonwood	BC	1	50	43	36	29	22
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	17	17	17	17	17
Conifer Utility	CU	5	6	6	6	6	6

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-cedar.

³Includes 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."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$113	\$106	\$99	\$92	\$85
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	47	40	33	26	19
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
Fir Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1987**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	DF	1	\$199	\$192	\$185	\$178	\$171
		2	181	174	167	160	153
		3	179	172	165	158	151
		4	154	147	140	133	126
		5	103	96	89	82	75
		6	98	91	84	77	70
Western Redcedar ²	RC	1	255	248	241	234	227
		2	238	231	224	217	210
		3	160	153	146	139	132
		4	114	107	100	93	86
Sitka Spruce	SS	1	226	219	212	205	198
		2	184	177	170	163	156
		3	116	109	102	95	88
		4	114	107	100	93	86
		5	95	88	81	74	67
		6	94	87	80	73	66
Western Hemlock ³	WH	1	134	127	120	113	106
		2	109	102	95	88	81
		3	100	93	86	79	72
		4	98	91	84	77	70
		5	74	67	60	53	46
		6	70	63	56	49	42
Other Conifer	OC	1	134	127	120	113	106
		2	109	102	95	88	81
		3	100	93	86	79	72
		4	98	91	84	77	70
		5	74	67	60	53	46
		6	70	63	56	49	42
Red Alder	RA	1	44	37	30	23	16
Black Cottonwood	BC	1	50	43	36	29	22
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	17	17	17	17	17
Conifer Utility	CU	5	6	6	6	6	6

¹Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-cedar.
³Includes 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."

**TABLE 4—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1987**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1	\$113	\$106	\$99	\$92	\$85

**TABLE 4—cont.
Stumpage Values per Product Unit**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	47	40	33	26	19
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1987**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$246	\$239	\$232	\$225	\$218
		2	173	166	159	152	145
		3	170	163	156	149	142
		4	158	151	144	137	130
		5	116	109	102	95	88
		6	111	104	97	90	83
Western Redcedar ³	RC	1	182	175	168	161	154
		2	162	155	148	141	134
		3	155	148	141	134	127
		4	154	147	140	133	126
Western Hemlock ⁴	WH	1	134	127	120	113	106
		2	114	107	100	93	86
		3	102	95	88	81	74
		4	89	82	75	68	61
		5	81	74	67	60	53
		6	77	70	63	56	49
Other Conifer	OC	1	134	127	120	113	106
		2	114	107	100	93	86
		3	102	95	88	81	74
		4	89	82	75	68	61
		5	81	74	67	60	53
		6	77	70	63	56	49
Red Alder	RA	1	40	33	26	19	12
Black Cottonwood	BC	1	50	43	36	29	22
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	17	17	17	17	17
Conifer Utility	CU	5	6	6	6	6	6

¹Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-cedar.
⁴Includes 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."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone				
		Code	Number	1	2	3	4	5
Western Redcedar-Shake Blocks & Boards	RCS	1		\$113	\$106	\$99	\$92	\$85
Western Redcedar Flatsawn & Shingle Blocks	RCF	1		47	40	33	26	19
Western Redcedar & Other Posts	RCP	1		0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees	DFX	1		0.25	0.25	0.25	0.25	0.25
Frac Fir & Other Christmas Trees	TFX	1		0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Number	Timber		Hauling Distance Zone		
				1	2	3	4	5
Douglas-fir ²	DF	1		\$229	\$222	\$215	\$208	\$201
		2		212	205	198	191	184
		3		156	149	142	135	128
		4		153	146	139	132	125
		5		108	101	94	87	80
		6		103	96	89	82	75
Western Redcedar ³	RC	1		169	162	155	148	141
		2		168	161	154	147	140
		3		134	127	120	113	106
		4		128	121	114	107	100
Western Hemlock ⁴	WH	1		142	135	128	121	114
		2		124	117	110	103	96
		3		119	112	105	98	91
		4		108	101	94	87	80
		5		77	70	63	56	49
		6		60	53	46	39	32
Other Conifer	OC	1		142	135	128	121	114
		2		124	117	110	103	96
		3		119	112	105	98	91
		4		108	101	94	87	80
		5		77	70	63	56	49
		6		60	53	46	39	32
Red Alder	RA	1		44	37	30	23	16
Black Cottonwood	BC	1		50	43	36	29	22
Other Hardwood	OH	1		72	65	58	51	44

TABLE 7—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Number	Timber		Hauling Distance Zone		
				1	2	3	4	5
Hardwood Utility	HU	5		17	17	17	17	17
Comifer Utility	CU	5		6	6	6	6	6

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska cedar.
⁴Includes 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."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Number	Timber		Hauling Distance Zone		
				1	2	3	4	5
Western Redcedar Shake Blocks & Boards	RCS	1		\$113	\$106	\$99	\$92	\$85
Western Redcedar Flatsawn & Shingle Blocks	RCF	1		47	40	33	26	19
Western Redcedar & Other Posts	RCP	1		0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees	DFX	1		0.25	0.25	0.25	0.25	0.25
Frac Fir & Other Christmas Trees	TFX	1		0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Number	Timber		Hauling Distance Zone		
				1	2	3	4	5
Douglas-fir ²	DF	1		\$225	\$218	\$211	\$204	\$197
		2		207	200	193	186	179
		3		173	166	159	152	145
		4		118	111	104	97	90
		5		115	108	101	94	87
		6		110	103	96	89	82
Western Redcedar ³	RC	1		199	192	185	178	171
		2		167	160	153	146	139
		3		159	152	145	138	131
		4		114	107	100	93	86

TABLE 9—cont.
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
Western Hemlock ⁴	WH	1	161	154	147	140	133
		2	140	133	126	119	112
		3	139	132	125	118	111
		4	109	102	95	88	81
		5	59	52	45	38	31
		6	55	48	41	34	27
Other Conifer	OC	1	161	154	147	140	133
		2	140	133	126	119	112
		3	139	132	125	118	111
		4	109	102	95	88	81
		5	59	52	45	38	31
		6	55	48	41	34	27
Red Alder	RA	1	65	58	51	44	37
Black Cottonwood	BC	1	50	43	36	29	22
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	17	17	17	17	17
Conifer Utility	CU	5	6	6	6	6	6

¹Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-cedar.

⁴Includes 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."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$113	\$106	\$99	\$92	\$85
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	47	40	33	26	19
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$99	\$93	\$87	\$81	\$75
Engelmann Spruce	ES	1	78	72	66	60	54
Lodgepole Pine	LP	1	67	61	55	49	43
Ponderosa Pine	PP	1	174	168	162	156	150
		2	103	97	91	85	79
Western Redcedar ³	RC	1	137	131	125	119	113
True Firs ⁴	WH	1	81	75	69	63	57
Western White Pine	WP	1	176	170	164	158	152
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

¹Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-cedar.

⁴Includes 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."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$78	\$72	\$66	\$60	\$54
Engelmann Spruce	ES	1	68	62	56	50	44
Lodgepole Pine	LP	1	58	52	46	40	34
Ponderosa Pine	PP	1	132	126	120	114	108
		2	84	78	72	66	60
Western Redcedar ³	RC	1	130	124	118	112	106
True Firs ⁴	WH	1	70	64	58	52	46
Western White Pine	WP	1	170	164	158	152	146
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

¹Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska cedar.
⁴Includes 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."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
 Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$129	\$123	\$117	\$111	\$105
		2	89	83	77	71	65
		3	78	72	66	60	54
Engelmann Spruce	ES	1	130	124	118	112	106
		2	84	78	72	66	60
		3	83	77	71	65	59
Lodgepole Pine	LP	1	242	236	230	224	218
		2	160	154	148	142	136
		3	72	66	60	54	48
Ponderosa Pine	PP	1	276	270	264	258	252
		2	240	234	228	222	216
		3	123	117	111	105	99
Western Redcedar ³	RC	1	146	140	134	128	122
		2	108	102	96	90	84
		3	90	84	78	72	66
True Firs ⁴	WH	1	121	115	109	103	97
		2	97	91	85	79	73
		3	80	74	68	62	56
Western White Pine	WP	1	258	252	246	240	234
		2	210	204	198	192	186
		3	207	201	195	189	183
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

¹Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska cedar.
⁴Includes 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."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
 Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot:))

The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period July 1 through December 31, 1987:

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$198	\$191	\$184	\$177	\$170
		2	174	167	160	153	146
		3	140	133	126	119	112
		4	139	132	125	118	111
		5	123	116	109	102	95
		6	94	87	80	73	66
Western Redcedar ²	RC	1	278	271	264	257	250
		2	276	269	262	255	248
		3	154	147	140	133	126
		4	137	130	123	116	109
Sitka Spruce	SS	1	212	205	198	191	184
		2	195	188	181	174	167
		3	119	112	105	98	91
		4	109	102	95	88	81
		5	93	86	79	72	65
		6	86	79	72	65	58
Western Hemlock ³	WH	1	164	157	150	143	136
		2	121	114	107	100	93
		3	109	102	95	88	81
		4	96	89	82	75	68
		5	75	68	61	54	47
		6	66	59	52	45	38
Other Conifer	OC	1	164	157	150	143	136
		2	121	114	107	100	93
		3	109	102	95	88	81
		4	96	89	82	75	68
		5	75	68	61	54	47
		6	66	59	52	45	38
Red Alder	RA	1	39	32	25	18	11
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-cedar.
³Includes 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."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$255	\$248	\$241	\$234	\$227
		2	208	201	194	187	180
		3	135	128	121	114	107
		4	135	128	121	114	107
		5	101	94	87	80	73
		6	84	77	70	63	56
Western Redcedar ²	RC	1	238	231	224	217	210
		2	229	222	215	208	201
		3	153	146	139	132	125
		4	111	104	97	90	83
Sitka Spruce	SS	1	195	188	181	174	167
		2	190	183	176	169	162
		3	102	95	88	81	74
		4	95	88	81	74	67
		5	91	84	77	70	63
		6	86	79	72	65	58
Western Hemlock ³	WH	1	153	146	139	132	125
		2	124	117	110	103	96
		3	111	104	97	90	83
		4	97	90	83	76	69
		5	88	81	74	67	60
		6	73	66	59	52	45
Other Conifer	OC	1	153	146	139	132	125
		2	124	117	110	103	96
		3	111	104	97	90	83
		4	97	90	83	76	69
		5	88	81	74	67	60
		6	73	66	59	52	45

TABLE 3—cont.

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
Red Alder	RA	1	69	62	55	48	41
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	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."

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

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	\$243	\$236	\$229	\$222	\$215
		2	199	192	185	178	171
		3	195	188	181	174	167
		4	164	157	150	143	136
		5	153	146	139	132	125
		6	116	109	102	95	88

TABLE 5—cont.

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
Western Redcedar ³	RC	1	250	243	236	229	222
		2	248	241	234	227	220
		3	155	148	141	134	127
		4	118	111	104	97	90
Western Hemlock ⁴	WH	1	139	132	125	118	111
		2	120	113	106	99	92
		3	105	98	91	84	77
		4	94	87	80	73	66
		5	73	66	59	52	45
		6	65	58	51	44	37
Other Conifer	OC	1	139	132	125	118	111
		2	120	113	106	99	92
		3	105	98	91	84	77
		4	94	87	80	73	66
		5	73	66	59	52	45
		6	65	58	51	44	37
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

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."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$217	\$210	\$203	\$196	\$189
		2	210	203	196	189	182
		3	150	143	136	129	122
		4	145	138	131	124	117
		5	104	97	90	83	76
		6	97	90	83	76	69
Western Redcedar ³	RC	1	194	187	180	173	166
		2	172	165	158	151	144
		3	127	120	113	106	99
		4	123	116	109	102	95
Western Hemlock ⁴	WH	1	161	154	147	140	133
		2	149	142	135	128	121
		3	116	109	102	95	88
		4	100	93	86	79	72
		5	74	67	60	53	46
		6	66	59	52	45	38
Other Conifer	OC	1	161	154	147	140	133
		2	149	142	135	128	121
		3	116	109	102	95	88
		4	100	93	86	79	72
		5	74	67	60	53	46
		6	66	59	52	45	38
Red Alder	RA	1	64	57	50	43	36
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

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."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	69	62	55	48	41

TABLE 8—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar & Other Posts ¹	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$229	\$222	\$215	\$208	\$201
		2	228	221	214	207	200
		3	182	175	168	161	154
		4	121	114	107	100	93
		5	112	105	98	91	84
		6	93	86	79	72	65
Western Redcedar ³	RC	1	188	181	174	167	160
		2	166	159	152	145	138
		3	132	125	118	111	104
		4	121	114	107	100	93
Western Hemlock ⁴	WH	1	173	166	159	152	145
		2	168	161	154	147	140
		3	149	142	135	128	121
		4	112	105	98	91	84
		5	86	79	72	65	58
		6	78	71	64	57	50
Other Conifer	OC	1	173	166	159	152	145
		2	168	161	154	147	140
		3	149	142	135	128	121
		4	112	105	98	91	84
		5	86	79	72	65	58
		6	78	71	64	57	50
Red Alder	RA	1	65	58	51	44	37
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

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."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$100	\$94	\$88	\$82	\$76
Engelmann Spruce	ES	1	73	67	61	55	49
Lodgepole Pine	LP	1	62	56	50	44	38
Ponderosa Pine	PP	1	188	182	176	170	164
		2	107	101	95	89	83
Western Redcedar ³	RC	1	137	131	125	119	113
True Firs ⁴	WH	1	80	74	68	62	56
Western White Pine	WP	1	185	179	173	167	161
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	3	3	3	3	3

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."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$79	\$73	\$67	\$61	\$55
Engelmann Spruce	ES	1	56	50	44	38	32
Lodgepole Pine	LP	1	58	52	46	40	34
Ponderosa Pine	PP	1	145	139	133	127	121
		2	89	83	77	71	65
Western Redcedar ³	RC	1	125	119	113	107	101
True Firs ⁴	WH	1	67	61	55	49	43
Western White Pine	WP	1	156	150	144	138	132
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

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."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$117	\$111	\$105	\$99	\$93
		2	93	87	81	75	69
		3	70	64	58	52	46
Engelmann Spruce	ES	1	102	96	90	84	78
		2	89	83	77	71	65
		3	87	81	75	69	63
Lodgepole Pine	LP	1	112	106	100	94	88
		2	87	81	75	69	63
		3	76	70	64	58	52
Ponderosa Pine	PP	1	227	221	215	209	203
		2	125	119	113	107	101
		3	92	86	80	74	68
Western Redcedar ³	RC	1	106	100	94	88	82
		2	104	98	92	86	80
		3	102	96	90	84	78
True Firs ⁴	WH	1	98	92	86	80	74
		2	91	85	79	73	67
		3	85	79	73	67	61
Western White Pine	WP	1	291	285	279	273	267
		2	262	256	250	244	238
		3	117	111	105	99	93
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

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."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ((January)) July 1 through ((June 30)) December 31, 1987:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5
((January)) July 1 through ((June 30)) December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

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	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	-\$((+0.00)) <u>11.00</u>
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$((21.00)) <u>22.00</u>
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$99.00

III. Remote island adjustment:
For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610 (20))

Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6, 7, and 10
((January)) July 1 through ((June 30)) December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

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

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
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	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	-\$((9.00)) <u>15.00</u>
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$((25.00)) <u>26.00</u>
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$113.00

III. Remote island adjustment:
For timber harvested from a remote island - \$50.00

TABLE 3—DOMESTIC MARKET ADJUSTMENT

Harvest of timber not sold by a competitive bidding process which 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 which 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 Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1:	All eligible species in Western Washington (SVA's 1 through 5)	-\$((7.00)) <u>11.00</u> per MBF
Class 2:	All eligible species in Eastern Washington (SVA's 6, 7, and 10)	-\$((9.00)) <u>6.00</u> per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

WSR 87-14-043
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Order 87-1—Filed June 30, 1987]

I, William R. Wilkerson, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to taxation of forest land and timber, amending sections of chapter 458-40 WAC.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation

of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 84.33 RCW requires stumpage value for timber be shown on tables to be prepared by the Department of Revenue each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, which stumpage values shall in accordance with policy of the Department of Revenue reflect the most recent sales data which is available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 84.33 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 30, 1987.

By John B. Conklin
Forest Tax Supervisor

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-650 **TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED.** The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, and 5

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and over 40% Special Mill, No. 1 Sawmill & better log grade
1	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and over 15% Special Mill, No. 1 Sawmill, Peeler & better log grade
((+))	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 3 Sawmill logs & better grades

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and 15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
2	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill, Peeler & better log grade
((2))	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and 5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill & better log grade
3	Western Redcedar & Alaska-cedar	5-30% inclusive No. 2 Sawmill & better log grade
((3))	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and less than 5% Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir & Spruce	25-50% inclusive No. 2 Sawmill & better log grade
4	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	25-50% inclusive No. 2 Sawmill & better log grade
	Douglas-fir & Spruce	5% to but not including 25% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	5% to but not including 25% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
((5))	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility
6	Douglas-fir, Spruce, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
1	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
5	Utility	All logs graded as utility

**TABLE 3—Timber Quality Code Table
Stumpage Value Area 10**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-660 TIMBER EXCISE TAX—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 1 through June 30, 1987.

**TABLE 1—Stumpage Value Table
Stumpage Value Area 1**

January 1 through June 30, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$203	\$196	\$189	\$182	\$175
		2	178	171	164	157	150
		3	158	151	144	137	130
		4	147	140	133	126	119
		5	123	116	109	102	95
		6	118	111	104	97	90
Western Redcedar ²	RC	1	241	234	227	220	213
		2	218	211	204	197	190
		3	161	154	147	140	133
		4	138	131	124	117	110
Sitka Spruce	SS	1	222	215	208	201	194
		2	188	181	174	167	160
		3	118	111	104	97	90
		4	114	107	100	93	86
		5	95	88	81	74	67
		6	94	87	80	73	66
Western Hemlock ³	WH	1	135	128	121	114	107
		2	106	99	92	85	78
		3	105	98	91	84	77
		4	98	91	84	77	70
		5	76	69	62	55	48
		6	72	65	58	51	44
Other Conifer	OC	1	135	128	121	114	107
		2	106	99	92	85	78
		3	105	98	91	84	77
		4	98	91	84	77	70
		5	76	69	62	55	48
		6	72	65	58	51	44
Red Alder	RA	1	36	29	22	15	8
Black Cottonwood	BC	1	50	43	36	29	22
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	17	17	17	17	17
Conifer Utility	CU	5	6	6	6	6	6

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska cedar.

³Includes 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."

**TABLE 2—Stumpage Value Table
Stumpage Value Area 1**

January 1 through June 30, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$113	\$106	\$99	\$92	\$85
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	47	40	33	26	19

TABLE 2—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar & Other Posts ²	RCP	1		0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1		0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees	TFX	1		0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$199	\$192	\$185	\$178	\$171
		2	181	174	167	160	153
		3	179	172	165	158	151
		4	154	147	140	133	126
		5	103	96	89	82	75
		6	98	91	84	77	70
Western Redcedar ²	RC	1	255	248	241	234	227
		2	238	231	224	217	210
		3	160	153	146	139	132
		4	114	107	100	93	86
Sitka Spruce	SS	1	226	219	212	205	198
		2	184	177	170	163	156
		3	116	109	102	95	88
		4	114	107	100	93	86
		5	95	88	81	74	67
		6	94	87	80	73	66
Western Hemlock ³	WH	1	134	127	120	113	106
		2	109	102	95	88	81
		3	100	93	86	79	72
		4	98	91	84	77	70
		5	74	67	60	53	46
		6	70	63	56	49	42
Other Conifer	OC	1	134	127	120	113	106
		2	109	102	95	88	81
		3	100	93	86	79	72
		4	98	91	84	77	70
		5	74	67	60	53	46
		6	70	63	56	49	42
Red Alder	RA	1	44	37	30	23	16
Black Cottonwood	BC	1	50	43	36	29	22
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	17	17	17	17	17
Conifer Utility	CU	5	6	6	6	6	6

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁴

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

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1		\$113	\$106	\$99	\$92	\$85
Western Redcedar Flatsawn & Shingle Blocks ²	RCF	1		47	40	33	26	19
Western Redcedar & Other Posts ²	RCP	1		0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1		0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1		0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$246	\$239	\$232	\$225	\$218
		2	173	166	159	152	145
		3	170	163	156	149	142
		4	158	151	144	137	130
		5	116	109	102	95	88
		6	111	104	97	90	83
Western Redcedar ³	RC	1	182	175	168	161	154
		2	162	155	148	141	134
		3	155	148	141	134	127
		4	154	147	140	133	126
Western Hemlock ⁴	WH	1	134	127	120	113	106
		2	114	107	100	93	86
		3	102	95	88	81	74
		4	89	82	75	68	61
		5	81	74	67	60	53
		6	77	70	63	56	49
Other Conifer	OC	1	134	127	120	113	106
		2	114	107	100	93	86
		3	102	95	88	81	74
		4	89	82	75	68	61
		5	81	74	67	60	53
		6	77	70	63	56	49
Red Alder	RA	1	40	33	26	19	12
Black Cottonwood	BC	1	50	43	36	29	22

TABLE 5—cont:
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	17	17	17	17	17
Conifer Utility	CU	5	6	6	6	6	6

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-cedar.

⁴Includes 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 ¹White Fir.²

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$113	\$106	\$99	\$92	\$85
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	47	40	33	26	19
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Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$229	\$222	\$215	\$208	\$201
		2	212	205	198	191	184
		3	156	149	142	135	128
		4	153	146	139	132	125
		5	108	101	94	87	80
		6	103	96	89	82	75

TABLE 7—cont:
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ³	RC	1	169	162	155	148	141
		2	168	161	154	147	140
		3	134	127	120	113	106
		4	128	121	114	107	100
Western Hemlock ⁴	WH	1	142	135	128	121	114
		2	124	117	110	103	96
		3	119	112	105	98	91
		4	108	101	94	87	80
		5	77	70	63	56	49
		6	60	53	46	39	32
Other Conifer	OC	1	142	135	128	121	114
		2	124	117	110	103	96
		3	119	112	105	98	91
		4	108	101	94	87	80
		5	77	70	63	56	49
		6	60	53	46	39	32
Red Alder	RA	1	44	37	30	23	16
		2	44	37	30	23	16
Black Cottonwood	BC	1	50	43	36	29	22
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	17	17	17	17	17
Conifer Utility	CU	5	6	6	6	6	6

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-cedar.

⁴Includes 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 ¹White Fir.²

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$113	\$106	\$99	\$92	\$85
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	47	40	33	26	19
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Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

**TABLE 9—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1987**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$225	\$218	\$211	\$204	\$197
		2	207	200	193	186	179
		3	173	166	159	152	145
		4	118	111	104	97	90
		5	115	108	101	94	87
		6	110	103	96	89	82
Western Redcedar ³	RC	1	199	192	185	178	171
		2	167	160	153	146	139
		3	159	152	145	138	131
		4	114	107	100	93	86
Western Hemlock ⁴	WH	1	161	154	147	140	133
		2	140	133	126	119	112
		3	139	132	125	118	111
		4	109	102	95	88	81
		5	59	52	45	38	31
		6	55	48	41	34	27
Other Conifer	OC	1	161	154	147	140	133
		2	140	133	126	119	112
		3	139	132	125	118	111
		4	109	102	95	88	81
		5	59	52	45	38	31
		6	55	48	41	34	27
Red Alder	RA	1	65	58	51	44	37
Black Cottonwood	BC	1	50	43	36	29	22
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	17	17	17	17	17
Conifer Utility	CU	5	6	6	6	6	6

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-cedar.
⁴Includes 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."

**TABLE 10—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1987**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$113	\$106	\$99	\$92	\$85
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	47	40	33	26	19
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47

**TABLE 10—cont.
Stumpage Values per Product Unit**

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

**TABLE 11—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1987**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$99	\$93	\$87	\$81	\$75
Engelmann Spruce	ES	1	78	72	66	60	54
Lodgepole Pine	LP	1	67	61	55	49	43
Ponderosa Pine	PP	1	174	168	162	156	150
		2	103	97	91	85	79
Western Redcedar ³	RC	1	137	131	125	119	113
True Firs ⁴	WH	1	81	75	69	63	57
Western White Pine	WP	1	176	170	164	158	152
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-cedar.
⁴Includes 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."

**TABLE 12—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1987**

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22

TABLE 12—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$78	\$72	\$66	\$60	\$54
Engelmann Spruce	ES	1	68	62	56	50	44
Lodgepole Pine	LP	1	58	52	46	40	34
Ponderosa Pine	PP	1	132	126	120	114	108
		2	84	78	72	66	60
Western Redcedar ³	RC	1	130	124	118	112	106
True Firs ⁴	WH	1	70	64	58	52	46
Western White Pine	WP	1	170	164	158	152	146
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

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."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$54	\$48	\$42	\$36	\$30

TABLE 14—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$129	\$123	\$117	\$111	\$105
		2	89	83	77	71	65
		3	78	72	66	60	54
Engelmann Spruce	ES	1	130	124	118	112	106
		2	84	78	72	66	60
		3	83	77	71	65	59
Lodgepole Pine	LP	1	242	236	230	224	218
		2	160	154	148	142	136
		3	72	66	60	54	48
Ponderosa Pine	PP	1	276	270	264	258	252
		2	240	234	228	222	216
		3	123	117	111	105	99
Western Redcedar ³	RC	1	146	140	134	128	122
		2	108	102	96	90	84
		3	90	84	78	72	66
True Firs ⁴	WH	1	121	115	109	103	97
		2	97	91	85	79	73
		3	80	74	68	62	56
Western White Pine	WP	1	258	252	246	240	234
		2	210	204	198	192	186
		3	207	201	195	189	183
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

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."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Timber		Hauling					
			Distance	Zone	Number	1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30			
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22			
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25			
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25			

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.)

The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period July 1 through December 31, 1987:

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Quality Code Number	Timber		Hauling					
			Distance	Zone	Number	1	2	3	4	5
Douglas-fir	DF	1	\$198	\$191	\$184	\$177	\$170			
		2	174	167	160	153	146			
		3	140	133	126	119	112			
		4	139	132	125	118	111			
		5	123	116	109	102	95			
		6	94	87	80	73	66			
Western Redcedar ²	RC	1	278	271	264	257	250			
		2	276	269	262	255	248			
		3	154	147	140	133	126			
		4	137	130	123	116	109			
Sitka Spruce	SS	1	212	205	198	191	184			
		2	195	188	181	174	167			
		3	119	112	105	98	91			
		4	109	102	95	88	81			
		5	93	86	79	72	65			
		6	86	79	72	65	58			
Western Hemlock ³	WH	1	164	157	150	143	136			
		2	121	114	107	100	93			
		3	109	102	95	88	81			
		4	96	89	82	75	68			
		5	75	68	61	54	47			
		6	66	59	52	45	38			
Other Conifer	OC	1	164	157	150	143	136			
		2	121	114	107	100	93			
		3	109	102	95	88	81			

TABLE 1—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Quality Code Number	Timber		Hauling					
			Distance	Zone	Number	1	2	3	4	5
			4	96	89	82	75	68		
			5	75	68	61	54	47		
			6	66	59	52	45	38		
Red Alder	RA	1	39	32	25	18	11			
Black Cottonwood	BC	1	56	49	42	35	28			
Other Hardwood	OH	1	72	65	58	51	44			
Hardwood Utility	HU	5	25	25	25	25	25			
Conifer Utility	CU	5	5	5	5	5	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."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Timber		Hauling					
			Distance	Zone	Number	1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150			
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	69	62	55	48	41			
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47			
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25			
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50			

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Timber		Hauling					
			Distance	Zone	Number	1	2	3	4	5
Douglas-fir	DF	1	\$255	\$248	\$241	\$234	\$227			
		2	208	201	194	187	180			
		3	135	128	121	114	107			

TABLE 3—cont.
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
		4	135	128	121	114	107
		5	101	94	87	80	73
		6	84	77	70	63	56
Western Redcedar ²	RC	1	238	231	224	217	210
		2	229	222	215	208	201
		3	153	146	139	132	125
		4	111	104	97	90	83
Sitka Spruce	SS	1	195	188	181	174	167
		2	190	183	176	169	162
		3	102	95	88	81	74
		4	95	88	81	74	67
		5	91	84	77	70	63
		6	86	79	72	65	58
Western Hemlock ³	WH	1	153	146	139	132	125
		2	124	117	110	103	96
		3	111	104	97	90	83
		4	97	90	83	76	69
		5	88	81	74	67	60
		6	73	66	59	52	45
Other Conifer	OC	1	153	146	139	132	125
		2	124	117	110	103	96
		3	111	104	97	90	83
		4	97	90	83	76	69
		5	88	81	74	67	60
		6	73	66	59	52	45
Red Alder	RA	1	69	62	55	48	41
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	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."

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47

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."

TABLE 4—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

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	\$243	\$236	\$229	\$222	\$215
		2	199	192	185	178	171
		3	195	188	181	174	167
		4	164	157	150	143	136
		5	153	146	139	132	125
		6	116	109	102	95	88
Western Redcedar ³	RC	1	250	243	236	229	222
		2	248	241	234	227	220
		3	155	148	141	134	127
		4	118	111	104	97	90
Western Hemlock ⁴	WH	1	139	132	125	118	111
		2	120	113	106	99	92
		3	105	98	91	84	77
		4	94	87	80	73	66
		5	73	66	59	52	45
		6	65	58	51	44	37
Other Conifer	OC	1	139	132	125	118	111
		2	120	113	106	99	92
		3	105	98	91	84	77
		4	94	87	80	73	66
		5	73	66	59	52	45
		6	65	58	51	44	37
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	

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."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

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	\$217	\$210	\$203	\$196	\$189
		2	210	203	196	189	182
		3	150	143	136	129	122
		4	145	138	131	124	117
		5	104	97	90	83	76
		6	97	90	83	76	69
Western Redcedar ³	RC	1	194	187	180	173	166
		2	172	165	158	151	144
		3	127	120	113	106	99
		4	123	116	109	102	95
Western Hemlock ⁴	WH	1	161	154	147	140	133
		2	149	142	135	128	121
		3	116	109	102	95	88
		4	100	93	86	79	72
		5	74	67	60	53	46
		6	66	59	52	45	38
Other Conifer	OC	1	161	154	147	140	133
		2	149	142	135	128	121
		3	116	109	102	95	88
		4	100	93	86	79	72
		5	74	67	60	53	46
		6	66	59	52	45	38
Red Alder	RA	1	64	57	50	43	36
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44

TABLE 7—cont.

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
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

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."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts ²	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

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	\$229	\$222	\$215	\$208	\$201
		2	228	221	214	207	200
		3	182	175	168	161	154
		4	121	114	107	100	93
		5	112	105	98	91	84
		6	93	86	79	72	65
Western Redcedar ³	RC	1	188	181	174	167	160
		2	166	159	152	145	138
		3	132	125	118	111	104
		4	121	114	107	100	93

TABLE 9—cont.
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
Western Hemlock ⁴	WH	1	173	166	159	152	145
		2	168	161	154	147	140
		3	149	142	135	128	121
		4	112	105	98	91	84
		5	86	79	72	65	58
		6	78	71	64	57	50
Other Conifer	OC	1	173	166	159	152	145
		2	168	161	154	147	140
		3	149	142	135	128	121
		4	112	105	98	91	84
		5	86	79	72	65	58
		6	78	71	64	57	50
Red Alder	RA	1	65	58	51	44	37
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	5	5	5	5	5

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."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1987

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$178	\$171	\$164	\$157	\$150
Western Redcedar Flatsawn & Shingle Blocks ²	RCF	1	69	62	55	48	41
Western Redcedar & Other Posts ³	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ⁴	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$100	\$94	\$88	\$82	\$76
Engelmann Spruce	ES	1	73	67	61	55	49
Lodgepole Pine	LP	1	62	56	50	44	38
Ponderosa Pine	PP	1	188	182	176	170	164
		2	107	101	95	89	83
Western Redcedar ³	RC	1	137	131	125	119	113
True Firs ⁴	WH	1	80	74	68	62	56
Western White Pine	WP	1	185	179	173	167	161
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	3	3	3	3	3

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."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$79	\$73	\$67	\$61	\$55
Engelmann Spruce	ES	1	56	50	44	38	32
Lodgepole Pine	LP	1	58	52	46	40	34
Ponderosa Pine	PP	1	145	139	133	127	121
		2	89	83	77	71	65
Western Redcedar ³	RC	1	125	119	113	107	101
True Firs ⁴	WH	1	67	61	55	49	43
Western White Pine	WP	1	156	150	144	138	132
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

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."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
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	\$117	\$111	\$105	\$99	\$93
		2	93	87	81	75	69
		3	70	64	58	52	46
Engelmann Spruce	ES	1	102	96	90	84	78
		2	89	83	77	71	65
		3	87	81	75	69	63
Lodgepole Pine	LP	1	112	106	100	94	88
		2	87	81	75	69	63
		3	76	70	64	58	52
Ponderosa Pine	PP	1	227	221	215	209	203
		2	125	119	113	107	101
		3	92	86	80	74	68
Western Redcedar ³	RC	1	106	100	94	88	82
		2	104	98	92	86	80
		3	102	96	90	84	78
True Firs ⁴	WH	1	98	92	86	80	74
		2	91	85	79	73	67
		3	85	79	73	67	61
Western White Pine	WP	1	291	285	279	273	267
		2	262	256	250	244	238
		3	117	111	105	99	93
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

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."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1987

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ~~((January))~~ July 1 through ((June 30)) December 31, 1987:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5
~~((January))~~ July 1 through ((June 30)) December 31, 1987

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

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

TABLE 1—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	– \$(10.00) <u>11.00</u>
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	– \$(21.00) <u>22.00</u>
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	– \$99.00
III. Remote island adjustment:		
	For timber harvested from a remote island	– \$50.00
IV. Thinning (see WAC 458-40-610 (20))		
Class 1	Average log volume of 50 board feet or more.	– \$25.00
Class 2	Average log volume of less than 50 board feet.	– \$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6, 7, and 10
~~((January))~~ July 1 through ((June 30)) December 31, 1987

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

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	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	– \$(9.00) <u>15.00</u>
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	– \$(25.00) <u>26.00</u>
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	– \$113.00

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
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III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

TABLE 3—DOMESTIC MARKET ADJUSTMENT

Harvest of timber not sold by a competitive bidding process which 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 which 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 Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1: All eligible species in Western Washington (SVA's 1 through 5) - ~~\$(7.00)~~
11.00 per MBF

Class 2: All eligible species in Eastern Washington (SVA's 6, 7, and 10) - ~~\$(9.00)~~
6.00 per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

WSR 87-14-044
ADOPTED RULES
DEPARTMENT OF CORRECTIONS
[Order 87-02—Filed June 30, 1987]

I, Chase Riveland, secretary of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of WAC 137-70-040, which sets forth the amounts the department will pay to political subdivisions of the state of Washington in reimbursement for the criminal justice costs they incur directly as the result of crimes committed by adult offenders residing in correctional institutions.

This action is taken pursuant to Notice No. WSR 87-11-049 filed with the code reviser on May 19, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.72.040 which directs that the secretary of the Department of Corrections has authority to implement the provisions of chapter 72.72 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 30, 1987.

By Chase Riveland
Secretary

AMENDATORY SECTION (Amending Order 86-07, filed 1/14/87)

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES—CRIMINAL JUSTICE COSTS. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

(1) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

(a) \$19.03 per hour for the period July 1, 1985, through June 30, 1986.

(b) \$19.81 per hour for the period July 1, 1986, through June 30, ((+1987)) 1989.

(2) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(a) \$45.50 per hour from July 1, 1985, through June 30, 1986.

(b) \$47.37 per hour from July 1, 1986, through June 30, ((+1987)) 1989.

(3) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

(a) Judges - \$42.41 per hour from July 1, 1985, through June 30, 1986, and \$44.15 per hour for the period July 1, 1986, through June 30, ((+1987)) 1989. These costs shall include the services of court clerks and bailiffs.

(b) Court reporters - \$19.08 per hour from July 1, 1985, through June 30, 1986, and \$19.86 per hour for the period July 1, 1986, through June 30, ((+1987)) 1989.

(c) Transcript typing services - \$3.80 per page from July 1, 1985, through June 30, 1986, and \$3.96 per page for the period July 1, 1986, through June 30, ((+1987)) 1989.

(d) Expert witnesses - \$63.86 per hour from July 1, 1985, through June 30, 1986, and \$66.48 per hour for the period July 1, 1986, through June 30, ((+1987)) 1989.

(e) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$28.67 per day for the period July 1, 1985, through June 30, 1986, and \$29.85 for the period July 1, 1986, through June 30, ((+1987)) 1989.

(4) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$15.00 per inmate day from July 1, 1985, through June 30, 1986 and \$15.00 for the period July 1, 1986, through June 30, ((+1987)) 1989.

(5) Coroner – Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the department as reasonable.

(6) Medical costs – Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the department. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.

WSR 87-14-045

ADOPTED RULES

DEPARTMENT OF CORRECTIONS

[Order 87-03—Filed June 30, 1987]

I, Chase Riveland, secretary of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of WAC 137-75-030 and 137-75-050.

This action is taken pursuant to Notice No. WSR 87-11-010 filed with the code reviser on May 11, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.48.450 which directs that the Department of Corrections has authority to implement the provisions of RCW 70.48.410 through 70.48.430.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 30, 1987.

By Chase Riveland
Secretary

AMENDATORY SECTION (Amending Order 84-09, filed 7/17/84, effective 9/2/84)

WAC 137-75-030 DEPARTMENT FINANCIAL RESPONSIBILITY. (1) The financial responsibility of the department under this chapter shall be limited to reimbursing cities and counties for the costs and at the rates set forth in chapter 235, Laws of 1984 or any amendment thereto hereafter enacted.

(2) The financial responsibility of the department for a person convicted of a felony as defined by RCW 9A.04.040 and committed to the care and custody of the department, but detained in a jail after June 30, 1984,

shall begin upon the eighth day, excluding Saturdays, Sundays, and holidays, following the sentencing of such person for the felony and notification to the department by the city or county that such person is available for movement to an institution, and shall terminate at midnight of the day immediately preceding the day of release of such person from detention. Provided, however, if such person is detained in the jail beyond such eight-day period pursuant to an order of a superior court, the financial responsibility of the department shall not begin until the expiration of the period ordered by the court, and shall terminate at midnight of the day immediately preceding the day of release of such person from detention. The notification required hereunder is to be given by telephone or teletype to the supervisor of the reception center at the Washington Corrections Center, Shelton, Washington.

(3) The financial responsibility of the department for a person detained in a jail solely by reason of a parole hold after June 30, 1984, shall begin upon the sixteenth day following the commencement of such detention, and shall terminate at midnight of the day immediately preceding the day of release of such person from detention. Provided, however, the department shall have no such financial responsibility if a felony charge is filed against a person so detained.

(4) The financial responsibility of the department for an inmate, as defined in RCW 72.09.020, who resides in a work release facility and who is detained in a jail after June 30, 1984, shall begin when such detention commences, and shall terminate at midnight of the day immediately preceding the day of release of such inmate from detention.

AMENDATORY SECTION (Amending Order 84-09, filed 7/17/84, effective 9/2/84)

WAC 137-75-050 REQUEST FOR REIMBURSEMENT. (1) A city or county requesting reimbursement under this chapter shall complete a form supplied by the department and file it with the Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, who will forward the request to the director. The director will confirm the accuracy of the information submitted with the request and determine whether the amount requested is properly reimbursable under chapter 70.48 RCW and this chapter.

(2) All such requests (~~should~~) must be filed within thirty days after the costs for which reimbursement is requested were incurred (~~, but in no event later than ten days after the close of the state fiscal biennium during which such costs were incurred~~). Provided, however, with respect to such costs incurred in the month of June in odd-numbered years, such requests must be filed no later than ten days after the close of the state fiscal biennium (June 30).

WSR 87-14-046
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Osteopathic Medicine and Surgery)
 [Filed June 30, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning:

- Amd WAC 308-138A-020 Osteopathic physicians' assistants.
 Amd WAC 308-138A-025 Osteopathic physician's assistant prescriptions.
 Amd WAC 308-138B-170 Prohibited techniques and tests;

that the agency will at 9:30 a.m., Friday, August 7, 1987, in the Vance Airport Inn, Cascade Room, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.57A.020.

The specific statute these rules are intended to implement is RCW 18.57A.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1987.

Dated: June 30, 1987

By: Joyce R. Dolliver

Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 308-138A-020 Osteopathic physicians' assistants; 308-138A-025 Osteopathic physician's assistant prescriptions; and 308-138B-170 Prohibited techniques and tests.

Statutory Authority and Specific Statute(s) that Rule(s) are Intended to Implement: RCW 18.57A.020.

Summary of the Rules: To correct drafting errors in the original adoptions.

Reasons Supporting the Proposed Rules: To correct drafting errors in the original adoptions.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: In addition to members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Sydney Beckett, Executive Secretary, Professional Programs Management Division, P.O. Box 9649, Olympia, Washington 98504, phone (206) 753-3129 comm, 234-3129 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Osteopathic Medicine and Surgery.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: None.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: Not required for these rules. The board has reviewed the impact that these rules would have on osteopathic physicians and osteopathic physicians' assistants. The board finds that a small business impact statement is not required. Osteopathic physicians and osteopathic physicians' assistants are classed in SIC Code 803, Offices of Osteopathic Physicians. These rules do not have an economic impact on the industry.

AMENDATORY SECTION (Amending Order PL 440, filed 7/27/83)

WAC 308-138A-020 OSTEOPATHIC PHYSICIANS' ASSISTANTS. (1) Program approval required. No osteopathic physician shall be entitled to register an osteopathic physicians' assistant who has not successfully completed a program of training approved by the Board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physicians' assistants to be considered for approval by the board it must meet the minimal criteria established by the committee on allied health education and Accreditation Association of the American Medical Association as of 1978. The director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(4) Additional skills. No osteopathic physician's assistant shall be registered to perform skills not contained in the program approved by the board unless the osteopathic physician's assistant submits with his application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

(5) Applications. All applications shall be made to the board on forms supplied by the board. All applications shall be submitted at least 30 days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and assistant.

(6) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board.

(7) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician's assistant.

(8) Limitations—Geographic limitations. No osteopathic physician's assistant shall ordinarily be utilized in a place other than the supervising osteopathic physician's regular place for meeting patients, or when personally accompanied by the supervising osteopathic physician. The "regular place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or confined, or the homes of patients for whom a physician-patient relationship has already been established.

(9) Limitations—Remote practice. Special permission may be granted to utilize an osteopathic physician's assistant in a place remote from the physician's regular place for meeting patients if:

- (a) There is a demonstrated need for such utilization;
- (b) Adequate provision for immediate communication between the physician and his physician assistant exists;
- (c) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising osteopathic physician and patients who may be seen initially by the osteopathic physician assistant;
- (d) The responsible physician spends at least one-half day per week in the remote office.

(10) Limitations, hospital functions. An osteopathic physician assistant working in or for a hospital, clinic or other health organization shall be registered in the same manner as any other osteopathic physician assistant and his/her functions shall be limited to those specifically approved by the board. His/her responsibilities, if any, to other physicians must be defined in the application for registration.

(11) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his/her preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

(12) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

(a) Any osteopathic physician's assistant employed by him or her at all times when meeting or treating patient[s] wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician's assistant((+{+}));

(b) No osteopathic physician's assistant in his employ represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician's assistant in his or her employ performs only those tasks which he or she is authorized to perform under the authorization granted by the board((-));

(d) All EKG's and x-rays and all abnormal laboratory tests shall be reviewed by the physician within 24 hours((-));

(e) All patient charts and all telephone advice given by the supervising physician shall be documented, reviewed and countersigned by the physician within one week.

(13) Alternate physician, supervisor—Approved by board. In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms are provided by a delegated alternate osteopathic physician supervisor.

(14) Reregistration. The annual reregistration fee shall be paid by the first day of July of each year by the supervising osteopathic physician. Any failure to reregister and pay the annual registration fee shall render the registration invalid but registration may be reinstated by payment of a penalty fee together with all delinquent annual registration fees.

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 herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order PL 457, filed 2/7/84)

WAC 308-138A-025 OSTEOPATHIC PHYSICIAN'S ASSISTANT PRESCRIPTIONS. An osteopathic physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician's assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and the physician assistant's registration number of physician assistant drug enforcement administration registration number.

(c) Prescriptions for legend drugs and controlled substances must each be approved or signed by the supervising physician prior to administration, dispensing or release of the medication to the patient, except as provided in (6) of this rule.

(2) A physician's assistant extended privileges by a hospital, nursing home or other health care institution may, if permissible under the by-laws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his [or her] supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician's assistants may not dispense prescription drugs to exceed treatment for 48 hours. The medication so dispensed must comply with the state law prescription labeling ((requirement(s))) requirements.

(6) Authority to issue prescriptions without the prior approval or signature of the supervising physician may be granted by the board to an osteopathic physician's assistant who has:

(a) Provided a statement signed by the supervising physician that he or she assumes full responsibility and that he or she will review the physician assistant's prescription writing practice on an ongoing basis;

(b) Passed the National Commission on Certification of Physician Assistants' certification examination;

(c) Had five years experience in primary health care, including the use of prescription drugs;

(d) Presented evidence to the board verifying his or her prescriptive writing experience and ability;

(e) Demonstrated the necessity in the practice for authority to be granted permitting a physician assistant to issue prescriptions without prior approval or signature of the supervising physician.

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

AMENDATORY SECTION (Amending Order PL 457, filed 2/7/84)

WAC 308-138B-170 PROHIBITED TECHNIQUES AND TESTS. No osteopathic physician's acupuncture assistant may prescribe, order, or treat by any of the following means, modalities, or techniques:

(1) Diathermy treatments

(2) Ultrasound or sonopuncture treatments

(3) Infrared treatments

(4) Electromuscular stimulation for the purpose of stimulating muscle contraction

((f))(5) X-rays((f))

((f))(6) Laboratory tests((f))

((f))(7) Laser puncture((f))

((f))(8) Dietary therapy((f))

((f))(9) Manipulative therapies((f))

((f))(10) Point injection therapy (aqua puncture)((f))

(11) Herbal remedies.

Reviser's note: RCW 34.04.058 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 87-14-047

ADOPTED RULES

MEDICAL DISCIPLINARY BOARD

[Order PM 659—Filed June 30, 1987]

Be it resolved by the Washington State Medical Disciplinary Board, acting at the Providence Medical Center, Seattle, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 320-12-030	Nominating petitions.
Amd	WAC 320-12-050	Time of election—Ballots.
Amd	WAC 320-12-060	Identification by congressional district.
Amd	WAC 320-12-070	Ballots.
Amd	WAC 320-20-010	General provisions.
Amd	WAC 320-20-020	Mandatory reporting.
Amd	WAC 320-20-030	Health care institutions.
Rep	WAC 320-16-001	Promulgation.
Rep	WAC 320-16-010	Suspension or revocation.
Rep	WAC 320-16-015	Conditional suspension or revocation.
Rep	WAC 320-20-060	Professional liability carriers.

This action is taken pursuant to Notice No. WSR 87-10-069 filed with the code reviser on May 6, 1987.

These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.72.150, 18.130.050 and 18.130.070 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 19, 1987.

By James P. Dunlap, MD
Chairman

AMENDATORY SECTION (Amending Order PL 388, filed 12/18/81)

WAC 320-12-030 NOMINATING PETITIONS. Nominating petitions shall be signed by not less than twenty-five licensed physicians residing in the congressional district in which the nominee resides. The nominating petitions shall be distributed by the ~~((division of professional licensing))~~ department of licensing the first Monday in May and must be returned to the ~~((division))~~ department by the third Monday in June. Nominating petitions will be provided by the ~~((division of professional licensing))~~ department of licensing to Washington state medical association, to the chief of the medical staff of Washington licensed hospitals, the county clerk of each county, the local medical societies.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order PL 388, filed 12/18/81)

WAC 320-12-050 TIME OF ELECTION—BALLOTS. The election shall be held on the second Monday in September. Ballots for the election for a member to the medical disciplinary board from each congressional district shall be sent to the physicians residing in each congressional district not later than the second Monday in August and must be returned to the election commission in the ~~((division of professional licensing))~~ department of licensing in Olympia, Washington, by the second Monday in September.

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

AMENDATORY SECTION (Amending Order PL 388, filed 12/18/81)

WAC 320-12-060 IDENTIFICATION BY CONGRESSIONAL DISTRICT. In order for the physician's vote to be valid, each physician must print his or her name on the mailing envelope, which is returned to the ~~((division))~~ department of licensing in Olympia, so that the name of each physician voting in the election may be checked off the list of eligible voters.

AMENDATORY SECTION (Amending Order PL 388, filed 12/18/81)

WAC 320-12-070 BALLOTS. Voting shall be by secret ballot which shall be enclosed in a separate envelope and neither the ballot nor the ballot envelope shall contain any signature or identifying mark whereby the identity of the voter can be ascertained. ~~((Mailing envelopes,))~~ Mailing envelopes, ballot envelopes and ballots will be provided by the ~~((division of professional licensing))~~ department of licensing.

AMENDATORY SECTION (Amending Order PL 360, filed 10/29/80, effective 1/1/81)

WAC 320-20-010 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.72.030 for conduct occurring before June 11, 1986 and the conduct described in RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(2) "Hospital" means any health care institution licensed pursuant to chapter ~~((s))~~ 70.41 ~~((and 70.71))~~ RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Board" means the medical disciplinary board, whose address is:

Department of Licensing
~~((Division of Professional Licensing))~~
Business and Professions Administration
P.O. Box 9649
Olympia, WA 98504

(5) "Physician" means a physician licensed pursuant to chapter 18.71 RCW.

(6) "Mentally or physically disabled physician" means a physician who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice medicine with reasonable skill and safety to patients by reason of any mental or physical condition.

AMENDATORY SECTION (Amending Order PL 360, filed 10/29/80, effective 1/1/81)

WAC 320-20-020 MANDATORY REPORTING. (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.

(2) A report should contain the following information ~~(([is] [if]))~~ if known:

(a) The name, address and telephone number of the person making the report.

(b) The name and address and telephone numbers of the physician being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid the evaluation of the report.

(3) The mandatory reporting shall not act as a waiver of confidentiality of medical records and committee reports. The information reported or disclosed shall be kept for the confidential use of the board as provided in the Medical Disciplinary Act and shall not be subject to subpoena or discovery proceedings in any civil action as provided in RCW 4.24.250, and shall be exempt from public disclosure pursuant to chapter 42.17 RCW except for review as provided in RCW 18.72.265(2).

AMENDATORY SECTION (Amending Order PL 360, filed 10/29/80, effective 1/1/81)

WAC 320-20-030 HEALTH CARE INSTITUTIONS OTHER THAN HOSPITALS. The chief administrator or executive officer of any (~~hospital or~~) health care institutions, which includes, but is not limited to, clinics and nursing ((home)) homes, shall report to the board when any physician's clinical privileges are terminated or are restricted based on a determination, in accordance with an institution's bylaws, that a physician has either committed an act or acts which may constitute unprofessional conduct or that a physician may be mentally or physically disabled. Said officer shall also report if a physician accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon unprofessional conduct or upon being mentally or physically disabled.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- WAC 320-16-001 PROMULGATION.
- WAC 320-16-010 SUSPENSION OR REVOCATION.
- WAC 320-16-015 CONDITIONAL SUSPENSION OR REVOCATION.
- WAC 320-20-060 PROFESSIONAL LIABILITY CARRIERS.

WSR 87-14-048
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-62—Filed June 30, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation provides for observation of a new thresher shark fishery, and will provide background data for management of the fishery.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 30, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-44-09000A PELAGIC SHARK—LANDING REQUIREMENTS. *Effective immediately until further notice, it is unlawful to land thresher sharks taken for commercial purposes in any Washington State port except as provided for in this section:*

(1) *A valid 1987 Washington Thresher Shark Gillnet Fishery Permit must be in possession of any fisherman making a landing.*

(2) *All conditions of the permit must be met.*

(3) *The open fishing period is from 12:00 noon July 1 to 12:00 noon, July 8, 1987, and it is unlawful to land thresher sharks taken outside the open fishing period.*

(4) *All landings of thresher sharks taken in this fishery must be completed by 12:00 noon, July 10, 1987.*

WSR 87-14-049
EMERGENCY RULES
DEPARTMENT OF COMMUNITY DEVELOPMENT
[Order 87-09—Filed June 30, 1987]

I, Chuck Clarke, director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to collection of an increase in the state building code fee by cities and counties.

I, Chuck Clarke, director, Department of Community Development, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this order is necessary to carry out the directives of the state legislature as expressed in SHB 1221, section 217(14), chapter 7, Laws of 1987 1st ex. sess. The legislature has provided that the activities of the State Building Code Council shall be funded out of the Building Code Council account in the state treasury. The Building Code Council account is funded entirely by fees imposed on building permits issued by cities and counties. In addition to the funds appropriated by the legislature from the account to fund State Building Code Council activities, in the 1987-89 biennium a loan of

\$96,000 received from the general fund during the previous biennium must be repaid from the Building Code Council account. In order to meet the funding obligations of the Building Code Council account, it is necessary to impose the fee increase to coincide with the start of the biennium.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 19.27.085 and Substitute House Bill 1221, section 217(14), chapter 7, Laws of 1987 1st ex. sess., and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 30, 1987.

By Chuck Clarke
Director

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-020 PURPOSE. The purpose of these rules is to implement chapter 19.27 RCW as amended by chapter 144, Laws of 1985, and chapter 360, Laws of 1985, and chapter 19.27A RCW, created by chapter 360, Laws of 1985 and by Substitute House Bill No. 1221, section 217(14), chapter 7, Laws of 1987 1st ex. sess., and by RCW 19.27.085.

Chapter 144, Laws of 1985, provides for the amendment of the State Energy Code by the State Building Code council and for certain energy studies to be conducted by the University of Washington college of architecture and department of mechanical engineering. The code amendment and energy studies are to be funded by a surcharge on building permit fees issued by local governments for new building construction.

Section 4, chapter 360, Laws of 1985 provides that the activities of the State Building Code council necessary to implement the purposes of the chapter shall be funded by a fee of ~~(((\$1.50))~~ one dollar and fifty cents to be imposed on each building permit issued by a city or county. The moneys collected under this fee will be deposited in the building code council account in the state treasury and must be used by the building code council, after appropriation, to perform the purposes of the council. Every four years the state treasurer must report to the legislature on the balances in the account so that the legislature may adjust the charges imposed. Substitute House Bill No. 1221, section 217(14), chapter 7, Laws of 1987 1st ex. sess. provides that an additional fee of two dollars shall be added to the fee imposed under RCW 19.27.085 through June 30, 1989.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-035 DEFINITIONS. 1. **DEPARTMENT** shall mean the department of community development.

2. **ENERGY CODE STUDIES SURCHARGE** shall mean a surcharge which is required to be collected by cities and counties pursuant to chapter 144, Laws of 1985, and subject to appropriations as provided in chapter 6, Laws of 1985 1st ex. sess. Funds collected shall be used exclusively to implement the provisions of chapter 144, Laws of 1985.

3. **STATE BUILDING CODE FEE** shall mean a fee which is required to be collected by cities and counties pursuant to chapter 360, Laws of 1985 and by Substitute House Bill No. 1221, section 217(14), chapter 7, Laws of 1987 1st ex. sess.

Funds collected shall be used exclusively to implement the provisions of chapter 360, Laws of 1985.

4. **BUILDING PERMIT** shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section 301. This definition shall be subject to the exemptions contained in section 301 of the Uniform Building Code. Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

5. **NEW BUILDING CONSTRUCTION PERMIT** shall mean a permit which is issued by a city or a county for the construction of a new building and shall not include remodeling, renovation, demolition, or addition to an existing building. A new building construction permit shall include a permit to relocate an existing building but shall not include a permit for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-050 COLLECTION OF STATE BUILDING CODE FEE. Every city or county shall collect a State Building Code fee of ~~((one))~~ three dollars and fifty cents on each building permit issued within its jurisdiction. The fee shall be collected by appropriate city or county officials at the time the building permit is issued. Separate records shall be kept of funds collected under the State Building Code fee.

NEW SECTION

WAC 365-110-070 EFFECTIVE DATE. Effective date for local governments to begin collecting the additional two dollars of the State Building Code fee established under WAC 365-110-050 shall be July 1, 1987.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-080 TERMINATION. The surcharges established under WAC 365-110-040 (State Energy Code studies surcharge) shall terminate on June

30, 1989, unless terminated earlier upon a finding that the general fund has been reimbursed for the cost of the studies pursuant to chapter 144, Laws of 1985.

The fees established under WAC 365-110-050 (State Building Code fee) shall continue in effect as follows: One dollar and fifty cents on each building permit issued by a county or a city imposed by RCW 19.27.085 shall continue in effect until repealed or modified by legislative action. Two dollars on each building permit issued by a county or a city imposed by Substitute House Bill No. 1221, section 217(14), chapter 7, Laws of 1987 1st ex. sess., shall terminate on June 30, 1989.

WSR 87-14-050

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning WAC 16-694-001, adoption of license fees pursuant to chapter 20.01 RCW; and chapter 16-693 WAC, repeal of standard contract format;

that the agency will at 1:00 p.m., Wednesday, August 5, 1987, in the Conference Room, Washington Department of Agriculture, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1987.

The authority under which these rules are proposed is RCW 20.01.020 and section 13, chapter 393, Laws of 1987.

The specific statute these rules are intended to implement is section 13, chapter 393, Laws of 1987, and chapter 16-693 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 5, 1987.

Dated: July 1, 1987

By: Mike Willis
Assistant Director

STATEMENT OF PURPOSE

Title: Repeal of standard contract format and adoption of license fees pursuant to chapter 20.01 RCW.

Description of Purpose: To repeal standard contract format, which was adopted pursuant to statutory authority that has since been repealed; and to adopt schedule of license fees.

Statutory Authority: RCW 20.01.020 and section 13, chapter 393, Laws of 1987.

Specific Statute Rule is Intended to Implement: Chapter 16-693 WAC is being repealed because statutory authority was previously repealed. Adoption of schedule of license fees will implement section 13, chapter 393, Laws of 1987.

Summary of Rule: Chapter 16-693 WAC will be repealed because statutory authority to prescribe standard

contract format no longer exists. Schedule of license fees will be established for commission merchants, dealers, limited dealers, brokers, cash buyers, agents and boom loaders.

Reasons Supporting Proposed Action: Repeal of chapter 16-693 WAC will eliminate confusion left after repeal of statutory authority. Adoption of schedule of license fees is necessary as a result of enactment of section 13, chapter 393, Laws of 1987, and will result in needed revenue increase for program funded from that source.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Willis, Assistant Director, Washington State Department of Agriculture, Livestock Services Division, 406 General Administration Building, Olympia, WA 98504, (206) 753-5065.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Department of Agriculture, Livestock Services Division.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: None.

Chapter 16-694 WAC AGRICULTURAL PRODUCTS - COMMISSION MERCHANTS, DEALERS BROKERS, BUYERS, AGENTS—LICENSE FEES

WAC

16-694-001 License fees.

NEW SECTION

WAC 16-694-001 LICENSE FEES. The license fee for any person who wishes to act as a commission merchant, dealer, broker, cash buyer, agent or boom loader shall be as follows:

- (1) Commission merchant, one hundred eighty dollars;
- (2) Dealer, one hundred eighty dollars;
- (3) Limited dealer, one hundred twenty-five dollars;
- (4) Broker, one hundred twenty-five dollars;
- (5) Cash buyer, fifty dollars;
- (6) Agent, twenty dollars;
- (7) Boom loader, ten dollars.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-693-001 Promulgation.
WAC 16-693-010 Commission merchant standard contract format.
WAC 16-693-020 Standard contract format - Title.

WSR 87-14-051

ADOPTED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Order 156—Filed July 1, 1987—Eff. August 1, 1987]

Be it resolved by the Higher Education Personnel Board, acting at the Wenatchee Valley College, Wenatchee, Washington, that it does adopt the annexed rules relating to:

- New WAC 251-01-057 Child care emergency.
New WAC 251-01-172 Family members.

Amd	WAC 251-22-070	Vacation leave—Use.
Amd	WAC 251-22-110	Sick leave—Use.
Amd	WAC 251-22-112	Bereavement leave.
New	WAC 251-22-117	Leave due to child care emergencies.
Amd	WAC 251-22-200	Leave of absence without pay.
Amd	WAC 251-08-100	Periodic increment date.

This action is taken pursuant to Notice Nos. WSR 87-10-051, 87-10-052 and 87-10-053 filed with the code reviser on May 6, 1987. These rules shall take effect at a later date, such date being August 1, 1987.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 19, 1987.

By John A. Spitz
Director

NEW SECTION

WAC 251-01-057 CHILD CARE EMERGENCY. A situation causing an employee's inability to report for or continue scheduled work because of emergency child care requirements ("child" as identified in WAC 251-01-208), such as unexpected absence of regular care provider, unexpected closure of child's school, or unexpected need to pick up child at school earlier than normal.

NEW SECTION

WAC 251-01-172 FAMILY MEMBERS. Individuals considered to be members of the family are mother, father, sister, brother, mother-in-law, father-in-law, husband, wife, grandparent, grandchild, son, daughter, stepchild, a child in the custody of and residing in the home of an employee.

AMENDATORY SECTION (Amending Order 113, filed 3/30/84, effective 5/1/84)

WAC 251-22-070 VACATION LEAVE—USE. (1) Vacation leave may not be taken until an employee has completed six months of continuous employment. An employee bringing an accrued balance from another state agency may use the previously accrued vacation leave during the institutional probationary or trial service period.

(2) All requests for vacation leave must be approved by the employing official or designee in advance of the effective date unless used for emergency child care as provided in WAC 251-22-117.

(3) Vacation leave shall be scheduled by the employing department at a time most convenient to the work of the department, the determination of which shall rest with the employing official. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount up to the total of his/her earned leave credits.

(4) Paid vacation leave may not be used in advance of its accrual.

AMENDATORY SECTION (Amending Order 63, filed 11/22/77)

WAC 251-22-110 SICK LEAVE—USE. (1) Sick leave shall be allowed an employee under the following conditions:

(a) Because of and during illness, disability or injury which has incapacitated the employee from performing required duties.

(b) By reason of exposure of the employee to a contagious disease during such period as attendance on duty would jeopardize the health of fellow employees or the public.

(c) Because of emergencies caused by serious illness ~~((in the immediate))~~ or injury of a family member fifteen years of age and over that require the presence of the employee to provide immediate necessary care of the patient or to make arrangements for extended care. ~~((Immediate family shall be as defined in WAC 251-22-112.))~~ The personnel officer may authorize sick leave use as provided in this subsection for other than ~~((immediate))~~ family members. The applicability of "emergency," "necessary care" and "extended care" shall be made by the personnel officer.

(d) Because of illness or injury of a child (as identified in WAC 251-01-208) under the age of fifteen when the employee's presence is required to provide necessary care or to make arrangements for extended care.

(e) Because of illness or injury of a family member who is a person of disability and requires the employee's presence to provide short-term care or to make arrangements for extended care.

(f) To provide emergency child care for the employee's child (as identified in WAC 251-01-208). Such use of sick leave is limited to three days in any calendar year, unless extended by the personnel officer, and shall be used only as specified in WAC 251-22-117.

(g) Because of a family member's death ~~((in the immediate family of the employee))~~ that requires the assistance of the employee in making arrangements for interment of the deceased.

~~((e))~~ (h) For ((the purpose of)) personal medical, dental, or optical appointments or for family members' appointments when the presence of the employee is required, if arranged in advance with the employing official or designee.

(2) Sick leave may be granted for condolence or bereavement.

NEW SECTION

WAC 251-22-117 LEAVE DUE TO CHILD CARE EMERGENCIES. (1) Absence due to child care emergencies as defined shall be charged to one of the following:

- (a) Compensatory time;
- (b) Vacation leave;
- (c) Sick leave;
- (d) Personal holiday;
- (e) Leave of absence without pay.

(2) Use of any of the above leave categories is dependent upon the employee's eligibility to use such leave. Accrued compensatory time shall be used before any other leave is used.

(3) Use of vacation leave, sick leave, and leave of absence without pay for emergency child care is limited to a maximum of three days each per calendar year.

(4) The employee upon returning from such leave shall designate in writing to which leave category the absence will be charged. For the purpose of this section, advance approval or written advance notice of vacation leave, personal holiday, and/or leave of absence without pay shall not be required.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-112 BEREAVEMENT LEAVE. Sick leave in addition to that as provided in WAC 251-22-100 shall be granted for bereavement as follows:

~~((+))~~ One day of bereavement leave shall be granted for each death ~~((in the immediate))~~ of a family member. Bereavement leave may be extended to a maximum of three days with the approval of the employing official and the personnel officer.

~~((2))~~ For the purposes of this rule, the immediate family is defined as mother, father, sister, brother, mother-in-law, father-in-law, husband, wife, children, grandparents, and grandchildren.)

AMENDATORY SECTION (Amending Order 134, filed 7/31/85, effective 9/1/85)

WAC 251-22-200 LEAVE OF ABSENCE WITHOUT PAY. (1) Leave of absence without pay may be allowed for any of the following reasons:

- (a) Conditions applicable for leave with pay;
- (b) Maternity leave;
- (c) Educational leave;
- (d) Leave for government service in the public interest;
- (e) Child care emergencies;
- (f) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-18-381.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month.

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to

classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment.

AMENDATORY SECTION (Amending Order 134, filed 7/31/85, effective 9/1/85)

WAC 251-08-100 PERIODIC INCREMENT DATE. (1) For purposes of payment of periodic increases, the effective date shall be determined as follows:

- (a) The first of the current month for actions occurring between the first and the fifteenth of the month; or
- (b) The first of the following month for actions occurring between the sixteenth and the end of the month.

(2) The periodic increment date of new employees or probationary employees who are reappointed to a new class during the probationary period shall be established:

(a) Upon completion of ~~((the probationary period))~~ six months in the class for those appointed at the first step in the salary range; or

(b) Upon completion of twelve months ~~((+service))~~ in the class for those appointed at a salary step above the first step in the salary range.

(3) The periodic increment date of all employees shall be changed as follows:

(a) Upon promotion, the existing periodic increment date will be eliminated and a new date established to be effective upon completion of the trial service period;

(b) Upon reappointment of a probationary employee during the probationary period, the former periodic increment date will be eliminated and a new date established as provided in WAC 251-08-100(2);

(c) Upon reallocation under WAC 251-06-080 (1)(a) of an employee who is at the top step of the current salary range, the employee will be given a new periodic increment date which will be six months following the reallocation action;

(d) When a leave of absence without pay exceeds ten working days in any calendar month, or exceeds ten consecutive working days, the date will be extended by one month, except as provided by WAC 251-22-165(5), 251-22-180, and 251-18-381;

(e) When employees return from layoff status, the date will be reestablished and extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff;

(f) When a cyclic year position leave of absence without pay exceeds ninety calendar days, the periodic increment date shall be extended on a month-for-month basis. Provisions of WAC 251-08-100 (3)(d) shall apply to that period exceeding the ninety calendar days. Cyclic year position employees serving a probationary or trial service period will have their periodic increment dates extended by an amount of time equal to the period in which the employee is on leave of absence without pay;

(g) When employees are reverted from trial service following promotion (or return from alternate appointment), the periodic increment date held prior to promotion or layoff will be reestablished;

(h) When the board or the director order remedial action per WAC 251-12-600, the periodic increment date may be modified as part of the order.

(4) The periodic increment date of all employees shall remain unchanged for all other actions including, but not limited to, transfer within class, appointment to another class with the same or lower salary range maximum, and reallocations except as provided in WAC 251-08-100 (3)(c).

(5) The periodic increment date for incumbents of exempt positions which are converted to classified status shall be established as provided in WAC 251-18-420.

WSR 87-14-052
EMERGENCY RULES
HIGHER EDUCATION PERSONNEL BOARD
[Order 157—Filed July 1, 1987]

Be it resolved by the Higher Education Personnel Board, acting at the Wenatchee Valley College, Wenatchee, Washington, that it does adopt the annexed rules relating to:

- New WAC 251-01-072 Comparable worth adjustment indicator.
- New WAC 251-01-382 Salary range.
- New WAC 251-01-392 Standard range.
- Amd WAC 251-08-110 Salary—Promotion.
- Amd WAC 251-08-112 Salary—Reallocation.

We, the Higher Education Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is on July 1, 1987, a new salary schedule adopted to accommodate comparable worth adjustments will be implemented. Clarification of the impact of that new schedule on employee movement between job classes is necessary for decision making on the part of institution management and affected employees.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 19, 1987.

By John A. Spitz
Director

NEW SECTION

WAC 251-01-072 COMPARABLE WORTH ADJUSTMENT INDICATOR. A decimal suffix attached to the standard range which identifies the comparable worth entitlement group for a class.

NEW SECTION

WAC 251-01-382 SALARY RANGE. A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class. Salary ranges are identified in the classification/compensation plan by either a whole number (standard range) or a whole number with a decimal suffix (comparable worth adjustment indicator).

NEW SECTION

WAC 251-01-392 STANDARD RANGE. A salary range identified by a whole number.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-110 SALARY—PROMOTION. An employee who is promoted shall be paid at the salary step which represents at least a two step increase over the salary received immediately prior to the promotion as determined by the personnel officer, ~~provided such increase is not less than the first step of the new range, and does not exceed the top step of the new range. The increase shall be calculated by moving up to the standard range on the current step, moving to that dollar amount on the new standard range, moving over two steps, and down to the salary range for the class. All promotional increases must be within the salary range for the class.~~

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-08-112 SALARY—REALLOCATION. (1) An employee occupying a position that is reallocated to a class with a higher salary range maximum shall receive an increase in the same manner as is provided for promotion in WAC 251-08-110. The periodic increment date shall be established as provided in WAC 251-08-100.

(2) An employee occupying a position that is reallocated to a class with a lower salary maximum shall be placed in the salary step in the new range which is equal closest to the current salary, provided such salary does not exceed the top step of the new salary range.

(3) When reallocation is necessary because the board has created, abolished, or modified a class, the incumbent will remain in the position and the following will apply:

(a) An employee occupying a position reallocated to a class with a lower salary range maximum will be placed at the step in the new salary range which is equal closest to the current salary and will be allowed to achieve the salary maximum of the former class at the time of reallocation. The employee will lose the right to such salary maintenance if he/she voluntarily demotes, promotes, or moves to another class;

(b) An employee occupying a position reallocated to a class with a higher salary range maximum will receive an increase as provided in WAC 251-08-110;

(c) A reallocation which results from the board's abolishment of a class will be effective the date of the board's action.

WSR 87-14-053

ADOPTED RULES

MEDICAL DISCIPLINARY BOARD

[Order PM 660—Filed July 1, 1987]

Be it resolved by the Washington State Medical Disciplinary Board, acting at the Providence Medical Center, Seattle, Washington, that it does adopt the annexed rules relating to:

New	WAC 320-08-001	Construction.
Amd	WAC 320-08-010	Appearance and practice before agency—Who may appear.
Amd	WAC 320-08-030	Appearance and practice before agency—Solicitation of business unethical.
Amd	WAC 320-08-040	Appearance and practice before agency—Standards of ethical conduct.
Amd	WAC 320-08-050	Appearance and practice before agency—Appearance by former employee of board or former member of attorney general's staff.
New	WAC 320-08-055	Appearance and practice before agency—Former employee and board member as witness.
Amd	WAC 320-08-070	Computation of time.
Amd	WAC 320-08-080	Notice and opportunity for hearing in contested cases.
Amd	WAC 320-08-090	Service of process—By whom served.
Amd	WAC 320-08-100	Service of process—Upon whom served.
Amd	WAC 320-08-140	Service of process—Filing with Washington State Medical Disciplinary Board.
Amd	WAC 320-08-160	Subpoenas where provided by law—Issuance to parties.
Amd	WAC 320-08-180	Subpoenas where provided by law—Fees.
Amd	WAC 320-08-190	Subpoenas where provided by law—Proof of service.
Amd	WAC 320-08-200	Subpoenas where provided by law—Quashing.
Amd	WAC 320-08-210	Subpoenas where provided by law—Enforcement.
Amd	WAC 320-08-260	Depositions and interrogatories in contested cases—Authorization.
Amd	WAC 320-08-270	Depositions and interrogatories in contested cases—Protection of parties and deponents.
Amd	WAC 320-08-300	Depositions and interrogatories in contested cases—Signing attestation and return.
Amd	WAC 320-08-310	Depositions and interrogatories in contested cases—Use and effect.
Amd	WAC 320-08-350	Depositions upon interrogatories—Attestation and return.
Amd	WAC 320-08-370	Official notice—Matters of law.
Amd	WAC 320-08-380	Official notice—Material facts.
Amd	WAC 320-08-390	Presumptions.
Amd	WAC 320-08-400	Stipulations and admissions of record.
Amd	WAC 320-08-410	Form and content of decisions in contested cases.
Amd	WAC 320-08-420	Definition of issues before hearing.
Amd	WAC 320-08-430	Prehearing conference rule—Authorized.
Amd	WAC 320-08-440	Prehearing conference rule—Record of conference action.
New	WAC 320-08-445	Motions.
Amd	WAC 320-08-450	Submissions of documentary evidence.
Amd	WAC 320-08-470	Expert or opinion testimony and testimony based on economic and statistical

data—Number and qualifications of witnesses.

Amd	WAC 320-08-510	Continuances.
Amd	WAC 320-08-520	Rules of evidence—Admissibility criteria.
Amd	WAC 320-08-530	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
Amd	WAC 320-08-540	Petitions for rule making, amendment or repeal—Who may petition.
Amd	WAC 320-08-460	Excerpts from documentary evidence.

This action is taken pursuant to Notice No. WSR 87-10-068 filed with the code reviser on May 6, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.72.150, 18.130.050 and 18.130.070 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 19, 1987.

By James P. Dunlap, MD
Chairman

NEW SECTION

WAC 320-08-001 CONSTRUCTION. The term "Washington state medical disciplinary board" as used in chapter 320-08 WAC shall mean a duly constituted panel of the Washington state medical disciplinary board if a panel has been constituted to preside at the hearing. If a panel has not been so constituted, then the term "Washington state medical disciplinary board" shall mean the board or a quorum of the board.

AMENDATORY SECTION (Amending Rule 320-08-010, filed 12/14/64)

WAC 320-08-010 APPEARANCE AND PRACTICE BEFORE AGENCY—WHO MAY APPEAR. No person may appear in a representative capacity before the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) 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.

AMENDATORY SECTION (Amending Rule 320-08-020, filed 12/14/64)

WAC 320-08-030 APPEARANCE AND PRACTICE BEFORE AGENCY—SOLICITATION OF BUSINESS UNETHICAL. It shall be unethical for

persons while acting (~~(in a representative capacity before)~~) as a representative of the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representative may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind.

AMENDATORY SECTION (Amending Rule 320-08-030, filed 12/14/64)

WAC 320-08-040 APPEARANCE AND PRACTICE BEFORE AGENCY—STANDARDS OF ETHICAL CONDUCT. All persons appearing in proceedings before the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) in a representative capacity shall confirm to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) may decline to permit such person to appear in a representative capacity in any proceeding before it.

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

AMENDATORY SECTION (Amending Rule 320-08-040, filed 12/14/64)

WAC 320-08-050 APPEARANCE AND PRACTICE BEFORE AGENCY—APPEARANCE BY (~~(FORMER EMPLOYEE OF BOARD OR)~~) FORMER MEMBER OF ATTORNEY GENERAL'S STAFF. No member of the attorney general's staff assigned to represent the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) may at any time after severing his employment with the attorney general appear, except with the written permission of the Washington state medical disciplinary board, in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~).

NEW SECTION

WAC 320-08-055 APPEARANCE AND PRACTICE BEFORE AGENCY—FORMER EMPLOYEE AND BOARD MEMBER AS WITNESS. No former employee of the board or department of licensing or former board member shall, at any time after severing employment or serving as a board member, appear as a witness on behalf of parties other than the board or the department of licensing in a formal proceeding wherein he or she previously took an active part in the investigation or deliberation as a representative of the board or the department of licensing, except with the written permission of the board.

AMENDATORY SECTION (Amending Rule 320-08-050, filed 12/14/64)

WAC 320-08-070 COMPUTATION OF TIME. In computing any period of time prescribed or allowed by the (~~(Washington state medical disciplinary board or a hearing committee of said)~~) board rules, by order of the Washington state medical disciplinary board or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

AMENDATORY SECTION (Amending Rule 320-08-060, filed 12/14/64)

WAC 320-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES. In any case involving a charge of unprofessional conduct, the party shall be served with (~~(a specification of charges and)~~) a notice of hearing at least (~~(thirty)~~) twenty days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1) (~~(and the other requirements of notice prescribed by RCW 18.72.180)~~).

AMENDATORY SECTION (Amending Rule 320-08-070, filed 12/14/64)

WAC 320-08-090 SERVICE OF PROCESS—BY WHOM SERVED. The Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) shall cause to be served (~~(by the sheriff)~~) all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

AMENDATORY SECTION (Amending Rule 320-08-080, filed 12/14/64)

WAC 320-08-100 SERVICE OF PROCESS—UPON WHOM SERVED. All papers served by either the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

AMENDATORY SECTION (Amending Rule 320-08-120, filed 12/14/64)

WAC 320-08-140 SERVICE OF PROCESS—FILING WITH WASHINGTON STATE MEDICAL DISCIPLINARY BOARD. Papers required to be filed with the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) shall be

deemed filed upon actual receipt by the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) at (~~(the place specified in its rules)~~) its office accompanied by proof of service upon parties required to be served.

AMENDATORY SECTION (Amending Rule 320-08-140, filed 12/14/64)

WAC 320-08-160 SUBPOENAS WHERE PROVIDED BY LAW—ISSUANCE TO PARTIES. (~~(Upon application of counsel for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding.)~~) The Washington state medical disciplinary board may issue subpoenas to parties not (~~(so)~~) represented by counsel upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

AMENDATORY SECTION (Amending Rule 320-08-160, filed 12/14/64)

WAC 320-08-180 SUBPOENAS WHERE PROVIDED BY LAW—FEES. Witnesses summoned before the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington.

AMENDATORY SECTION (Amending Rule 320-08-170, filed 12/14/64)

WAC 320-08-190 SUBPOENAS WHERE PROVIDED BY LAW—PROOF OF SERVICE. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the Washington state medical disciplinary board (~~(or the hearing committee of said board)~~) before whom the witness is required to testify or produce evidence. Failure to make proof of service does not affect the validity of the service.

AMENDATORY SECTION (Amending Rule 320-08-180, filed 12/14/64)

WAC 320-08-200 SUBPOENAS WHERE PROVIDED BY LAW—QUASHING. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

AMENDATORY SECTION (Amending Rule 320-08-190, filed 12/14/64)

WAC 320-08-210 SUBPOENAS WHERE PROVIDED BY LAW—ENFORCEMENT. Upon application and for good cause shown, the Washington state

medical disciplinary board (~~(or a hearing committee of said board)~~) will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

AMENDATORY SECTION (Amending Rule 320-08-240, filed 12/14/64)

WAC 320-08-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the Washington state medical disciplinary board and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the (~~(hearing committee)~~) board may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

AMENDATORY SECTION (Amending Rule 320-08-250, filed 12/14/64)

WAC 320-08-270 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEONENTS. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the party or parties to the action and his or their counsel, or that after being sealed, the deposition shall be opened only by order of the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~), or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) or it may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the Washington state medical disciplinary board (~~(or a hearing committee of said board)~~) may order the officer conducting the examination to cease forthwith from taking the deposition, or

may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the Washington state medical disciplinary board (~~((or a hearing committee of said board))~~). Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

AMENDATORY SECTION (Amending Rule 320-08-280, filed 12/14/64)

WAC 320-08-300 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN. (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the Washington state medical disciplinary board (~~((or a hearing committee of said board))~~) holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the Washington state medical disciplinary board, (~~((or a hearing committee of said board,))~~) for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

AMENDATORY SECTION (Amending Rule 320-08-290, filed 12/14/64)

WAC 320-08-310 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT. Subject to rulings by the (~~(hearing committee))~~ board upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the (~~(hearing committee))~~ board upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the (~~(hearing committee))~~ board, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any

hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

AMENDATORY SECTION (Amending Rule 320-08-330, filed 12/14/64)

WAC 320-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the Washington state medical disciplinary board (~~((or a hearing committee of said board))~~), one copy to the counsel who submitted the interrogatories and another copy to the deponent.

AMENDATORY SECTION (Amending Rule 320-08-350, filed 12/14/64)

WAC 320-08-370 OFFICIAL NOTICE—MATTERS OF LAW. The Washington state medical disciplinary board (~~((or a hearing committee of said board))~~), upon request made before or during a hearing, will officially notice:

(1) FEDERAL LAW. The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the federal register;

(2) STATE LAW. The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) GOVERNMENTAL ORGANIZATION. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) AGENCY ORGANIZATION. The Washington state medical disciplinary board's organization, administration, officers, personnel, official publications, and practitioners before its bar.

AMENDATORY SECTION (Amending Rule 320-08-360, filed 12/14/64)

WAC 320-08-380 OFFICIAL NOTICE—MATERIAL FACTS. In the absence of controverting evidence, the Washington state medical disciplinary board, (~~((or a hearing committee of said board,))~~) upon request made before or during a hearing, may officially notice:

(1) **AGENCY PROCEEDINGS.** The pendency of, the issues and positions of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the Washington state medical disciplinary board (~~((or a hearing committee of said board))~~);

(2) **BUSINESS CUSTOMS.** General customs and practices followed in the transaction of business;

(3) **NOTORIOUS FACTS.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department or agency;

(4) **TECHNICAL KNOWLEDGE.** Matters within the technical knowledge of the Washington state medical disciplinary board (~~((or a hearing committee of said board))~~), as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **REQUEST OR SUGGESTION.** Any party may request, or the Washington state medical disciplinary board (~~((or a hearing committee of said board))~~) may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **STATEMENT.** Where an initial or final decision of the Washington state medical disciplinary board (~~((or a hearing committee of said board))~~) rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, (~~((the hearing committee of))~~) the Washington state medical disciplinary board may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **CONTROVERSION.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **EVALUATION OF EVIDENCE.** Nothing herein shall be construed to preclude the Washington state medical disciplinary board (~~((or a hearing committee of said~~

~~board;))~~) from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Rule 320-08-370, filed 12/14/64)

WAC 320-08-390 PRESUMPTIONS. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the Washington state medical disciplinary board, (~~((or a hearing committee of said board;))~~) with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **CONTINUITY.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **IDENTITY.** That persons and objects of the same name and description are identical;

(3) **DELIVERY.** That mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **ORDINARY COURSE.** That a fact exists or does not exist upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs usually and regularly coexists with the fact presumed;

(5) **ACCEPTANCE OF BENEFIT.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **INTERFERENCE WITH REMEDY.** That evidence, with respect to a material fact which in bad faith is destroyed, elojned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

AMENDATORY SECTION (Amending Rule 320-08-380, filed 12/14/64)

WAC 320-08-400 STIPULATIONS AND ADMISSIONS OF RECORD. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **UPON WHOM BINDING.** Such a stipulation or admission is binding upon the party or parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing,

oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **WITHDRAWAL.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of ~~((the hearing committee or))~~ the Washington state medical disciplinary board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

AMENDATORY SECTION (Amending Rule 320-08-390, filed 12/14/64)

WAC 320-08-410 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES. Every decision and order ~~((, whether proposed by the hearing committee, or as finally adopted by the Washington state medical disciplinary board,))~~ shall:

- (1) Be correctly captioned as to name of agency and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;
- (6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

AMENDATORY SECTION (Amending Rule 320-08-400, filed 12/14/64)

WAC 320-08-420 DEFINITION OF ISSUES BEFORE HEARING. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the ~~((hearing committee))~~ board may proceed promptly to conduct the hearing on relevant and material matter only.

AMENDATORY SECTION (Amending Rule 320-08-410, filed 12/14/64)

WAC 320-08-430 PREHEARING CONFERENCE RULE—AUTHORIZED. In any proceeding the Washington state medical disciplinary board ~~((or its designated hearing committee))~~, upon its own motion, or upon the motion of the party or parties or their counsel, may in its discretion direct the parties or their counsel to appear at a specified time and place for a conference to consider

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the proceeding.

AMENDATORY SECTION (Amending Rule 320-08-420, filed 12/14/64)

WAC 320-08-440 PREHEARING CONFERENCE RULE—RECORD OF CONFERENCE ACTION. The Washington state medical disciplinary board ~~((or a hearing committee of said board))~~ shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the party or parties or their counsel as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

NEW SECTION

WAC 320-08-445 MOTIONS. Any and all preliminary motions shall be filed in writing with the executive secretary of the board and a copy delivered to opposing counsel/party no later than fifteen days prior to the board meeting preceding the board meeting at which the hearing is to occur. The opposing counsel/party shall file in writing a response to the motion with the executive secretary of the board and deliver a copy to the moving party within five days after receipt of the motion.

Motions shall be scheduled for argument at the next board meeting after the motion and response have been filed or if the parties waive argument, the board shall decide the motion on the basis of the written motion and response.

The chairman of the board or his or her designee, who shall be a board member, may waive the time requirements for the filing of motions and response to motions if good cause for such waiver is shown.

AMENDATORY SECTION (Amending Rule 320-08-430, filed 12/14/64)

WAC 320-08-450 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE. Where practicable the Washington state medical disciplinary board ~~((or a hearing committee of said board))~~ may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the ~~((hearing committee))~~ board and to the other parties sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subsection (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection

thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

AMENDATORY SECTION (Amending Rule 320-08-440, filed 12/14/64)

WAC 320-08-460 EXCERPTS FROM DOCUMENTARY EVIDENCE. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts together with a statement indicating the purpose for which such materials will be offered, to the ~~((hearing committee))~~ board and to the other party or parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

AMENDATORY SECTION (Amending Rule 320-08-450, filed 12/14/64)

WAC 320-08-470 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—NUMBER AND QUALIFICATIONS OF WITNESSES. That the ~~((hearing committee))~~ board in all ~~((classes of))~~ cases where practicable make an effort to have the ~~((interested))~~ party or parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the ~~((interested))~~ parties cannot agree, require them to submit to ~~((him))~~ the board and to the other party or parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by ~~((him))~~ the board and fixed sufficiently in advance of the hearing to permit the other ~~((interested))~~ parties to investigate such qualifications.

AMENDATORY SECTION (Amending Rule 320-08-460, filed 12/14/64)

WAC 320-08-510 CONTINUANCES. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing~~(;)~~ or as soon thereafter as facts requiring such continuance come to his or her knowledge, notify the executive secretary of the Washington state medical disciplinary board and the opposing counsel ~~((or a hearing committee of said board))~~ of said desire~~(; stating in detail the reasons why continuance is necessary)~~. The board's executive secretary shall arrange to have the request for a continuance heard by the presiding officer of the hearing or his or her designee and at a board meeting, if possible. The presiding officer or the designee ~~((Washington state medical disciplinary board or a hearing committee of said board))~~, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. Except in cases of emergency, a request for a

continuance is not promptly and timely made if made less than thirty days prior to the hearing date. For purposes of this rule, an emergency is defined as an unforeseen and unforeseeable event or circumstance. For good cause shown, the presiding officer or the designee ~~((Washington state medical disciplinary board or a hearing committee of said board))~~ may grant ~~((such))~~ a continuance promptly and timely made and may at any time order a continuance upon ~~((its))~~ his or her own motion. The presiding officer or the designee may grant a request for an emergency continuance for good cause shown and only upon a showing that the request could not have been made earlier as a result of unforeseen and unforeseeable events or circumstances. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the ~~((hearing committee conducting the hearing))~~ presiding officer may in ~~((its))~~ his or her discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

AMENDATORY SECTION (Amending Rule 320-08-470, filed 12/14/64)

WAC 320-08-520 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the ~~((officer conducting the hearing))~~ board, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the ~~((hearing committee conducting the hearing))~~ board shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

AMENDATORY SECTION (Amending Rule 320-08-480, filed 12/14/64)

WAC 320-08-530 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The ~~((committee conducting the hearing))~~ board may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

AMENDATORY SECTION (Amending Rule 320-08-490, filed 12/14/64)

WAC 320-08-540 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—WHO MAY PETITION. Any interested person may petition the Washington state medical disciplinary board ~~((or a hearing committee of said board))~~ requesting the promulgation, amendment, or repeal of any rule.

WSR 87-14-054
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Department of Licensing intends to adopt, amend, or repeal rules concerning:

- New WAC 308-124A-115 Nonresident licenses—Expiration—Renewal.
- New WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees.
- Amd WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required;

that the agency will at 10:00 a.m., Tuesday, August 11, 1987, in the Peninsula East Room, Sea-Tac Airport Hilton, 17620 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on a date following the hearing.

The authority under which these rules are proposed is RCW 18.85.040, 18.85.140 and 18.85.190.

The specific statute these rules are intended to implement is RCW 18.85.040, 18.85.140 and 18.85.190.

Dated: June 30, 1987

By: Joyce R. Dolliver
 Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To establish the amount of certain fees associated with the licensing or regulation of professions, occupations, or business administered by the Department of Licensing.

Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190.

Summary of the Rules: New sections WAC 308-124A-115 Nonresident licenses—Expiration—Renewal, 308-124A-460 Real estate brokers and salespersons and land development representative fees; and amendatory section WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required.

Reason Proposed: To set the fees for the licensing program at a sufficient level to defray the costs of administering that program.

Responsible Departmental Personnel: In addition to the Department of Licensing, the following departmental personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Jon Clark, Program Manager, 1300 Quince Street S.E., Olympia, Washington 98504, (206) 753-6974 comm, 234-6974 scan.

Proponents: Director of the Department of Licensing.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term was defined by RCW 43.31.920.

NEW SECTION

WAC 308-124A-115 NONRESIDENT LICENSES—EXPIRATION—RENEWAL. Nonresident broker's and salespersons licenses are valid until their current expiration date at which time renewal will be in accordance with the current requirements of chapter 18.85 RCW.

AMENDATORY SECTION (Amending Order RE 128, filed 2/10/81)

WAC 308-124A-200 CORPORATE OR COPARTNERSHIP APPLICANTS FOR LICENSES—PROOF REQUIRED. The minimum qualifications for a corporation or partnership to receive a broker's license are:

(1) An officer in the corporation or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish a character and credit rating(;~~WAC 308-124A-010 and fingerprint identification, WAC 308-124C-020~~) of the designated broker, officers, and principal owners of the corporation directly involved in the company's Washington real estate activity and, in the case of a partnership, the general partners and all principal owners. A new credit rating is not required if one has been filed with the department within the preceding eighteen months.

(3) ~~((If the applicant is a corporation, it shall furnish a list of its officers, directors, and principal owners, and their addresses. If the applicant is a partnership, it shall furnish a list of the members of the partnership and their addresses.~~

~~(4) If the applicant is a corporation, it shall furnish a copy of its articles of incorporation and current annual report.))~~ If the applicant is a partnership, it shall furnish a copy of its partnership agreement.

(4) Licenses issued to corporations and partnerships expire one year from date of issuance which date will henceforth be the renewal date: PROVIDED, That current licenses with an expiration date of December 31, 1987, will expire as follows:

(a) Corporations and partnerships whose name begins with A through F will be issued with an expiration date of December 31, 1988.

(b) Corporations and partnerships whose name begins with G through L will be issued with an expiration date of January 31, 1989.

(c) Corporations and partnerships whose name begins with M through R will be issued with an expiration date of February 28, 1989.

(d) Corporations and partnerships whose name begins with S through Z will be issued with an expiration date of March 31, 1989.

(5) If a corporation applies for licensure as an incorporated associate broker, the name of the incorporated associate broker as licensed to do business shall be the name of the natural person who is the designated broker for the corporation, and only one person may be licensed to each incorporated associate broker and that person shall be the corporation's designated broker.

NEW SECTION

WAC 308-124A-460 REAL ESTATE BROKERS AND SALESPERSONS AND LAND DEVELOPMENT REPRESENTATIVE FEES. The following fees shall be charged by the professional licensing division of the department of licensing.

<u>TITLE OF FEE</u>	<u>FEE</u>
Real Estate Broker:	
Application/examination	\$50.00
Reexamination	50.00
Original License	50.00
License Renewal	50.00
Late Renewal Penalty	25.00
Duplicate License	15.00
Certification	25.00
Name or Address Change	15.00
Real Estate Broker - Branch Office:	
Original License	\$40.00
License Renewal	40.00
Late Renewal Penalty	20.00
Duplicate License	15.00
Name or Address Change	15.00

<u>TITLE OF FEE</u>	<u>FEE</u>
Real Estate Salesperson:	
Application/Examination	\$35.00
Reexamination	35.00
Original License	35.00
License Renewal	35.00
Late Renewal Penalty	20.00
Duplicate License	15.00
Certification	25.00
Name or Address Change	15.00
Land Development Representative:	
Registration	\$20.00

WSR 87-14-055
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning leases or rentals of tangible personal property, bailments, amendatory section WAC 458-20-211;

that the agency will at 9:30 a.m., Tuesday, August 4, 1987, in the Revenue Conference Room, 415 General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 11, 1987.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is RCW 82.08.0295, 82.12.0295 and 82.04.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 4, 1987.

Dated: July 1, 1987
 By: William R. Wilkerson
 Director

STATEMENT OF PURPOSE

Title: WAC 458-20-211 Leases or rentals of tangible personal property, bailments.

Description of Purpose: To implement chapter 231, Laws of 1986, which exempts from retail sales tax and use tax certain sale/leaseback transactions in respect to property used for processing fresh fruits, vegetables, and fish; to administer the decision of the court of appeals in *Duncan Crane Service v. Revenue*, 44 Wn. App. 684 (1986) by distinguishing between operated equipment rentals and other, nonrental business uses of such equipment; and to reorganize and reformat present rule provisions.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.08.0295, 82.12.0295 and 82.04.050.

Reasons Supporting Proposed Action: This rule was withheld from amendment in 1986 to implement 1986 legislation (chapter 231, Laws of 1986) because of pending legislative response to the Duncan Crane decision. Absent any change in the statutory law in the 1987

session to deal with the Duncan Crane decision result, the rule must now be amended to administer that decision uniformly for all taxpayers affected, and to express the 1986 changes referred to above. The rule also requires general numbering and lettering of its parts in line with standard revenue rules structure. Amendments to this rule were proposed on an emergency basis as necessary for the preservation of the general welfare of taxpayers affected by its changes. Further delay would be contrary to public interest because, to the department's best information and belief, lessors and lessees of operated equipment are improperly reporting tax liability based upon present misunderstanding of the taxable status of such transactions. Permanent adoption is imperative to achieve voluntary compliance with tax law and to obviate the uninformed, overpayment of tax.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

WAC 458-20-211 LEASES OR RENTALS OF TANGIBLE PERSONAL PROPERTY, BAILMENTS. (1) DEFINITIONS. The terms "leasing" and "renting" are used interchangeably and refer generally to the act of granting to another the right of possession to and use of tangible personal property for a consideration.

(2) The term "bailment" refers to the act of granting to another the temporary right of possession to and use of tangible personal property for a stated purpose without consideration to the grantor.

(3) A true lease, rental, or bailment of personal property does not arise unless the lessee or bailee, or employees or independent operators hired by the lessee or bailee actually takes possession of the property and exercises dominion and control over it. Where the owner of the equipment or the owner's employees or agents maintain dominion and control over the personal property and actually operate it, the owner has not generally relinquished sufficient control over the property to give rise to a true lease, rental, or bailment of the property.

(4) RCW 82.04.050 excludes from the definition "retail sale" any purchases for the purpose of resale, "as tangible personal property." Also, under this statutory definition, the term "retail sale" includes the renting or leasing of tangible personal property to consumers. However, equipment which is operated by the owner or an employee of the owner is considered to be resold, rented, or leased only under the following, precise circumstances:

- a) The property consists of construction equipment;
- b) The agreement between the parties is designated as an outright lease or rental, without reservations; and,
- c) The customer acquires the right of possession, dominion, and control of the equipment, even to the exclusion of the lessor.

(5) The third requirement above is a factual question and the burden of proof is upon the owner/operator of the equipment to establish that the degree of control has been relinquished necessary to constitute a lessor-lessee relationship. Weight will be given to such factors as who has physical, operating control of the equipment; who is responsible for its maintenance, fueling, repair, storage, insurance (risk of loss or damage), safety and security of operation, and whether the operator is a loaned servant. If control of these factors is left with the owner/operator, then as a matter of fact, there has not been a relinquishing of control of the equipment to the degree necessary to create a lessor-lessee relationship. This is true, even though the customer exercises some constructive control over such matters as when and where the equipment is used in connection with the construction work being performed, i.e., the contractor controls the job site.

~~((The))~~ (6) Thus, the terms leasing, rental, or bailment do not include ((rental agreements)) any arrangements pursuant to which the owner ((or lessor)) of the equipment reserves dominion and control of

the equipment and either operates the equipment or ((supplies)) property or provides an employee operator, whether or not such employee operator works under the general supervision or control of the ((lessee)) customer.

(7) BUSINESS AND OCCUPATION TAX. ~~((The renting or leasing of tangible personal property constitutes a "sale" (RCW 82-04.040) and persons engaged in renting or leasing such property to users or consumers are taxable under the retailing classification upon the gross income from rentals as of the time the rental payments fall due. Persons renting or leasing tangible personal property to persons who will rent or lease such property to others are taxable under the classification—wholesaling.))~~ Outright rentals of bare (unoperated) equipment or other tangible personal property as well as "true" leases or rentals of operated equipment or property are generally subject to the retailing classification of the business and occupation tax. Under unique circumstances when such things are rented for rerent by the lessee, without intervening use, then the original rental is subject to the wholesaling classification of tax and the subsequent rental is subject to the retailing classification.

(8) Persons who ((rent)) provide equipment or other tangible personal property and, in addition, operate the equipment or supply an employee to operate the same for a charge, without relinquishing substantial dominion and control to the customer, are subject to the business and occupation tax (or public utility tax) according to the classification of the activities performed by the equipment and operator. Thus, the charge made to a construction contractor for equipment with operator used in the construction of a building would be taxable under wholesaling—other and a similar charge to a contractor for use in the construction of a publicly owned road would be taxable under public road construction.

(9) RETAIL SALES TAX. Persons who rent or lease tangible personal property to users or consumers are required to collect from their lessees the retail sales tax measured by gross income from rentals as of the time the rental payments fall due.

~~((The retail sales tax does not apply upon the rental or lease of motor vehicles and trailers to nonresidents of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when the motor vehicle or trailer is registered and licensed in a foreign state. For purposes of this exemption, the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.~~

(10) RCW 82.04.050 excludes from the definition of the term "retail sale," purchases for resale "as tangible personal property." Thus the retail sales tax does not apply upon sales of tangible personal property to persons who purchase the same solely for the purpose of renting or leasing such property without operators or making "true" leases of operated equipment. However, the retail sales tax applies upon sales to persons who ((rent)) provide such property with operators for a charge, without relinquishing substantial dominion and control, or who intend to ((make)) make some use of the property other than or in addition to renting or leasing.

(11) The retail sales tax does not apply upon the rental or lease of motor vehicles and trailers to nonresidents of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when the motor vehicle or trailer is registered and licensed in a foreign state. For purposes of this exemption, the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(12) Effective April 3, 1986, (RCW 82.08.0295) the retail sales tax shall not apply to lease payments by a seller/lessee to a purchaser/lessor under a sale/leaseback agreement in respect to property, equipment, and components used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish. Nor does the sales tax apply to the purchase amount paid by the lessee pursuant to an option to purchase this

specific kind of processing equipment at the end of the lease term. In both situations the availability of this special sales tax exemption is contingent upon the seller/lessee having paid retail sales tax or use tax at the time of acquisition of such special processing property, equipment, and components.

(13) USE TAX. Consumers who rent or lease tangible personal property from others and who have not paid the retail sales tax to their lessors are liable for the use tax on the amount of the rental payments as of the time the payments fall due.

(14) Effective April 3, 1986, (RCW 82.12.0295) the use tax shall not apply to lease payments by a seller/lessee to a lessor under a sale/leaseback agreement in respect to property, equipment, and components used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish. Nor does the use tax apply to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term. In both situations the availability of this use tax exemption is contingent upon the seller/lessee having paid retail sales tax or use tax at the time of acquisition of such property, equipment, and components.

(15) The value of tangible personal property held or used under bailment is subject to tax if the property was purchased or acquired under conditions whereby the retail sales tax was not paid by the bailor. Tax liability is that of the bailor, or of the bailee if the bailor has not paid the tax. The measure of the use tax for articles acquired by bailment is the reasonable rental for such articles to be determined as nearly as possible according to the rental price at the place of use of similar products of like quality and character. In the absence of rental prices for similar products the reasonable rental may be computed by prorating the retail selling price over the period of possession had by a bailee and payable in monthly installments. No further use tax is due upon property acquired by bailment after tax has been paid by the bailee or any previous bailee upon the full original value of the article.

(16) Use tax does not apply to use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental, and testing activities conducted by the user, providing the acquisition or use of such articles by the bailor are exempt from sales or use tax. (RCW 82.12.0265.)

Reviser's note: RCW 34.04.058 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 87-14-056
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Order 87-2—Filed July 1, 1987]

I, William R. Wilkerson, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to leases or rentals of tangible personal property, bailments, amendatory section WAC 458-20-211.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is amendments to this rule are proposed on an emergency basis as necessary for the preservation of the general welfare of taxpayers affected by its changes. Further delay would be contrary to public interest because, to the department's best information and belief, lessors and lessees of operated equipment are improperly reporting tax liability based upon present

misunderstanding of the taxable status of such transactions. Emergency adoption is imperative to achieve voluntary compliance with tax law and to obviate the uninforming, overpayment of tax. Public hearing and full opportunity to present views will be provided within 60 days from date of filing and emergency adoption.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 1, 1987.

By William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

WAC 458-20-211 LEASES OR RENTALS OF TANGIBLE PERSONAL PROPERTY, BAILMENTS. (1) DEFINITIONS. The terms "leasing" and "renting" are used interchangeably and refer generally to the act of granting to another the right of possession to and use of tangible personal property for a consideration.

(2) The term "bailment" refers to the act of granting to another the temporary right of possession to and use of tangible personal property for a stated purpose without consideration to the grantor.

(3) A true lease, rental, or bailment of personal property does not arise unless the lessee or bailee, or employees or independent operators hired by the lessee or bailee actually takes possession of the property and exercises dominion and control over it. Where the owner of the equipment or the owner's employees or agents maintain dominion and control over the personal property and actually operate it, the owner has not generally relinquished sufficient control over the property to give rise to a true lease, rental, or bailment of the property.

(4) RCW 82.04.050 excludes from the definition "retail sale" any purchases for the purpose of resale, "as tangible personal property." Also, under this statutory definition, the term "retail sale" includes the renting or leasing of tangible personal property to consumers. However, equipment which is operated by the owner or an employee of the owner is considered to be resold, rented, or leased only under the following, precise circumstances:

- a) The property consists of construction equipment;
- b) The agreement between the parties is designated as an outright lease or rental, without reservations; and,
- c) The customer acquires the right of possession, dominion, and control of the equipment, even to the exclusion of the lessor.

(5) The third requirement above is a factual question and the burden of proof is upon the owner/operator of the equipment to establish that the degree of control has

been relinquished necessary to constitute a lessor-lessee relationship. Weight will be given to such factors as who has physical, operating control of the equipment; who is responsible for its maintenance, fueling, repair, storage, insurance (risk of loss or damage), safety and security of operation, and whether the operator is a loaned servant. If control of these factors is left with the owner/operator, then as a matter of fact, there has not been a relinquishing of control of the equipment to the degree necessary to create a lessor-lessee relationship. This is true, even though the customer exercises some constructive control over such matters as when and where the equipment is used in connection with the construction work being performed, i.e., the contractor controls the job site.

~~((The))~~ (6) Thus, the terms leasing, rental, or bailment do not include ~~((rental agreements))~~ any arrangements pursuant to which the owner ~~((or lessor))~~ of the equipment reserves dominion and control of the equipment and either operates the equipment or ~~((supplies))~~ property or provides an employee operator, whether or not such employee operator works under the general supervision or control of the ~~((lessee))~~ customer.

(7) BUSINESS AND OCCUPATION TAX. ~~((The renting or leasing of tangible personal property constitutes a "sale" (RCW 82.04.040) and persons engaged in renting or leasing such property to users or consumers are taxable under the retailing classification upon the gross income from rentals as of the time the rental payments fall due. Persons renting or leasing tangible personal property to persons who will rent or lease such property to others are taxable under the classification wholesaling.))~~ Outright rentals of bare (unoperated) equipment or other tangible personal property as well as "true" leases or rentals of operated equipment or property are generally subject to the retailing classification of the business and occupation tax. Under unique circumstances when such things are rented for rent by the lessee, without intervening use, then the original rental is subject to the wholesaling classification of tax and the subsequent rental is subject to the retailing classification.

(8) Persons who ~~((rent))~~ provide equipment or other tangible personal property and, in addition, operate the equipment or supply an employee to operate the same for a charge, without relinquishing substantial dominion and control to the customer, are subject to the business and occupation tax (or public utility tax) according to the classification of the activities performed by the equipment and operator. Thus, the charge made to a construction contractor for equipment with operator used in the construction of a building would be taxable under wholesaling—other and a similar charge to a contractor for use in the construction of a publicly owned road would be taxable under public road construction.

(9) RETAIL SALES TAX. Persons who rent or lease tangible personal property to users or consumers are required to collect from their lessees the retail sales tax measured by gross income from rentals as of the time the rental payments fall due.

~~((The retail sales tax does not apply upon the rental or lease of motor vehicles and trailers to nonresidents of this state for use exclusively in transporting persons or~~

~~property across the boundaries of this state and in intrastate operations incidental thereto when the motor vehicle or trailer is registered and licensed in a foreign state. For purposes of this exemption, the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.~~

(10) RCW 82.04.050 excludes from the definition of the term "retail sale," purchases for resale "as tangible personal property." Thus the retail sales tax does not apply upon sales of tangible personal property to persons who purchase the same solely for the purpose of renting or leasing such property without operators or making "true" leases of operated equipment. However, the retail sales tax applies upon sales to persons who ((rent)) provide such property with operators for a charge, without relinquishing substantial dominion and control, or who intend to ((make)) make some use of the property other than or in addition to renting or leasing.

(11) The retail sales tax does not apply upon the rental or lease of motor vehicles and trailers to nonresidents of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when the motor vehicle or trailer is registered and licensed in a foreign state. For purposes of this exemption, the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(12) Effective April 3, 1986, (RCW 82.08.0295) the retail sales tax shall not apply to lease payments by a seller/lessee to a purchaser/lessor under a sale/leaseback agreement in respect to property, equipment, and components used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish. Nor does the sales tax apply to the purchase amount paid by the lessee pursuant to an option to purchase this specific kind of processing equipment at the end of the lease term. In both situations the availability of this special sales tax exemption is contingent upon the seller/lessee having paid retail sales tax or use tax at the time of acquisition of such special processing property, equipment, and components.

(13) USE TAX. Consumers who rent or lease tangible personal property from others and who have not paid the retail sales tax to their lessors are liable for the use tax on the amount of the rental payments as of the time the payments fall due.

(14) Effective April 3, 1986, (RCW 82.12.0295) the use tax shall not apply to lease payments by a seller/lessee to a lessor under a sale/leaseback agreement in respect to property, equipment, and components used by the seller/lessee primarily in the business of

canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish. Nor does the use tax apply to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term. In both situations the availability of this use tax exemption is contingent upon the seller/lessee having paid retail sales tax or use tax at the time of acquisition of such property, equipment, and components.

(15) The value of tangible personal property held or used under bailment is subject to tax if the property was purchased or acquired under conditions whereby the retail sales tax was not paid by the bailor. Tax liability is that of the bailor, or of the bailee if the bailor has not paid the tax. The measure of the use tax for articles acquired by bailment is the reasonable rental for such articles to be determined as nearly as possible according to the rental price at the place of use of similar products of like quality and character. In the absence of rental prices for similar products the reasonable rental may be computed by prorating the retail selling price over the period of possession had by a bailee and payable in monthly installments. No further use tax is due upon property acquired by bailment after tax has been paid by the bailee or any previous bailee upon the full original value of the article.

(16) Use tax does not apply to use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental, and testing activities conducted by the user, providing the acquisition or use of such articles by the bailor are exempt from sales or use tax. (RCW 82.12.0265.)

Reviser's note: RCW 34.04.058 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 87-14-057
PROPOSED RULES
LOTTERY COMMISSION
 [Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 315-04-190	Compensation.
Amd	WAC 315-06-020	Authorization to sell tickets.
Amd	WAC 315-06-120	Payment of prizes—General provisions.
Amd	WAC 315-10-060	Official end of game.
Amd	WAC 315-30-090	On-line retailer credit criteria;

that the agency will at 10:00 a.m., Friday, August 7, 1987, in the Ridpath and/or Cavanaugh's, Spokane, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 7, 1987 [1987].

Dated: June 30, 1987

By: Scott Milne
Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-04-190 Compensation; 315-06-020 Authorization to sell tickets; 315-06-120 Payment of prizes—General provisions; 315-10-060 Official end of game; and 315-30-090 On-line retailer credit criteria.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-04-190 authorizes the lottery, when selling tickets itself, to use the proceeds from the five percent discount from the retail price of tickets sold to pay fees or other charges associated with those sales; 315-06-020 allows the lottery, like the Liquor Control Board outlets to sell lottery tickets as a lottery retailer without issuance of a license; 315-06-120 authorizes the use of address labels and stamps on the back of winning tickets provided other conditions are met. It also specifies that Social Security numbers or federal employers identification numbers must be submitted only when claiming prizes exceeding \$600. The definition of "ticket bearer" has been changed to be consistent with WAC 315-10-020 and 315-30-020; 315-10-060 authorizes the lottery to charge lottery retailers a 15 percent restocking fee for tickets returned between thirty-one and ninety days after the official end of game; and 315-30-090 specifies the manner in which credit checks shall be conducted.

Reasons Supporting the Proposed Rule(s): WAC 315-04-190 provides a mechanism for payment of fees and other charges when selling tickets at fairs and other events; 315-06-020 eliminates the need for the lottery to license itself; 315-06-120 ensures that claims will not be delayed or rejected unnecessarily and that Social Security numbers and federal employer identification numbers will only be required when necessary. It also provides for internal consistency in Title 315 WAC; 315-10-060 will encourage retailers to return tickets in a timely manner and allow the lottery to recover administrative costs generated by delayed return of tickets; and 315-30-090 is necessary to inform on-line license endorsement applicants about how the credit rating checks will be conducted.

Agency Personnel Responsible for Drafting: Frank Edmondson, Contracts Specialist 3, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 586-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, Washington 98504, (206) 753-1412, Evelyn Y. Sun, Director, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 753-3330, Scott Milne, Deputy Director, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 753-3334, Roger Wilson, Assistant Director, Washington State Lottery, P.O. Box

9770, Olympia, Washington 98504, (206) 586-1065, and Candice Bluechel, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 753-1947.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing this Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding the Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal/state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed retailers for the sale of lottery tickets, or contractors who provide other services to the Office of the Director, Washington State Lottery, or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to, or interact with, the Office of the Director, Washington State Lottery.

AMENDATORY SECTION (Amending Order 99, filed 2/6/87)

WAC 315-04-190 COMPENSATION. (1) Lottery retailers shall be entitled to a five percent discount from the retail price of the instant game tickets established by rule for each game.

(2) Lottery retailers authorized to sell on-line tickets shall be entitled to a five percent discount from the total of gross on-line ticket sales less on-line ticket cancellations.

(3) Lottery retailers may receive additional compensation through programs including but not limited to additional discounts, retailer games, retailer awards, and retailer bonuses. The total additional compensation provided through such programs shall not exceed \$200,000 per program.

(a) The commission must approve each such program prior to its implementation.

(b) The director shall establish and publish any procedures necessary to implement any such program approved by the commission prior to initiation of the program.

(4) The lottery, when selling instant or on-line tickets, as a lottery retailer, may use the proceeds from the five percent discount from the retail price of the tickets sold to pay fees or other charges associated with those sales.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-06-020 AUTHORIZATION TO SELL TICKETS. Lottery retailers are authorized, as limited by WAC 315-04-140, to sell tickets directly to the public. Retail outlets of the state liquor control board and the lottery are not required to be licensed as lottery retailers.

AMENDATORY SECTION (Amending Order 96, filed 12/16/86)

WAC 315-06-120 PAYMENT OF PRIZES—GENERAL PROVISIONS. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one individual; PROVIDED, if the address label or stamp contains the name of more than one individual, the ticket and/or claim form must be signed by one of the persons listed on the address label or stamp. The claimant must ((show)) submit his or her social security number (SSN) or the ((organization's)) federal employer's identification number (FEIN) ((on the lottery winner claim form)) when claiming any prize exceeding \$600. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one individual in whose name the claim is to be entered.

(3) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the player's manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name for publicity purposes upon award of the prize.

(4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days after the official end of that instant game or the on-line drawing for which that on-line ticket was purchased.

(5) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(6) The director may delay payment of any prize that exceeds six hundred dollars and debts are owed by the claimant to a state agency or political subdivision, or that the state is authorized to enforce or collect as provided in WAC 315-06-125.

(7) No person entitled to a prize may assign his or her right to claim it except:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; or

(b) For the purpose of paying federal, state or local tax.

(8) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(9) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(10) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(11) The director may, at any time, delay any payment in order to review a change in circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(12) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.

(13) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(14) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(15) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 92, filed 5/22/86)

WAC 315-10-060 OFFICIAL END OF GAME. (1) The director shall announce the official end of each instant game. A player may submit a low-tier winning ticket to the lottery retailer from whom the ticket was purchased or the lottery and a high-tier winning ticket to the lottery for prize payment up to one hundred and eighty days after the official end of game. In order to participate in a grand prize drawing in which the entry is the submittal of one or more winning or non-winning tickets, a player must redeem and submit such a ticket ((which qualifies for entry into that grand prize drawing)) or tickets within the time limits set forth in chapter 315-11 WAC governing the conduct of that specific game.

(2) A lottery retailer may continue to sell tickets for each instant game up to fourteen days after the official end of that game.

(3) A lottery retailer must return to the lottery unsold lottery tickets for each game within ((ninety)) thirty days after the official end of that game in order to receive full credit for the tickets returned from the lottery ((as provided for in director's instructions to lottery retailers or the interlocal cooperative agreement between the lottery and the state liquor control board)). Lottery retailers who return tickets between thirty-one and ninety days after the official end of game will be charged a fifteen percent restocking fee. The lottery has no obligation to grant credit for tickets returned more than ninety days after the official end of game.

(4) Return of tickets by state liquor control board outlets shall be governed by the interlocal cooperative agreement between the lottery and the state liquor control board.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 97, filed 12/16/86)

WAC 315-30-090 ON-LINE RETAILER CREDIT CRITERIA. (1) The director shall deny an on-line license endorsement to any applicant whose credit is rated as poor as defined in this section.

(2) The director may grant an on-line license endorsement to an applicant whose credit is rated as marginal or minimum as defined in this section. Provided, the director shall require:

(a) Applicants whose credit is rated as marginal as defined in this section to obtain a surety bond or post cash in lieu of a bond under terms and conditions established by the director prior to issuance of the on-line license endorsement. Such surety bond must be secured from a company licensed to do business in the state of Washington. The bond or cash shall be in the amount of seven thousand five hundred dollars unless the director determines a higher amount is required.

(b) Applicants whose credit is rated as a minimum as defined in this section to obtain a surety bond or post cash in lieu of a bond under terms and conditions established by the director or submit five letters of credit to the lottery prior to issuance of the on-line license endorsement. Such surety bond must be secured from a company licensed to do business in the state of Washington. The bond or cash shall be in the amount of seven thousand five hundred dollars unless the director determines a higher amount is required.

(3) In the event the retailer's credit is rated as poor or marginal subsequent to the issuance of the license endorsement the director may:

(a) Revoke or suspend a retailer's on-line license endorsement and/or;

(b) Require such an agent to secure a surety bond from a company licensed to do business in the state of Washington or post cash in lieu of a bond under terms and conditions established by the director. The surety bond or cash shall be in the amount of seven thousand five hundred dollars unless the director determines, based on sales volume and financial solvency of the retailer, a higher amount is required.

(4) Credit ratings are defined as follows:

(a) Business credit - information concerning the meeting of financial obligations when they become due in the normal course of business and includes currently reporting accounts payable and payment records up to six months prior to the Lottery's credit check request. Accounts are evaluated by the percentage of the balance that falls in each of the following categories: zero to thirty days, thirty-one to sixty days beyond terms, sixty-one to ninety days beyond terms, and ninety-one plus days beyond terms.

(i) A "poor" credit rating indicates that at least half of the accounts have a portion of the balance that is in the sixty-one days and over categories.

(ii) A "marginal" credit rating indicates that at least half of the accounts have a portion of the balance that is in the thirty-one days and over categories.

(iii) A "minimum" credit rating indicates the information is insufficient for evaluation.

(iv) An "acceptable" credit rating indicates that the majority of current accounts are in the zero to thirty days payment category. Provided, at least three accounts must be evaluated in order to receive an "acceptable" rating.

(b) Personal credit - includes current reporting personal accounts payable and public financial record information including but not limited to court records, other public records and reports from credit bureaus or other credit reporting agencies up to seven years prior to the lottery's credit check request. A significant incident shall be defined as public financial record information which includes any lien, judgment, bankruptcy, involuntary collection action, or any similar incident which reflects on the individuals willingness and ability to pay creditors. A numerical rating of "one" represents excellent credit. A numerical rating of "nine" represents involuntary collection.

(i) A "poor" credit rating indicates at least half of the accounts are rated over "five", and/or the public record information indicates three or more significant incidents within the past three years.

(ii) A "marginal" credit rating indicates that at least half of the accounts are rated over "three", and/or the public record information indicates one or more significant incidents within the past three years.

(iii) A "minimum" credit rating indicates the information is insufficient for evaluation.

(iv) An "acceptable" credit rating indicates that the majority of the reporting accounts are rated under "three" and that there have been no significant incidents in the public record within the past three years. Provided, at least, three accounts must be evaluated in order to receive an "acceptable" rating.

(5) Credit rating checks shall be conducted as follows:

(a) Corporations business credit ratings shall be checked. Personal credit ratings of the corporate officers and owners of ten percent or more equity in the corporation may also be checked.

(b) Sole proprietors and partnership business credit ratings shall be checked. Personal credit ratings of (1) the sole proprietor and his or her spouse or (2) all partners and their spouses shall also be checked.

(c) Findings shall be applied in accordance with subsections (1), (2) and (3) of this section.

Reviser's note: RCW 34.04.058 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 87-14-058
PROPOSED RULES
LOTTERY COMMISSION
[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 315-11-280	Definitions for Instant Game Number 28 ("Stocking Stuffer").
New	WAC 315-11-281	Criteria for Instant Game Number 28.
New	WAC 315-11-282	Ticket validation requirements for Instant Game Number 28.
New	WAC 315-11-290	Definitions for Instant Game Number 29 ("Windfall").
New	WAC 315-11-291	Criteria for Instant Game Number 29.
New	WAC 315-11-292	Ticket validation requirements for Instant Game Number 29.
New	WAC 315-14-010	Fifth anniversary celebration drawing;

that the agency will at 10:00 a.m., Friday, August 7, 1987, in the Ridpath and/or Cavanaugh's, Spokane, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 7, 1987.

Dated: June 30, 1987

By: Scott Milne
Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-11-280 Definitions for Instant Game Number 28 ("Stocking Stuffer"); 315-11-281 Criteria for Instant Game Number 28; 315-11-282 Ticket validation requirements for Instant Game Number 28; 315-11-290 Definitions for Instant Game Number 29 ("Windfall"); 315-11-291 Criteria for Instant Game Number 29; 315-11-292 Ticket validation requirements for Instant Game Number 29; and 315-14-010 Fifth anniversary celebration drawing.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-11-280 provides definitions of the terms used in Instant Game Number 28 rules; 315-11-281 sets forth criteria for Instant

Game Number 28; 315-11-282 states the ticket validation requirements for Instant Game Number 28; 315-11-290 provides definitions of the terms used in Instant Game Number 29 rules; 315-11-291 sets forth criteria for Instant Game Number 29; 315-11-292 states the ticket validation requirements for Instant Game Number 29; and 315-14-010 sets forth criteria for fifth anniversary celebration drawing.

Reasons Supporting the Proposed Rule(s): WAC 315-11-280, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-281 and 315-11-282; 315-11-281, licensed retailers and players of Instant Game Number 28 need to know how the game will function. Specifying the criteria which apply to Instant Game 28 will provide this information; 315-11-282, tickets for Instant Game Number 28 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets; 315-11-290, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-291 and 315-11-292; 315-11-291, licensed retailers and players of Instant Game Number 29 need to know how the game will function. Specifying the criteria which apply to Instant Game 29 will provide this information; 315-11-292, tickets for Instant Game Number 29 which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets; and 315-14-010, licensed retailers and players need to know how the drawing will function. Specifying the criteria which apply to fifth anniversary celebration drawing will provide this information.

Agency Personnel Responsible for Drafting: Frank Edmondson, Contracts Specialist 3, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 586-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, Washington 98504, (206) 753-1412, Evelyn Y. Sun, Director, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 753-3330, Scott Milne, Deputy Director, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 753-3334, Roger Wilson, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 586-1065, and Candice Bluechel, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 753-1947.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing this Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding the Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal/state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed retailers for the sale of lottery tickets, or contractors who provide other services to the Office of the Director, Washington State Lottery, or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to, or interact with, the Office of the Director, Washington State Lottery.

NEW SECTION

WAC 315-11-280 DEFINITIONS FOR INSTANT GAME NUMBER 28 ("STOCKING STUFFER"). (1) Play symbols: The following are the "play symbols": "FREE"; "\$2.00"; "\$5.00"; "10.00"; "50.00"; and "\$1000". One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 28, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
FREE	TICKET
\$2.00	TWO\$
\$5.00	FIVE
10.00	TEN\$
50.00	FIFTY
\$1000	ONE-THOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 8000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 28 constitute the "pack number" which starts at 8000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 28, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-281 CRITERIA FOR INSTANT GAME NUMBER 28. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

- Three FREE play symbols – Win Free Ticket
- Three \$2.00 play symbols – Win \$2.00
- Three \$5.00 play symbols – Win \$5.00
- Three 10.00 play symbols – Win \$10.00
- Three 50.00 play symbols – Win \$50.00
- Three \$1000 play symbols – Win \$1,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 28 set forth in WAC 315-11-282, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

- (a) Vary the length of Instant Game Number 28 and/or
- (b) Vary the number of tickets sold in Instant Game Number 28 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-282 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 28. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 28 all of the following validation requirements apply.

- (a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.
- (b) Each of the six play symbols must have a caption below and each must agree with its caption.
- (c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	15 point Archer font
Captions	5 x 12 Matrix font
Pack-Ticket Number	9 x 12 Matrix font
Validation Number	5 x 11 Matrix font
Retail Verification Code	7 x 12 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-280(1) and each of the captions must be exactly one of those described in WAC 315-11-280(2).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-290 DEFINITIONS FOR INSTANT GAME NUMBER 29 ("WINDFALL"). (1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$5.00"; "10.00"; "50.00"; and "\$1000". One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 29, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONES
\$2.00	TWO\$
\$5.00	FIVE
10.00	TEN\$
50.00	FIFTY
\$1000	ONE-THOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 9000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 29 constitute the "pack number" which starts at 9000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 29, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-291 CRITERIA FOR INSTANT GAME NUMBER 29. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

- Three \$1.00 play symbols – Win \$1.00
- Three \$2.00 play symbols – Win \$2.00
- Three \$5.00 play symbols – Win \$5.00
- Three 10.00 play symbols – Win \$10.00
- Three 50.00 play symbols – Win \$50.00
- Three \$1000 play symbols – Win \$1,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 29 set forth in WAC 315-11-292, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

- (a) Vary the length of Instant Game Number 29 and/or
- (b) Vary the number of tickets sold in Instant Game Number 29 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-292 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 29. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 29 all of the following validation requirements apply.

- (a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.
- (b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	15 point Archer font
Captions	5 x 12 Matrix font
Pack-Ticket Number	9 x 12 Matrix font
Validation Number	5 x 11 Matrix font
Retail Verification Code	7 x 12 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-290(1) and each of the captions must be exactly one of those described in WAC 315-11-290(2).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-14-010 FIFTH ANNIVERSARY CELEBRATION DRAWING. (1) There will be a celebration drawing held in conjunction with the Lottery's fifth anniversary. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at the celebration drawing will be: first prize - \$500,000, one winner; second prize - \$75,000, one winner; third prize - \$55,000, one winner; fourth prize - \$45,000, one winner; fifth prize - \$35,000, one winner; sixth prize - \$25,000, one winner; seventh prize - \$15,000, one winner; and eighth prize - \$5,000, fifty winners. In the event that an entry is not included in this drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent drawing process.

(a) To be eligible for entry into a preliminary drawing, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect five nonwinning tickets. Nonwinning tickets must be from instant game number 27, Cash Harvest.

(iii) Write or print legibly, the entrant's name, address, and telephone number on the ticket or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the entry tickets in an envelope that is not larger than 4 1/2" x 10 3/8" (legal size). An envelope which is oversized or contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and legible return address of the entrant to: "Anniversary Drawing," P.O. Box 9011, Olympia, Washington 98504, or deliver it in person to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(vi) Entries must be received at all regional offices not later than 5:00 p.m., Friday, November 13, 1987, and at lottery headquarters by 11:00 a.m., Monday, November 16, 1987, for inclusion in the celebration drawing.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above. Envelopes containing more than one entry will be disqualified.

(c) An entry which contains a stolen ticket will be disqualified by the director or the director's designee.

(d) A nonconforming entry, at the sole discretion of the director or the director's designee, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the addresses listed in subsection (1)(a)(v) of this section. All mail not drawn will be destroyed unopened.

(f) The lottery shall not be responsible for, nor place in the drawings, any entries mailed or delivered to the addresses other than those listed in subsection (1)(a)(v) of this section.

WSR 87-14-059
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 276—Filed July 1, 1987]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

New	WAC 356-05-048	Base range.
New	WAC 356-05-275	Point range.
Amd	WAC 356-05-370	Salary range.
Amd	WAC 356-05-430	Transfer.
Amd	WAC 356-14-140	Salary—Increase on promotion.
Amd	WAC 356-15-080	Standby compensation.
Amd	WAC 356-15-125	Assignment pay provisions.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules needed to become effective July 1, 1987, in order to implement a comparable worth salary increase which was required by an agreement among the Washington Federation of State Employees, the United States District Court, the governor and the legislature.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 11, 1987.

By Leonard Nord
Secretary

NEW SECTION

WAC 356-05-048 BASE RANGE. A salary range identified by a whole number, rather than a number with a decimal suffix (as opposed to a "point range" which has a decimal suffix).

NEW SECTION

WAC 356-05-275 POINT RANGE. A salary range identified by a whole number with a decimal suffix (as opposed to a "base range" which has no decimal suffix).

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-05-370 SALARY RANGE. A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation

for a class. Salary ranges are identified in the compensation plan by number. Those with a decimal suffix are "point ranges"; those with only whole numbers are "base ranges".

[AMENDATORY SECTION (Amending Order 209, filed 8/10/84)]

WAC 356-05-430 TRANSFER. The change of an employee from ~~((one to another classified position having the same salary range number))~~ a position in one class to another position in a class having the same maximum salary.

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

AMENDATORY SECTION (Amending Order 141, filed 2/19/80)

WAC 356-14-140 SALARY—INCREASE ON PROMOTION. (1) All promotional salary changes shall be determined as if the employee's old and new classes were both paid on the base ranges with the same whole-number designations as the point ranges which may be involved. Thus under the rules which follow in this section, a four-range promotion would be exemplified by movement from base range 30 to base range 34; not from base range 30 to point range 30.4. The following examples are cited to further clarify the intent of this rule:

(a) A four-range promotion from range 26.4 step i to range 30.2 would be determined as though the move were from range 26 step i to range 30 step e (same dollar amount) plus two increments to step g, then to step g of range 30.2

(b) A six-range increase would occur if an employee promoted from range 26.4 to range 32.2, even though the actual dollar amount of the range increase is less than a promotion from range 26 to range 32.

(c) A five-range increase would occur if an employee promoted from range 26 to range 31.4 even though the actual dollar amount of the increase appears to be closer to six ranges.

~~((+))~~ (2) An employee who is promoted less than six ~~((basic))~~ salary ranges shall ~~((have his/her salary increased by the next two salary schedule increments over the basic salary he/she received immediately prior to the))~~ receive a two-increment salary increase on the date of promotion, or

(a) To the minimum step of the newly assigned range, if the minimum dollar amount is higher, or

(b) To the maximum step of the newly assigned range, if a two-increment increase would have otherwise placed the employee above the maximum step of the range, or

(c) To the next higher salary schedule dollar amount which would represent more than a one-increment increase but not more than a two-increment increase, if the employee's basic salary in the former class was y-rated between two salary schedule steps, and (a) or (b) above do not apply.

~~((2))~~ (3) ~~((When a))~~ An employee who is promoted ~~((to a new classification at least six basic salary ranges~~

~~above his/her former classification, he/she shall have his/her salary increased by the next four salary schedule increments over his/her former basic salary))~~ six or more ranges shall receive a four-increment salary increase on the date of promotion.

~~((3))~~ (4) ~~((When a))~~ An employee who is working in a position that is included in an approved class series study and who accepts a promotion within ~~((his/her))~~ that agency to a classification impacted by the same study, ~~((he/she))~~ shall be paid not less than the salary that would have been paid had the employee remained in the former position and benefited from an upward reallocation. In no event, however, shall the employee receive a salary higher than the maximum step of the classification to which ~~((he/she promotes))~~ promoted. The higher salary shall become effective ~~((upon))~~ on the effective date of the class study.

~~((4))~~ (5) ~~((When a))~~ An employee who is promoted in either situation (a) or (b) below, ~~((his/her salary shall be increased by the next four salary schedule increments over his/her former salary))~~ shall receive a four-increment salary increase:

(a) ~~((The))~~ When the employee is promoted over an intervening class in ~~((his/her))~~ the same class series, or

(b) ~~((An))~~ When the employee is promoted from one class series to a higher class series and over an intervening class in the new series which would have represented a promotion.

~~((5))~~ (6) ~~((Whenever a promotion would require a))~~ An employee ~~((to move his/her))~~ whose promotion requires a change of residence to another geographic area to be within a reasonable commuting distance of the new place of work ~~((, he/she shall have his/her salary increased by the next four salary schedule increments over the former basic salary))~~ shall receive a four-increment increase on the date of promotion.

~~((6))~~ (7) ~~((Employees))~~ An employee will be entitled to only one of the increases of ~~((2))~~ (3), ~~((4))~~ (5) or ~~((5))~~ (6) above ~~((, and not the accumulation, when the situations happen within 12 months of each other))~~ within a 12 month period. An employee whose salary would otherwise be increased under (3), (5) or (6) above shall receive a salary increase as provided in (2) above when the promotions occur within 12 months of each other.

~~((7))~~ (8) When the increase prescribed in ~~((2))~~ (3), ~~((4))~~ (5) and ~~((5))~~ (6) above would result in a salary above the maximum of a range or the increase was from an amount between the steps, then the same limitations prescribed in ~~((1))~~ (2) (a), (b) or (c) will prevail.

~~((8))~~ (9) Any additional salary ranges that were afforded by a special assignment pay provision shall not be used in the above computations.

~~((9))~~ (10) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15 but will not be used in the above computation.

~~((10))~~ (11) Increases will not be provided as above when teachers' salaries are prescribed in the teachers and principal salary schedules.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule

published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-080 STANDBY COMPENSATION. (1) REQUIREMENTS:

(a) An employee is in standby status when not being paid for time actually worked and both of the following conditions exist:

(i) The employee is required to be present at a specified location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status when not being paid for time worked while required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) **PAYMENT:** Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate (~~as shown in the state compensation plan~~). Standby pay may be authorized by an agency for exceptions work period employees. Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.

(3) **RATE:** The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly two whole numbers higher. That is: (28 - 26, or 28.3 - 26.3) divided by 128 hours.

AMENDATORY SECTION (Amending Order 163, filed 11/16/81)

WAC 356-15-125 ASSIGNMENT PAY PROVISIONS. The personnel board may grant additional pay to recognize assigned duties that exceed ordinary conditions. Hazards, equipment operations and other specialized skills are examples of areas for personnel board consideration. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan.

Assignment pay provisions for additional ranges mean additional ranges in the same category of base or point ranges. That is, a range 30.3 class receiving four assignment pay ranges would be paid at range 34.3.

WSR 87-14-060
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the minimum functional standards for solid waste handling, amending chapter 173-304 WAC, to include requirements for closure and post closure care of solid waste handling facilities.

The Department of Ecology is in the process of amending the state's solid waste regulations (chapter 173-304 WAC) to include a requirement for setting aside sufficient funds in reserve to provide for the proper closure and post closure care for specified solid waste handling facilities.

A draft of these proposed amendments is available by contacting Randy Martin, Solid and Hazardous Waste Program, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711.

Public hearings on the proposed amendments are scheduled as follows: August 4, 1987, 7:00-9:30 p.m., in the Port of Seattle, Commissioners Chambers, 2201 Alaskan Way South, Pier 66, Seattle, and on August 6, 1987, 7:00-9:30 p.m., in the Spokane County Health Department, Auditorium, West 1101 College, Spokane.

The public comment period is scheduled to end on August 20, 1987. The adoption hearing is scheduled for September 8, 1987, at 2:30 p.m. in Room 154 at the Department of Ecology's Headquarters Office. The amendment will become effective 30 days after adoption.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 70.95 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 20, 1987.

Dated: June 29, 1987
By: Phillip C. Johnson
Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Permanent rules regarding closure and post closure care of solid waste landfill facilities, chapter 173-304 WAC.

Description of Purpose: Describes the manner in which ecology will implement the provisions of statutory authority.

Statutory Authority: RCW 70.95.215, Solid waste management—Recovery and recycling.

Summary or Rule: Establishes the requirements for owners and operators of solid wastes landfill facilities for closure and post closure care. In addition, it provides the financial assurance mechanisms to ensure funds are available to close these facilities when the time arises.

Reasons Supporting Proposed Action: To implement chapter 70.95 RCW.

Agency Personnel Responsible For Drafting: Brett Betts; Implementation: Earl Tower; and Enforcement: Local health departments.

Person or Organization Proposing rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: [No information supplied by agency.]

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No Information supplied by agency.]

Small Business Economic Impact Statement: No adverse economic impact.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the businesses in any one industry be reviewed and altered to minimize their impact upon small businesses. The regulatory proposal has been reviewed in light of this requirement. The conclusions of this review are summarized below.

The proposed regulatory action amends the minimum functional standards for solid waste handling to address financial assurance for closure and post closure care of landfill facilities. The form and content reflect legislative directions contained in RCW 70.95.215. Examination indicates, as those amended regulations become incorporated into facilities operation plans—with the requirement that tipping fees be the revenue source, unless prohibitively high—charges will increase. The exact amount of increase will be unique to each site.

These cost-charge increases will effect two groups: Solid waste generators and owner/operators of solid waste handling facilities. We expect solid waste generators to have their disposal costs increase based upon the amount of waste generated. Thus, the regulation would not seem to place a disproportionate burden upon small business.

Regarding owners/operators or solid waste handling facilities this regulation will cause the costs to increase. However, these funds will be used by the owner/operators during the facilities closure and to maintain the facility for a specified period thereafter. This expense should already be considered and included in charges to customers. In addition, waiver procedures are being developed if tipping fees become prohibitively high. Nonetheless, the operator will still be required to provide another revenue source to provide financial assurance for each solid waste landfill facility.

After careful review, it is judged that this regulatory proposal satisfied the intent of the Regulatory Fairness Act.

NEW SECTION

WAC 173-304-407 GENERAL CLOSURE AND POSTCLOSURE REQUIREMENTS. (1) Applicability. The requirements of subsections (2), (3), and (4) of this section apply to all solid waste handling facilities. The requirements of subsections (5), (6), and (7) apply to:

(a) Landfills subject to WAC 173-304-460 including limited purpose landfills under WAC 173-304-460(6);

(b) Surface impoundments under WAC 173-304-430 (2)(g) closed with the waste remaining in place;

(c) Inert waste and demolition waste landfills under WAC 173-304-461;

(d) Woodwaste landfills under WAC 173-304-462; and

(e) Landspreading disposal facilities under WAC 173-304-450.

(2) Closure performance standard. Each owner and operator shall close their facility in a manner that:

(a) Minimizes the need for further maintenance;

(b) Controls, minimizes, or eliminates to the extent necessary, threats to human health and the environment from postclosure escape of solid waste constituents, leachate, landfill gases, contaminated rainfall or waste decomposition products to the ground, ground water, surface water, and the atmosphere; and

(c) Prepares the facility for the postclosure period.

(3) Closure plan and amendment. Closure as defined in WAC 173-304-100(11), includes but is not limited to grading, seeding, landscaping, contouring, and screening. For interim solid waste handling sites, closure includes waste removal and decontamination.

(a) Each owner or operator shall develop, keep and abide by a plan of closure approved by the jurisdictional health department as part of the permitting process in WAC 173-304-600.

(b) The closure plan shall project time intervals at which sequential partial closure is to be implemented, and identify closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the selected financial assurance instrument, where applicable.

(c) Each owner or operator shall not commence disposal operations in any part of a facility until a closure plan for the entire facility has been approved by the jurisdictional health department, and until a financial assurance instrument has been provided where applicable, as required by WAC 173-304-467.

(d) Each owner or operator shall close the facility in accordance with the approved closure plan, or the owner or operator shall amend the plan with the approval of the jurisdictional health department.

(4) Closure procedures.

(a) Each owner or operator shall notify the jurisdictional health department and where applicable, the financial assurance instrument trustee, of the intent to implement the closure plan in part or whole, no later than one hundred eighty days prior to the projected final receipt of waste at part of or at the entire facility.

(b) The owner or operator shall commence implementation of the closure plan within thirty days after receipt of a final volume of waste and/or attaining the final landfill elevation as identified in the facility closure plan.

(c) After an owner or operator has initiated closure of a facility, waste shall not be accepted for disposal or for use in closure except as identified in the closure plan approved by the jurisdictional health department, as required in subsection (3)(a) of this section.

(d) When the facility closure is completed, each owner or operator shall submit the following to the jurisdictional health department for review and approval:

(i) Facility closure plan sheets signed by a professional engineer registered in the state of Washington and modified as necessary to represent as-built changes to final closure construction as approved in the closure plan;

(ii) An affidavit signed by the owner or operator, and a professional engineer registered in the state of Washington that the site has been closed in accordance with the approved closure plan.

(e) When the jurisdictional health department finds the facility has been closed in accordance with the specifications of the approved closure plan, and the closure requirements of this section, the jurisdictional health department shall:

(i) Issue a certificate of closure for the site to the owner or operator and the financial assurance instrument trustee, where applicable; and

(ii) Notify the owner or operator that the facility postclosure period has begun on a specified date.

(5) Postclosure performance standard. Each owner or operator shall provide postclosure activities to allow for continued facility maintenance and monitoring of air, land and water as long as necessary for the facility to stabilize and to protect human health and the environment.

(6) Postclosure plan and amendment. For disposal facilities, postclosure includes ground water monitoring, surface water monitoring, gas monitoring, maintenance of the facility, facility structures and monitoring systems for their intended use, and other activities deemed appropriate by the jurisdictional health department.

(a) Each owner or operator shall develop, keep and abide by a postclosure plan approved as a part of the permitting process in WAC 173-304-600. The postclosure plan shall address facility maintenance and monitoring activities for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production or leachate generation) and monitoring ground water, surface water, and gases can be safely discontinued.

(b) The postclosure plan shall project time intervals at which postclosure activities are to be implemented, and identify postclosure cost estimates and projected fund withdrawal intervals from the selected financial assurance instrument, where applicable, for the associated postclosure costs.

(c) Each owner or operator shall not commence disposal operations in any part of a facility until a postclosure plan for the entire facility has been approved by the jurisdictional health department, and until a financial assurance instrument has been provided where applicable, as required by WAC 173-304-467.

(d) Each owner or operator shall complete the postclosure activities in accordance with the approved postclosure plan and schedules. Facility postclosure activities must be completed in accordance with the approved postclosure plan or the plan must be so amended with the approval of the jurisdictional health department.

(7) Postclosure procedures.

(a) Each owner or operator shall not commence postclosure activities until the owner or operator has received a certificate of closure from the jurisdictional health department as required in subsection (4)(e)(i) of this section.

(b) When postclosure activities are complete, the owner or operator shall submit an affidavit to the jurisdictional health department, signed by the owner or operator, and a professional engineer registered in the state of Washington stating why postclosure activities are no longer necessary (i.e., little or no settlement, gas production, or leachate generation).

(c) If the jurisdictional health department finds that postclosure activities have established the facility is stabilized (i.e., little or no settlement, gas production or leachate generation), the health department may at its discretion authorize the owner or operator to discontinue postclosure maintenance and monitoring activities. The jurisdictional health department shall certify the end of the postclosure care period by issuance of a certificate of postclosure completion to the facility owner or operator and the financial assurance trustee, where applicable.

NEW SECTION

WAC 173-304-467 FINANCIAL ASSURANCE. (1) Applicability. These standards apply to all new and expanded landfill disposal facilities, and to existing landfill disposal facilities that have not closed on or before November 27, 1989. Landfill disposal facilities include:

(a) All solid waste facilities operated as landfills under WAC 173-304-460, including limited purpose landfills under WAC 173-304-460(6);

(b) Facilities operated as surface impoundments under WAC 173-304-430 that are closed with the waste remaining in place and therefore required to meet the requirements of WAC 173-304-407; and

(c) Woodwaste landfills operated under WAC 173-304-462.

(2) Cost estimate for closure.

(a) Each owner or operator must prepare a written closure cost estimate as part of the facility closure plan. The closure cost estimate must be in current dollars and represent the cost of closing the facility in accordance with the closure requirements in WAC 173-304-407.

(i) The cost estimate must be based on a maximum cost estimate for completing design, purchase, construction, and other activities as identified in the facility closure plan as required under WAC 173-304-407;

(ii) In establishing the closure cost estimate, each owner or operator must assume a closure scenario under worst-case conditions. Worst-case conditions are defined as the jurisdictional health department

hiring independent contractors to complete all closure activities as identified in the approved closure plan;

(iii) The closure plan shall project annual or other intervals for withdrawal of closure funds from the closure financial assurance instrument to complete the activities identified in the approved closure plan;

(iv) The closure cost estimate may not be reduced by allowance for salvage value of equipment, waste or the resale value of property or land.

(b) Each owner or operator must prepare a new closure cost estimate in accordance with (a) and (c) of this subsection whenever:

(i) Changes in operating plans or facility design affect the closure plan;

(ii) There is a change in the expected year of closure that affects the closure plan; or

(iii) The jurisdictional health department directs the owner or operator to revise the closure plan.

(c) Each owner or operator must adjust the closure cost estimate for inflation within thirty days after each anniversary of the date on which the first closure cost estimate was prepared. The adjustment must be made as specified in (c)(i) and (ii) of this subsection, using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted closure cost estimate.

(e) The jurisdictional health department shall evaluate each cost estimate and may accept, or at its discretion require revision of the cost estimate in accordance with its evaluation.

(f) The department of ecology may request that the jurisdictional health department require the facility owner or operator to adjust the cost estimate in accordance with ecology's review and direction. In response the health department may:

(i) Require the facility owner or operator to adjust the closure cost estimate in accordance with the department's recommendations; or

(ii) Demonstrate to the department that the closure cost estimate is adequate to meet the closure activities identified in the approved closure plan. The health department's cost estimate demonstration must receive written approval by the department.

(3) Financial instrument for closure.

(a) Each owner or operator must establish financial assurance for closure of the facility. Each owner or operator must choose from the following options or combination of options:

(i) Reserve account;

(ii) Closure trust fund; or

(iii) Surety bond guaranteeing payment into a closure trust fund.

(b) Landfill disposal facilities maintained on private property for the sole use of the entity owning the site shall not be required to establish a reserve account for closure if, to the satisfaction of the department of ecology, they provide another form of financial assurance as specified in (a) of this subsection.

(c) Established closure financial assurance accounts shall not constitute an asset of the facility owner or operator. Closure financial assurance account funds shall not be available to any creditor other than the jurisdictional health department in the event of bankruptcy or reorganization of the facility owner or operator. Closure financial assurance funds shall not be available or used to pay any final judgment against the owner or operator arising out of the operation of the facility before or after closure.

(d) Any income accruing to the established closure financial assurance account through management by the trustee shall be deposited into the account and subjected to the same restrictions as the principal. Excess moneys remaining in the closure financial assurance account after the jurisdictional health department has certified the completion

of closure as identified in WAC 173-304-407 (4)(e)(i) may be returned to the owner or operator. To the extent practicable as determined by the jurisdictional health department, return of excess moneys to the facility owner or operator must consider:

(i) Provisions for a reduction of the disposal rates the public is charged within the area served by the landfill disposal facility; or

(ii) Provisions for diversion of the excess moneys to support the respective county's comprehensive solid waste management planning efforts. In particular, the excess moneys should support planning efforts to develop programs and policies which promote the solid waste management priorities identified in RCW 70.95.010(4).

(4) Cost estimate for postclosure.

(a) Each owner or operator must prepare a written postclosure cost estimate as part of the facility postclosure plan. The postclosure cost estimate must be in current dollars and represent the total cost of completing postclosure activities for the facility for at least a twenty-year postclosure period in accordance with the postclosure requirements in WAC 173-304-407.

(i) The postclosure cost estimate must be based on a maximum cost estimate for completing postclosure monitoring, maintenance, and other activities identified in the approved facility postclosure plan as required under WAC 173-304-407;

(ii) In establishing the postclosure cost estimate, each owner or operator must assume a postclosure scenario under worst-case conditions. Worst-case conditions are defined as the jurisdictional health department hiring independent contractors to complete all postclosure activities as identified in the approved postclosure plan;

(iii) The postclosure plan shall project annual or other intervals for withdrawal of postclosure funds from the postclosure financial assurance instrument to complete the activities identified in the approved postclosure plan;

(iv) The postclosure cost estimate shall not be reduced by allowance for salvage, value of equipment, waste, or the resale value of property or land.

(b) Each owner or operator must prepare a new postclosure cost estimate for the remainder of the postclosure care twenty-year period in accordance with (a) and (c) of this subsection, whenever:

(i) Change in the postclosure plan increases the cost of postclosure care;

(ii) The jurisdictional health department directs the owner or operator to revise the postclosure plan.

(c) During the operating life of the facility, the owner or operator must adjust the postclosure cost estimate for inflation within thirty days after each anniversary of the date on which the first postclosure cost estimate was prepared. The adjustment must be made as specified in (c)(i) and (ii) of this subsection using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the latest adjusted postclosure cost estimate by the inflation factor. The result is the adjusted postclosure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted postclosure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility, the latest postclosure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted postclosure cost estimate.

(5) Financial instrument for postclosure.

(a) Each owner or operator must establish financial assurance for postclosure of the facility. Each owner or operator must choose from the following options or combination of options:

(i) Reserve account;

(ii) Closure trust fund; or

(iii) Surety bond guaranteeing payment into a postclosure trust fund.

(b) Landfill disposal facilities maintained on private property for the sole use of the entity owning the site shall not be required to establish a reserve account for postclosure if, to the satisfaction of the department of ecology, they provide another form of financial assurance as specified in (a) of this subsection.

(c) Established postclosure financial assurance accounts shall not constitute an asset of the facility owner or operator. Postclosure financial assurance account funds shall not be available to any creditor other than the jurisdictional health department in the event of bankruptcy

or reorganization of the facility owner or operator. Postclosure financial assurance funds shall not be available or used to pay any final judgment against the owner or operator arising out of the operation of the facility before or after closure.

(d) Any income accruing to the established postclosure financial assurance account through management by the trustee shall be deposited into the account and subjected to the same restrictions as the principal. Excess moneys remaining in the postclosure financial assurance account after the jurisdictional health department has certified the completion of postclosure as identified in WAC 173-304-407 (7)(c) may be returned to the owner or operator. To the extent practicable as determined by the jurisdictional health department, return of excess moneys to the facility owner or operator must consider:

(i) Provisions for a reduction of the disposal rates the public is charged within the area served by the landfill disposal facility; or

(ii) Provisions for diversion of the excess moneys to support the respective county's comprehensive solid waste management planning efforts. In particular, the excess moneys should support planning efforts to develop programs and policies which promote the solid waste management priorities identified in RCW 70.95.010(4).

(6) Closure/postclosure financial assurance fund establishment and reporting.

(a) Closure and postclosure financial assurance funds shall be generated at each facility by transferring a percentage of the facility user fees to the selected financial assurance instrument on at least a monthly basis, such that adequate closure and postclosure funds will be generated to ensure full implementation of the approved closure, and postclosure plans.

(b) Each owner or operator must establish a procedure with the financial assurance instruments trustee for notification of nonpayment of funds to be sent to the jurisdictional health department and the Department of Ecology, Solid and Hazardous Waste Program, Mailstop PV-11, Olympia, WA 98504-8711.

(c) Each owner or operator shall file with the department of ecology an annual audit of the financial assurance accounts established for closure and postclosure activities, and a statement of the percentage of user fees diverted to the financial assurance instruments. The audit shall include calculations demonstrating fund levels adequate to meet the current closure and postclosure cost estimates. Annual audits shall be conducted by a certified public accountant licensed in the state of Washington, and shall be filed with the department of ecology no later than March 31 of each year for the previous calendar year, including each of the postclosure care years.

(7) Authorization for financial assurance account fund withdrawal for closure and postclosure activities.

(a) Each owner or operator shall submit a written request to the jurisdictional health department prior to each withdrawal of funds from either the closure or postclosure financial assurance account.

(b) The jurisdictional health department shall review the request in conjunction with the approved closure and postclosure plan, and shall issue a written withdrawal authorization to the owner or operator and the financial assurance instrument trustee, for each withdrawal. The written authorization shall be on a form approved by the department. Based on its review, the jurisdictional health department may at its discretion, authorize withdrawal of financial assurance account funds in part or whole, conditioning the release of such funds on:

(i) The established cost estimate for the identified task as provided in the approved closure or postclosure plan;

(ii) The owner or operator's certification that the sum authorized has been used solely for identified closure or postclosure tasks and associated costs; and

(iii) The owner or operator's establishing the need for additional funds beyond the cost estimate identified in the approved closure or postclosure plan, to the satisfaction of the jurisdictional health department.

(c) The jurisdictional health department may authorize the release of financial assurance account funds to a third party other than the owner or operator, to effect the completion of any closure or postclosure activity deemed necessary by the jurisdictional health department. Authorization of funds must be based on the jurisdictional health department's determination that:

(i) The owner or operator has failed or refused to perform scheduled closure or postclosure activities in a timely manner as identified in the approved closure or postclosure plan;

(ii) Closure or postclosure activities have been improperly performed and are in noncompliance with the approved closure or postclosure plan; or

(iii) The owner or operator has violated the terms of the facility permit and the Minimum functional standards for solid waste handling, chapter 173-304 WAC.

(d) If the jurisdictional health department finds that authorization of financial assurance funds to a third party is necessary under the provisions of (c) of this subsection, the health department shall give thirty days written notice to the facility owner or operator of such determination. If the owner or operator agrees to initiate the necessary corrective action within the thirty-day period, the health department shall authorize the release of the appropriate financial assurance funds to the owner or operator upon successful completion of the corrective action.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-100 DEFINITIONS. When used in this regulation, the following terms have the meanings given below.

(1) "Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Buffer zones shall not be considered part of the active area of a facility.

(2) "Agricultural wastes" means wastes on farms resulting from the production of agricultural products including but not limited to manures, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

(3) "Agronomic rates" means the rates of application of sludges, manures, or crop residues in accordance with rates specified by the appropriate fertilizer guide for the crop under cultivation.

(4) "Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

(5) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(6) "Ashes" means the residue including any air pollution flue dusts from combustion or incineration of material including solid wastes.

(7) "Balefill" means a landfill which uses compacted bales of solid waste to form discrete lifts as the landfill is filled.

(8) "Buffer zone" means that part of a facility that lies between the active area and the property boundary.

(9) "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversized wastes which would typically not fit into reusable or disposable containers.

(10) "Clean soils and clean dredge spoils" means soils and dredge spoils which are not dangerous wastes or problem wastes as defined in this section.

(11) "Closure" means those actions taken by the owner or operator of a solid waste site or facility to cease disposal operations and to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the postclosure period.

(12) "Collecting agency" means any agency, business or service operated by a person for the collecting of solid waste.

(13) "Compliance schedule" means a written schedule of required measures in a permit including an enforceable sequence leading to compliance with these regulations.

(14) "Composting" means the controlled degradation of organic solid waste yielding a product for use as a soil conditioner.

(15) "Container" means a device used for the collection, storage, and/or transportation of solid waste including but not limited to reusable containers, disposable containers, detachable containers and tanks, fixed or detachable.

(16) "Contaminate" means to allow to discharge a substance into ground water that would cause:

(a) The concentration of that substance in the ground water to exceed the maximum contamination level specified in WAC 173-304-9901, or

(b) A statistically significant increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in WAC 173-304-9901, or

(c) A statistically significant increase above background in the concentration of a substance which:

(i) Is not specified in WAC 173-304-9901, and

(ii) Is present in the solid waste, and

(iii) Has been determined to present a substantial risk to human health or the environment in the concentrations found at the point of

compliance by the jurisdictional health department in consultation with the department and the department of social and health services.

(17) "Cover material" means soil or other suitable material that has been approved by the jurisdictional health department as cover for wastes.

(18) "Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC.

(19) "Demolition waste" means solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (i.e., sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process and asbestos wastes are not considered to be demolition waste for the purposes of this regulation.

(20) "Department" means the department of ecology.

(21) "Detachable containers" means reusable containers that are mechanically loaded or handled such as a "dumpster" or drop box.

(22) "Disposable containers" means containers that are used once to handle solid waste such as plastic bags, cardboard boxes and paper bags.

(23) "Disposal" or "deposition" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

(24) "Disposal site" means the location where any final treatment, utilization, processing, or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

(25) "Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

(26) "Energy recovery" means the recovery of energy in a useable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

(27) "Existing facility" means a facility which is owned or leased, and in operation, or for which construction has begun, on or before the effective date of this regulation and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

(a) A continuous on-site physical construction program has begun; or

(b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss for physical construction of the facility to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of this regulation shall be considered existing facilities.

(28) "Expanded facility" means a facility adjacent to an existing facility for which the land is purchased and approved by the jurisdictional health department after the effective date of this regulation. A vertical expansion approved and permitted by the jurisdictional health department after the effective date of this regulation shall also be considered an expanded facility.

(29) "Facility" means all contiguous land (including buffer zones) and structures, other appurtenances, and improvements on the land used for solid waste handling.

(30) "Facility structures" means buildings, sheds, utility lines, and drainage pipes on the facility.

(31) "Final treatment" means the act of processing or preparing solid waste for disposal, utilization, reclamation, or other approved method of use.

(32) "Free liquids" means any sludge which produces measurable liquids when the Paint Filter Liquids Test, Method 9095 of EPA Publication Number SW-846, is used.

(33) "One hundred year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source.

(34) "Garbage" means unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill and carcasses of dead animals,

and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

(35) "Ground water" means that part of the subsurface water which is in the zone of saturation.

(36) "Holocene fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side and that has occurred in the most recent epoch of the quaternary period extending from the end of the pleistocene to the present.

(37) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

(38) "Interim solid waste handling site" means any interim treatment, utilization or processing site engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes, baling and compaction sites, source separation centers, and treatment are considered interim solid waste handling sites.

(39) "Industrial solid wastes" means waste by-products from manufacturing operations such as scraps, trimmings, packing, and other discarded materials not otherwise designated as dangerous waste under chapter 173-303 WAC.

(40) "Inert wastes" means noncombustible, nondangerous solid wastes that are likely to retain their physical and chemical structure under expected conditions of disposal, including resistance to biological attack and chemical attack from acidic rainwater.

(41) "Jurisdictional health department" means city, county, city-county or district public health department.

(42) "Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal facility.

(43) "Landspreading disposal facility" means a facility that applies sludges or other solid wastes onto or incorporates solid waste into the soil surface at greater than vegetative utilization and soil conditioners/immobilization rates.

(44) "Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases therefrom.

(45) "Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

(46) "Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(47) "Medical waste" means all the infectious, and injurious waste originating from a medical, veterinary, or intermediate care facility.

(48) "New facility" means a facility which begins operation or construction after the effective date of this regulation (see also definition of "existing facility").

(49) "Nonconforming site" means a solid waste handling facility which does not currently comply with the facility requirements of WAC 173-304-400 but does comply with a compliance schedule issued in a solid waste permit by the jurisdictional health department.

(50) "Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

(51) "Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(52) "Performance standard" means the criteria for the performance of solid waste handling facilities.

(53) "Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity. Soils and synthetic liners with a permeability for water of 1×10^{-7} cm/sec or less may be considered impermeable.

(54) "Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

(55) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(56) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(57) "Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life and during closure and postclosure.

(58) "Point of compliance" means that part of ground water that lies beneath the perimeter of a solid waste facilities' active area as that active area would exist at closure of the facility.

(59) "Postclosure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a ((number of years after closure)) twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

(60) "Premises" means a tract or parcel of land with or without habitable buildings.

(61) "Problem wastes" means: (a) Soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous wastes, or (b) dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by section 404 of the Federal Clean Water Act (PL 95-217).

(62) "Processing" means an operation to convert a solid waste into a useful product or to prepare it for disposal.

(63) "Putrescible waste" means solid waste which contains material capable of being decomposed by micro-organisms.

(64) "Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

(65) "Reclamation site" means a location used for the processing or the storage of recycled waste.

(66) "Reusable containers" means containers that are used more than once to handle solid waste such as garbage cans.

(67) "Run-off" means any rainwater, leachate or other liquid which drains over land from any part of the facility.

(68) "Run-on" means any rainwater or other liquid which drains over land onto any part of a facility.

(69) "Scavenging" means the removal of materials at a disposal site, or interim solid waste handling site without the approval of the owner or operator and the jurisdictional health department.

(70) "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

(71) "Sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or other source.

(72) "Sole source aquifer" means an aquifer designated by the Environmental Protection Agency pursuant to Section 1424e of the Safe Drinking Water Act (PL 93-523).

(73) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, woodwaste, dangerous waste, and problem wastes.

(74) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(75) "Solid waste management" means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

(76) "Storage" means the holding of solid waste materials for a temporary period.

(77) "Twenty-five year storm" means a storm of a particular duration and of such an intensity that it has a four percent probability of being equalled or exceeded each year.

(78) "Twenty-four hour, twenty-five year storm" means a twenty-five year storm of twenty-four hours duration.

(79) "Stream" means the point at which any confined freshwater body of surface water reaches a mean annual flow of twenty cubic feet per second.

(80) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(81) "Surface water" means all lakes, rivers, ponds, streams, inland waters, salt waters and all other water and water courses within the jurisdiction of the state of Washington.

(82) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer stations may also include recycling facilities.

(83) "Treatment" means the physical, chemical or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for energy or material resource recovery or reduced in volume.

(84) "Utilization" means consuming, expending, or exhausting by use, solid waste materials.

(85) "Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

(86) "Vector" means a living animal, insect or other arthropod which transmits an infectious disease from one organism to another.

(87) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream.

(88) "Waste reduction" means reducing the amount or type of waste generated.

(89) "Water quality standard" means a standard set for maximum allowable contamination in surface waters as set forth in chapter 173-201 WAC, Water quality standards for waters of the state of Washington.

(90) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, estuaries, and similar areas.

(91) "Woodwaste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

(92) "Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

(93) "Buy-back recycling center" means any facility which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of accumulating, grading, or packaging recyclable materials for subsequent shipment and reuse, other than direct application to land.

(94) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present.

(95) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

(96) "Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

(97) "Reserved" means a section having no requirements and which is set aside for future possible rule-making as a note to the regulated community.

(98) "Limited purpose landfills" means a landfill that receives solid waste of limited types, known and consistent composition, other than woodwastes, garbage, inert waste, and demolition waste.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-400 SOLID WASTE HANDLING FACILITY STANDARDS. (1) Applicability. The standards of WAC 173-304-405 through 173-304-490 are the solid waste handling facility standards and apply to all solid waste handling facilities, except for:

(a) Waste recycling facilities, whose standards are spelled out in WAC 173-304-300;

(b) On-site containerized storage, collection and transportation facilities which are spelled out in WAC 173-304-200;

(c) Single family residences and single family farms whose year round occupants engage in solid waste handling of the single family's solid waste on-site;

(d) Problem wastes as defined in WAC 173-304-100;

(e) Solid waste handling facilities that have engaged in closure and closed before the effective date of this regulation; and

(f) Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits except for any portion that utilizes or engages in landspreading disposal sludges or solid residues directly on the land.

(2) Standards for permits. The standards of WAC 173-304-405 through 173-304-490 shall be used as the basis for permitting as required in WAC 173-304-600.

(3) Effective dates.

(a) All existing facilities not in conformance with the following sections of the facility standards shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure full compliance within eighteen months of the effective date of this regulation for:

(i) The general facility standards, WAC 173-304-405;

(ii) The transfer stations, baling and compaction standards, WAC 173-304-410;

(iii) Ground water monitoring required in WAC 173-304-490;

(iv) The landfill operating and maintenance standards, WAC 173-304-460(4);

(v) The tire pile standards of WAC 173-304-420(4); and

(vi) The landspreading disposal standards of WAC 173-304-450(5).

(b) All applicable solid waste facilities shall be in compliance with the general closure and postclosure standards of WAC 173-304-407 and the financial assurance standards of WAC 173-304-467 by October 27, 1988, except for owners or operators of existing facilities that have a closure plan approved by the jurisdictional health department in a solid waste permit issued before the effective date of these amendments and are closing before November 27, 1989. Existing solid waste facilities shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure compliance by the effective date of this subsection.

(c) All existing solid waste facilities not in conformance with facility standards other than those in (a) and (b) of this subsection shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure full compliance within four years of the effective date of this regulation.

~~((c))~~ (d) All new and expanded facilities other than those in (b) of this subsection shall meet the facility standards of WAC 173-304-405 to 173-304-490 after the effective date of this regulation.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-405 GENERAL FACILITY REQUIREMENTS. (1) Applicability. All applicable solid waste handling facilities shall meet the requirements of this section.

(2) Plan of operation. Each owner or operator shall develop, keep and abide by a plan of operation approved as part of the permitting process in WAC 173-304-600. The plan shall describe the facilities' operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health officer. The facility must be operated in accordance with the plan or the plan must be so modified with the approval of the jurisdictional health department. Owners or operators of drop boxes may develop a generic plan of operation applicable to all such drop boxes, owned or operated.

Each plan of operation shall include:

(a) How solid wastes are to be handled on-site during its active life;

~~(b) ((How the facility will be closed and, for land disposal facilities, how postclosure will be carried out;~~

~~(c))~~ How inspections and monitoring are conducted and their frequency;

- ~~((f))~~ (c) Actions to take if there is a fire or explosion;
- ~~((f))~~ (d) Actions to take if leaks are detected;
- ~~((f))~~ (e) Corrective action programs to take if ground water is contaminated;
- ~~((f))~~ (f) Actions to take for other releases (e.g. failure of run-off containment system);
- ~~((f))~~ (g) How equipment such as leachate collection and gas collection equipment are to be maintained;
- ~~((f))~~ (h) A safety plan or procedure; and
- ~~((f))~~ (i) Other such details as required by the jurisdictional health department.

(3) Recordkeeping. Each owner or operator shall maintain daily operating records on the weights (or volumes), number of vehicles entering and, if available, the types of wastes received. Major deviations from the plan of operation shall also be noted on the operating record.

(4) Reporting. Each owner or operator shall prepare and submit a copy of an annual report to the jurisdictional health department and the department by March 1 of each year. The annual report shall cover facility activities during the previous year and must include the following information:

- (a) Name and address of the facility;
- (b) Calendar year covered by the report;
- (c) Annual quantity, in tons, or volume, in cubic yards, and estimated in-place density in pounds per cubic yard of solid waste handled, by type of solid waste if available, for each type of treatment, storage, or disposal facility, including applicable recycling facilities; and
- (d) Results of ground water monitoring required in WAC 173-304-490.

(5) Inspections. The owner or operator shall inspect the facility to prevent malfunctions and deterioration, operator errors and discharges which may cause or lead to the release of wastes to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall keep an inspection log or summary including at least the date and time of inspection, the printed name and the handwritten signature of the inspector, a notation of observations made and the date and nature of any repairs or corrective action. The log or summary must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least three years from the date of inspection. Inspection records shall be available to the jurisdictional health department upon request.

~~(6) ((Closure. Each owner or operator shall close the facility according to plans spelled out in the plan of operation. Solid waste facilities shall be restored by the owner or operator to be as compatible as possible with the surrounding environs following the closure. Closure includes but is not limited to grading, seeding, landscaping, contouring, and screening. For interim solid waste handling sites, closure includes waste removal and decontamination. For disposal facilities, postclosure includes ground water monitoring and gas monitoring, the maintenance of the site for its intended use, and other activities deemed appropriate by the jurisdictional health department until the site becomes stabilized (i.e. little or no settlement, gas production or leachate generation) and monitoring ground water and gases can be safely discontinued.~~

~~(7))~~ Recording with county auditor. Maps and a statement of fact concerning the location of the disposal site shall be recorded as part of the deed with the county auditor not later than three months after closure. Records and plans specifying solid waste amounts, location and periods of operation shall be submitted to the local zoning authority or the authority with jurisdiction over land use and be made available for inspection.

~~((8))~~ (7) State and local requirements. All solid waste disposal facilities shall comply with all state and local requirements such as zoning land use, fire protection, water pollution prevention, air pollution prevention, nuisance and aesthetics.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-430 SURFACE IMPOUNDMENT STANDARDS. (1) Applicability.

(a) These standards are applicable to solid wastes that are liquids or sludges containing free liquids as defined in WAC 173-304-100 and applicable under WAC 173-304-015(2) and are stored or treated in surface impoundments;

(b) These standards are also applicable to sludges and septage stored or treated in surface impoundments; and

(c) These standards are not applicable to:

(i) Surface impoundments whose facilities and discharges are otherwise regulated under federal, state, or local water pollution permits; and

(ii) Retention or detention basins used to collect and store stormwater runoff.

(2) Requirements. All surface impoundments must be designed, constructed, and operated so as to:

(a) Meet the performance standards of WAC 173-304-460(2);

(b) Have an in-place or imported soil liner of at least two feet of 1×10^{-7} cm/sec permeability or an equivalent combination of any thickness greater than two feet and a greater permeability to protect the underlying aquifers or a thirty mil reinforced artificial liner placed on top of a structurally stable foundation to support the liners and solid waste and to prevent settlement that would destroy the liner; natural soils shall be recompacted to achieve an equivalent permeability. Owners or operators shall be allowed to use alternative designs, operating practices and locational characteristics which prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection;

(c) Avoid washout including the use of an extended liner or dikes or restriction of flow in the one hundred year floodplain and to comply with local floodplain management ordinances and chapter 508-60 WAC, Administration of flood control zones;

(d) Have dikes designed with slopes so as to maintain the structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action;

(e) Have the freeboard equal to or greater than eighteen inches to avoid overtopping from wave action, overflowing, or precipitation;

(f) Have either a ground water monitoring system, or a leachate detection, collection and treatment system, for surface impoundments having a capacity of more than two million gallons unless the jurisdictional health department and the department require either for smaller surface impoundments. For purposes of this subsection, capacity refers to the total capacity of all surface impoundments on-site (i.e., two, one million gallon surface impoundments on one site will trigger these monitoring requirements);

(g) Be closed in a manner which removes all solid wastes including liners, etc. to another permitted facility and the site returned to its original or acceptable topography except that surface impoundments closed with the waste remaining in place shall meet the requirements of WAC ~~((173-304-460(5)))~~ 173-304-407 and 173-304-130;

(h) A jurisdictional health department may require that the liner be inspected for wear and integrity and repaired or replaced by removing stored solid wastes or otherwise inspecting the liner or base at any time. The request shall be in writing and cite the reasons including valid ground water monitoring or leachate detection data leading to such an inspection and repair;

(i) Surface impoundments containing septage will also be subject to the department's "criteria for sewage works design" used to review plans for septage surface impoundments; and

(j) Surface impoundments that have the potential to impound more than ten acre-feet of waste measured from the top of the dike and which would be released by a failure of the containment dike shall be reviewed and approved by the dam safety section of the department.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-450 LANDSPREADING DISPOSAL STANDARDS. (1) Applicability. These standards apply to facilities that engage in landspreading disposal of solid wastes. These standards do not apply to:

(a) Facilities utilizing sludge, woodwaste or other primarily organic sludges according to the Municipal and Domestic Sludge Utilization Guidelines WDOE 82-11, specified in WAC 173-304-300 (4) and (5);

(b) Agricultural solid wastes resulting from the operation of a farm including farm animal manure and agricultural residues; and

(c) Inert wastes and demolition wastes.

(2) Owners or operators of landspreading disposal facilities shall meet the minimum functional standards for performance of WAC 173-304-460(2) and the general facilities standards of WAC 173-304-405.

(3) Owners or operators of landspreading disposal facilities shall meet the locational standards of WAC 173-304-130.

(4) Minimum functional standard for design. Owners or operators of landspreading disposal facilities shall design landspreading facilities so as to:

(a) Provide interim waste storage facilities that meet the requirements of WAC 173-304-400 standards (i.e., for piles, surface impoundments, etc.);

(b) Collect and treat all run-off from a twenty-four hour, twenty-five year storm, and divert all run-on for the maximum flow of a maximum twenty-five year storm around the active area;

(c) Avoid standing water anywhere on the active area;

(d) Avoid slopes and other features that will lead to soil and waste erosion, unless contour plowing or other measures are taken to avoid erosion;

(e) Monitor ground water according to WAC 173-304-490; and

(f) Control access to site by fencing or other means and erect signs.

(5) Minimum functional standards for maintenance and operation. Owners or operators of landspreading disposal facilities shall maintain and operate the facilities so as to:

(a) Avoid any landspreading disposal of garbage or medical waste;

(b) Analyze solid wastes according to the requirements spelled out in the Municipal and Domestic Sludge Utilization Guidelines WDOE 82-11;

(c) Avoid applying wastes at rates greater than ten times agronomic rates using the proposed cover crop, or depths greater than would allow for discing the soil by tracked vehicles;

(d) Provide discing of soils during the growing season and after each application of waste to maintain aerobic soil conditions, minimize odors and lessen run-off;

(e) Avoid applying waste to any active area having standing water;

(f) Conform to the operating plan and the requirements of WAC 173-304-405;

(g) Avoid food chain crops during the active life of the facility and until demonstrated to be safe, after closure, according to the closure and postclosure plans filed with the plan of operation. Specific approval in writing from the jurisdictional health department is required for any landspreading disposal facility that is used to raise food crops after closure. Any new owner or operator of a closed landspreading disposal facility shall notify the jurisdictional health department within sixty days of the purchase; and

(h) Provide for a written contract between landowners, waste generators, waste haulers and waste operators requiring compliance with rules as a condition of the contract.

(6) Minimum functional standards for closure.

(a) All owners or operators of landspreading disposal facilities shall close in such a manner as to comply with WAC ((173-304-405(6))) 173-304-407;

(b) ~~((All owners or operators of landspreading facilities shall also close such facilities in a manner that:~~

~~(i) Minimizes the need for further maintenance;~~

~~(ii) Controls, minimizes or eliminates, to the extent necessary, threats to human health and the environment, postclosure escape of solid waste, constituents, leachate, contaminated rainfall or waste decomposition products to the ground, surface water, ground water or the atmosphere;~~

~~(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible; and~~

~~(iv) Allows for continued monitoring of all media (air, land and water) as long as necessary to protect human health and the environment during the postclosure period;~~

~~(e)) Financial assurance. All owners or operators of landspreading disposal facilities shall have a written estimate, in current dollars, of the cost of closing the facility. The closure cost estimate must equal the cost of closure at the point in the operating life of the facility when the extent and manner of operation would make closure the most expensive, as indicated by the closure plan.~~

In addition, all facilities shall have a written postclosure estimate, in current dollars, the cost of postclosure monitoring and maintenance during the postclosure period.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-460 LANDFILLING STANDARDS. (1) Applicability. These standards apply to facilities that dispose of solid waste in landfills except for:

(a) Inert wastes and demolition wastes landfills, that must meet WAC 173-304-461 standards; and

(b) Woodwaste landfills that must meet WAC 173-304-462 standards.

(2) Minimum functional standards for performance.

(a) Ground water. An owner or operator of a landfill shall not contaminate the ground water underlying the landfill, beyond the point of compliance. Contamination and point of compliance are defined in WAC 173-304-100.

(b) Air quality and toxic air emissions.

(i) An owner or operator of a landfill shall not allow explosive gases generated by the facility whose concentration exceeds:

(A) Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding gas control or recovery system components);

(B) The lower explosive limit for the gases at the property boundary or beyond; and

(C) One hundred parts per million by volume of hydrocarbons (expressed as methane) in off-site structures.

(ii) An owner or operator of a landfill shall not cause a violation of any ambient air quality standard at the property boundary or emission standard from any emission of landfill gases, combustion or any other emission associated with a landfill.

(c) Surface waters. An owner or operator of a landfill shall not cause a violation of any receiving water quality standard or violate chapter 90.48 RCW from discharges of surface run-off, leachate or any other liquid associated with a landfill.

(3) Minimum functional standards for design.

(a) Minimizing liquids. All owners or operators of landfills shall minimize liquids admitted to active areas of landfills by:

(i) Covering according to WAC 173-304-460 (4)(d);

(ii) Prohibiting the disposal of noncontainerized liquids or sludges containing free liquids in landfills unless approved by the jurisdictional health department;

(iii) Designing the landfill to prevent all the run-on of surface waters and other liquids resulting from a maximum flow of a twenty-five year storm into the active area of the landfill;

(iv) Designing the landfill to collect the run-off of surface waters and other liquids resulting from a twenty-four hour, twenty-five year storm from the active area and the closed portions of a landfill;

(b) Leachate systems. All owners or operators of landfills shall:

(i) Install a leachate collection system sized according to water balance calculations or using other accepted engineering methods either of which shall be approved by the jurisdictional health department;

(ii) Install a leachate collection system so as to prevent no more than two feet of leachate developing at the topographical low point of the active area; and

(iii) Install a leachate treatment, or a pretreatment system if necessary in the case of discharge to a municipal waste water treatment plant, to meet the requirements for permitted discharge under chapter 90.48 RCW and the Federal Clean Water Act (PL 95-217).

(c) Liner designs. All owners or operators of landfills shall use liners of one of the following designs:

(i) Standard design. The liner shall be constructed of at least a four feet thick layer of recompacted clay or other material with a permeability of no more than 1×10^{-7} cm/sec and sloped no less than two percent; or

(ii) Alternative design. The design shall have two liners:

(A) An upper liner of at least fifty mils thickness made of synthetic material; and

(B) A lower liner of at least two feet thickness of recompacted clay or other material with a permeability of no more than 1×10^{-6} cm/sec and sloped no less than two percent; or

(iii) Equivalent design. The design shall use alternative methods, operating practices and locational characteristics which will minimize the migration of solid waste constituents or leachate into the ground or surface water at least as effectively as the liners of (c)(i) and (ii) of this subsection; or

(iv) Arid design. This design will apply to locations having less than twelve inches of precipitation annually, and, in lieu of (c)(i), (ii), and (iii) of this subsection, shall consist of vadose zone moisture monitoring, provided that:

(A) Waste material is no less than ten feet above the seasonal high level of ground water in the uppermost aquifer; and

(B) Any evidence of leachate or waste constituents detected in the vadose zone that violates or could be expected to violate the performance standard of WAC 173-304-460(2) shall cause the owner or operator to:

(I) Take corrective action, and either

(II) Close the facility according to these rules, or

(III) For all future expansions at that facility, meet the liner requirement of (c)(i) or (ii) of this subsection.

(v) Small landfill designs. For a landfill whose design and permit allow a total capacity at closure of two hundred thousand cubic yards or less, the need for a liner and leachate collection system shall be determined on a case-by-case basis by the jurisdictional health department in consultation with the department.

(d) Floodplains. All owners or operators of landfills that are located in a one hundred year floodplain shall:

(i) Comply with local floodplain management ordinances and chapter 508-60 WAC, Administration of flood control zones; and

(ii) Design the landfill so that the landfill entrance or exit roads or practices shall not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain or result in washout of solid waste, so as to pose a hazard to human life, wildlife, land or water resources.

(e) Closure. All owners and operators shall design landfills so that at closure:

(i) At least two feet of 1×10^{-6} cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts unless the landfill is located in an area having mean annual precipitation of less than twelve inches in which case at least two feet of 1×10^{-5} cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts. Artificial liners may replace soil covers provided that a minimum of fifty mils thickness is used;

(ii) The grade of surface slopes shall not be less than two percent, nor the grade of side slopes more than thirty-three percent; and

(iii) Final cover of at least six inches of topsoil be placed over the soil cover and seeded with grass, other shallow rooted vegetation or other native vegetation.

(f) Gas control.

(i) All owners and operators shall design landfills, having a permitted capacity of greater than ten thousand cubic yards per year, so that methane and other gases are continuously collected, and

(A) Purified for sale;

(B) Flared; or

(C) Utilized for its energy value.

(ii) Collection and handling of landfill gases shall not be required if it can be shown that little or no landfill gases will be produced or that landfill gases will not support combustion; in such cases installation of vents shall be required.

(g) Other requirements. All owners and operators of landfills shall design landfills to:

(i) Be fenced at the property boundary or use other means to impede entry by the public and animals. A lockable gate shall be required at the entry to the landfill;

(ii) Monitor ground water according to WAC 173-304-490 using a design approved by the local jurisdictional health department with the guidance of the department. The jurisdictional health department may also require monitoring of:

(A) Surface waters, including run-off;

(B) Leachate;

(C) Subsurface landfill gas movement and ambient air; and

(D) Noise.

(iii) Weigh all incoming waste on scales for landfills having a permitted capacity of greater than ten thousand cubic yards per year or provide an equivalent method of measuring waste tonnage capable of estimating total annual solid waste tonnage to within plus or minus five percent;

(iv) Provide for employee facilities including shelter, toilets, hand washing facilities and potable drinking water for landfills having the equivalent of three or more full-time employees;

(v) Erect a sign at the site entrance that identifies at least the name of site, if applicable, the hours during which the site is open for public use, unacceptable materials and an emergency telephone number. Other pertinent information may be required by the jurisdictional health department;

(vi) Provide on-site fire protection as determined by the local and state fire control jurisdiction;

(vii) Prevent potential rat and other vectors (such as insects, birds, and burrowing animals) harborages in buildings, facilities, and active areas;

(viii) Provide the unloading area(s) to be as small as possible, consistent with good traffic patterns and safe operation;

(ix) Provide approach and exit roads to be of all-weather construction, with traffic separation and traffic control on-site, and at the site entrance; and

(x) Provide communication between employees working at the landfill and management offices on-site and off-site (such as telephones) to handle emergencies.

(4) Minimum functional standards for maintenance and operation.

(a) Operating plans. All owners or operators of landfills shall maintain and operate the facility so as to conform to the approved plan of operation.

(b) Operating details. All owners or operators of landfills shall operate the facility so as to:

(i) Control road dust;

(ii) Perform no open burning unless permitted by the jurisdictional air pollution control agency or the department under the Washington Clean Air Act, chapter 70.94 RCW. Garbage shall not be open burned.

(iii) Collect scattered litter as necessary to avoid a fire hazard or an aesthetic nuisance;

(iv) Prohibit scavenging;

(v) Conduct on-site reclamation in an orderly sanitary manner, and in a way that does not interfere with the disposal site operation;

(vi) Insure that at least two landfill personnel are on-site with one person at the active face when the site is open to the public for landfills with a permitted capacity of greater than fifty thousand cubic yards per year;

(vii) Control insects, rodents and other vectors; and

(viii) Insure that reserve operational equipment shall be available to maintain and meet these standards.

(c) Boundary posts. All owners or operators of landfills shall clearly mark the active area boundaries authorized in the permit, with permanent posts or using equivalent method clearly visible for inspection purposes.

(d) Compaction and daily cover. All owners or operators of landfills shall:

(i) Thoroughly compact the solid waste before succeeding layers are added; and

(ii) Cover compacted waste containing garbage fully with at least six inches of compacted cover material after each day of operation. The jurisdictional health department may allow less frequent covering by considering:

(A) The characteristics of the solid waste;

(B) The climatic and geologic setting;

(C) The size of the facility; and

(D) The potential for nuisance conditions.

(e) Monitoring systems. All owners and operators of landfills shall maintain the monitoring system required in subsection (3)(g)(ii) of this section.

(f) Recycling required.

(i) All owners or operators of landfills at which the general public delivers household solid waste shall provide the opportunity for the general public to recycle cans, bottles, paper and other material for which a market exists and brought to the landfill site:

(A) During the normal hours of operation;

(B) In facilities convenient to the public (i.e., near entrance to the gate).

(ii) Owners or operators may demonstrate alternative means to providing an opportunity to the general public to recycle household solid waste.

(g) Disposal of dangerous waste prohibited. Owners or operators of landfills shall not knowingly dispose, treat, store, or otherwise handle dangerous waste unless the requirements of the dangerous waste regulation, chapter 173-303 WAC are met.

(5) ~~(Minimum functional standards for closure and postclosure:~~

~~(a) All owners or operators of landfills shall close landfills in such a manner as to comply with WAC 173-304-405(6).~~

~~(b) All owners or operators of landfills shall close landfills in a manner that:~~

~~(i) Minimizes the need for further maintenance;~~

~~(ii) Controls, minimizes or eliminates to the extent necessary threats to human health and the environment from postclosure escape of solid waste constituents, leachate, landfill gases, contaminated rainfall or waste decomposition products to the ground, surface water, ground water or the atmosphere;~~

~~(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible; and~~

~~(iv) Allows for continued monitoring of all media (air, land and water) as long as necessary for the waste to stabilize and to protect human health and the environment.~~

~~(c) All owners or operators of landfills must have a written estimate, in current dollars, of the cost of closing the facility. The closure cost estimate must equal the cost of closure at the point in the operating life of the facility when the extent and manner of operation would make closure the most expensive, as indicated by the closure plan.~~

~~In addition, all facilities must have a written postclosure estimate, in current dollars, the cost of postclosure monitoring and maintenance during the postclosure period:~~

~~(6f)) Limited purpose landfill standards.~~

~~(a) Limited purpose landfills shall meet the following requirements:~~

~~(i) The general facility standards of WAC 173-304-405;~~

~~(ii) The general closure and postclosure standards of WAC 173-304-407;~~

~~(iii) The performance standards of WAC 173-304-460(2);~~

~~(iv) The financial assurance standards of WAC 173-304-467; and~~

~~((iii)) (v) The ground water monitoring standards of WAC 173-304-490(2);~~

~~(b) In addition, limited purpose landfills must meet all other standards of WAC 173-304-130 and 173-304-460 unless the owner or operator applies for relief from each of these requirements as part of his permit application and includes evidence or reasons why the nature of the waste, the disposal site and other factors can protect the environment and the public health.~~

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-600 PERMIT REQUIREMENTS FOR SOLID WASTE FACILITIES. (1) Applicability.

(a) All facilities which are subject to the standards of WAC 173-304-130, 173-304-300, and 173-304-400 are required to obtain permits. Permits are not required for single family residences and single family farms dumping or depositing solid waste resulting from their own activities on to or under the surface of land owned or leased by them when such action does not create a nuisance, violate statutes, ordinances, or regulations, including this regulation.

(b) Permits are not required for corrective actions at solid waste handling facilities performed by the state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or corrective actions taken by others to comply with a state and/or federal cleanup order provided that:

(i) The action results in an overall improvement of the environmental impact of the site;

(ii) The action does not require or result in additional waste being delivered to the site or increase the amount of waste or contamination present at the site;

(iii) The facility standards of WAC 173-304-400 are met; and

(iv) The jurisdictional health department is informed of the actions to be taken and is given the opportunity to review and comment upon the proposed corrective action plans.

(c) Effective dates. The effective dates are as follows:

(i) The permit requirements of this section apply to all existing waste handling facilities eighteen months after the effective date of this regulation.

(ii) Between the effective date of this regulation and eighteen months thereafter, existing facilities will operate under the terms and conditions of existing permits valid on the effective date of this regulation. Jurisdictional health departments shall incorporate compliance schedules into valid existing permits; such compliance schedules shall insure that existing facilities meet the effective dates of WAC 173-304-400(3).

(iii) New and expanded waste handling facilities shall meet the requirements of this section on the effective date of this regulation.

(2) Procedures for permits.

(a) Any owner or operator subject to the permit requirements who intends to operate a facility must apply for a permit with the jurisdictional health department. Filing shall not be complete until two copies of the application have been signed by the owner and operator and received by the jurisdictional health department, and the applicant has filed an environmental checklist required under the State Environmental Policy Act rules, chapter 197-11 WAC.

(b) Applications for a permit must contain the information set forth in subsection (3) of this section.

(c) Once the jurisdictional health department determines that an application for a permit is factually complete, it shall refer one copy to the appropriate regional office of the department for review and comment.

(d) The jurisdictional health department shall investigate every application to determine whether the facilities meet all applicable laws and regulations, conforms with the approved comprehensive solid waste handling plan and complies with all zoning requirements.

(e) The jurisdictional health department may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department shall be deposited in the county treasury in the account from which the health department's operating expenses are paid.

(f) The department shall report to the jurisdictional health department its findings on each permit application within forty-five days of receipt of a complete application or inform the jurisdictional health department as to the status of the application. Additionally, the department shall recommend for or against the issuance of each permit by the jurisdictional health department.

(g) When the jurisdictional health department has evaluated all pertinent information, it may issue a permit. Every completed solid waste permit application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department or the applicant shall be informed as to the status of the application.

(h) Except for applications specified in subsection (3)(h) of this section every permit issued by a jurisdictional health department shall be on a format prescribed by the department and shall contain specific requirements necessary for the proper operation of the permitted site or facility including the requirement that final engineering plans and specifications be submitted for approval to the jurisdictional health department.

(i) All issued permits must be filed with the department no more than seven days after the date of issuance.

(j) The owner or operator of a facility shall apply for renewal of the facility's permit annually. The jurisdictional health department shall annually:

(i) Review the original application for compliance with these regulations and submit such additional information as spelled out in subsection (4) of this section;

(ii) Review information collected from inspections, complaints, or known changes in the operations;

(iii) Collect the renewal fee;

(iv) Renew the permit; and

(v) File the renewed permit with the department no more than seven days after the date of issuance. The department shall review and may appeal the renewal as set forth in RCW 70.95.185 and 70.95.190.

(3) Application contents for permits for new or expanded facilities.

(a) All permit applications except for inert waste, demolition waste, special purpose landfills, woodwaste landfill and recycling facilities applications, which are specified in (h) of this subsection, shall contain the following:

(i) A general description of the facility;

(ii) The types of waste to be handled at the facility;

(iii) The plan of operation required by WAC 173-304-405(2);

(iv) The form used to record weights or volumes required by WAC 173-304-405(3);

(v) An inspection schedule and inspection log required by WAC 173-304-405(5); and

(vi) Documentation to show that any domestic or industrial waste water treatment facility, such as a leachate treatment system, is being reviewed by the department under chapter 173-240 WAC.

(b) Application contents for permits for new or expanded landfill facilities. In addition to the requirements of (a) of this subsection, each landfill application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses:

(A) Local/regional geology and hydrology, including faults, unstable slopes and subsidence areas on site;

(B) Evaluation of bedrock and soil types and properties;

(C) Depths to ground water and/or aquifer(s);

(D) Direction and flow rate of local ground water;

(E) Direction of regional ground water;

(F) Quantity, location and construction (where available) of private and public wells within a two thousand foot radius of site;

(G) Tabulation of all water rights for ground water and surface water within a two thousand foot radius of the site;

(H) Identification and description of all surface waters within a one-mile radius of the site;

(I) Background ground and surface water quality assessment, and for expanded facilities, identification of impacts of existing facilities of the applicant to date upon ground and surface waters from landfill leachate discharges;

(J) Calculation of a site water balance;

(K) Conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and where applicable a vadose zone monitoring plan;

(L) Land use in the area, including nearby residences; and

(M) Topography of the site and drainage patterns.

(ii) Preliminary engineering report/plans and specifications that address:

(A) How the facility will meet the locational standards of WAC 173-304-130;

(B) Relationship of facility to county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) The design of bottom and side liners;

(D) Identification of borrow sources for daily and final cover, and soil liners;

(E) Interim/final leachate collection, treatment, and disposal;

(F) Landfill gas control and monitoring;

(G) Trench design, fill methods, elevation of final cover and bottom liner, and equipment requirements; and

(H) Closure/postclosure design, construction, maintenance, and land use.

(iii) An operation plan that addresses:

(A) Operation and maintenance of leachate collection, treatment, and disposal systems;

(B) Operation and maintenance of landfill gas control systems;

(C) Monitoring plans for ground water, surface water, and landfill gases to include sampling technique, frequency, handling, and analyses requirements;

(D) Safety and emergency accident/fire plans;

(E) Routine filling, grading, cover, and housekeeping;

(F) Record system to address records on weights (or volumes), number of vehicles and the types of waste received;

(G) Vector control plans; and

(H) Noise control.

(iv) Closure plan to address:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Maintenance of active fill versus completed, final covered acreage;

(D) Estimated closure construction timing and notification procedures;

(E) Inspection by regulatory agencies.

(v) Postclosure plan to address:

(A) Estimated time period for postclosure activities;

(B) Site monitoring of landfill gas, ground water, and surface water;

(C) Deed clause changes, land use, and zoning restrictions;

(D) Maintenance activities to maintain cover and run-off systems; and

(E) Identification of final closure costs including cost calculations and the funding mechanism.

(c) Application contents for new or expanded transfer stations, drop box facilities, and baling and compaction systems requiring a permit. In addition to the requirements of (a) of this subsection, each applicable application for a permit must contain preliminary engineering report/plans and specifications that address:

(i) The proposed facility's zoning status;

(ii) The relationship to the county solid waste comprehensive plan and the area to be served by the facility; and

(iii) The facility design to address how the facility shall meet requirements of WAC 173-304-410, including closure.

(d) Application contents for new or expanded surface impoundments requiring a permit. In addition to the requirements of (a) of this subsection, each applicable application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses all of the factors of (b)(i) of this subsection;

(ii) Preliminary engineering report/plans and specifications that address, where applicable:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of facility to the county solid waste comprehensive plan;

(C) The design of liners and foundation to be incorporated in the facilities design including the design leachate of collection and treatment systems;

(D) The design of ground water monitoring;

(E) The design of dikes including calculations on dike stability analyses under conditions of liner failure;

(F) Other design details, including sludge cleanout and disposal, overfilling alarms and inlet design; and

(G) Closure/postclosure design, construction maintenance and land use.

(iii) An operation plan that addresses:

(A) Operation and maintenance of leachate collection system, or ground water monitoring;

(B) Operation and maintenance of overfilling equipment or details of filling and emptying techniques;

(C) Inspection of dikes and liners for integrity; and

(D) Safety and emergency plans.

(iv) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(e) Application contents for new or expanded piles requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) Preliminary engineering reports/plans and specifications that address:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of the facility to the county solid waste comprehensive plan and zoning;

(C) The design of the liner or sealed surface upon which the liner rests, including an analysis of the liners ability to withstand the stress;

(D) The design of the run-on and run-off system;

(E) The design to avoid washout when the pile is located in a one hundred year floodplain; and

(F) Maximum elevation and boundaries of the waste pile.

(ii) An operation plan that addresses:

(A) Methods of adding or removing wastes from the pile and equipment used;

(B) Inspection of the liner for integrity; and

(C) Safety and emergency plans.

(iii) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(f) Application contents for new or expanded energy recovery and incinerator facilities requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) Preliminary engineering reports/plans and specifications that address:

(A) The relationship of the facility to the county solid waste comprehensive plan and zoning;

(B) The design of the storage and handling facilities on-site for incoming waste as well as fly ash, bottom ash and any other wastes produced by air or water pollution controls; and

(C) The design of the incinerator or thermal treater, including changing or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.

(ii) An operation plan that addresses:

(A) Cleaning of storage areas as required by WAC 173-304-440 (2)(a);

(B) Alternative storage plans for breakdowns as required in WAC 173-304-440 (2)(c);

(C) Inspection to insure compliance with state and local air pollution laws and to comply with WAC 173-304-405(5). The inspection log or summary must be submitted with the application; and

(D) How and where the fly ash, bottom ash and other solid wastes will be disposed of.

(iii) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of closure and methods of removing wastes, equipment, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(g) Application contents for new or expanded landspreading disposal facilities requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses all of the factors of (b)(i) of this subsection;

(ii) Preliminary engineering reports/plans and specifications that address:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of the facility to the county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) Waste analyses and methods to periodically sample and analyze solid waste;

(D) Design of interim waste storage facilities if such facilities are not otherwise permitted by the department;

(E) Design of run-on and run-off systems;

(F) A contour map of the active area showing contours to the nearest foot;

(G) A ground water and surface water monitoring program; and

(H) Access barriers such as fences, and warning signs.

(iii) An operation plan that addresses:

(A) Operation and maintenance of run-off and run-on systems;

(B) Methods of taking ground water samples and for maintaining ground water monitoring systems;

(C) Methods of applying wastes to meet the requirements of WAC 173-304-450 (2)(d):

(I) Estimated multiples of agronomic rates;

(II) Frequency of discing; and

(III) Avoidance of standing water.

(D) The written contract required between landowners, waste generators and waste operators.

(iv) Closure plan to address:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Year-to-year maintenance of the active area versus completed, final covered acreage;

(D) Closure construction timing and notification procedures; and

(E) Final inspection by regulatory agencies.

(v) Postclosure plan to address:

(A) Estimated time period for postclosure activities;

(B) Site monitoring of ground water;

(C) Deed clause changes, land use, and zoning restrictions;

(D) Maintenance activities to maintain cover and run-off systems;

(E) Plans for food chain crops being grown on the active areas, after closure; and

(F) Identification of final closure costs including cost calculations and the funding mechanism.

(h) Application contents for new or expanded inert waste and demolition waste, special purpose landfill, woodwaste landfills, and recycling facilities.

Applications for permits subject to the standards of WAC 173-304-300, 173-304-460((6)) (5), 173-304-461, and 173-304-462 shall be on forms whose content shall be specified by the jurisdictional health department.

(4) Application contents for existing facilities renewing permits. All owners or operators of existing facilities shall renew permits or application forms specified in subsection (3) of this section. Previous information submitted to the jurisdictional health department may be referred to on the application forms. Changes in operating methods or other changes must be noted on the application in order to be authorized by permit.

(5) Inspections. As a minimum, annual inspections of all permitted solid waste facilities shall be performed by the jurisdictional health department. Any duly authorized officer, employee, or representative of the jurisdictional health officer or his designee having jurisdiction may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with this chapter, and relevant laws and regulations. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator.

WSR 87-14-061
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning medically needy income level (MNIL) increase, amending WAC 388-99-020;

that the agency will at 10:00 a.m., Tuesday, August 4, 1987, in the Auditorium, Office Building 2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 5, 1987.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is RCW 74.08.090.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by [no information supplied by agency]. The meeting site is in a location which is barrier free.

Dated: June 24, 1987

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-99-020.

Purpose: To amend the medically needy income level (MNIL).

Reason: SHB 1221, section 210 appropriated funds to allow the department to increase the MNIL effective July 1, 1987. This change is being filed for emergency adoption to meet the effective date.

Statutory Authority: RCW 74.08.090.

Summary: The department has determined that the funds appropriated will allow the MNIL to be increased to 115% of the AFDC payment standard. The MNIL for 1 and 2 person households are currently above the 115% and will not be affected by this change. The MNIL for households of three or more are being increased.

Person responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop HB-41, phone 753-7316.

Rules are proposed by DSHS.

These rules are necessary as a result of a new state or federal law, section 210, SHB 1221.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2473, filed 2/19/87)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$	368
(b) Two persons	\$	532
(c) Three persons	\$	((555)) 567
(d) Four persons	\$	((578)) 667
(e) Five persons	\$	((666)) 767
(f) Six persons	\$	((756)) 875
(g) Seven persons	\$	((873)) 1,008
(h) Eight persons	\$	((966)) 1,117
(i) Nine persons	\$	((+067)) 1,225
(j) Ten persons and above	\$	((+153)) 1,333

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.

WSR 87-14-062
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social

and Health Services intends to adopt, amend, or repeal rules concerning needy infants, children and pregnant women, new section WAC 388-83-032;

that the agency will at 10:00 a.m., Tuesday, August 4, 1987, in the Auditorium, Office Building 2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 5, 1987.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is RCW 74.08.090.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 9, 1987. The meeting site is in a location which is barrier free.

Dated: June 25, 1987

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: New section WAC 388-83-032.

Purpose: Implement a new program for children and pregnant women.

Reason: New law passed by the state legislature provides for this new group. This regulation is being filed for emergency adoption. The effective date set by the new law is July 1, 1987.

Statutory Authority: RCW 74.08.090.

Summary: Effective July 1, 1987, children under age one and pregnant women who meet the income and resource requirements of this section will be eligible for Medicaid. Effective October 1, 1987, the eligible age of children will be increased to under age two. The state law limits the eligibility of children to under age two. The family income shall not exceed the poverty income guidelines as published by the Secretary of Health and Human Services. The family liquid resources shall not exceed \$5,000.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop HB-41, phone 753-7316.

Rules are proposed by DSHS.

These rules are necessary as a result of a new state or federal law.

No economic impact statement is required under the Regulatory Fairness Act.

NEW SECTION

WAC 388-83-032 NEEDED INFANTS, CHILDREN AND PREGNANT WOMEN. (1) The department shall find the following groups eligible for Medicaid as categorically needy, if they meet the income and resource requirements of this section:

(a) Effective July 1, 1987:

(i) Women during pregnancy and during the sixty-day period beginning on the last day of pregnancy, and

(ii) Infants under one year of age.

(b) Effective October 1, 1987, children under two years of age.

(2) Income eligibility:

(a) Total family income shall not exceed ninety percent of the Poverty Income Guidelines as published and updated by the secretary of health and human services. Ninety percent of the 1987 Poverty Income Guidelines is:

Family Size	Monthly
(i) One	\$ 413.00
(ii) Two	\$ 555.00
(iii) Three	\$ 698.00
(iv) Four	\$ 840.00
(v) Five	\$ 983.00
(vi) Six	\$1,125.00
(vii) Seven	\$1,268.00
(viii) Eight	\$1,410.00

(ix) For family units with more than eight members add \$143.00 to the monthly income for each additional member.

(b) Family income:

(i) Shall be determined according to AFDC methodology except for the exclusions in WAC 388-83-130 (5) and (6), and

(ii) The costs incurred for medical care or for any other type of remedial care shall not be used to reduce the family income.

(3) Resource eligibility:

(a) The total value of the family's liquid resources shall not exceed five thousand dollars.

(b) Liquid resources include only cash or financial instruments which are convertible to cash including but not limited to savings accounts, checking accounts, stocks, bonds, mutual fund shares, promissory notes, and mortgages.

(c) Other resources are not considered in determining the eligibility of groups included in subsection (1) of this section.

(4) Changes in income or living situations shall not affect eligibility for medical assistance, during pregnancy or during the sixty-day period beginning on the last day of pregnancy:

(a) Once a pregnant woman is determined eligible under this section, or

(b) If at any time while eligible for and receiving medical assistance meets the eligibility requirements of this section.

(5) An infant or child who attains the maximum age as described in subsection (1) (a) or (b) of this section shall continue to be eligible until the later of:

(a) The end of the month in which the infant or child attains the maximum age, or

(b) The end of the month in which the infant or child receives inpatient services if:

(i) The infant or child is receiving inpatient services on the last day of the month in which the child attains the maximum age, and

(ii) The stay for inpatient services continues into the following month(s), and

(iii) Who, but for attaining such age, would be eligible for assistance under this section.

**WSR 87-14-063
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 1, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social

and Health Services intends to adopt, amend, or repeal rules concerning standard utility allowance update, amending WAC 388-54-740.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 5, 1987.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 4, 1987.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 21, 1987. The meeting site is in a location which is barrier free.

Dated: June 24, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Re: WAC 388-54-740.

Purpose of the Rule Change: To reinstate the standard utility allowance (SUA) in effect through June 30, 1987.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: Clarifies the amount of SUA food stamps households are entitled to receive.

Person Responsible for Drafting, Implementation and Enforcement of this Rule Change: Dave Monfort, Division of Income Assistance, OB-31J, scan 234-0426.

This rule change is necessary to rescind the attempt to establish lower SUA rates effective July 1, 1987. This attempt was out of compliance with Administrative Procedure Act guidelines.

AMENDATORY SECTION (Amending Order 2496, filed 6/1/87)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of ninety-nine dollars per household per month.

(2) An earned income deduction of twenty percent of gross earned income. Earnings excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) A dependent care deduction for households shall be the amount actually paid not to exceed one hundred sixty dollars. Payments for the care of a child or other dependent will be allowed when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

(4) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, and dependent care deductions. The shelter deduction shall not exceed one hundred forty-nine dollars.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, cooling and

electricity, water, garbage, sewage disposal, and a standard basic telephone allowance, and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized utility amounts include utilities such as heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone. Cooling costs are defined as central air conditioners or operation of a room air conditioner.

Persons in Household	Annualized Utility Standards
1	\$ (+13) 131
2	(+21) 140
3	(+27) 150
4	(+36) 158
5	(+43) 169
6	(+48) 178
7	(+54) 184
8	(+60) 191
9	(+68) 199
10 or more	(+76) 209

(e) Households billed by their landlords for actual usage as determined through individual metering may qualify for the standard utility allowance.

(f) Households not incurring any separate utility charges for heating or cooling costs shall not be entitled to claim the standard utility allowance.

(g) If a household is not entitled to the standard utility allowance, the household may claim actual utility expenses for any utility which the household does pay separately.

(i) The telephone standard for families incurring telephone costs, but not entitled to claim the standard utility allowance, is ten dollars.

(ii) The telephone allowance applies to households not entitled to claim the standard utility allowance, but which have telephone expenses.

(h) If a household requests and can verify the household's utility bills, the actual utility costs shall be used rather than the standard utility allowance.

(i) A household shall be allowed to switch between actual utility costs and the utility standard at each recertification action and one additional time during each twelve-month period following the initial certification action.

(j) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the individuals contributing to meeting the utility costs. The household shall only be permitted to use the household's prorated share of the standard allowance.

(k) Households living in a public housing unit or other rental housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.

(l) If in any month of the certification period actual out-of-pocket heating or cooling expenses exceed the prorated energy assistance vendor payment, the household is entitled to receive the standard utility allowance.

(m) If the prorated energy assistance vendor payment exceeds the heating or cooling expense for every month of the certification period, the household can count the entire expense billed by the provider toward actual utility costs regardless of the energy assistance vendor payment.

(n) Energy assistance vendor payments are prorated on a monthly basis over the entire heating or cooling season for which it is provided.

(5) Households containing an elderly or disabled member, as defined in WAC 388-54-665 (2)(b), shall be authorized an excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is elderly or disabled, as defined in WAC 388-54-665 (2)(b), shall be authorized a deduction for unreimbursable monthly medical expenses over thirty-five dollars.

(a) Allowable medical expenses are:
 (i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper, and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental), or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:
 (i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and

(ii) The cost of special diets.

WSR 87-14-064
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 2489—Filed July 1, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to update food stamp eligibility standards, amending WAC 388-54-730 (1) and (2).

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary to implement a federal requirement to update food stamp eligibility standards annually. This rule change will be effective July 1, 1987.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED May 20, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2428, filed 9/22/86)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. (1) Eligibility shall be determined on the basis of gross income and net food stamp income, except those households containing a member sixty years of age or over, or a member receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665 (2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines.

Effective ((July 1, 1986)) July 1, 1987,
Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standards
1	\$ ((581)) <u>596</u>
2	((785)) <u>802</u>
3	((988)) <u>1,008</u>
4	((1,192)) <u>1,214</u>
5	((1,396)) <u>1,420</u>
6	((1,599)) <u>1,625</u>
7	((1,803)) <u>1,831</u>
8	((2,007)) <u>2,037</u>
Each additional person	+ ((204)) <u>206</u>

Effective ((July 1, 1986)) July 1, 1987,
Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ ((447)) <u>459</u>
2	((604)) <u>617</u>
3	((760)) <u>775</u>
4	((917)) <u>934</u>
5	((1,074)) <u>1,092</u>
6	((1,230)) <u>1,250</u>
7	((1,387)) <u>1,409</u>
8	((1,544)) <u>1,567</u>
Each additional member	+ ((157)) <u>159</u>

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly and disabled, refer to WAC 388-54-665 (1)(d).

Effective ((July 1, 1986)) July 1, 1987,
Elderly and Disabled Separate Household Income Eligibility Standards Table

Household Size	Maximum Gross Monthly Income Elderly and Disabled Separate Household
1	\$ ((737)) <u>757</u>
2	((996)) <u>1,018</u>
3	((1,254)) <u>1,279</u>
4	((1,513)) <u>1,540</u>
5	((1,771)) <u>1,802</u>
6	((2,030)) <u>2,063</u>
7	((2,288)) <u>2,324</u>
8	((2,547)) <u>2,585</u>
Each additional member	+ ((259)) <u>262</u>

WSR 87-14-065
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
[Order 2492—Filed July 1, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to licensing program fees, amending chapter 440-44 WAC.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is substantial loss of funds in the form of licensing fees. Fees are necessary to support 87-89 biennium appropriation.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.20A-.055 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 23, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2384, filed 6/3/86)

WAC 440-44-040 MEDICAL FACILITIES AND BOARDING HOMES LICENSING FEES. (1) Hospitals: The annual fee shall be ((sixteen)) nineteen dollars ((and fifty cents)) for each bed space within the licensed bed capacity of the hospital. The licensed bed capacity

of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms including neonatal intensive care bassinet spaces. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, ~~((with))~~ shall be included in the licensed bed capacity: **PROVIDED**, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The licensed bed capacity shall exclude all normal infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a hospital shall not exceed the hospital's licensed bed capacity.

(2) Private psychiatric hospitals: The annual fee shall be twenty-seven dollars for each bed space within the licensed bed capacity of the private psychiatric hospital. The licensed bed capacity of a private psychiatric hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirement of chapter 248-22 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: **PROVIDED**, That the private psychiatric hospital certifies to the department the private psychiatric hospital currently possesses the required movable equipment.

The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each private psychiatric hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a private psychiatric hospital shall not exceed the private psychiatric hospital's licensed bed capacity.

(3) Alcoholism hospitals: The annual fee shall be ~~((fifteen))~~ twenty dollars for each bed space within the licensed bed capacity of the alcoholism hospital. The licensed bed capacity of an alcoholism hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism hospital shall not exceed the alcoholism hospital's licensed bed capacity.

(4) Alcoholism treatment facilities: The annual fee shall be ~~((eleven))~~ twelve dollars and fifty cents for each bed space within the licensed bed capacity of the alcoholism treatment facility. The licensed bed capacity of an alcoholism treatment facility shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22

WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism treatment facility shall not exceed the alcoholism treatment facility's licensed bed capacity.

(5) Boarding homes: The annual fee shall be ~~((twelve))~~ thirteen dollars times the licensed resident capacity of the boarding home. The licensed resident capacity is the capacity determined by the boarding home and approved by the department. The licensed resident capacity shall be consistent with the physical plant and movable equipment requirements of chapter 248-16 WAC for resident sleeping rooms. The number of residents in a boarding home shall not exceed the licensed resident capacity of the boarding home. The term "resident" as used herein is defined in WAC 248-16-001.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be fifty-two dollars for each bed space within the licensed bed capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The number of beds set up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) Pregnancy termination facilities: The annual fee for licensing and certification of facilities for induction or termination of pregnancy in the second trimester shall be two hundred fifty dollars.

(8) Child birth centers: The annual fee shall be ~~((four))~~ five hundred dollars: **PROVIDED**, That no fee shall be required of charitable, nonprofit or government-operated institutions (as required by RCW 18.46.030).

(9) Residential treatment and rehabilitation facilities for psychiatrically impaired adults: The annual fee shall be ~~((thirty-five))~~ fifty dollars for each bed space within the licensed bed capacity of the residential treatment and rehabilitation facility for psychiatrically impaired adults. The licensed bed capacity of a residential treatment and rehabilitation facility for psychiatrically impaired adults shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-25 WAC for client sleeping rooms. The number of beds set up in a residential treatment and rehabilitation facility for psychiatrically impaired adults shall not exceed the residential treatment and rehabilitation facility for psychiatrically impaired adults licensed bed capacity.

(10) Hospice care centers: Each application for a license shall be accompanied by a license fee of ~~((fifteen))~~ three hundred dollars ~~((and fifty cents for each bed space within the licensed bed capacity of the hospice care center. The licensed bed capacity shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-21 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient~~

~~beds set up in a hospice care center shall not exceed the hospice care center's licensed bed capacity).~~

(11) Hospice agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be three hundred dollars.

(12) Home health agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be three hundred dollars.

AMENDATORY SECTION (Amending Order 1825, filed 6/4/82)

~~WAC 440-44-045 ((LARGE ON-SITE SEWAGE)) WASTEWATER DISPOSAL SYSTEM PROJECT AND RELATED REVIEW FEES. (1) The minimum fee for required review of ((a new system preliminary)) larger on-site system's engineering reports and plans and specifications shall be ((three)) four hundred dollars. If review time exceeds eight hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee. The fee for pre-site inspections for larger on-site systems shall be one hundred dollars per visit. The fee for final inspection of larger on-site systems shall be one hundred dollars per site visit.~~

~~(2) The minimum fee for required review of ((new system plans and specifications)) proprietary devices~~

~~shall be ((five)) two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.~~

~~(3) The minimum fee for required review of ((repair or replacement of an existing)) experimental systems shall be ((one)) four hundred ((fifty)) dollars ((for the engineering report and two hundred fifty dollars for plans and specifications)). If review time exceeds eight hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.~~

~~(4) The minimum fee for required review of land application of municipal wastewater shall be two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.~~

~~(5) The minimum fee for required review of comprehensive sewer plans shall be two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.~~

~~(6) The minimum fee for required written approval and certification of necessity shall be two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.~~

AMENDATORY SECTION (Amending Order 1980, filed 6/30/83)

WAC 440-44-048 WATER SYSTEM PROJECT REVIEW AND APPROVAL FEES. (1) The review and approval fees for planning, engineering, and construction documents required under chapters 248-54 and 248-56 WAC shall be as follows:

(a) Water system plans

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
Water system plan	No Plan Required	No Plan Required	500.00	1,000.00
Water system plan letter update or coordinated water system plan or water system planning questionnaire	No Fee	No Fee	No Fee	No Fee

(b) Project engineering reports

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
All types of filtration or other complex treatment processes	250.00	500.00	1,000.00	1,500.00
Chemical addition for corrosion control, or Fe and Mn control	No Report Required	No Report Required	300.00	500.00

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
<i>Disinfection or fluoridation when no other process is involved</i>	<i>No Report Required</i>	<i>No Report Required</i>	<i>100.00</i>	<i>200.00</i>
<i>Complete water system which requires a detailed report to show how it will meet standards and regulations and operate properly</i>	<i>No Report Required</i>	<i>No Report Required</i>	<i>400.00</i>	<i>700.00</i>
<i>Major system modifications such as source, storage, or transmission, which change the system enough to require a detailed report to show how it will meet the regulations</i>	<i>100.00</i>	<i>200.00</i>	<i>300.00</i>	<i>500.00</i>

(c) Project plans and specifications

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
<i>All types of filtration or other complex treatment processes</i>	<i>250.00</i>	<i>500.00</i>	<i>1,000.00</i>	<i>1,500.00</i>
<i>Chemical addition for corrosion control or Fe and Mn control or disinfection or fluoridation when no other treatment process is involved</i>	<i>100.00</i>	<i>150.00</i>	<i>300.00</i>	<i>400.00</i>
<i>Complete water system which has not and will not be constructed prior to approval</i>	<i>200.00</i>	<i>400.00</i>	<i>600.00</i>	<i>800.00</i>
<i>New source of supply for an existing water system</i>	<i>150.00</i>	<i>200.00</i>	<i>300.00</i>	<i>400.00</i>
<i>Standard plans and specifications for water line installation, or booster pump station, or storage reservoir, or transmission/distribution water lines</i>	<i>100.00</i>	<i>150.00</i>	<i>200.00</i>	<i>300.00</i>
<i>Well-site approval including the site inspection and hydrogeologic information review</i>	<i>100.00</i>	<i>100.00</i>	<i>100.00</i>	<i>100.00</i>

PROJECT TYPE	CLASS 1			
	CLASS 4	CLASS 2 & 3	100 TO 999 SERVICES	1,000 OR MORE SERVICES
<u>Water system compliance report</u>	75.00	75.00	75.00	75.00

(2) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers services through the second review letter. If additional services or submittals are required for an approval to be made, an additional twenty-five percent of the original fee will be assessed for each subsequent service or review.

(b) Fees for approval of as-built plans and specifications for water system projects which were constructed without written approval, shall be twice the amount shown in subsection (1)(c) of this section.

AMENDATORY SECTION (Amending Order 1825, filed 6/4/82)

WAC 440-44-070 ((~~SWIMMING POOL~~)) WATER RECREATIONAL FACILITY PROJECTS ((PUBLIC AND SEMIPUBLIC PLAN REVIEW FEES)). (1) The fee for a review of plans for a new public swimming pool((s)) with a volume equal to or greater than one hundred twenty-five thousand gallons at overflow shall be five hundred dollars.

(2) The fee for review of ((plans for)) a new public swimming pool((s)) with a volume of less than one hundred twenty-five thousand gallons at overflow shall be three hundred dollars.

(3) The fee for review of plans for a new semipublic ((pools)) swimming pool with a volume equal to or greater than seventy-five thousand gallons at overflow shall be ((one)) two hundred ((fifty)) dollars.

(4) The fee for review of plans for ((repair or modification of existing pools in accordance with subsection (1), (2), or (3) of this section)) a new semipublic swimming pool with a volume of less than seventy-five thousand gallons at overflow shall be ((one-half of the fee for review of new projects)) one hundred fifty dollars.

(5) The fee for review of plans for a wading pool shall be one hundred dollars.

(6) The fee for review of plans for a spray pool shall be seventy-five dollars.

(7) The fee for review of plans for alteration or modification of an existing swimming, wading, or spray pool in accordance with subsection (1), (2), (3), (4), (5), or (6) of this section shall be the total of actual direct and indirect costs, not to exceed one-half of the fee for review of a new project.

(8) In water recreational facilities with any combination of more than one swimming pool and/or wading pool and/or spray pool, the review fee shall be the highest applicable fee specified in subsection (1), (2), (3), (4), (5), or (6) of this section plus one-half of each lowest applicable fee or fees specified for each attraction in the facility.

(9) The fee for plan review of a new recreational water contact facility containing a single attraction shall be two hundred dollars plus the safety engineer reviewer's cost as billed.

(10) The fee for plan review of a new recreational water contact facility containing more than one attraction shall be two hundred dollars plus the cost of the safety engineer reviewer's cost as billed plus seventy-five dollars for each attraction.

(11) The fee for review of plans for alterations or modifications of an existing recreational water contact facility shall be the total of direct and indirect costs, not to exceed one-half of the fee for review of a new project.

(12) The annual fee for an operating permit for a recreational water contact facility containing one attraction shall be one hundred seventy-five dollars.

(13) The annual fee for an operating permit for a recreational water contact facility containing more than one attraction shall be one hundred seventy-five dollars for the first attraction plus fifty dollars for each additional attraction up to a maximum fee of three hundred twenty-five dollars.

(14) The department may charge an additional fee of fifty dollars plus associated laboratory costs for inspections beyond those provided under the annual operating permit when necessary due to violations of such items as:

- (a) Noncompliance with water quality standards, and
- (b) Failure to comply with operational requirements for health and safety.

AMENDATORY SECTION (Amending Order 2238, filed 6/7/85)

WAC 440-44-076 ((~~ENVIRONMENTAL~~)) HEALTH ((INSPECTION)) AND SANITATION SURVEY FEE ((OF STATE)) FOR ((INSTITUTIONS,)) COMMUNITY COLLEGES, FERRIES, AND OTHER STATE OF WASHINGTON INSTITUTIONS AND FACILITIES. Starting ((July 1, 1985)) July 1, 1987, an annual ((environmental)) health ((inspection)) and sanitation survey fee shall be assessed as follows:

Annual Fee
Per Facility

- (1) Food Service
 - (a) ((Food service establishments))
As defined in WAC 248-84-002(11) \$ ((+70))
food service establishments or 200
concessions in community
colleges, ferries, or any other
state of Washington facility
preparing potentially hazardous

Annual Fee
Per Facility

Annual Fee
Per Facility

- foods. This shall ((also)) include dockside food establishments directly providing food for the Washington state ferry system.
- (b) ~~((State park))~~ Food service establishments or concessions ((which)) that do not prepare potentially hazardous foods ((shall be charged seventy-five dollars)). \$ 100
- (c) ~~The ((environmental)) health ((inspection)) and sanitation survey fee referenced in subsection (a) and (b) of this ((subsection fee)) section may be waived provided there is an agreement between the department of social and health services and the local jurisdictional ((local) health agency for ((it)) the local health agency to conduct the food service establishments ((inspections)) surveys.~~
- (2) State institutions or facilities.
- (a) ~~((400 or more rated bed capacity~~ ~~\$2,100~~
~~Washington Corrections Center
 Washington State Penitentiary
 Washington State Reformatory
 McNeil Island Corrections Center
 Twin Rivers Corrections Center
 Clallam Bay Corrections Center))~~
Institutions or facilities operating a food service: The annual fee shall be three dollars and fifty cents times the rated capacity plus two hundred dollars. Rated bed capacity shall mean the recommended maximum number of beds in an institution or facility
- (b) ~~((399-190 rated bed capacity~~ ~~\$1,000~~
~~Purdy Treatment Center for Women
 State School for Deaf
 Washington Soldiers Home
 Washington Veterans Home
 Olympic Corrections Center))~~
Institutions or facilities that do not operate a food service: The annual fee shall be three dollars and fifty cents times the rated bed capacity
- ~~((c) 189-90 rated bed capacity~~ ~~\$ 500~~
~~Echo Glen Childrens Center
 Special Offenders Center (Monroe)
 Larch Corrections Center
 Cedar Creek Corrections~~

- ~~Maple Lane School
 Green Hill School
 Indian Ridge Treatment Center
 Tacoma Work/Training Release
 Geiger Work/Training Release (Spokane)
 Naselle Youth Camp~~
- ~~(d) 89 or less rated bed capacity~~ ~~\$ 300~~
~~State School for the Blind
 Washington State Patrol Academy
 Mission Creek Youth Camp
 Firland Corrections Center
 Pine Lodge Corrections Center
 Canyon View Group Home
 Woodinville Group Home
 Ridgeview Group Home
 Oakridge Group Home
 Park Creek Group Home
 Sunrise Group Home
 Twin Rivers Group Home~~
- ~~(e) Any new institution of the Washington department of corrections, department of social and health services, division of developmental disabilities not inspected by the bureau of nursing home affairs, department of social and health services, or division of juvenile rehabilitation, or department of veterans affairs shall be assessed an appropriate annual fee based on the rated bed capacity.)~~

WSR 87-14-066
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
 [Order 2493—Filed July 1, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to licensing program fees, amending chapter 440-44 WAC.

This action is taken pursuant to Notice No. WSR 87-10-015 filed with the code reviser on April 28, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.20A-.055 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 23, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2384, filed 6/3/86)

WAC 440-44-040 MEDICAL FACILITIES AND BOARDING HOMES LICENSING FEES. (1) Hospitals: The annual fee shall be (~~((sixteen))~~ nineteen dollars (~~((and fifty cents))~~) for each bed space within the licensed bed capacity of the hospital. The licensed bed capacity of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms including neonatal intensive care bassinet spaces. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, (~~((will))~~ shall) be included in the licensed bed capacity: PROVIDED, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The licensed bed capacity shall exclude all normal infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a hospital shall not exceed the hospital's licensed bed capacity.

(2) Private psychiatric hospitals: The annual fee shall be twenty-seven dollars for each bed space within the licensed bed capacity of the private psychiatric hospital. The licensed bed capacity of a private psychiatric hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirement of chapter 248-22 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the private psychiatric hospital certifies to the department the private psychiatric hospital currently possesses the required movable equipment.

The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each private psychiatric hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set up in a private psychiatric hospital shall not exceed the private psychiatric hospital's licensed bed capacity.

(3) Alcoholism hospitals: The annual fee shall be (~~((fifteen))~~ twenty dollars for each bed space within the licensed bed capacity of the alcoholism hospital. The licensed bed capacity of an alcoholism hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism hospital shall not exceed the alcoholism hospital's licensed bed capacity.

(4) Alcoholism treatment facilities: The annual fee shall be (~~((eleven))~~ twelve dollars and fifty cents for each bed space within the licensed bed capacity of the alcoholism treatment facility. The licensed bed capacity of an alcoholism treatment facility shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in an alcoholism treatment facility shall not exceed the alcoholism treatment facility's licensed bed capacity.

(5) Boarding homes: The annual fee shall be (~~((twelve))~~ thirteen dollars times the licensed resident capacity of the boarding home. The licensed resident capacity is the capacity determined by the boarding home and approved by the department. The licensed resident capacity shall be consistent with the physical plant and movable equipment requirements of chapter 248-16 WAC for resident sleeping rooms. The number of residents in a boarding home shall not exceed the licensed resident capacity of the boarding home. The term "resident" as used herein is defined in WAC 248-16-001.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be fifty-two dollars for each bed space within the licensed bed capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The number of beds set up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) Pregnancy termination facilities: The annual fee for licensing and certification of facilities for induction or termination of pregnancy in the second trimester shall be two hundred fifty dollars.

(8) Child birth centers: The annual fee shall be (~~((four))~~ five hundred dollars: PROVIDED, That no fee shall be required of charitable, nonprofit or government-operated institutions (as required by RCW 18.46.030).

(9) Residential treatment and rehabilitation facilities for psychiatrically impaired adults: The annual fee shall be (~~((thirty-five))~~ fifty dollars for each bed space within the licensed bed capacity of the residential treatment and rehabilitation facility for psychiatrically impaired adults. The licensed bed capacity of a residential treatment and rehabilitation facility for psychiatrically impaired adults shall include all bed spaces in rooms in

compliance with the physical plant and movable equipment requirements of chapter 248-25 WAC for client sleeping rooms. The number of beds set up in a residential treatment and rehabilitation facility for psychiatrically impaired adults shall not exceed the residential treatment and rehabilitation facility for psychiatrically impaired adults licensed bed capacity.

(10) Hospice care centers: Each application for a license shall be accompanied by a license fee of ~~((fifteen))~~ three hundred dollars ~~((and fifty cents for each bed space within the licensed bed capacity of the hospice care center. The licensed bed capacity shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-21 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set up in a hospice care center shall not exceed the hospice care center's licensed bed capacity))~~.

(11) Hospice agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be three hundred dollars.

(12) Home health agencies: The annual fee for each facility certified under chapter 70.126 RCW shall be three hundred dollars.

AMENDATORY SECTION (Amending Order 1825, filed 6/4/82)

WAC 440-44-045 ~~((LARGE ON-SITE SEWAGE))~~ WASTEWATER DISPOSAL SYSTEM PROJECT AND RELATED REVIEW FEES. (1) The minimum fee for required review of ((a new system preliminary)) larger on-site system's engineering reports and plans and specifications shall be ((three)) four hundred dollars. If review time exceeds eight hours, fifty dollars for each additional hour or part of an hour shall

be added to the minimum fee. The fee for pre-site inspections for larger on-site systems shall be one hundred dollars per visit. The fee for final inspection of larger on-site systems shall be one hundred dollars per site visit.

(2) The minimum fee for required review of ((new system plans and specifications)) proprietary devices shall be ((five)) two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.

(3) The minimum fee for required review of ((repair or replacement of an existing)) experimental systems shall be ((one)) four hundred ((fifty)) dollars ((for the engineering report and two hundred fifty dollars for plans and specifications)). If review time exceeds eight hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.

(4) The minimum fee for required review of land application of municipal wastewater shall be two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.

(5) The minimum fee for required review of comprehensive sewer plans shall be two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.

(6) The minimum fee for required written approval and certification of necessity shall be two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.

AMENDATORY SECTION (Amending Order 1980, filed 6/30/83)

WAC 440-44-048 WATER SYSTEM PROJECT REVIEW AND APPROVAL FEES. (1) The review and approval fees for planning, engineering, and construction documents required under chapters 248-54 and 248-56 WAC shall be as follows:

(a) Water system plans

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
Water system plan	No Plan Required	No Plan Required	500.00	1,000.00
Water system plan letter update or coordinated water system plan or water system planning questionnaire	No Fee	No Fee	No Fee	No Fee

(b) Project engineering reports

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
All types of filtration or other complex treatment processes	250.00	500.00	1,000.00	1,500.00
Chemical addition for corrosion control, or Fe and Mn control	No Report Required	No Report Required	300.00	500.00
Disinfection or fluoridation when no other process is involved	No Report Required	No Report Required	100.00	200.00
Complete water system which requires a detailed report to show how it will meet standards and regulations and operate properly	No Report Required	No Report Required	400.00	700.00
Major system modifications such as source, storage, or transmission, which change the system enough to require a detailed report to show how it will meet the regulations	100.00	200.00	300.00	500.00

(c) Project plans and specifications

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
All types of filtration or other complex treatment processes	250.00	500.00	1,000.00	1,500.00
Chemical addition for corrosion control or Fe and Mn control or disinfection or fluoridation when no other treatment process is involved	100.00	150.00	300.00	400.00
Complete water system which has not and will not be constructed prior to approval	200.00	400.00	600.00	800.00
New source of supply for an existing water system	150.00	200.00	300.00	400.00
Standard plans and specifications for water line installation, or booster pump station, or storage reservoir, or transmission/distribution water lines	100.00	150.00	200.00	300.00

PROJECT TYPE	CLASS 1			
	CLASS 4	CLASS 2 & 3	100 TO 999 SERVICES	1,000 OR MORE SERVICES
Well-site approval including the site inspection and hydro-geologic information review	100.00	100.00	100.00	100.00
Water system compliance report	75.00	75.00	75.00	75.00

(2) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers services through the second review letter. If additional services or submittals are required for an approval to be made, an additional twenty-five percent of the original fee will be assessed for each subsequent service or review.

(b) Fees for approval of as-built plans and specifications for water system projects which were constructed without written approval, shall be twice the amount shown in subsection (1)(c) of this section.

AMENDATORY SECTION (Amending Order 1825, filed 6/4/82)

WAC 440-44-070 (~~(SWIMMING POOL)) WATER RECREATIONAL FACILITY PROJECTS~~(~~(PUBLIC AND SEMIPUBLIC PLAN REVIEW FEES)~~). (1) The fee for a review of plans for a new public swimming pool(~~(s))~~ with a volume equal to or greater than one hundred twenty-five thousand gallons at overflow shall be five hundred dollars.

(2) The fee for review of (~~(plans for))~~ a new public swimming pool(~~(s))~~ with a volume of less than one hundred twenty-five thousand gallons at overflow shall be three hundred dollars.

(3) The fee for review of plans for a new semipublic (~~(pools))~~ swimming pool with a volume equal to or greater than seventy-five thousand gallons at overflow shall be (~~(one))~~ two hundred (~~(fifty))~~ dollars.

(4) The fee for review of plans for (~~(repair or modification of existing pools in accordance with subsection (1), (2), or (3) of this section))~~ a new semipublic swimming pool with a volume of less than seventy-five thousand gallons at overflow shall be (~~(one-half of the fee for review of new projects))~~ one hundred fifty dollars.

(5) The fee for review of plans for a wading pool shall be one hundred dollars.

(6) The fee for review of plans for a spray pool shall be seventy-five dollars.

(7) The fee for review of plans for alteration or modification of an existing swimming, wading, or spray pool in accordance with subsection (1), (2), (3), (4), (5), or (6) of this section shall be the total of actual direct and indirect costs, not to exceed one-half of the fee for review of a new project.

(8) In water recreational facilities with any combination of more than one swimming pool and/or wading

pool and/or spray pool, the review fee shall be the highest applicable fee specified in subsection (1), (2), (3), (4), (5), or (6) of this section plus one-half of each lowest applicable fee or fees specified for each attraction in the facility.

(9) The fee for plan review of a new recreational water contact facility containing a single attraction shall be two hundred dollars plus the safety engineer reviewer's cost as billed.

(10) The fee for plan review of a new recreational water contact facility containing more than one attraction shall be two hundred dollars plus the cost of the safety engineer reviewer's cost as billed plus seventy-five dollars for each attraction.

(11) The fee for review of plans for alterations or modifications of an existing recreational water contact facility shall be the total of direct and indirect costs, not to exceed one-half of the fee for review of a new project.

(12) The annual fee for an operating permit for a recreational water contact facility containing one attraction shall be one hundred seventy-five dollars.

(13) The annual fee for an operating permit for a recreational water contact facility containing more than one attraction shall be one hundred seventy-five dollars for the first attraction plus fifty dollars for each additional attraction up to a maximum fee of three hundred twenty-five dollars.

(14) The department may charge an additional fee of fifty dollars plus associated laboratory costs for inspections beyond those provided under the annual operating permit when necessary due to violations of such items as:

- (a) Noncompliance with water quality standards, and
- (b) Failure to comply with operational requirements for health and safety.

AMENDATORY SECTION (Amending Order 2238, filed 6/7/85)

WAC 440-44-076 (~~(ENVIRONMENTAL)) HEALTH ((INSPECTION)) AND SANITATION SURVEY FEE ((OF STATE)) FOR ((INSTITUTIONS;)) COMMUNITY COLLEGES, FERRIES, AND OTHER STATE OF WASHINGTON INSTITUTIONS AND FACILITIES. Starting ((July 1, 1985)) July 1, 1987, an annual ((environmental)) health ((inspection)) and sanitation survey fee shall be assessed as follows:~~

	Annual Fee Per Facility		Annual Fee Per Facility
(1) <u>Food Service</u>		<u>and fifty cents times the rated bed capacity</u>	
(a) ((Food service establishments)) <u>As defined in WAC 248-84-002(11)</u> As defined in WAC 248-84-002(11) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall ((also)) include dockside food establishments directly providing food for the Washington state ferry system.	(\$ 170) <u>\$ 200</u>	((c) 189-90 rated bed capacity) Echo Glen Childrens Center Special Offenders Center (Monroe) Larch Corrections Center Cedar Creek Corrections Maple Lane School Green Hill School Indian Ridge Treatment Center Tacoma Work/Training Release Geiger Work/Training Release (Spokane) Naselle Youth Camp	\$ 500
(b) ((State park)) <u>Food service establishments or concessions ((which)) that do not prepare potentially hazardous foods ((shall be charged seventy-five dollars)).</u>	<u>\$ 100</u>		
(c) The ((environmental)) health ((inspection)) and sanitation survey fee referenced in subsection (a) and (b) of this ((subsection fee)) section may be waived provided there is an agreement between the department of social and health services and the local jurisdictional ((local)) health agency for ((it)) the local health agency to conduct the food service establishments ((inspections)) surveys.		(d) 89 or less rated bed capacity State School for the Blind Washington State Patrol Academy Mission Creek Youth Camp Firland Corrections Center Pine Lodge Corrections Center Canyon View Group Home Woodinville Group Home Ridgeview Group Home Oakridge Group Home Park Creek Group Home Sunrise Group Home Twin Rivers Group Home	\$ 300
(2) <u>State institutions or facilities.</u>		(e) Any new institution of the Washington department of corrections, department of social and health services, division of developmental disabilities not inspected by the bureau of nursing home affairs, department of social and health services, or division of juvenile rehabilitation, or department of veterans affairs shall be assessed an appropriate annual fee based on the rated bed capacity:))	
(a) ((400 or more rated bed capacity Washington Corrections Center Washington State Penitentiary Washington State Reformatory McNeil Island Corrections Center Twin Rivers Corrections Center Clallam Bay Corrections Center)) <u>Institutions or facilities operating a food service: The annual fee shall be three dollars and fifty cents times the rated capacity plus two hundred dollars. Rated bed capacity shall mean the recommended maximum number of beds in an institution or facility</u>	\$2,100		
(b) ((399-190 rated bed capacity Purdy Treatment Center for Women State School for Deaf Washington Soldiers Home Washington Veterans Home Olympic Corrections Center)) <u>Institutions or facilities that do not operate a food service: The annual fee shall be three dollars</u>	\$1,000		

WSR 87-14-067
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2507—Filed July 1, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to standard utility allowance update, amending WAC 388-54-740.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is state supplemental payments were reduced by Order 2496. This action was not mandated by the legislature and DSHS in violation of Administrative Procedure Act.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 24, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2496, filed 6/1/87)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of ninety-nine dollars per household per month.

(2) An earned income deduction of twenty percent of gross earned income. Earnings excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) A dependent care deduction for households shall be the amount actually paid not to exceed one hundred sixty dollars. Payments for the care of a child or other dependent will be allowed when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

(4) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, and dependent care deductions. The shelter deduction shall not exceed one hundred forty-nine dollars.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, sewage disposal, and a standard basic telephone allowance, and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized utility amounts include utilities such as heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone. Cooling costs are defined as central air conditioners or operation of a room air conditioner.

Persons in Household	Annualized Utility Standards
1	\$ ((+13)) <u>131</u>
2	((+21)) <u>140</u>
3	((+27)) <u>150</u>
4	((+36)) <u>158</u>
5	((+43)) <u>169</u>
6	((+48)) <u>178</u>
7	((+54)) <u>184</u>
8	((+60)) <u>191</u>
9	((+68)) <u>199</u>
10 or more	((+76)) <u>209</u>

(e) Households billed by their landlords for actual usage as determined through individual metering may qualify for the standard utility allowance.

(f) Households not incurring any separate utility charges for heating or cooling costs shall not be entitled to claim the standard utility allowance.

(g) If a household is not entitled to the standard utility allowance, the household may claim actual utility expenses for any utility which the household does pay separately.

(i) The telephone standard for families incurring telephone costs, but not entitled to claim the standard utility allowance, is ten dollars.

(ii) The telephone allowance applies to households not entitled to claim the standard utility allowance, but which have telephone expenses.

(h) If a household requests and can verify the household's utility bills, the actual utility costs shall be used rather than the standard utility allowance.

(i) A household shall be allowed to switch between actual utility costs and the utility standard at each recertification action and one additional time during each twelve-month period following the initial certification action.

(j) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the individuals contributing to meeting the utility costs. The household shall only be permitted to use the household's prorated share of the standard allowance.

(k) Households living in a public housing unit or other rental housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.

(l) If in any month of the certification period actual out-of-pocket heating or cooling expenses exceed the prorated energy assistance vendor payment, the household is entitled to receive the standard utility allowance.

(m) If the prorated energy assistance vendor payment exceeds the heating or cooling expense for every month of the certification period, the household can count the entire expense billed by the provider toward actual utility costs regardless of the energy assistance vendor payment.

(n) Energy assistance vendor payments are prorated on a monthly basis over the entire heating or cooling season for which it is provided.

(5) Households containing an elderly or disabled member, as defined in WAC 388-54-665 (2)(b), shall be authorized an excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is elderly or disabled, as defined in WAC 388-54-665 (2)(b), shall be authorized a deduction for unreimbursable monthly medical expenses over thirty-five dollars.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper, and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental), or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and

(ii) The cost of special diets.

WSR 87-14-068
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2508—Filed July 1, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medically needy income level (MNIL) increase, amending WAC 388-99-020.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is SHB 1221 appropriated funds to allow the department to increase the MNIL effective July 1, 1987.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 24, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2473, filed 2/19/87)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$ 368
(b) Two persons	\$ 532
(c) Three persons	\$ ((555))
	567
(d) Four persons	\$ ((578))
	667
(e) Five persons	\$ ((666))
	767
(f) Six persons	\$ ((756))
	875
(g) Seven persons	\$ ((873))
	1,008
(h) Eight persons	\$ ((966))
	1,117

(c) Other resources are not considered in determining the eligibility of groups included in subsection (1) of this section.

(4) Changes in income or living situations shall not affect eligibility for medical assistance, during pregnancy or during the sixty-day period beginning on the last day of pregnancy:

(a) Once a pregnant woman is determined eligible under this section, or

(b) If at any time while eligible for and receiving medical assistance meets the eligibility requirements of this section.

(5) An infant or child who attains the maximum age as described in subsection (1) (a) or (b) of this section shall continue to be eligible until the later of:

(a) The end of the month in which the infant or child attains the maximum age, or

(b) The end of the month in which the infant or child receives inpatient services if:

(i) The infant or child is receiving inpatient services on the last day of the month in which the child attains the maximum age, and

(ii) The stay for inpatient services continues into the following month(s), and

(iii) Who, but for attaining such age, would be eligible for assistance under this section.

WSR 87-14-070
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2510—Filed July 1, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to update food stamp eligibility standards, amending WAC 388-54-730 (1) and (2).

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is federal regulations require a yearly update of food stamp eligibility standards to be effective July 1, 1987.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 25, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2428, filed 9/22/86)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. (1) Eligibility shall be determined on the basis of gross income and net food stamp income, except those households containing a member sixty years of age or over, or a member receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665 (2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines.

Effective ((July 1, 1986)) July 1, 1987,
Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standards
1	\$ ((581)) 596
2	((785)) 802
3	((988)) 1,008
4	((1,192)) 1,214
5	((1,396)) 1,420
6	((1,599)) 1,625
7	((1,803)) 1,831
8	((2,007)) 2,037
Each additional person	+ ((204)) 206

Effective ((July 1, 1986)) July 1, 1987,
Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ ((447)) 459
2	((604)) 617
3	((760)) 775
4	((917)) 934
5	((1,074)) 1,092
6	((1,230)) 1,250
7	((1,387)) 1,409
8	((1,544)) 1,567
Each additional member	+ ((157)) 159

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly and disabled, refer to WAC 388-54-665 (1)(d).

*Effective ((July 1, 1986)) July 1, 1987,
Elderly and Disabled Separate Household Income
Eligibility Standards Table*

Household Size	Maximum Gross Monthly Income Elderly and Disabled Separate Household
1	\$ ((737)) <u>757</u>
2	((996)) <u>1,018</u>
3	((1,254)) <u>1,279</u>
4	((1,513)) <u>1,540</u>
5	((1,771)) <u>1,802</u>
6	((2,030)) <u>2,063</u>
7	((2,288)) <u>2,324</u>
8	((2,547)) <u>2,585</u>
Each additional member	+ ((259)) <u>262</u>

WSR 87-14-071
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2511—Filed July 1, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to update food stamp eligibility standards, amending WAC 388-54-730 (1) and (2).

This action is taken pursuant to Notice No. WSR 87-11-058 filed with the code reviser on May 20, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 25, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2428, filed 9/22/86)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. (1) Eligibility shall be determined on the basis of gross income and net food stamp income, except those households containing a member sixty years of age or over, or a member receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security

Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665 (2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines.

*Effective ((July 1, 1986)) July 1, 1987,
Gross Monthly Income Eligibility Standards Table*

Household Size	Monthly Standards
1	\$ ((581)) 596
2	((785)) 802
3	((988)) 1,008
4	((1,192)) 1,214
5	((1,396)) 1,420
6	((1,599)) 1,625
7	((1,803)) 1,831
8	((2,007)) 2,037
Each additional person	+ ((204)) 206

*Effective ((July 1, 1986)) July 1, 1987,
Net Monthly Income Eligibility Standards Table*

Household Size	Maximum Allowable Net Income
1	\$ ((447)) 459
2	((604)) 617
3	((760)) 775
4	((917)) 934
5	((1,074)) 1,092
6	((1,230)) 1,250
7	((1,387)) 1,409
8	((1,544)) 1,567
Each additional member	+ ((157)) 159

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly and disabled, refer to WAC 388-54-665 (1)(d).

*Effective ((July 1, 1986)) July 1, 1987,
Elderly and Disabled Separate Household Income
Eligibility Standards Table*

Household Size	Maximum Gross Monthly Income Elderly and Disabled Separate Household
1	\$ ((737)) <u>757</u>
2	((996)) <u>1,018</u>
3	((1,254)) <u>1,279</u>
4	((1,513)) <u>1,540</u>
5	((1,771)) <u>1,802</u>
6	((2,030)) <u>2,063</u>
7	((2,288)) <u>2,324</u>
8	((2,547)) <u>2,585</u>
Each additional member	+ ((259)) <u>262</u>

WSR 87-14-072
EMERGENCY RULES
DEPARTMENT OF LICENSING
 [Order DLR-136—Filed July 1, 1987]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 308-90-030 through 308-90-050 [308-90-160].

I, Theresa Anna Aragon, director, Department of Licensing, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are for implementation of Second Substitute Senate Bill 5515, vessel dealer registration, which goes into effect July 1, 1987.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 88.02.060 (WAC 308-90-040 and 308-90-080) and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 88.02.100 (WAC 308-90-030, 308-90-060, 308-90-070, 308-90-090, 308-90-110, 308-90-120, 308-90-130, 308-90-140, 308-90-150 and 308-90-160).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 1, 1987.

By Theresa Anna Aragon
 Director

AMENDATORY SECTION (Amending Order 722 DOL, filed 7/1/83)

WAC 308-90-030 DEFINITIONS. (1) ~~((Words and terms used in these rules have the same meaning as each has under chapter 7, Laws of 1983 unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicate that they be given some other meaning.~~

(2) "Person" includes every natural person, firm, co-partnership, corporation, association or organization.

(3) "Branch location" means any place of business of a dealer which is physically and geographically separated from the principal place of business and has the appearance of being a separate business.) "Firm" means a person, partnership, association or corporation engaged in the business of selling vessels at retail or wholesale in this state.

(2) "Display decal" means a vessel dealer identifier designed and produced by the department which is used by Washington registered vessel dealers and contains the vessel dealer registration number.

(3) "Identification card" is a card that may be issued by a firm identifying a person as authorized to operate vessels for vessel dealer business.

(4) "Bona fide employee" is a person who works for the firm and appears on the firm's employment records.

(5) "Consignment" means an arrangement whereby a vessel dealer accepts entrustment of a vessel and agrees to sell the vessel on behalf of another.

(6) "Listing" means an arrangement whereby the seller will compensate the vessel dealer to obtain a willing purchaser for the seller's vessel.

(7) "Broker" means a vessel dealer who arranges the sale between the buyer and seller of a vessel and receives a form of compensation.

AMENDATORY SECTION (Amending Order 722 DOL, filed 7/1/83)

WAC 308-90-040 DEALER REGISTRATION APPLICATION FORM. (1) Any person making application for registration for a dealer under chapter ~~((7, Laws of 1983))~~ 88.02 RCW shall, on a form provided by the ~~((director))~~ department, provide the following information:

(a) The name ~~((business name))~~ and ~~((principal place of))~~ business address of the ~~((applicant))~~ firm and a list of additional business addresses of the firm, if any.

(b) The name ~~((and resident address))~~ of all owners of ten percent or more of the assets of the firm and corporate designation, if any.

~~((The name and resident address of the managing employee.~~

~~((d))~~ The ~~((applicant's form))~~ firm's business structure and place of organization.

~~((c)) That the applicant's business may be lawfully carried on in accordance with all applicable building codes, zoning and other land use regulations.)~~ (d) The business registration number issued by the department of revenue.

AMENDATORY SECTION (Amending Order 722 DOL, filed 7/1/83)

WAC 308-90-060 DISPLAY OF REGISTRATION. (1) The registration of a dealer shall be prominently displayed, visible to the public at the address appearing on the registration.

(2) A copy of the vessel dealer registration shall be displayed as in subsection (1) of this section at all business locations of the firm.

AMENDATORY SECTION (Amending Order 722 DOL, filed 7/1/83)

WAC 308-90-070 DEALER REGISTRATION NUMBERS. (1) The ~~((director))~~ department shall assign a registration number for each ~~((applicant))~~ firm registered as a dealer. The registration number shall be consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the Code of Federal Regulations. (Example: WN 7XXX DA)

~~((+))~~ (2) The dealer's registration number shall be displayed on all vessels owned by the dealer ~~((and~~

~~(a) Used for a business purpose of the dealer, but not for use on loaned vessels or vessels rented or leased on a regular commercial basis;~~

~~(b) Held as a demonstration or inventory vessel;~~

~~(c) Held for the purpose of testing or making repairs.~~

~~(2) Rented, loaned or leased vessels shall be registered separately and display separate registration numbers pursuant to chapter 7, Laws of 1983).~~

(3) The vessel dealer shall display his/her registration number in three inch block numbers/letters on both sides of the forward one-half of the vessel. The registration number may be permanently fixed to the vessel or to a removable display fixture. The numbers/letters shall be displayed in a single line.

AMENDATORY SECTION (Amending Order 722 DOL, filed 7/1/83)

WAC 308-90-080 REGISTRATION FEE—RENEWAL. (1) Any ~~((person))~~ firm desiring to be a dealer must include with the application ~~((a))~~ the required registration fee ~~((of twenty-five dollars))~~. ~~((Every registration issued under the provisions of chapter 7, Laws of 1983 expires on the date one year from the date of issue which date will henceforth be the renewal date. An))~~

(2) Vessel dealers will reapply for a registration on the following schedule:

(a) With current expiration dates in July 1987, August 1987, and September 1987, the deadline for reapplication is July 31, 1987.

(b) With current expiration dates in October 1987, November 1987, and December 1987, the deadline for reapplication is August 31, 1987.

(c) With current expiration dates of January 1988, February 1988, and March 1988, the deadline for reapplication is September 30, 1987.

(d) With current expiration dates of April 1988, May 1988, and June 1988, the deadline for reapplication is October 31, 1987. Registrations shall be reissued for a year and will expire on the last day of the month.

(3) The annual registration renewal fee ~~((in the same amount))~~ must be paid on or before each renewal date. If an application for renewal is not received by the ~~((director))~~ department on or before the ~~((renewal date))~~ last day of the expiration month the registration is expired. The registration may be reinstated at any time within the next succeeding thirty days ~~((upon))~~ if renewal application and payment of the annual renewal fee then in default is received by the department. Registrations not renewed within thirty days of the renewal date then in default shall be cancelled. A new registration may be obtained by satisfying the procedures and qualifications for initial registration.

~~((2))~~ (4) The ~~((director))~~ department shall issue a vessel dealer registration and renewal decals depicting the expiration of the registration upon receipt of a dealer's renewal fee. The dealer shall affix the decal as a prefix to the dealer registration number then in effect as displayed on the dealer's inventory vessels.

AMENDATORY SECTION (Amending Order 722 DOL, filed 7/1/83)

WAC 308-90-090 CHANGE OF BUSINESS LOCATION. The dealer shall notify the ~~((director))~~ department of any change of the firm's business location or mailing address prior to engaging in business at the new location. Notification shall be made by filing a change of address application on a form provided by the ~~((director))~~ department accompanied by the return of the registration issued to the former location or address. The vessel dealer will provide a list of all business locations of the firm when changing the business address of the firm's office.

AMENDATORY SECTION (Amending Order 722 DOL, filed 7/1/83)

WAC 308-90-110 STATEMENT OF CHANGE IN BUSINESS STRUCTURE, OWNERSHIP INTEREST OR CONTROL. Any person, firm, association, corporation or trust registered as a dealer must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change effected in its business structure or the change in ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new corporate officers, directors, majority stockholders, managing partners, managing ~~((employee or))~~ trustees, must file within ten days of assuming such function.

NEW SECTION

WAC 308-90-120 TRUST ACCOUNT. (1) The dealer's separate trust account cannot accrue interest.

(2) Any fees assessed by the depository against the trust account shall not be paid from purchasers trust funds.

NEW SECTION

WAC 308-90-130 CONSIGNMENT. (1) All purchasers funds received, including deposits or payments in full or proceeds from the sale of trade-in vessels on a consignment sale, shall be placed in the vessel dealers trust account as required in section 11, chapter 149, Laws of 1987, and said funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied.

(2) The sale of a consigned vessel by a vessel dealer is a retail sale and the dealer is required to transfer title as found in section 8, chapter 149, Laws of 1987.

NEW SECTION

WAC 308-90-140 LISTING. (1) All purchasers funds received, including deposits or payments in full or proceeds from the sale of trade-in vessels on a listing sale shall be placed in the vessel dealers trust account as required in section 11, chapter 149, Laws of 1987, and said funds shall remain in such trust account until the listed vessel sale is completed.

(2) At the time the sale closes and at vessel delivery the listing dealer shall pay any outstanding liens from trust funds in order to obtain title for transfer.

(3) The sale of a listed vessel by a vessel dealer is a retail sale and the vessel dealer is required to transfer title as found in section 8, chapter 149, Laws of 1987.

NEW SECTION

WAC 308-90-150 TITLE TRANSFER. (1) The vessel dealer is required to make application for title in the purchaser's name within fifteen days following the sale of the vessel.

(2) The vessel dealer or the dealer's authorized agent shall sign or type his firm name and vessel dealer number on the application for title in the purchasers' name. If an authorized agent signs for the dealer the agent shall give their title.

NEW SECTION

WAC 308-90-160 BOND EXEMPTION. (1) Applicants desiring to be exempt from the bonding requirement must provide a statement that they sell fifteen or fewer vessels per year having a retail value of not more than two thousand dollars each.

(2) Registered vessel dealers who have stated that they qualify for the exemption shall immediately file the required surety bond with the department at the time their sales exceed the statutory exemption number or value. Failure to file the bond will subject the vessel dealer to penalties prescribed in section 12, chapter 149, Laws of 1987.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-90-010 PROMULGATION AUTHORITY.

WAC 308-90-020 ORGANIZATION.

WAC 308-90-050 BRANCH LOCATION—SEPARATE REGISTRATION.

WSR 87-14-073

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning restrictions on the use of restricted use herbicides, chapters 16-230, 16-231 and 16-232 WAC;

that the agency will at 10:00 a.m., Wednesday, August 26, 1987, in the Red Lion Motel, 2525 North 20th, Pasco, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 1, 1987.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Dated: July 1, 1987

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapters 16-230, 16-231 and 16-232 WAC.

Description of Purpose: To further restrict the use of phenoxy herbicides in certain counties in Eastern Washington.

Statutory Authority: Chapters 17.21 and 15.58 RCW.

Summary of Rules: The amendatory changes would increase restrictions on restricted use herbicides and prohibit the aerial application of phenoxy herbicides after April 1 in certain counties of Eastern Washington except by permit.

Reasons for Supporting Proposed Rules: There has been damage to grape crops during 1986 caused by drift of phenoxy herbicides.

Agency Personnel Responsible for Drafting, Implementing and Enforcing Rules: Art. G. Losey, Assistant Director, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, WA 98504, (206) 753-5062.

Persons Proposing Rules: Washington State Grape Society.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-665 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—AIRCRAFT RESTRICTIONS NEAR VINEYARDS. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of restricted use herbicides that may be applied to lands located one-half to one mile from commercial vineyards: PROVIDED FURTHER, That no distance restrictions shall apply to aerial applications of restricted use herbicides near vineyards during the grape dormant season if written permission of the vineyard owner/manager is obtained. EXCEPTIONS are found in Franklin and Grant County (orders) restrictions.

NEW SECTION

WAC 16-230-673 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—APPLICATION THROUGH IRRIGATION SYSTEMS. Restricted use herbicides applied through irrigation systems shall be subject to the same requirements as ground applications of restricted use herbicides except for nozzle size and pressure requirements.

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)

WAC 16-231-015 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA I. (1) Area I description. (a) (Prosser to Finley and vicinity.) This area includes all lands in Sections 1 through 12, and 15 through 19, T8N, R24E; Sections 5, 6 and 7, T8N, R25E; all of T9N, R24E; Sections 1 through 34, T9N, R25E; Sections 1 through 24, T9N, R26E; all of T9N, R27E; that portion of T10N, R27E and R28E and T8N, R28E, lying south of the Yakima River, and that portion of T8N, R28E, lying north of the Burlington Northern Railroad tracks; Sections 29 through 36, T9N, R29E; Sections 1 through 6, 10 through 13, and those portions of Sections 7, 8, 9, 14, 15, 23, and 24, T8N, R29E, lying north and east of the K.I.D. Canal; Sections 4 through 10, 14 through 28, 35, 36, and those portions of 29, 30, 32, 33 and 34, T8N, R30E lying north and east of the K.I.D. Canal, and the Atomic Energy Commission reservation.

(b) An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north eight miles to the northeast corner of Section 6, T6N, R26E; thence west one mile to the northwest corner of Section 6, T6N, R26E; thence south three miles to the southwest corner of Section 18, T6N, R26E; thence east six miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southwest corner of Section 15, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northwest corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence one mile north to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides are prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(d) The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within Area 1, and turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides or prior to cleaning equipment following use of these herbicides.

NEW SECTION

WAC 16-231-033 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—BENTON COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Benton County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-115 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 1. (1) Area 1 description.

(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along section lines nineteen miles to the Burlington Northern Railroad tracks; thence southeasterly approximately four miles to Moon Road; thence south two miles to State Highway 260; thence west along State Highway 260 approximately five miles to its intersection with State Highway 17; thence south along State Highway 17 approximately ~~(fourteen)~~ seven miles to its intersection with Highway 395; thence south along Highway 395 approximately seven miles to the southwest corner of Section 1, T11N, R30E; thence east one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south fifteen miles more or less along the section lines to the junction of the east

section line of Section 25, T9N, R30E, and the Snake River; thence southwesterly along the Snake River to its confluence with the Columbia River; thence following the Columbia River westerly and northerly to the north section line of Section 28, T14N, R27E; thence east along the Grant County line four miles more or less to the northeast corner of Section 25, T14N, R27E; thence north along the Grant County border four miles to the point of origin.

(b) Also including (Ice Harbor Dam area) Levey: This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((+)) 5 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: PROVIDED, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 5 through April 30 written requests to apply 2,4 DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-145 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Area 1 (~~and 1A~~) on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-148 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—FRANKLIN COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Franklin County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

NEW SECTION

WAC 16-231-238 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—YAKIMA COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 below Union Gap of Yakima County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

NEW SECTION

WAC 16-231-343 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—ADAMS COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Adams County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-910 RESTRICTED USE HERBICIDES—GRANT COUNTY—AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more

or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and ((east)) west along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

NEW SECTION

WAC 16-231-938 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—GRANT COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1, 1A and 2 of Grant County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-231-120 AREA 1A.

NEW SECTION

WAC 16-232-038 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—WALLA WALLA COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Walla Walla County. Application records shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;
 - (b) The address or location of the land where the chemical was applied;
 - (c) The year, month, day, and time the chemical was applied;
 - (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
 - (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
 - (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;
 - (g) Specific crop or site to which the chemical was applied.
- (2) Application records shall be completed and available to the department the same day the chemicals were applied.
- (3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

WSR 87-14-074**EMERGENCY RULES****DEPARTMENT OF AGRICULTURE**

[Order 1937—Filed July 1, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restrictions on the use of restricted use herbicides, chapters 16-230, 16-231 and 16-232 WAC.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to substantial damage to grape vineyards during the last spray season caused by drift of restricted use herbicides and data provided through the hearing process, additional restrictions on the application of restricted use herbicides are necessary. A hearing is being scheduled to consider these additional changes.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 15.58 and 17.21 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 1, 1987.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1680, filed 2/20/80)

WAC 16-230-665 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—AIRCRAFT RESTRICTIONS NEAR VINEYARDS. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of restricted use herbicides that may be applied to lands located one-half to one mile from commercial vineyards: PROVIDED FURTHER, That no distance restrictions shall apply to aerial applications of restricted use herbicides near vineyards during the grape dormant season if written permission of the vineyard owner/manager is obtained. EXCEPTIONS are found in Franklin and Grant County ((orders)) restrictions.

NEW SECTION

WAC 16-230-673 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—APPLICATION THROUGH IRRIGATION SYSTEMS. Restricted use herbicides applied through irrigation systems shall be subject to the same requirements as ground applications of restricted use herbicides except for nozzle size and pressure requirements.

AMENDATORY SECTION (Amending Order 1677, filed 2/20/80)

WAC 16-231-015 RESTRICTED USE HERBICIDES—BENTON COUNTY—AREA 1. (1) Area 1 description. (a) (Prosser to Finley and vicinity.) This area includes all lands in Sections 1 through 12, and 15 through 19, T8N, R24E; Sections 5, 6 and 7, T8N, R25E; all of T9N, R24E; Sections 1 through 34, T9N, R25E; Sections 1 through 24, T9N, R26E; all of T9N, R27E; that portion of T10N, R27E and R28E and T8N, R28E, lying south of the Yakima River, and that portion of T8N, R28E, lying north of the Burlington Northern Railroad tracks; Sections 29 through 36, T9N, R29E; Sections 1 through 6, 10 through 13, and those portions of Sections 7, 8, 9, 14, 15, 23, and 24, T8N, R29E, lying north and east of the K.I.D. Canal; Sections 4 through 10, 14 through 28, 35, 36, and those portions of 29, 30, 32, 33 and 34, T8N, R30E lying north and east of the K.I.D. Canal, and the Atomic Energy Commission reservation.

(b) An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north eight miles to the northeast corner of Section 6, T6N, R26E; thence west one mile to the northwest corner of Section 6, T6N, R26E; thence south three miles to the southwest corner of Section 18, T6N, R26E; thence east six miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southwest corner of Section 15, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E;

thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northwest corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence one mile north to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides are prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(d) The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within Area 1, and turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides or prior to cleaning equipment following use of these herbicides.

NEW SECTION

WAC 16-231-033 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—BENTON COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Benton County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-115 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 1. (1) Area 1 description.

(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along section lines nineteen miles to the Burlington Northern Railroad tracks; thence southeasterly approximately four miles to Moon Road; thence south two miles to State Highway 260; thence west along State Highway 260 approximately five miles to its intersection with State Highway 17; thence south along State Highway 17 approximately ((fourteen)) seven miles to its intersection with Highway 395; thence south along Highway 395 approximately seven miles to the southwest corner of Section 1, T11N, R30E; thence east one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south fifteen miles more or less along the section lines to the junction of the east section line of Section 25, T9N, R30E, and the Snake River, thence southwesterly along the Snake River to its confluence with the Columbia River, thence following the Columbia River westerly and northerly to the north section line of Section 28, T14N, R27E; thence east along the Grant County line four miles more or less to the northeast corner of Section 25, T14N, R27E; thence north along the Grant County border four miles to the point of origin.

(b) Also including (Ice Harbor Dam area) Levey: This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April ((†)) 5 through October 31 of each year: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: PROVIDED, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and

after April 5 through April 30 written requests to apply 2,4 DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-145 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Area 1 (~~and 1A~~) on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-148 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—FRANKLIN COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Franklin County. Application records shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;
- (b) The address or location of the land where the chemical was applied;
- (c) The year, month, day, and time the chemical was applied;
- (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
- (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
- (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;
- (g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

NEW SECTION

WAC 16-231-238 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—YAKIMA COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 below Union Gap of Yakima County. Application records shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;
 - (b) The address or location of the land where the chemical was applied;
 - (c) The year, month, day, and time the chemical was applied;
 - (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
 - (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
 - (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;
 - (g) Specific crop or site to which the chemical was applied.
- (2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

NEW SECTION

WAC 16-231-343 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—ADAMS COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Adams County. Application records shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;
- (b) The address or location of the land where the chemical was applied;
- (c) The year, month, day, and time the chemical was applied;
- (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
- (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
- (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-231-910 RESTRICTED USE HERBICIDES—GRANT COUNTY—AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and ((east)) west along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

NEW SECTION

WAC 16-231-938 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—GRANT COUNTY. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1, 1A and 2 of Grant County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-231-120 AREA 1A.

NEW SECTION

WAC 16-232-038 RESTRICTED USE HERBICIDES—APPLICATION RECORDS—WALLA WALLA COUNTY. (1) Private pesticide applicators

(those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Walla Walla County. Application records shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;
 - (b) The address or location of the land where the chemical was applied;
 - (c) The year, month, day, and time the chemical was applied;
 - (d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;
 - (e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;
 - (f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;
 - (g) Specific crop or site to which the chemical was applied.
- (2) Application records shall be completed and available to the department the same day the chemicals were applied.
- (3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

WSR 87-14-075

PROPOSED RULES

**DEPARTMENT OF COMMUNITY DEVELOPMENT
(Fire Protection Services Division)**

[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning nursing homes, chapter 212-32 WAC;

that the agency will at 9:00 a.m., Tuesday, August 11, 1987, in Conference Room D, 1112 South Quince, ET-32, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 18.51 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 4, 1987.

Dated: July 1, 1987
By: Chuck Clarke
Director

STATEMENT OF PURPOSE

Rules of the director of Fire Protection Services governing life safety in nursing homes licensed by the state of Washington pursuant to RCW 18.51.140.

This amendment changes the compliance dates for fire life safety for nursing homes licensed by the Department of Social and Health Services. Chapter 212-32 WAC prescribes requirements for abating conditions which present a threat to human life in nursing homes.

Procedures for enforcing these rules shall be in accordance with the licensing laws and rules of the licensing agency.

This rule is necessary to ensure that a uniform program of inspection and hazard abatement may take place in nursing homes licensed by the Department of Social and Health Services.

The agency personnel responsible for drafting, implementation and enforcement of this rule is George D. Eastman, Director, Fire Protection Services Division, Department of Community Development, 9th and Columbia Building, Mailstop GH-51, Olympia, WA 98504-4151, phone (206) 586-3442.

The Division of Fire Protection Services is proposing this rule.

This rule is not made necessary by either a change in federal law or state court action.

AMENDATORY SECTION (Amending Order 86-06, filed 6/4/86)

WAC 212-32-015 COMPLIANCE. All facilities licensed as nursing homes shall comply with the provisions of this regulation (~~or show substantial progress by July 1, 1987~~) by January 1, 1988, or have a plan of correction approved, with specific completion dates by July 1, 1989. All approvals are issued or denied on the basis of the applicant's compliance with the state (~~fire marshal's~~) director of fire protection's fire and life safety standards.

WSR 87-14-076

NOTICE OF PUBLIC MEETINGS

BOARD FOR VOLUNTEER FIREMEN

[Memorandum—June 30, 1987]

The Board for Volunteer Firemen will next meet on July 17, 1987, at 9:00 a.m. in Room 207, 605 11th Avenue S.E., Olympia.

WSR 87-14-077

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning to stay in conformity with the national safety standards, this order amends chapter 296-81 WAC, safety rules governing existing elevators, dumbwaiters, escalators and other lifting devices—moving walks, to adopt the American National Safety Code ANSI/ASME A17.1-1984 supplements ANSI A17.1b - 1985, ANSI A17.1c - 1986, ANSI A17.1d - 1986, and ANSI

A17.1e - 1987. It also moves supplements adopted previously in error under WAC 296-81-007, National Elevator Code adopted, to the correct area under WAC 296-81-008, National Elevator Code supplement adopted;

that the agency will at 9:30 a.m., Tuesday, August 4, 1987, in the Conference Room, 19435 West Valley Highway, Building S, Suite 108, Kent, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 1, 1987.

The authority under which these rules are proposed is RCW 70.87.030.

The specific statute these rules are intended to implement is chapter 70.87 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 4, 1987.

Dated: July 1, 1987
By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-81 WAC, Safety rules governing existing elevators, dumbwaiters, escalators and other lifting devices-moving walks; including WAC 296-81-007 National Elevator Code adopted; and 296-81-008 National Elevator Code supplement adopted.

Statutory Authority: RCW 70.87.030.

Specific Statute that Rule is Intended to Implement: Chapter 70.87 RCW.

Summary of the Rule(s): To adopt supplements to ANSI/ASME A17.1-1984, the American National Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, including ANSI A17.1b - 1985, ANSI A17.1c - 1986, ANSI A17.1d - 1986, and ANSI A17.1e - 1987. It also moves supplements adopted previously in error under WAC 296-81-007, National Elevator Code adopted, to the correct area under WAC 296-81-008, National Elevator Code supplement adopted.

Reasons Supporting the Proposed Rule(s): The American National Safety Code supplements are being adopted to stay in conformity with the national safety standards.

Agency Personnel Responsible for Drafting: William T. O'Hara, Chief Elevator Inspector, Division of Building and Construction Safety Inspection Services, 19435 West Valley Highway, Building S, Suite 108, Kent, Washington, (206) 872-6340; Implementation and Enforcement: Artherline L. Robersen, Assistant Director, Division of Building and Construction Safety Inspection Services, 805 Plum Street S.E., Olympia, Washington, (206) 753-7455.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

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

WAC 296-81-007 NATIONAL ELEVATOR CODE ADOPTED. (1) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, American National Standards Institute A17.1, as amended or revised through 1971, is adopted as the standards in this state for elevators, dumbwaiters, escalators, and moving walks installed from February 25, 1972, through June 30, 1982.

(2) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1981 edition, is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after July 1, 1982 through January 9, 1986. (~~This 1981 edition of ANSI A17.1 is supplemented by the ANSI A17.1a - 1982 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after March 1, 1984 through January 9, 1986. The 1981 edition of ANSI A17.1 and the 1982 edition of ANSI A17.1a is supplemented by the ANSI/ASME A17.1b - 1983 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after December 1, 1984, through January 9, 1986, with the exception of portable escalators that are covered by Part VIII of ANSI/ASME A17.1b - 1983.~~)

(3) The American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI A17.1, 1984 edition is adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986 (~~This 1984 edition to ANSI A17.1 is supplemented by the ANSI A17.1a - 1985 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986~~), with the exception of ANSI A17.1, part XIX.

AMENDATORY SECTION (Amending Order 82-18, filed 5/20/82)

WAC 296-81-008 NATIONAL ELEVATOR CODE SUPPLEMENT ADOPTED. (1) The American National Standard Supplement to Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, A17.1-1971, ANSI A17.1a-1972 is hereby adopted as additional standards for compliance in this state for elevators, dumbwaiters, escalators, and moving walks installed from February 25, 1972, through June 30, 1982, and by this reference such standards are incorporated herein as though fully set forth. Copies of this supplement may be obtained from The American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.

(2) The 1981 edition of ANSI A17.1 is supplemented by the ANSI A17.1a - 1982 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after March 1, 1984, through January 9, 1986. The 1981 edition of ANSI A17.1 and ANSI A17.1a - 1982 is supplemented by ANSI A17.1b - 1983 for elevators, dumbwaiters, escalators, and moving walks installed on or after December 1, 1984, through January 9, 1986, with the exception of portable escalators covered by Part VIII of ANSI A17.1b - 1983.

(3) The 1984 edition of ANSI A17.1 is supplemented by the ANSI A17.1a - 1985 supplement for elevators, dumbwaiters, escalators, and moving walks installed on or after January 10, 1986.

(4) The 1984 edition of ANSI A17.1 is supplemented by ANSI A17.1b - 1985, ANSI A17.1c - 1986, ANSI A17.1d - 1986, and ANSI A17.1e - 1987 for elevators, dumbwaiters, escalators, and moving walks installed on or after October 1, 1987.

WSR 87-14-078
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order 87-11—Filed July 1, 1987]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to site use permits for use of the Washington commercial low-level radioactive waste disposal site.

This action is taken pursuant to Notice No. WSR 87-11-028 filed with the code reviser on May 15, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated to RCW 43.200.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 1, 1987.

By Phillip C. Johnson
 Deputy Director

NEW SECTION

WAC 173-326-010 PURPOSE. The purpose of this chapter is to implement RCW 43.200.080. Each generator and each broker of low-level radioactive waste (LLRW) shall have a valid and unencumbered site use permit prior to shipment of such waste to, or disposal of such waste at, a commercial LLRW disposal site located in the state of Washington.

NEW SECTION

WAC 173-326-020 DEFINITIONS. (1) "Low-Level Radioactive Waste" is defined in Public Law 99-240.

(2) "Broker" means a person who performs one or more of the following functions for a low-level radioactive waste generator, provided it shall not mean a carrier whose sole function is to transport such low-level radioactive waste:

- (a) Arranges for transportation of the low-level waste;
- (b) Collects and/or consolidates shipments of such low-level radioactive waste;

(c) Processes such low-level radioactive waste in some manner.

(3) "Department" means the Department of Ecology.

(4) "Generator" means the last person who puts radioactive material to practical use, who then declares it to be no longer of use or value.

(5) "P.L. 99-240" means the federal low-level radioactive waste policy amendments act of 1985, codified at 42 U.S.C. section 2021b, et. seq.

(6) "Shipment" means the total low-level radioactive waste material transported in one vehicle.

NEW SECTION

WAC 173-326-030 REQUIREMENTS FOR USERS OF THE WASHINGTON COMMERCIAL LOW-LEVEL RADIOACTIVE WASTE DISPOSAL SITE. (1) A site use permit must be obtained prior to:

- (a) The shipment of LLRW to a LLRW disposal site.
- (b) The disposal of LLRW at a LLRW disposal site.

(2) An application for a site use permit must be filed.

(a) An application for a site use permit shall be filed on department form ECY 010-75.

(b) Each application shall be signed by the applicant.

(3) A broker must ensure that a generator has a current, unencumbered site use permit prior to shipment of that generator's waste to a commercial LLRW disposal site located in the state of Washington, and that the waste will arrive at the disposal site prior to the expiration date of the generator's permit.

(4) Permittees must provide additional information when requested by the Department of Ecology as necessary for the safe management of low-level radioactive waste in the state of Washington.

NEW SECTION

WAC 173-326-040 SITE USE PERMIT FEE. (1) The permit fee must be submitted at the time of filing an application. The permit fee is not refundable. The fees for a site use permit are:

- (a) One-Time Use Permit - \$ 50.00 or
- (b) Multiple Use Permit - \$150.00 per year

(2) One-Time Use Permit: A generator having radioactive waste for disposal for one time only can obtain a non-renewable site use permit for such a shipment. This permit terminates upon receipt of the shipment for disposal and cannot be reissued to a generator. If the same generator has a subsequent need to ship waste for disposal a multiple use permit must be obtained.

(3) Multiple-Use Permit: A generator having radioactive waste for disposal more than once can obtain a renewable multiple use permit. A multiple use permit can be renewed annually. A generator who holds a multiple use permit cannot change the permit to a one-time use permit.

WSR 87-14-079

**WITHDRAWAL OF PROPOSED RULES
 DEPARTMENT OF GAME**

[Filed July 1, 1987]

The Department of Game hereby withdraws the proposed adoption of WAC 232-28-215, 1988, 1989 and 1990 Opening dates for deer and elk.

The CR-1 was filed June 3, 1987, Notice No. WSR 87-12-078.

Jack Smith, Chief
 Wildlife Management Division

WSR 87-14-080
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning 1988, 1989, and 1990 opening dates for deer, elk, upland birds and waterfowl seasons, adopting WAC 232-28-215;

that the agency will at 9:00 a.m., Sunday, August 23, 1987, in the Thunderbird Inn at the Quay, 100 Columbia Street, Vancouver, WA 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 23, 1987.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1987.

Dated: June 24, 1987
 By: Marveen J. Rohr
 for Jack L. Smith, Chief
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-215 1988, 1989, and 1990 opening dates for deer, elk, upland birds and waterfowl seasons.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: This notice proposes standardized opening dates for deer, elk, upland birds and waterfowl seasons for 1988, 1989, and 1990. Both early and late seasons for each user group for both deer and elk are proposed.

Reasons Supporting the Proposed Rule: Opening dates are the subject of much debate each year in drafting hunting seasons. Standardized opening dates could be adopted for three years and thereby streamline the season setting process and better meet public needs to plan.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Division Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: John Gillespie, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-215 1988, 1989, AND 1990 OPENING DATES FOR DEER, ELK, UPLAND BIRDS AND WATERFOWL SEASONS

DEER			
YEAR	HUNTING METHOD	SEASON	DATE
1988	Modern Firearm	1988 Early Buck	September 15 (Thursday)
	Archery	1988 General Buck	October 15 (Saturday)
		1988 Early Deer	September 15 (Thursday)
Muzzleloader	1988 Late Deer	November 25 (Friday)	
	1988 Early Deer	October 1 (Saturday)	
	1988 Late Deer	November 25 (Friday)	
1989	Modern Firearm	1989 Early Buck	September 15 (Friday)
	Archery	1989 General Buck	October 14 (Saturday)
		1989 Early Deer	September 15 (Friday)
Muzzleloader	1989 Late Deer	November 25 (Saturday)	
	1989 Early Deer	October 1 (Sunday)	
	1989 Late Deer	November 25 (Saturday)	
1990	Modern Firearm	1990 Early Buck	September 15 (Saturday)
	Archery	1990 General Buck	September 15 (Saturday)
		1990 Early Deer	September 15 (Saturday)
Muzzleloader	1990 Late Deer	November 25 (Sunday)	
	1990 Early Deer	October 1 (Monday)	
		1990 Late Deer	November 25 (Sunday)

ELK				
1988	Modern Firearm	1988 Blue Mountains Early	October 26 (Wednesday)	
		1988 Blue Mountains Late	October 29 (Saturday)	
		1988 Colockum Early	October 25 (Tuesday)	
		1988 Colockum Late	October 28 (Friday)	
		1988 Yakima Early	November 1 (Tuesday)	
		1988 Yakima Late	November 4 (Friday)	
	Archery	1988 Western Washington Early	November 2 (Wednesday)	
		1988 Western Washington Late	November 5 (Saturday)	
		1988 (All Tag Areas) Early	October 1 (Saturday)	
		1988 (All Tag Areas) Late	November 25 (Friday)	
		Muzzleloader	1988 (All Tag Areas) Early	October 8 (Saturday)
			1988 (All Tag Areas) Late	November 25 (Friday)
1989	Modern Firearm	1989 Blue Mountains Early	October 25 (Wednesday)	
		1989 Blue Mountains Late	October 28 (Saturday)	
		1989 Colockum Early	October 25 (Wednesday)	
		1989 Colockum Late	October 28 (Saturday)	
		1989 Yakima Early	November 5 (Sunday)	
		1989 Yakima Late	November 8 (Wednesday)	
	Archery	1989 Western Washington Early	November 1 (Wednesday)	
		1989 Western Washington Late	November 4 (Saturday)	
		1989 (All Tag Areas) Early	October 1 (Sunday)	
		1989 (All Tag Areas) Late	November 25 (Saturday)	
		Muzzleloader	1989 (All Tag Areas) Early	October 7 (Saturday)
			1989 (All Tag Areas) Late	November 25 (Saturday)
1990	Modern Firearm	1990 Blue Mountains Early	October 31 (Wednesday)	
		1990 Blue Mountains Late	November 3 (Saturday)	
		1990 Colockum Early	October 25 (Thursday)	
		1990 Colockum Late	October 28 (Sunday)	

YEAR	HUNTING METHOD	SEASON	DATE
		1990 Yakima	
		Early	November 5 (Monday)
		Late	November 8 (Thursday)
		1990 Western Washington	
		Early	November 7 (Wednesday)
		Late	November 10 (Saturday)
Archery		1990 (All Area Tags)	
		Early	October 1 (Monday)
		Late	November 25 (Sunday)
Muzzleloader		1990 (All Area Tags)	
		Early	October 6 (Saturday)
		Late	November 25 (Sunday)
UPLAND BIRDS AND WATERFOWL			
1988		Upland Birds	October 15 (Saturday)
		Waterfowl	October 15 (Saturday)
1989		Upland Birds	October 14 (Saturday)
		Waterfowl	October 14 (Saturday)
1990		Upland Birds	October 13 (Saturday)
		Waterfowl	October 13 (Saturday)

WSR 87-14-081
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

New WAC 232-12-276 Scientific permits.
Rep WAC 232-12-274 Conditions for issuance of permits for scientific collection, research or display;

that the agency will at 9:00 a.m., Sunday, August 23, 1987, in the Thunderbird Inn at the Quay, 100 Columbia Street, Vancouver, WA 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 23, 1987.

The authority under which these rules are proposed is RCW 77.32.010 (2)(b) and 77.32.240.

The specific statute these rules are intended to implement is RCW 77.32.010 (2)(b) and 77.32.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1987.

Dated: July 1, 1987
By: Marveen J. Rohr
for Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: New section WAC 232-12-276, Scientific permits.

Statutory Authority: RCW 77.32.010 (2)(b) and 77.32.240.

Specific Statute that Rule is Intended to Implement: RCW 77.32.010 (2)(b) and 77.32.240.

Summary of the Rule: Establishes rules for obtaining a scientific permit to collect wildlife or their nests and eggs for research or display.

Reasons Supporting the Proposed Rule: Wildlife is important to valuable research and public education

programs. This rule provides for issuance of a scientific permit to collect wildlife or their nests and eggs for research or display.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: John Gillespie, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-276 SCIENTIFIC PERMITS (1) It is unlawful to collect wildlife or their nests and eggs for the purpose of research or display without first obtaining a Washington state scientific permit.

(2) A scientific permit, valid for the time specified on the permit, may be issued to a person to collect wildlife or their nests and eggs for the purpose of research or display.

(3) The Director may issue and condition a scientific permit if, after review, the applicant complies with the following:

(a) The applicant will submit a completed application providing specific information required by the Director.

(b) The applicant will submit a study plan which includes specific project objectives and justification for collection; species and number to be collected; method(s) of collection; location(s) of collection; and proposed disposition of collection.

(c) The applicant will demonstrate their qualifications for conducting the collection and the research or display of wildlife as requested in the application.

(d) The applicant will demonstrate that they have adequate facilities and expertise necessary to care for live wildlife to be collected for display.

(4) Scientific permits will not be granted if, in the opinion of the Director, the collection duplicates or conflicts with existing collection activities.

(5) A copy of the valid scientific permit must be in the possession of any person when they are exercising the privileges authorized by the permit. Subpermittees will be identified in a manner prescribed by the director.

(6) It is unlawful for a scientific permit holder to fail to keep accurate records showing information as required by the director. These records shall be maintained on a calendar year basis and shall be retained for a period of five years.

(7) It is unlawful for the holder of a scientific permit to fail to submit to the Department no later than January 31 of each year an annual report providing information as required by the Director.

(8) Scientific permit holders collecting wildlife or their nests or eggs for the purpose of research must submit to the Department a copy of the final report. Interim reports may be required.

(9) Wildlife Agents may inspect at reasonable times and in a reasonable manner the wildlife, nests, eggs, permits, records, and facilities of a scientific permit holder.

(10) It is unlawful for live wildlife collected directly from the wild pursuant to a scientific permit to be displayed except by publicly owned zoos and aquariums. Wildlife acquired under a scientific permit from sources other than directly from the wild may also be used for

the purpose of research or for non-commercial wildlife education programs under conditions prescribed by the director.

(11) It is unlawful to fail to comply with the conditions of a scientific permit.

(12) For the purposes of this rule, the following definitions apply:

(a) "Collect" means an effort to take control of or attempt to take control of wildlife or their nests and eggs.

(b) "Display" means to place or locate wildlife so that public viewing is encouraged or allowed.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-12-274 CONDITIONS FOR ISSUANCE OF PERMITS FOR SCIENTIFIC COLLECTION, RESEARCH OR DISPLAY

WSR 87-14-082
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

New WAC 232-28-411 1987-88 Upland game bird and migratory waterfowl seasons.
Rep WAC 232-28-410 1986-87 Upland game bird and migratory waterfowl seasons;

that the agency will at 9:00 a.m., Sunday, August 23, 1987, in the Thunderbird Inn at the Quay, 100 Columbia Street, Vancouver, WA 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 23, 1987.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1987.

Dated: June 23, 1987

By: Marveen J. Rohr
for Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-411 1987-88 Upland game bird and migratory waterfowl seasons.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Adopts 1987-88 Upland game bird and migratory waterfowl seasons in the manner outlined in the 1986-87 pamphlet. Dates and hunting hours will change dependent upon calendar and regional recommendations.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: John Gillespie, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-411 1987-88 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1987-88 Upland game bird and migratory waterfowl seasons proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-410 1986-87 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS

WSR 87-14-083
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning sale of wildlife progeny, adopting WAC 232-12-067;

that the agency will at 9:00 a.m. Sunday, August 23, 1987, in the Thunderbird Inn at the Quay, 100 Columbia Street, Vancouver, WA 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 23, 1987.

The authority under which these rules are proposed is RCW 77.12.030.

The specific statute these rules are intended to implement is RCW 77.12.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1987.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Judy Hildebrandt
600 North Capitol Way
Olympia, WA 98504
(206) 753-5710

Dated: July 1, 1987
By: Marveen J. Rohr
for Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: New section WAC 232-12-067, sale of wildlife progeny.

Statutory Authority: RCW 77.12.030.

Specific Statute that Rule is Intended to Implement: RCW 77.12.030.

Summary of the Rule: Allows publicly-owned zoos and aquariums to sell the progeny of wildlife lawfully acquired for display. Sale would only be authorized to other publicly-owned zoos and aquariums.

Reasons Supporting the Proposed Rule: Publicly-owned zoos and aquariums in this state have requested permission to sell the extra progeny of wildlife held in captivity for public display and public education. Under this rule, wildlife acquired from the wild for public display cannot be sold; sale is limited to progeny. The department does not feel this rule will have an adverse impact on the wildlife resource.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: John Gillespie, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-067 SALE OF WILDLIFE PROGENY. (1) It is unlawful for publicly-owned zoos or aquariums who lawfully acquired wildlife for display under WAC 232-12-064 or WAC 232-12-276 to offer for sale or sell the progeny of that wildlife except to other publicly-owned zoos and aquariums.

(2) Publicly-owned zoos and aquariums will keep accurate and current records of the sale of wildlife progeny as required by the director. These records will be maintained on a calendar year basis and retained for a period of 5 years.

(3) It is unlawful for any publicly-owned zoo or aquarium to fail to complete and submit to the department by January 31 of each year a report containing information required by the director.

(4) Wildlife agents may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and facilities of any publicly-owned zoo or aquarium offering for sale or selling wildlife.

WSR 87-14-084
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning wildlife rehabilitation permits, adopting WAC 232-12-275;

that the agency will at 9:00 a.m., Sunday, August 23, 1987, in the Thunderbird Inn at the Quay, 100 Columbia Street, Vancouver, WA 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 23, 1987.

The authority under which these rules are proposed is RCW 77.12.030.

The specific statute these rules are intended to implement is RCW 77.12.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1987.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Judy Hildebrandt
600 North Capitol Way
Olympia, WA 98504
(206) 753-5710

Dated: July 1, 1987
 By: Marveen J. Rohr
 for Jack L. Smith, Chief
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: New section WAC 232-12-275, wildlife rehabilitation permits.

Statutory Authority: RCW 77.12.030.

Specific Statute that Rule is Intended to Implement: RCW 77.12.030.

Summary of the Rule: Provides for the issuance of wildlife rehabilitation permits to allow for qualified citizen-run wildlife rehabilitation facilities.

Reasons Supporting the Proposed Rule: Every year wildlife become injured, diseased, or abandoned. There is strong public concern for this wildlife. This rule establishes rules and guidelines for the issuance of permits for private citizens to operate wildlife rehabilitation facilities.

Agency Personnel Responsible for the Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and

Enforcement: John Gillespie, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-275 WILDLIFE REHABILITATION PERMITS.

(1) It is unlawful to possess wildlife for the purpose of rehabilitation without first obtaining a Washington state "wildlife rehabilitation permit".

(2) A wildlife rehabilitation permit, valid for the time specified on the permit, may be issued to a person to treat or care for injured, diseased, or abandoned wildlife for the purpose of successful release to the wild.

(3) The director may issue and condition a wildlife rehabilitation permit if, after investigation, the applicant complies with the following:

(a) The applicant is either a licensed veterinarian or can demonstrate 6 months of qualifying experience in wildlife rehabilitation. The director may consider education in wildlife rehabilitation as a substitute for qualifying experience.

(b) The applicant must successfully complete a written wildlife rehabilitator's examination(s) to be administered by an authorized representative of the department.

(c) Applicants who are not licensed veterinarians must provide to the department a letter signed by a person willing to act as principal veterinarian.

(d) The wildlife rehabilitation facility must meet the wildlife rehabilitation care and facility standards prescribed by the director.

(4) The director may limit the number of wildlife rehabilitation permits based on need in any geographic area.

(5) It is unlawful to hold wildlife for longer than 180 days except as authorized by the director. Rehabilitated wildlife will be released as soon as possible into its proper habitat at department authorized release sites.

(6) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(7) It is unlawful to retain wildlife for the purpose of orphan-imping or to retain feathers for the purpose of "imping", except as provided by written permission from the director.

(8) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(9) A wildlife rehabilitator may receive from the department and possess at the wildlife rehabilitation facility dead wildlife for the purpose of feeding wildlife being rehabilitated.

(10) The holder of a wildlife rehabilitation permit must submit to the department no later than January 31 of each year an annual report providing information as required by the director. The department will provide wildlife rehabilitators with a wildlife rehabilitation ledger which will also be submitted as the annual report.

(11) It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger on the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(12) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. These records will be maintained on a calendar year basis and will be retained for a period of five years. A copy of the valid wildlife rehabilitation permit must be in the possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(13) Wildlife agents may inspect at reasonable times in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(14) It is unlawful for a permittee to fail to comply with the conditions of a wildlife rehabilitation permit.

(15) For the purposes of this rule, the following definitions apply:

(a) "Wildlife rehabilitation" means the care and treatment of injured, diseased, or abandoned wildlife, including but not limited to capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

(b) "Wildlife rehabilitation facility" means the authorized site(s) as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.

(c) "Wildlife rehabilitator" means a person who cares for or treats injured, diseased, or abandoned wildlife for the purpose of releasing said wildlife to the wild.

(d) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to possess for treatment or care, injured, diseased, or abandoned wildlife for the purpose of successful release to the wild.

(e) "Principal veterinarian" means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in the medical treatment of injured, diseased, or abandoned wildlife.

(f) "Public display" means to place or locate wildlife so that it may be viewed by the public.

WSR 87-14-085

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING

[Filed July 1, 1987]

The Washington State Department of Licensing wishes to cancel its notice of intention to adopt, amend, or repeal rules, Notice Number WSR 87-13-041 filed June 15, 1987.

Sandra Brooks
 Administrator

WSR 87-14-086
PROPOSED RULES
DEPARTMENT OF LICENSING
(Physical Therapy Board)
 [Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Physical Therapy Board intends to adopt, amend, or repeal rules concerning mandatory reporting of possible grounds for disciplinary action against physical therapists;

that the agency will at 1:00 p.m., Tuesday, August 11, 1987, in Nendel's Motor Inn, 16828 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.130.070.

The specific statute these rules are intended to implement is RCW 18.130.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 11, 1987.

Dated: July 1, 1987

By: John H. Keith
 Assistant Attorney General
 Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Physical Therapy.

Purpose and Reason Proposed: To adopt mandatory reporting guidelines to assist in detecting physical therapists who may require disciplinary action for the protection of the public.

Summary of the Rules: WAC 308-42-210 General provisions; 308-42-220 Mandatory reporting; 308-42-230 Health care institutions; 308-42-240 Physical therapy associations or societies; 308-42-250 Health care service contractors and disability insurance carriers; 308-42-260 Professional liability carriers; 308-42-270 courts; and 308-42-280 State and federal agencies.

Statutory Authority: RCW 18.130.070.

Responsible Departmental Personnel: In addition to members of the Physical Therapy Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Sydney Beckett, Executive Secretary, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753-3129 comm, 234-3129 scan.

Proponents: The subject matter of this rule hearing has been proposed by the Washington State Board of Physical Therapy.

Small Business Economic Impact Statement: Not required and has not been filed since this rule does not impact small businesses as that term was defined in RCW 43.31.920.

NEW SECTION

WAC 308-42-210 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Board" means the physical therapy board, whose address is:

Department of Licensing
 Division of Professional Licensing
 P.O. Box 9649
 Olympia, WA 98504

(5) "Physical therapist" means a person licensed pursuant to chapter 18.74 RCW.

(6) "Mentally or physically disabled physical therapist" means a physical therapist who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice physical therapy with reasonable skill and safety to patients by reason of any mental or physical condition.

NEW SECTION

WAC 308-42-220 MANDATORY REPORTING. (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address and telephone number of the person making the report.

(b) The name and address and telephone numbers of the physical therapist being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid the evaluation of the report.

NEW SECTION

WAC 308-42-230 HEALTH CARE INSTITUTIONS. The chief administrator or executive officer of any hospital or nursing home shall report to the board when any physical therapist's services are terminated or are restricted based on a determination that the physical therapist has either committed an act or acts which may constitute unprofessional conduct or that the physical therapist may be mentally or physically disabled.

NEW SECTION

WAC 308-42-240 PHYSICAL THERAPY ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any physical therapy association or society within this state shall report to the board when an association or society determines that a physical therapist may not be able to practice physical therapy with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety or welfare. The report required by this subsection shall be made without regard to whether the license holder appeals, accepts or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 308-42-250 HEALTH CARE SERVICE CONTRACTORS AND DISABILITY INSURANCE CARRIERS. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A and 48.44 RCW operating in the state of Washington, shall report to the board all final determinations that a physical therapist has engaged in overcharging for services or has engaged in overutilization of services or has charged fees for services not actually provided.

NEW SECTION

WAC 308-42-260 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to physical therapists shall send a complete report of any malpractice settlement, award or payment as a result of a claim or action for damages alleged to have been caused by an insured physical therapist's incompetency or negligence in the practice of physical therapy.

NEW SECTION

WAC 308-42-270 COURTS. The board requests the assistance of all clerks of trial courts within the state to report all professional malpractice judgments and all convictions of licensed physical therapists, other than minor traffic violations.

NEW SECTION

WAC 308-42-280 STATE AND FEDERAL AGENCIES. The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a physical therapist is employed to provide patient care services, to report to the board whenever such a physical therapist has been judged to have demonstrated his/her incompetency or negligence in the practice of physical therapy, or has otherwise committed unprofessional conduct; or is a mentally or physically disabled physical therapist.

WSR 87-14-087
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed July 1, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Department of Licensing intends to adopt, amend, or repeal rules concerning the operation of vehicles which are not licensed or registered in the state of Washington; vehicle reciprocity, amendatory sections WAC 308-99-010, 308-99-020, 308-99-021 308-99-025 and 308-99-040;

that the agency will at 10:00 a.m., Wednesday, August 5, 1987, in the Conference Room, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.01.110.

The specific statute these rules are intended to implement is RCW 46.85.060, as amended by section 4, chapter 142, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 5, 1987.

Dated: July 1, 1987

By: H. George Ides
 Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in other jurisdictions, or

to the owners of such vehicles, which shall in the judgment of the department, be in the best interest of this state and the citizens thereof, the same having been determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce; and related rules for purposes of clarification.

Statutory Authority: RCW 46.01.110, 46.16.276, 46.85.060 (as amended by section 4, chapter 142, Laws of 1987).

Summary of the Rules: The rules pertain to the operation of vehicles which are not licensed or registered in the state of Washington; vehicle reciprocity. Amendatory sections WAC 308-99-010 Applications; 308-99-020 Definitions; 308-99-021 "Washington public assistance programs" criteria; 308-99-025 Registration required; and 308-99-040 Restrictions and conditions.

Reason Proposed: To bring currently effective rules into conformity with newly enacted statutes and/or statutory amendments, to serve the best interest of this state and the citizens thereof as determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: David T. Kirk, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; and H. George Ides, Administrator, and Paul Downey, Assistant Administrator, Prorate and Fuel Tax Control, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6993 comm or 234-6993 scan.

Proponents: State of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

AMENDATORY SECTION (Amending Order TL/RG 17, filed 9/30/85)

WAC 308-99-010 APPLICATIONS. In the absence of a written agreement between the state of Washington and another jurisdiction these rules, in conjunction with chapters ~~((353, Laws of 1985))~~ 46.16, 46.85, and 46.87 RCW, shall apply to the operation of vehicles which are not licensed or registered in this state.

AMENDATORY SECTION (Amending Order TL/RG 26, filed 6/24/86)

WAC 308-99-020 DEFINITIONS. (1) For the purposes of vehicle license registration, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

(a) ~~((Owns a vehicle that is licensable under the provisions of chapter 46.16 RCW and that is physically present in the state of Washington more than six months in any continuous twelve-month period; or~~

(b) ~~Resides in this state more than six months in any continuous twelve-month period; or~~

(c) ~~Becomes))~~ Becoming a registered voter in this state; or

~~((d) Receives))~~ (b) Receiving benefits under one of the Washington public assistance programs; or

~~((c) Declares himself or herself to be))~~ (c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(2) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty.

(3) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country.

AMENDATORY SECTION (Amending Order TL/RG 26, filed 6/24/86)

WAC 308-99-021 "WASHINGTON PUBLIC ASSISTANCE PROGRAMS" CRITERIA. For purposes of vehicle license registration requirements of RCW 46.16.028 and WAC 308-99-020, the term "Washington public assistance programs" includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to, the food stamp program under the Federal Food Stamp Act of 1964; programs under the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1788)(:;) and aid to families with dependent children (42 U.S.C. §§ 601-606)(; and federal housing assistance programs administered by the Department of Housing and Urban Development or the Farmers Home Administration (42 U.S.C. §§ 1437-1440, 1441-1471, 1471-1490, and 12 U.S.C. §§ 1701-1706.)).

AMENDATORY SECTION (Amending Order TL/RG 17, filed 9/30/85)

WAC 308-99-025 REGISTRATION REQUIRED. A resident of this state shall register under chapters 46.12 and 46.16 RCW a (~~motor~~) vehicle to be operated on the highways of the state. (~~It is a misdemeanor, pursuant to section 1, chapter 353, Laws of 1985, for a person to violate this section.~~) Pursuant to RCW 46.16.028(3), new Washington residents shall be allowed thirty days from the date they become residents as defined in RCW 46.16.028, to procure Washington registration for their vehicles. This thirty-day period shall not be combined with any other period of reciprocity provided for in chapter 46.16 or 46.85 RCW, or in this chapter. Pursuant to RCW 46.61.010, failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than one hundred sixty-five dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

AMENDATORY SECTION (Amending Order 800-DOL, filed 12/11/86)

WAC 308-99-040 RESTRICTIONS AND CONDITIONS. A vehicle properly licensed or registered in another jurisdiction may be operated in Washington without further registration requirements subject to the following conditions and restrictions:

(1) Nonresident (~~tourists for other nonresident visitors~~; Length of stay cannot) persons: Nonresident persons not employed in this state may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed (~~one hundred eighty days in a calendar year~~) ~~six months in any one continuous twelve-month period~~) six months in any continuous twelve-month period.

(2) Nonresident students: The student must be in full-time attendance at an institution of higher learning (~~in Washington~~) in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocational school as that term is defined by RCW 28C.10.020(7) and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry documentation issued by the institution in the vehicle which readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly

to the student and spouse, regardless of the spouse's legal residence or employment.

(3) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at (~~their~~) ~~his~~) his/her official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(4) (~~Foreign tourists~~; Tourists from foreign countries are permitted to operate a vehicle which is currently licensed in their country of residence for up to one year from the date of entry of the vehicle into the United States.)

(~~4~~)(~~5~~) Temporary employment: Nonresident persons engaged in employment of a temporary nature may operate a vehicle in this state which is currently licensed in another jurisdiction for a period not to exceed ~~one hundred eighty days in a calendar year~~ ~~six months~~; Proof of the temporary nature of the employment may be required.

(~~5~~)(~~6~~) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

(~~6~~)(~~7~~) ~~Salespersons~~ ~~Salesmen~~) (5) Nonresident employed in Washington: Nonresident (~~salespersons~~) ~~salesmen~~ based at a location outside Washington are permitted to) persons employed in this state may operate vehicles not to exceed 12,000 pounds registered gross vehicle weight that are currently licensed in another jurisdiction if no permanent, temporary, or part-time residence is maintained in this state (~~without registration~~) for a period greater than six months in any continuous twelve-month period.

(~~7~~)(~~8~~) (6) Business vehicle: A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of 12,000 pounds, which is properly base licensed in another jurisdiction(;) and (~~used for business purposes in this state~~) registered to a bona fide business in that jurisdiction is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington(~~or when such vehicle is in the overnight custody of a Washington resident~~)).

(~~8~~)(~~9~~) Nonresident employed in Washington: (A nonresident employed in Washington for more than one hundred eighty days in a calendar year) May operate a vehicle licensed in another jurisdiction as long as no permanent, temporary, or part-time residence is maintained in this state.

(~~10~~) New resident: New Washington residents shall be allowed sixty days from the date of establishing residency to procure Washington registration for their vehicle.)

WSR 87-14-088

EMERGENCY RULES

DEPARTMENT OF LICENSING

**(Also Board of Registration
for Professional Engineers
and Land Surveyors)**

[Order PM 661—Filed July 1, 1987]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the fees associated with the licensing or regulation of certain professions, occupations or businesses administered by the Department of Licensing.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the adoption of the new fees is necessary to adequately fund the affected licensing programs pending the adoption of permanent fees on or about August 3, 1987.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.24.086 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 1, 1987.

By Theresa Anna Aragon
Director

NEW SECTION

WAC 196-26-020 ENGINEER FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
<i>Engineers:</i>	
Application fee	\$ 60.00
Examination retake (2nd subsequent or more)	50.00
Reciprocity	50.00
Engineer certificate (initial registration)	15.00
Replacement certificate	15.00
Renewal	40.00
Late renewal penalty	25.00
Duplicate license	15.00
Certification	25.00
<i>Engineer in training:</i>	
Application, examination and certificate	30.00
Examination retake (2nd subsequent or more)	50.00
Replacement certificate	15.00
Duplicate license	15.00
Certification	25.00
<i>Land surveyor:</i>	
Examination and certificate	60.00
Examination retake (2nd subsequent or more)	50.00
Reciprocity	50.00
Renewal	40.00
Late renewal penalty	25.00
Replacement certificate	15.00
Duplicate license	15.00
Certification	25.00
<i>Engineer corporation:</i>	
Certificate of authorization	250.00
Renewal	125.00
Duplicate license	15.00
Replacement certificate	15.00
Certification	25.00

Title of Fee	Fee
<i>Engineer partnership:</i>	
Certification of authorization	250.00
Renewal	125.00
Replacement certificate	15.00
Duplicate license	15.00
Certification	25.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-26-010 FEES.

AMENDATORY SECTION (Amending Order PL 446, filed 11/2/83)

WAC 308-31-055 PODIATRY FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
((Application and exam	\$200.00
Reciprocity application	200.00
License renewal	100.00
Reexamination	200.00
Late renewal penalty	10.00
Duplicate license	5.00))
<u>Application (examination and reexamination)</u>	<u>\$500.00</u>
<u>Reciprocity application</u>	<u>400.00</u>
<u>License renewal</u>	<u>650.00</u>
<u>Late renewal penalty</u>	<u>10.00</u>
<u>Duplicate license</u>	<u>15.00</u>
<u>Certification</u>	<u>25.00</u>

NEW SECTION

WAC 308-34-090 NATUROPATHIC PHYSICIAN FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application/examination/reexamination	\$275.00
License renewal	250.00
Late renewal penalty	175.00
Duplicate license	15.00
Certification	25.00

AMENDATORY SECTION (Amending Order PL 442, filed 8/10/83)

WAC 308-40-125 DENTIST FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
((Application and exam	\$120.00
Reexam	120.00
Renewal	40.00

Title of Fee	Fee
Late renewal penalty	40.00
Reciprocity application	120.00
Duplicate license	5.00
Certification	25.00))
Application (examination and reexamination)	\$400.00
Partial retake	120.00
Renewal	165.00
Late renewal penalty	200.00
Reciprocity application	400.00
Duplicate license	15.00
Certification	25.00
Investigation fee	25.00

NEW SECTION

WAC 308-50-440 HEARING AID FITTER/DISPENSER FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Trainee:	
Initial application	\$300.00
Trainee transfer of sponsor—Within fifteen days	75.00
Trainee transfer of sponsor—Over fifteen days	100.00
Extension of trainee license	200.00
Fitter/dispenser:	
Examination or reexamination (full)	500.00
Partial reexamination	175.00
Initial license	250.00
Renewal	200.00
Late renewal penalty	150.00
Duplicate license	15.00
Certification	25.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-50-375 FEES.

NEW SECTION

WAC 308-51-210 MASSAGE FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Massage practitioner:	
Written examination and reexamination	\$ 60.00
Practical examination and reexamination	80.00
Initial license	80.00
Renewal	70.00
Late renewal penalty	75.00
Certification	25.00
Duplicate license	15.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-51-200 FEES.

AMENDATORY SECTION (Amending Order PL 442, filed 8/10/83)

WAC 308-54-315 NURSING HOME ADMINISTRATOR FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
((Application and exam	
Reexam (partial)	\$125.00
Application—Reciprocity	75.00
Original license	125.00
Temporary permit	50.00
Renewal	125.00
Late renewal penalty	75.00
Duplicate license	75.00
A.I.T. registration	5.00
Application (examination and original license)	25.00))
Reexamination (partial)	\$250.00
Application—Reciprocity	200.00
Temporary permit	150.00
Renewal	150.00
Late renewal penalty	160.00
Duplicate license	160.00
Certification	15.00
	25.00

AMENDATORY SECTION (Amending Order PL 442, filed 8/10/83)

WAC 308-55-025 OCULARIST FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
((Application and exam	
Renewal	\$250.00
Late renewal penalty	300.00
Duplicate license	300.00
Apprentice registration	5.00
Transfer of sponsor	200.00
Application and examination	50.00))
Renewal	\$ 350.00
Late renewal penalty	1150.00
Duplicate license	300.00
Certification	15.00
	25.00

AMENDATORY SECTION (Amending Order PL 442, filed 8/10/83)

WAC 308-115-405 MIDWIFERY FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<i>Title of Fee</i>	<i>Fee</i>
((Initial application	\$125.00
Examination or reexam	150.00
Renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
Verification	10.00))
<u>Initial application</u>	<u>\$225.00</u>
<u>Examination</u>	<u>250.00</u>
<u>Reexamination (second subsequent or more)</u>	<u>250.00</u>
<u>Renewal</u>	<u>175.00</u>
<u>Late renewal penalty</u>	<u>175.00</u>
<u>Duplicate license</u>	<u>15.00</u>
<u>Certification</u>	<u>25.00</u>

NEW SECTION

WAC 308-180-260 ACUPUNCTURE FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<i>Title of Fee</i>	<i>Fee</i>
Application/examination	\$500.00
Retake examination—Written	200.00
Retake examination—Practical	300.00
Annual license renewal	960.00
Late renewal penalty	200.00
Duplicate license	15.00
Certification	25.00
Acupuncture training program application	300.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-180-100 ACUPUNCTURE FEES.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

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.

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 show the sequence of the document within the issue.

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4-25-141	AMD-C	87-10-033	16-104-080	REP-P	87-12-045	16-230-190	AMD-P	87-11-055
4-25-181	AMD-P	87-09-060	16-104-090	REP-P	87-12-045	16-230-470	AMD-P	87-04-060
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4-25-181	REP-P	87-09-060	16-104-110	REP-P	87-12-045	16-230-470	AMD	87-09-015
4-25-181	REP-C	87-10-034	16-104-120	REP-P	87-12-045	16-230-615	AMD-P	87-04-060
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4-25-190	NEW-C	87-10-034	16-104-140	NEW-P	87-12-045	16-230-615	AMD	87-09-015
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16-54-082	AMD	87-08-021	16-200-700	REP-P	87-13-061	16-230-655	AMD-P	87-04-060
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16-54-120	AMD	87-08-021	16-200-720	REP-P	87-13-061	16-230-655	AMD	87-09-015
16-86-005	AMD-P	87-04-052	16-200-730	REP-P	87-13-061	16-230-665	AMD-E	87-08-072
16-86-005	AMD	87-08-020	16-200-740	REP-P	87-13-061	16-230-665	AMD-P	87-14-073
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16-101-465	NEW	87-12-026	16-228-400	NEW-E	87-09-001	16-231-033	NEW-E	87-08-072
16-101-475	NEW-P	87-06-036	16-228-410	NEW-E	87-09-001	16-231-033	NEW-P	87-14-073
16-101-475	NEW-C	87-09-032	16-228-420	NEW-E	87-09-001	16-231-033	NEW-E	87-14-074
16-101-475	NEW-C	87-10-048	16-228-430	NEW-E	87-09-001	16-231-115	AMD-P	87-04-060
16-101-475	NEW	87-12-026	16-228-440	NEW-E	87-09-054	16-231-115	AMD-E	87-08-072
16-101-570	AMD-P	87-06-036	16-228-450	NEW-E	87-09-054	16-231-115	AMD	87-09-015
16-101-570	AMD	87-09-033	16-228-460	NEW-E	87-09-054	16-231-115	AMD-P	87-14-073
16-101-690	NEW-P	87-05-028	16-228-470	NEW-E	87-09-054	16-231-115	AMD-E	87-14-074
16-101-690	NEW	87-08-038	16-228-480	NEW-E	87-09-054	16-231-120	AMD-P	87-04-060
16-104-001	REP-P	87-12-045	16-228-490	NEW-E	87-09-054	16-231-120	REP-E	87-08-072
16-104-001	REP-P	87-12-045	16-228-500	NEW-E	87-09-054	16-231-120	REP-P	87-14-073
16-104-010	REP-P	87-12-045	16-228-510	NEW-E	87-09-054	16-231-120	REP-E	87-14-074
16-104-020	REP-P	87-12-045	16-228-520	NEW-E	87-09-054	16-231-125	AMD-P	87-04-060
16-104-030	REP-P	87-12-045	16-228-530	NEW-E	87-09-054	16-231-125	AMD-E	87-08-072
16-104-040	REP-P	87-12-045	16-228-540	NEW-E	87-09-054	16-231-125	AMD	87-09-015
16-104-050	REP-P	87-12-045	16-228-550	NEW-E	87-09-054	16-231-126	REP-P	87-14-073

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-231-126	REP-E	87-14-074	16-304-040	AMD	87-12-006	16-329-001	REP	87-13-016
16-231-145	AMD-P	87-04-060	16-316-165	AMD-P	87-13-063	16-329-010	REP-P	87-09-085
16-231-145	AMD-E	87-08-072	16-316-165	AMD-E	87-14-011	16-329-010	REP	87-13-016
16-231-145	AMD	87-09-015	16-316-525	AMD-P	87-08-063	16-329-015	REP-P	87-09-085
16-231-145	AMD-P	87-14-073	16-316-800	AMD-P	87-08-063	16-329-015	REP	87-13-016
16-231-145	AMD-E	87-14-074	16-316-800	AMD	87-12-006	16-329-020	REP-P	87-09-085
16-231-148	NEW-E	87-08-072	16-316-810	AMD-P	87-08-063	16-329-020	REP	87-13-016
16-231-148	NEW-P	87-14-073	16-316-810	AMD	87-12-006	16-329-025	REP-P	87-09-085
16-231-148	NEW-E	87-14-074	16-316-815	AMD-P	87-08-063	16-329-025	REP	87-13-016
16-231-215	AMD-P	87-04-060	16-316-815	AMD	87-12-006	16-329-030	REP-P	87-09-085
16-231-215	AMD-E	87-08-072	16-316-820	AMD-P	87-08-063	16-329-030	REP	87-13-016
16-231-215	AMD	87-09-015	16-316-820	AMD	87-12-006	16-333-020	AMD-P	87-09-085
16-231-225	AMD-P	87-04-060	16-316-830	AMD-P	87-08-063	16-333-020	AMD	87-13-016
16-231-225	AMD-E	87-08-072	16-316-830	AMD	87-12-006	16-333-040	AMD-P	87-09-085
16-231-225	AMD	87-09-015	16-316-832	AMD-P	87-13-063	16-333-040	AMD	87-13-016
16-231-235	AMD-P	87-04-060	16-316-832	AMD-E	87-14-011	16-333-050	AMD-P	87-09-085
16-231-235	AMD-E	87-08-072	16-316-880	AMD-P	87-08-063	16-333-050	AMD	87-13-016
16-231-235	AMD	87-09-015	16-316-880	AMD	87-12-006	16-333-065	NEW-P	87-13-064
16-231-238	NEW-E	87-08-072	16-319-020	AMD-P	87-08-063	16-333-065	NEW-E	87-14-012
16-231-238	NEW-P	87-14-073	16-319-020	AMD	87-12-006	16-401-002	REP-P	87-13-062
16-231-238	NEW-E	87-14-074	16-319-030	AMD-P	87-08-063	16-401-020	AMD-P	87-13-062
16-231-315	AMD-P	87-04-060	16-319-030	AMD	87-12-006	16-401-025	AMD-P	87-13-062
16-231-315	AMD-W	87-05-006	16-319-041	AMD-P	87-08-063	16-401-030	AMD-P	87-13-062
16-231-340	AMD-P	87-04-060	16-319-041	AMD	87-12-006	16-401-040	NEW-P	87-13-062
16-231-340	AMD-E	87-08-072	16-319-051	AMD-P	87-08-063	16-401-050	NEW-P	87-13-062
16-231-340	AMD	87-09-015	16-319-051	AMD	87-12-006	16-470-500	NEW	87-04-027
16-231-343	NEW-E	87-08-072	16-319-061	AMD-P	87-08-063	16-470-510	NEW	87-04-027
16-231-343	NEW-P	87-14-073	16-319-061	AMD	87-12-006	16-470-520	NEW	87-04-027
16-231-343	NEW-E	87-14-074	16-319-081	AMD-P	87-08-063	16-470-530	NEW	87-04-027
16-231-425	AMD-P	87-04-060	16-319-081	AMD	87-12-006	16-516-040	AMD-P	87-12-018
16-231-425	AMD-E	87-08-072	16-319-091	NEW-P	87-08-063	16-516-040	AMD-P	87-12-019
16-231-425	AMD	87-09-015	16-319-091	NEW	87-12-006	16-532-040	AMD-P	87-04-045
16-231-530	AMD-P	87-04-060	16-319-101	NEW-P	87-08-063	16-532-040	AMD	87-10-059
16-231-530	AMD-E	87-08-072	16-319-101	NEW	87-12-006	16-570-010	AMD-P	87-13-051
16-231-530	AMD	87-09-015	16-324-360	AMD-E	87-13-017	16-570-030	AMD-P	87-13-051
16-231-620	AMD-P	87-04-060	16-324-600	NEW-E	87-13-017	16-602-005	NEW-P	87-05-053
16-231-620	AMD-E	87-08-072	16-324-610	NEW-E	87-13-017	16-602-010	AMD-P	87-05-053
16-231-620	AMD	87-09-015	16-324-620	NEW-E	87-13-017	16-602-020	AMD-P	87-05-053
16-231-720	AMD-P	87-04-060	16-324-630	NEW-E	87-13-017	16-602-030	AMD-P	87-05-053
16-231-720	AMD-E	87-08-072	16-324-640	NEW-E	87-13-017	16-620-290	AMD-P	87-13-058
16-231-720	AMD	87-09-015	16-324-650	NEW-E	87-13-017	16-620-300	REP-P	87-13-058
16-231-840	AMD-P	87-04-060	16-324-660	NEW-E	87-13-017	16-620-340	AMD-P	87-13-058
16-231-840	AMD-E	87-08-072	16-328-001	REP-P	87-09-085	16-657-025	AMD-P	87-07-019
16-231-840	AMD	87-09-015	16-328-001	REP	87-13-016	16-657-025	AMD-C	87-10-042
16-231-910	AMD-P	87-04-060	16-328-003	REP-P	87-09-085	16-693-001	REP-P	87-14-050
16-231-910	AMD-E	87-08-072	16-328-003	REP	87-13-016	16-693-010	REP-P	87-14-050
16-231-910	AMD	87-09-015	16-328-008	AMD-P	87-09-085	16-693-020	REP-P	87-14-050
16-231-910	AMD-P	87-14-073	16-328-008	AMD	87-13-016	16-694-001	NEW-P	87-14-050
16-231-910	AMD-E	87-14-074	16-328-009	NEW-P	87-09-085	16-750-010	AMD	87-05-016
16-231-912	NEW-P	87-04-060	16-328-009	NEW	87-13-016	25-24-010	REP-P	87-02-052
16-231-912	NEW-E	87-08-072	16-328-010	AMD-P	87-09-085	25-24-010	REP	87-05-027
16-231-912	NEW	87-09-015	16-328-010	AMD	87-13-016	25-24-020	REP-P	87-02-052
16-231-935	AMD-P	87-04-060	16-328-015	NEW-P	87-09-085	25-24-020	REP	87-05-027
16-231-935	AMD-E	87-08-072	16-328-015	NEW	87-13-016	25-24-030	REP-P	87-02-052
16-231-935	AMD	87-09-015	16-328-025	AMD-P	87-09-085	25-24-030	REP	87-05-027
16-231-938	NEW-E	87-08-072	16-328-025	AMD	87-13-016	25-24-040	REP-P	87-02-052
16-231-938	NEW-P	87-14-073	16-328-030	AMD-P	87-09-085	25-24-040	REP	87-05-027
16-231-938	NEW-E	87-14-074	16-328-030	AMD	87-13-016	25-24-050	REP-P	87-02-052
16-232-010	AMD-P	87-04-060	16-328-035	AMD-P	87-09-085	25-24-050	REP	87-05-027
16-232-010	AMD-E	87-08-072	16-328-035	AMD	87-13-016	25-24-060	REP-P	87-02-052
16-232-010	AMD	87-09-015	16-328-038	NEW-P	87-13-064	25-24-060	REP	87-05-027
16-232-035	AMD-P	87-04-060	16-328-038	NEW-E	87-14-012	25-24-070	REP-P	87-02-052
16-232-035	AMD-E	87-08-072	16-328-060	AMD-P	87-09-085	25-24-070	REP	87-05-027
16-232-035	AMD	87-09-015	16-328-060	AMD	87-13-016	30-16-010	NEW	87-11-001
16-232-038	NEW-E	87-08-072	16-328-065	AMD-P	87-09-085	30-16-020	NEW	87-11-001
16-232-038	NEW-P	87-14-073	16-328-065	AMD	87-13-016	30-16-030	NEW	87-11-001
16-232-038	NEW-E	87-14-074	16-328-080	AMD-P	87-09-085	30-16-040	NEW	87-11-001
16-232-125	REP-P	87-04-060	16-328-080	AMD	87-13-016	30-16-050	NEW	87-11-001
16-232-125	REP-E	87-08-072	16-328-083	NEW-P	87-09-085	30-16-060	NEW	87-11-001
16-232-125	REP	87-09-015	16-328-083	NEW	87-13-016	30-16-070	NEW	87-11-001
16-232-225	AMD-P	87-04-060	16-328-085	NEW-P	87-09-085	30-16-080	NEW	87-11-001
16-232-225	AMD-E	87-08-072	16-328-085	NEW	87-13-016	30-16-090	NEW	87-11-001
16-232-225	AMD	87-09-015	16-328-088	NEW-P	87-09-085	30-16-100	NEW	87-11-001
16-232-315	AMD-P	87-04-060	16-328-088	NEW	87-13-016	30-16-110	NEW	87-11-001
16-232-315	AMD-E	87-08-072	16-328-090	REP-P	87-09-085	30-16-120	NEW	87-11-001
16-232-315	AMD	87-09-015	16-328-090	REP	87-13-016	30-20-010	NEW	87-11-001
16-304-040	AMD-P	87-08-063	16-329-001	REP-P	87-09-085	30-20-020	NEW	87-11-001

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
30-20-030	NEW 87-11-001	50-52-050	NEW 87-13-030	50-52-440	NEW-P 87-10-046
30-20-040	NEW 87-11-001	50-52-060	NEW-P 87-10-046	50-52-440	NEW 87-13-030
30-20-050	NEW 87-11-001	50-52-060	NEW 87-13-030	50-52-450	NEW-P 87-10-046
30-20-060	NEW 87-11-001	50-52-070	NEW-P 87-10-046	50-52-450	NEW 87-13-030
30-20-070	NEW 87-11-001	50-52-070	NEW 87-13-030	50-52-460	NEW-P 87-10-046
30-20-080	NEW 87-11-001	50-52-080	NEW-P 87-10-046	50-52-460	NEW 87-13-030
30-20-090	NEW 87-11-001	50-52-080	NEW 87-13-030	50-52-470	NEW-P 87-10-046
30-20-100	NEW 87-11-001	50-52-090	NEW-P 87-10-046	50-52-470	NEW 87-13-030
30-20-110	NEW 87-11-001	50-52-090	NEW 87-13-030	50-52-480	NEW-P 87-10-046
30-20-120	NEW 87-11-001	50-52-100	NEW-P 87-10-046	50-52-480	NEW 87-13-030
30-24-010	NEW 87-11-001	50-52-100	NEW 87-13-030	50-52-490	NEW-P 87-10-046
30-24-020	NEW 87-11-001	50-52-110	NEW-P 87-10-046	50-52-490	NEW 87-13-030
30-24-030	NEW 87-11-001	50-52-110	NEW 87-13-030	50-52-500	NEW-P 87-10-046
30-24-040	NEW 87-11-001	50-52-120	NEW-P 87-10-046	50-52-500	NEW 87-13-030
30-24-050	NEW 87-11-001	50-52-120	NEW 87-13-030	50-52-510	NEW-P 87-10-046
30-24-060	NEW 87-11-001	50-52-130	NEW-P 87-10-046	50-52-510	NEW 87-13-030
30-24-070	NEW 87-11-001	50-52-130	NEW 87-13-030	50-52-520	NEW-P 87-10-046
30-24-080	NEW 87-11-001	50-52-140	NEW-P 87-10-046	50-52-520	NEW 87-13-030
30-24-090	NEW 87-11-001	50-52-140	NEW 87-13-030	50-52-530	NEW-P 87-10-046
30-24-100	NEW 87-11-001	50-52-150	NEW-P 87-10-046	50-52-530	NEW 87-13-030
30-28-010	NEW 87-11-001	50-52-150	NEW 87-13-030	50-52-540	NEW-P 87-10-046
30-28-020	NEW 87-11-001	50-52-160	NEW-P 87-10-046	50-52-540	NEW 87-13-030
30-28-030	NEW 87-11-001	50-52-160	NEW 87-13-030	50-52-550	NEW-P 87-10-046
30-28-040	NEW 87-11-001	50-52-170	NEW-P 87-10-046	50-52-550	NEW 87-13-030
30-32-010	NEW 87-11-001	50-52-170	NEW 87-13-030	50-52-560	NEW-P 87-10-046
30-32-020	NEW 87-11-001	50-52-180	NEW-P 87-10-046	50-52-560	NEW 87-13-030
30-32-030	NEW 87-11-001	50-52-180	NEW 87-13-030	50-52-570	NEW-P 87-10-046
30-32-040	NEW 87-11-001	50-52-190	NEW-P 87-10-046	50-52-570	NEW 87-13-030
30-32-050	NEW 87-11-001	50-52-190	NEW 87-13-030	50-52-580	NEW-P 87-10-046
30-32-060	NEW 87-11-001	50-52-200	NEW-P 87-10-046	50-52-580	NEW 87-13-030
30-32-070	NEW 87-11-001	50-52-200	NEW 87-13-030	50-52-590	NEW-P 87-10-046
30-32-080	NEW 87-11-001	50-52-210	NEW-P 87-10-046	50-52-590	NEW 87-13-030
30-36-010	NEW 87-11-001	50-52-210	NEW 87-13-030	50-52-600	NEW-P 87-10-046
30-36-020	NEW 87-11-001	50-52-220	NEW-P 87-10-046	50-52-600	NEW 87-13-030
30-36-030	NEW 87-11-001	50-52-220	NEW 87-13-030	50-52-610	NEW-P 87-10-046
30-36-040	NEW 87-11-001	50-52-230	NEW-P 87-10-046	50-52-610	NEW 87-13-030
30-36-050	NEW 87-11-001	50-52-230	NEW 87-13-030	50-52-620	NEW-P 87-10-046
30-36-060	NEW 87-11-001	50-52-240	NEW-P 87-10-046	50-52-620	NEW 87-13-030
30-36-070	NEW 87-11-001	50-52-240	NEW 87-13-030	50-52-630	NEW-P 87-10-046
30-36-080	NEW 87-11-001	50-52-250	NEW-P 87-10-046	50-52-630	NEW 87-13-030
30-36-090	NEW 87-11-001	50-52-250	NEW 87-13-030	50-52-640	NEW-P 87-10-046
30-36-100	NEW 87-11-001	50-52-260	NEW-P 87-10-046	50-52-640	NEW 87-13-030
30-36-110	NEW 87-11-001	50-52-260	NEW 87-13-030	82-24-080	AMD 87-06-012
30-40-010	NEW 87-11-001	50-52-270	NEW-P 87-10-046	82-24-090	AMD 87-06-012
30-40-020	NEW 87-11-001	50-52-270	NEW 87-13-030	82-24-110	AMD 87-06-012
30-40-030	NEW 87-11-001	50-52-280	NEW-P 87-10-046	82-24-130	AMD 87-06-012
30-40-040	NEW 87-11-001	50-52-280	NEW 87-13-030	82-50-021	AMD-P 87-13-066
30-40-050	NEW 87-11-001	50-52-290	NEW-P 87-10-046	100-100-050	AMD-P 87-09-099
30-40-060	NEW 87-11-001	50-52-290	NEW 87-13-030	100-100-050	AMD-E 87-09-100
30-40-070	NEW 87-11-001	50-52-300	NEW-P 87-10-046	100-100-070	AMD-C 87-09-101
30-40-080	NEW 87-11-001	50-52-300	NEW 87-13-030	100-100-070	AMD-E 87-09-102
30-40-090	NEW 87-11-001	50-52-310	NEW-P 87-10-046	100-100-070	AMD-P 87-06-046
30-44-010	NEW 87-11-001	50-52-310	NEW 87-13-030	113-12-087	NEW 87-05-064
30-44-020	NEW 87-11-001	50-52-320	NEW-P 87-10-046	113-12-115	AMD 87-05-064
30-44-030	NEW 87-11-001	50-52-320	NEW 87-13-030	113-12-195	AMD 87-05-064
30-44-040	NEW 87-11-001	50-52-330	NEW-P 87-10-046	113-12-197	NEW 87-05-064
30-44-050	NEW 87-11-001	50-52-330	NEW 87-13-030	114-12-136	AMD-P 87-07-046
30-48-010	NEW 87-11-001	50-52-340	NEW-P 87-10-046	114-12-136	AMD 87-10-028
30-48-020	NEW 87-11-001	50-52-340	NEW 87-13-030	131-08-010	AMD 87-04-025
30-48-030	NEW 87-11-001	50-52-350	NEW-P 87-10-046	132E-136-010	REP-P 87-10-039
30-48-040	NEW 87-11-001	50-52-350	NEW 87-13-030	132E-136-010	REP 87-14-002
30-48-050	NEW 87-11-001	50-52-360	NEW-P 87-10-046	132E-136-020	REP-P 87-10-039
30-48-060	NEW 87-11-001	50-52-360	NEW 87-13-030	132E-136-020	REP 87-14-002
30-48-070	NEW 87-11-001	50-52-370	NEW-P 87-10-046	132E-136-030	REP-P 87-10-039
50-48-100	NEW-P 87-08-071	50-52-370	NEW 87-13-030	132E-136-030	REP 87-14-002
50-48-100	NEW 87-10-047	50-52-380	NEW-P 87-10-046	132E-137-010	NEW-P 87-10-038
50-48-100	AMD-P 87-10-058	50-52-380	NEW 87-13-030	132E-137-010	NEW 87-14-001
50-48-100	AMD 87-13-015	50-52-390	NEW-P 87-10-046	132E-137-020	NEW-P 87-10-038
50-52-010	NEW-P 87-10-046	50-52-390	NEW 87-13-030	132E-137-020	NEW 87-14-001
50-52-010	NEW 87-13-030	50-52-400	NEW-P 87-10-046	132E-137-030	NEW-P 87-10-038
50-52-020	NEW-P 87-10-046	50-52-400	NEW 87-13-030	132E-137-030	NEW 87-14-001
50-52-020	NEW 87-13-030	50-52-410	NEW-P 87-10-046	132E-137-040	NEW-P 87-10-038
50-52-030	NEW-P 87-10-046	50-52-410	NEW 87-13-030	132E-137-040	NEW 87-14-001
50-52-030	NEW 87-13-030	50-52-420	NEW-P 87-10-046	132E-137-050	NEW-P 87-10-038
50-52-040	NEW-P 87-10-046	50-52-420	NEW 87-13-030	132E-137-050	NEW 87-14-001
50-52-040	NEW 87-13-030	50-52-430	NEW-P 87-10-046	132E-137-060	NEW-P 87-10-038
50-52-050	NEW-P 87-10-046	50-52-430	NEW 87-13-030	132E-137-060	NEW 87-14-001

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132E-137-070	NEW-P	87-10-038	132L-20-070	AMD-E	87-07-048	132L-22-050	REP-E	87-14-024
132E-137-070	NEW	87-14-001	132L-20-070	AMD-P	87-08-018	132L-22-060	AMD-E	87-07-048
132F-148-010	AMD-P	87-04-064	132L-20-070	AMD-P	87-14-023	132L-22-060	AMD-P	87-08-018
132F-148-010	AMD	87-08-026	132L-20-070	AMD-E	87-14-024	132L-22-060	AMD-P	87-14-023
132F-148-030	AMD-P	87-04-064	132L-20-080	AMD-E	87-07-048	132L-22-060	AMD-E	87-14-024
132F-148-030	AMD	87-08-026	132L-20-080	AMD-P	87-08-018	132L-22-070	AMD-E	87-07-048
132F-148-040	AMD-P	87-04-064	132L-20-080	AMD-P	87-14-023	132L-22-070	AMD-P	87-08-018
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173-245-030	NEW-C	87-04-014	173-303-515	AMD	87-14-029	173-326-040	NEW	87-14-078
173-245-030	NEW	87-04-020	173-303-550	AMD-P	87-09-078	173-422-130	AMD	87-02-051
173-245-040	NEW-C	87-02-050	173-303-550	AMD	87-14-029	173-434	NEW-C	87-03-045
173-245-040	NEW-C	87-04-014	173-303-560	AMD-P	87-09-078	173-434-010	NEW	87-07-041
173-245-040	NEW	87-04-020	173-303-560	AMD	87-14-029	173-434-020	NEW	87-07-041
173-245-050	NEW-C	87-02-050	173-303-600	AMD-P	87-09-078	173-434-030	NEW	87-07-041
173-245-050	NEW-C	87-04-014	173-303-600	AMD	87-14-029	173-434-050	NEW	87-07-041
173-245-050	NEW	87-04-020	173-303-610	AMD-P	87-09-078	173-434-100	NEW	87-07-041
173-245-055	NEW-C	87-02-050	173-303-610	AMD	87-14-029	173-434-110	NEW	87-07-041
173-245-055	NEW-C	87-04-014	173-303-620	AMD-P	87-09-078	173-434-120	NEW	87-07-041
173-245-055	NEW	87-04-020	173-303-620	AMD	87-14-029	173-434-130	NEW	87-07-041
173-245-060	NEW-C	87-02-050	173-303-660	AMD-P	87-09-078	173-434-160	NEW	87-07-041
173-245-060	NEW-C	87-04-014	173-303-660	AMD	87-14-029	173-434-170	NEW	87-07-041
173-245-060	NEW	87-04-020	173-303-801	AMD-P	87-09-078	173-434-190	NEW	87-07-041
173-245-070	NEW-C	87-02-050	173-303-801	AMD	87-14-029	173-434-200	NEW	87-07-041
173-245-070	NEW-C	87-04-014	173-303-802	AMD-P	87-09-078	173-434-210	NEW	87-07-041
173-245-070	NEW	87-04-020	173-303-802	AMD	87-14-029	174-107-261	NEW-E	87-03-038
173-245-075	NEW-C	87-02-050	173-303-805	AMD-P	87-09-078	174-116	AMD-P	87-10-054
173-245-075	NEW-C	87-04-014	173-303-805	AMD	87-14-029	174-116	AMD	87-14-020
173-245-075	NEW	87-04-020	173-303-806	AMD-P	87-09-078	174-116-010	AMD-P	87-10-054
173-245-080	NEW-C	87-02-050	173-303-806	AMD	87-14-029	174-116-010	AMD-C	87-13-029
173-245-080	NEW-C	87-04-014	173-303-809	AMD-P	87-09-078	174-116-010	AMD	87-14-020
173-245-080	NEW	87-04-020	173-303-809	AMD	87-14-029	174-116-020	AMD-P	87-10-054
173-245-084	NEW-C	87-02-050	173-303-810	AMD-P	87-09-078	174-116-020	AMD-C	87-13-029
173-245-084	NEW-C	87-04-014	173-303-810	AMD	87-14-029	174-116-020	AMD	87-14-020
173-245-084	NEW	87-04-020	173-303-830	AMD-P	87-09-078	174-116-030	AMD-P	87-10-054
173-245-090	NEW-C	87-02-050	173-303-830	AMD	87-14-029	174-116-030	AMD-C	87-13-029
173-245-090	NEW-C	87-04-014	173-303-9901	AMD-P	87-09-078	174-116-030	AMD	87-14-020
173-245-090	NEW	87-04-020	173-303-9901	AMD	87-14-029	174-116-040	AMD-P	87-10-054
173-303-017	AMD-P	87-09-078	173-303-9904	AMD-P	87-09-078	174-116-040	AMD-C	87-13-029
173-303-017	AMD	87-14-029	173-303-9904	AMD	87-14-029	174-116-040	AMD	87-14-020
173-303-040	AMD-P	87-09-078	173-303-9905	AMD-P	87-09-078	174-116-041	AMD-P	87-10-054
173-303-040	AMD	87-14-029	173-303-9905	AMD	87-14-029	174-116-041	AMD-C	87-13-029
173-303-045	AMD-P	87-09-078	173-303-9906	AMD-P	87-09-078	174-116-041	AMD	87-14-020
173-303-045	AMD	87-14-029	173-303-9906	AMD	87-14-029	174-116-042	AMD-P	87-10-054
173-303-060	AMD-P	87-09-078	173-303-9907	AMD-P	87-09-078	174-116-042	AMD-C	87-13-029
173-303-060	AMD	87-14-029	173-303-9907	AMD	87-14-029	174-116-042	AMD	87-14-020
173-303-070	AMD-P	87-09-078	173-304-012	NEW-C	87-02-035	174-116-043	AMD-P	87-10-054
173-303-070	AMD	87-14-029	173-304-012	NEW-C	87-04-019	174-116-043	AMD-C	87-13-029
173-303-071	AMD-P	87-09-078	173-304-012	NEW-W	87-04-038	174-116-043	AMD	87-14-020
173-303-071	AMD	87-14-029	173-304-012	NEW-P	87-04-038	174-116-044	AMD-P	87-10-054
173-303-081	AMD-P	87-09-078	173-304-012	NEW-W	87-05-035	174-116-044	AMD-C	87-13-029
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173-303-082	AMD-P	87-09-078	173-304-012	NEW-C	87-08-060	174-116-045	AMD-P	87-10-054
173-303-082	AMD	87-14-029	173-304-012	NEW-W	87-11-038	174-116-045	AMD-C	87-13-029
173-303-084	AMD-P	87-09-078	173-304-012	NEW-P	87-11-039	174-116-045	AMD	87-14-020
173-303-084	AMD	87-14-029	173-304-100	AMD-P	87-14-060	174-116-050	AMD-P	87-10-054
173-303-090	AMD-P	87-09-078	173-304-400	AMD-P	87-14-060	174-116-050	AMD-C	87-13-029
173-303-090	AMD	87-14-029	173-304-405	AMD-P	87-14-060	174-116-050	AMD	87-14-020
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173-303-102	AMD	87-14-029	173-304-440	AMD-P	87-04-038	174-116-071	AMD-P	87-10-054
173-303-103	AMD-P	87-09-078	173-304-440	AMD-W	87-05-035	174-116-071	AMD-C	87-13-029
173-303-103	AMD	87-14-029	173-304-440	AMD-P	87-05-054	174-116-071	AMD	87-14-020
173-303-120	AMD-P	87-09-078	173-304-440	AMD-C	87-08-060	174-116-072	AMD-P	87-10-054
173-303-120	AMD	87-14-029	173-304-440	AMD-W	87-11-038	174-116-072	AMD-C	87-13-029
173-303-170	AMD-P	87-09-078	173-304-450	AMD-P	87-14-060	174-116-072	AMD	87-14-020
173-303-170	AMD	87-14-029	173-304-460	AMD-P	87-14-060	174-116-091	AMD-P	87-10-054
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174-116-119	AMD-P	87-10-054	180-75-018	NEW	87-09-010
174-116-119	AMD-C	87-13-029	180-75-019	NEW-P	87-05-048
174-116-119	AMD	87-14-020	180-75-019	NEW	87-09-010
174-116-121	AMD-P	87-10-054	180-75-025	AMD-P	87-05-048
174-116-121	AMD-C	87-13-029	180-75-025	AMD	87-09-010
174-116-121	AMD	87-14-020	180-75-026	NEW-P	87-05-048
174-116-122	AMD-P	87-10-054	180-75-026	NEW	87-09-010
174-116-122	AMD-C	87-13-029	180-75-034	NEW-P	87-05-048
174-116-122	AMD	87-14-020	180-75-034	NEW	87-09-010
174-116-123	AMD-P	87-10-054	180-75-035	AMD-P	87-05-048
174-116-123	AMD-C	87-13-029	180-75-035	AMD	87-09-010
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174-116-126	AMD-C	87-13-029	180-75-038	NEW-P	87-05-048
174-116-126	AMD	87-14-020	180-75-038	NEW	87-09-010
174-116-127	AMD-P	87-10-054	180-75-039	NEW-P	87-05-048
174-116-127	AMD-C	87-13-029	180-75-039	NEW	87-09-010
174-116-127	AMD	87-14-020	180-75-040	AMD-P	87-05-048
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174-116-190	REP	87-14-020	180-75-042	NEW-P	87-05-048
174-116-260	REP-P	87-10-054	180-75-042	NEW	87-09-010
174-116-260	REP	87-14-020	180-75-043	NEW-P	87-05-048
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180-24-007	NEW	87-04-059	180-75-070	AMD	87-09-010
180-24-008	NEW	87-04-059	180-75-075	AMD-P	87-05-048
180-24-010	REP	87-04-059	180-75-075	AMD	87-09-010
180-24-013	NEW	87-04-059	180-75-080	AMD-P	87-05-048
180-24-015	REP	87-04-059	180-75-080	AMD	87-09-010
180-24-016	NEW	87-04-059	180-75-081	NEW-P	87-05-048
180-24-017	NEW	87-04-059	180-75-081	NEW	87-09-010
180-24-020	REP	87-04-059	180-75-082	NEW-P	87-05-048
180-24-021	NEW	87-04-059	180-75-082	NEW	87-09-010
180-24-025	REP	87-04-059	180-75-083	NEW-P	87-05-048
180-24-030	REP	87-04-059	180-75-083	NEW	87-09-010
180-24-080	NEW	87-04-059	180-75-084	NEW-P	87-05-048
180-24-100	REP	87-04-059	180-75-084	NEW	87-09-010
180-24-101	NEW	87-04-059	180-75-085	AMD-P	87-05-048
180-24-102	NEW	87-04-059	180-75-085	AMD	87-09-010
180-24-110	NEW	87-04-059	180-75-086	NEW-P	87-05-048
180-24-112	NEW	87-04-059	180-75-086	NEW	87-09-010
180-24-115	NEW	87-04-059	180-75-087	AMD-P	87-05-048
180-24-120	NEW	87-04-059	180-75-087	AMD	87-09-010
180-24-125	NEW	87-04-059	180-75-199	NEW-P	87-05-048
180-24-130	NEW	87-04-059	180-75-199	NEW	87-09-010
180-24-140	NEW	87-04-059	180-78	AMD-P	87-05-049
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180-24-305	NEW	87-04-059	180-78-003	NEW	87-09-011
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180-24-312	NEW	87-04-059	180-78-005	AMD	87-09-011
180-24-315	NEW	87-04-059	180-78-010	AMD-P	87-05-049
180-24-320	NEW	87-04-059	180-78-010	AMD	87-09-011
180-24-325	NEW	87-04-059	180-78-025	AMD-P	87-05-049
180-24-327	NEW	87-04-059	180-78-025	AMD	87-09-011
180-24-330	NEW	87-04-059	180-78-191	NEW-P	87-05-049
180-24-335	NEW	87-04-059	180-78-191	NEW	87-09-011
180-24-340	NEW	87-04-059	180-78-192	NEW-P	87-05-049
180-24-345	NEW	87-04-059	180-78-192	NEW	87-09-011
180-24-350	NEW	87-04-059	180-78-193	NEW-P	87-05-049
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180-24-365	NEW	87-04-059	180-78-194	NEW	87-09-011
180-24-370	NEW	87-04-059	180-78-195	NEW-P	87-05-049
180-24-375	NEW	87-04-059	180-78-195	NEW	87-09-011
180-24-380	NEW	87-04-059	180-78-197	NEW-P	87-05-049
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180-40-235	AMD	87-09-040	180-78-198	NEW-P	87-05-049
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180-79-310	NEW	87-09-012			
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180-79-358	NEW	87-09-012	192-23-012	AMD-P	87-08-049	212-51-045	NEW-P	87-03-053
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180-79-360	NEW	87-09-012	192-23-014	AMD-P	87-08-049	212-51-050	NEW-P	87-03-053
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180-79-368	NEW	87-09-012	192-23-051	AMD	87-12-021	220-20-018	NEW-W	87-14-032
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180-79-384	NEW	87-09-012	196-20-020	AMD	87-13-005	220-32-03000E	REP-E	87-06-037
180-79-386	NEW-P	87-05-050	196-20-030	AMD-P	87-08-052	220-32-03000F	NEW-E	87-14-005
180-79-386	NEW	87-09-012	196-20-030	AMD	87-13-005	220-32-03000F	REP-E	87-14-018
180-79-388	NEW-P	87-05-050	196-24-050	AMD-P	87-08-052	220-32-03000G	NEW-E	87-14-018
180-79-388	NEW	87-09-012	196-24-050	AMD	87-13-005	220-32-03000G	REP-E	87-14-033
180-79-390	NEW-P	87-05-050	196-24-070	REP-P	87-08-052	220-32-03000H	NEW-E	87-14-033
180-79-390	NEW	87-09-012	196-24-070	REP	87-13-005	220-32-04100J	NEW-E	87-11-059
180-79-392	NEW-P	87-05-050	196-24-085	AMD-P	87-08-052	220-32-05100H	NEW-E	87-05-037
180-79-392	NEW	87-09-012	196-24-085	AMD	87-13-005	220-32-05100I	NEW-E	87-14-008
180-79-394	NEW-P	87-05-050	196-24-100	NEW-P	87-08-052	220-32-05100I	REP-E	87-14-025
180-79-394	NEW	87-09-012	196-24-100	NEW	87-13-005	220-32-05100J	NEW-E	87-14-025
180-79-396	NEW-P	87-05-050	196-24-105	NEW-P	87-08-052	220-32-05100J	REP-E	87-14-033
180-79-396	NEW	87-09-012	196-24-105	NEW	87-13-005	220-32-05100K	NEW-E	87-14-033
180-79-398	NEW-P	87-05-050	196-24-110	NEW-P	87-08-052	220-32-05500T	NEW-E	87-11-033
180-79-398	NEW	87-09-012	196-24-110	NEW	87-13-005	220-32-05900K	NEW-E	87-09-065
180-85-020	AMD-P	87-09-094	196-26-010	REP-P	87-07-046	220-32-05900L	NEW-E	87-09-084
180-85-020	AMD	87-12-041	196-26-010	REP-P	87-13-057	220-32-05900M	NEW-E	87-13-011
180-85-045	AMD-P	87-05-051	196-26-010	REP-E	87-14-088	220-36-02500A	NEW-E	87-13-035
180-85-045	AMD	87-09-013	196-26-020	NEW-P	87-07-046	220-36-02500Y	NEW-E	87-10-031
180-85-220	AMD-P	87-05-051	196-26-020	NEW-P	87-13-057	220-36-02500Y	REP-E	87-12-004
180-85-220	AMD	87-09-013	196-26-020	NEW-E	87-14-088	220-36-02500Z	NEW-E	87-12-004
180-85-225	AMD-P	87-05-051	196-27-020	AMD-P	87-08-052	220-36-02500Z	REP-E	87-12-062
180-85-225	AMD	87-09-013	196-27-020	AMD	87-13-005	220-44-050	AMD-P	87-04-070
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180-90-125	NEW	87-09-039	204-65-010	NEW	87-04-065	220-44-05000D	NEW-E	87-09-016
180-90-141	NEW-P	87-05-052	204-65-020	NEW	87-04-065	220-44-05000D	REP-E	87-09-030
180-90-141	NEW	87-09-039	204-65-030	NEW	87-04-065	220-44-05000E	NEW-E	87-09-030
180-90-160	AMD-P	87-05-052	204-65-040	NEW	87-04-065	220-44-05000E	REP-E	87-09-083
180-90-160	AMD	87-09-039	204-65-050	NEW	87-04-065	220-44-05000F	NEW-E	87-09-083
182-08-060	AMD-E	87-11-003	204-65-060	NEW	87-04-065	220-44-060	REP	87-04-003
182-08-060	AMD-E	87-14-004	204-91-050	AMD-P	87-13-048	220-44-070	REP	87-04-003
182-12-126	REP-E	87-11-003	204-91-060	AMD-P	87-13-048	220-44-09000A	NEW-E	87-14-048
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182-12-127	NEW-E	87-11-003	212-51-001	NEW-P	87-03-053	220-47-301	AMD-C	87-12-086
182-12-127	NEW-E	87-14-004	212-51-001	NEW	87-06-044	220-47-311	AMD-P	87-09-082
182-12-210	AMD-E	87-04-016	212-51-005	NEW-P	87-03-053	220-47-311	AMD-C	87-12-086
182-12-210	AMD-P	87-04-039	212-51-005	NEW	87-06-044	220-47-312	AMD-P	87-09-082
182-12-210	AMD	87-07-034	212-51-010	NEW-P	87-03-053	220-47-312	AMD-C	87-12-086
192-12-005	NEW-P	87-08-049	212-51-010	NEW	87-06-044	220-47-313	AMD-P	87-09-082
192-12-005	NEW	87-12-021	212-51-015	NEW-P	87-03-053	220-47-313	AMD-C	87-12-086
192-12-011	NEW-P	87-08-049	212-51-015	NEW	87-06-044	220-47-401	AMD-P	87-09-082
192-12-011	NEW	87-12-021	212-51-020	NEW-P	87-03-053	220-47-401	AMD-C	87-12-086
192-12-012	NEW-P	87-08-049	212-51-020	NEW	87-06-044	220-47-402	AMD-P	87-09-082
192-12-012	NEW	87-12-021	212-51-025	NEW-P	87-03-053	220-47-402	AMD-C	87-12-086
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220-47-413	AMD-P 87-09-082	220-56-310	AMD-P 87-03-056	220-57-46000R	REP-E 87-13-024
220-47-413	AMD-C 87-12-086	220-56-310	AMD 87-09-066	220-57-46000R	NEW-E 87-13-024
220-47-414	AMD-P 87-09-082	220-56-31000H	NEW-E 87-08-048	220-57-46000R	REP-E 87-14-033
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220-48-015	AMD 87-04-003	220-56-35000D	NEW-E 87-12-030	220-57-50500L	NEW-E 87-08-048
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220-48-01500X	REP-E 87-07-007	220-56-36000N	NEW-E 87-06-034	220-57-510	AMD 87-09-066
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220-49-02000V	REP-E 87-13-028	220-57-175	AMD 87-09-066	220-77-040	NEW-P 87-04-071
220-49-02000W	NEW-E 87-13-028	220-57-215	AMD-P 87-03-056	220-77-040	NEW 87-08-033
220-52-03000D	NEW-E 87-08-047	220-57-215	AMD 87-09-066	220-77-050	NEW-P 87-04-071
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220-52-063	AMD-P 87-12-063	220-57-240	AMD-P 87-03-056	220-77-070	NEW 87-08-033
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220-55-025	AMD 87-09-066	220-57-29000I	NEW-E 87-10-016	220-110-100	AMD-P 87-08-062
220-55-02500A	NEW-E 87-08-048	220-57-300	AMD-P 87-03-056	220-110-110	AMD-P 87-08-062
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220-56-115	AMD 87-09-066	220-57-31000F	NEW-E 87-08-048	220-110-200	AMD-P 87-08-062
220-56-11500E	NEW-E 87-08-048	220-57-315	AMD-P 87-03-056	220-110-210	AMD-P 87-08-062
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220-56-120	AMD 87-09-066	220-57-31500F	NEW-E 87-09-014	220-110-320	AMD-P 87-08-062
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220-56-180	AMD-C 87-08-005	220-57-31500G	NEW-E 87-09-024	220-110-350	AMD-P 87-08-062
220-56-180	AMD 87-08-006	220-57-335	AMD-P 87-03-056	222-08-035	NEW-P 87-10-018
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220-56-190	AMD-P 87-03-056	220-57-385	AMD-P 87-03-056	222-12-045	NEW-P 87-10-018
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220-56-19000G	REP-E 87-14-003	220-57-410	AMD-P 87-03-056	222-16-030	AMD-P 87-10-018
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220-56-195	AMD-P 87-03-056	220-57-415	AMD-P 87-03-056	222-16-050	AMD-P 87-10-018
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220-56-205	AMD-P 87-03-056	220-57-42500J	NEW-E 87-14-003	222-20-020	AMD-P 87-10-018
220-56-24500A	NEW-E 87-07-006	220-57-445	AMD-P 87-03-056	222-20-040	AMD-P 87-10-018
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248-100-145	REP	87-11-047	248-100-315	REP-P	87-07-039	248-100-510	REP	87-11-047
248-100-150	REP-P	87-07-039	248-100-315	REP	87-11-047	248-100-515	REP-P	87-07-039
248-100-150	REP	87-11-047	248-100-320	REP-P	87-07-039	248-100-515	REP	87-11-047
248-100-155	REP-P	87-07-039	248-100-320	REP	87-11-047	248-100-520	REP-P	87-07-039
248-100-155	REP	87-11-047	248-100-325	REP-P	87-07-039	248-100-520	REP	87-11-047
248-100-160	REP-P	87-07-039	248-100-325	REP	87-11-047	248-100-525	REP-P	87-07-039
248-100-160	REP	87-11-047	248-100-330	REP-P	87-07-039	248-100-525	REP	87-11-047
248-100-170	REP-P	87-07-039	248-100-330	REP	87-11-047	248-100-530	REP-P	87-07-039
248-100-170	REP	87-11-047	248-100-335	REP-P	87-07-039	248-100-530	REP	87-11-047
248-100-180	REP-P	87-07-039	248-100-335	REP	87-11-047	248-100-532	REP-P	87-07-039
248-100-180	REP	87-11-047	248-100-340	REP-P	87-07-039	248-100-532	REP	87-11-047
248-100-195	REP-P	87-07-039	248-100-340	REP	87-11-047	248-100-535	REP-P	87-07-039
248-100-195	REP	87-11-047	248-100-345	REP-P	87-07-039	248-100-535	REP	87-11-047
248-100-200	REP-P	87-07-039	248-100-345	REP	87-11-047	248-100-540	REP-P	87-07-039
248-100-200	REP	87-11-047	248-100-350	REP-P	87-07-039	248-100-540	REP	87-11-047
248-100-205	REP-P	87-07-039	248-100-350	REP	87-11-047	248-100-545	REP-P	87-07-039
248-100-205	REP	87-11-047	248-100-355	REP-P	87-07-039	248-100-545	REP	87-11-047
248-100-206	NEW-P	87-07-039	248-100-355	REP	87-11-047	248-100-550	REP-P	87-07-039
248-100-206	NEW	87-11-047	248-100-360	REP-P	87-07-039	248-100-550	REP	87-11-047
248-100-210	REP-P	87-07-039	248-100-360	REP	87-11-047	248-100-555	REP-P	87-07-039
248-100-210	REP	87-11-047	248-100-365	REP-P	87-07-039	248-100-555	REP	87-11-047
248-100-211	NEW-P	87-07-039	248-100-365	REP	87-11-047	248-100-560	REP-P	87-07-039
248-100-211	NEW	87-11-047	248-100-370	REP-P	87-07-039	248-100-560	REP	87-11-047
248-100-215	REP-P	87-07-039	248-100-370	REP	87-11-047	248-100-565	REP-P	87-07-039
248-100-215	REP	87-11-047	248-100-375	REP-P	87-07-039	248-100-565	REP	87-11-047
248-100-216	NEW-P	87-07-039	248-100-375	REP	87-11-047	248-102-010	REP-E	87-07-033
248-100-216	NEW	87-11-047	248-100-380	REP-P	87-07-039	248-102-010	REP-P	87-07-040
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248-100-220	REP	87-11-047	248-100-385	REP-P	87-07-039	248-102-020	REP-E	87-07-033
248-100-221	NEW-P	87-07-039	248-100-385	REP	87-11-047	248-102-020	REP-P	87-07-040
248-100-221	NEW	87-11-047	248-100-390	REP-P	87-07-039	248-102-020	REP	87-11-040
248-100-225	REP-P	87-07-039	248-100-390	REP	87-11-047	248-102-040	REP-E	87-07-033
248-100-225	REP	87-11-047	248-100-395	REP-P	87-07-039	248-102-040	REP-P	87-07-040
248-100-226	NEW-P	87-07-039	248-100-395	REP	87-11-047	248-102-040	REP	87-11-040
248-100-226	NEW	87-11-047	248-100-400	REP-P	87-07-039	248-102-070	REP-E	87-07-033
248-100-230	REP-P	87-07-039	248-100-400	REP	87-11-047	248-102-070	REP-P	87-07-040
248-100-230	REP	87-11-047	248-100-405	REP-P	87-07-039	248-102-070	REP	87-11-040
248-100-231	NEW-P	87-07-039	248-100-405	REP	87-11-047	248-102-999	REP-E	87-07-033
248-100-231	NEW	87-11-047	248-100-410	REP-P	87-07-039	248-102-999	REP-P	87-07-040
248-100-235	REP-P	87-07-039	248-100-410	REP	87-11-047	248-102-999	REP	87-11-040
248-100-235	REP	87-11-047	248-100-415	REP-P	87-07-039	248-103-001	NEW-E	87-07-033
248-100-236	NEW-P	87-07-039	248-100-415	REP	87-11-047	248-103-001	NEW-P	87-07-040
248-100-236	NEW	87-11-047	248-100-420	REP-P	87-07-039	248-103-001	NEW	87-11-040
248-100-240	REP-P	87-07-039	248-100-420	REP	87-11-047	248-103-010	NEW-E	87-07-033
248-100-240	REP	87-11-047	248-100-425	REP-P	87-07-039	248-103-010	NEW-P	87-07-040
248-100-241	NEW-P	87-07-039	248-100-425	REP	87-11-047	248-103-010	NEW	87-11-040
248-100-241	NEW	87-11-047	248-100-430	REP-P	87-07-039	248-103-020	NEW-E	87-07-033
248-100-246	REP-P	87-07-039	248-100-430	REP	87-11-047	248-103-020	NEW-P	87-07-040
248-100-246	REP	87-11-047	248-100-435	REP-P	87-07-039	248-103-020	NEW	87-11-040
248-100-249	REP-P	87-07-039	248-100-435	REP	87-11-047	248-103-030	NEW-E	87-07-033
248-100-249	REP	87-11-047	248-100-445	REP-P	87-07-039	248-103-030	NEW-P	87-07-040
248-100-250	REP-P	87-07-039	248-100-445	REP	87-11-047	248-103-030	NEW	87-11-040
248-100-250	REP	87-11-047	248-100-451	REP-P	87-07-039	250-18-020	AMD-P	87-12-060
248-100-255	REP-P	87-07-039	248-100-451	REP	87-11-047	250-18-060	AMD-P	87-12-060
248-100-255	REP	87-11-047	248-100-455	REP-P	87-07-039	250-20-011	AMD-P	87-12-046
248-100-260	REP-P	87-07-039	248-100-455	REP	87-11-047	250-20-015	AMD-P	87-12-046
248-100-260	REP	87-11-047	248-100-460	REP-P	87-07-039	250-20-021	AMD-P	87-04-076
248-100-265	REP-P	87-07-039	248-100-460	REP	87-11-047	250-20-021	AMD-P	87-12-046
248-100-265	REP	87-11-047	248-100-465	REP-P	87-07-039	250-20-031	AMD-P	87-12-046
248-100-270	REP-P	87-07-039	248-100-465	REP	87-11-047	250-20-041	AMD-P	87-12-046
248-100-270	REP	87-11-047	248-100-470	REP-P	87-07-039	250-20-051	AMD-P	87-12-046
248-100-275	REP-P	87-07-039	248-100-470	REP	87-11-047	250-20-061	AMD-P	87-12-046
248-100-275	REP	87-11-047	248-100-475	REP-P	87-07-039	250-20-071	AMD-P	87-12-046
248-100-280	REP-P	87-07-039	248-100-475	REP	87-11-047	250-20-081	AMD-P	87-12-046
248-100-280	REP	87-11-047	248-100-480	REP-P	87-07-039	250-40-030	AMD-P	87-12-047
248-100-285	REP-P	87-07-039	248-100-480	REP	87-11-047	250-40-040	AMD-P	87-12-047
248-100-285	REP	87-11-047	248-100-485	REP-P	87-07-039	250-40-050	AMD-P	87-04-077
248-100-290	REP-P	87-07-039	248-100-485	REP	87-11-047	250-40-050	AMD-P	87-12-047
248-100-290	REP	87-11-047	248-100-490	REP-P	87-07-039	250-40-060	AMD-P	87-12-047
248-100-295	REP-P	87-07-039	248-100-490	REP	87-11-047	250-40-070	AMD-P	87-12-047
248-100-295	REP	87-11-047	248-100-495	REP-P	87-07-039	250-44-010	AMD-P	87-12-066
248-100-300	REP-P	87-07-039	248-100-495	REP	87-11-047	250-44-020	AMD-P	87-12-066
248-100-300	REP	87-11-047	248-100-500	REP-P	87-07-039	250-44-030	AMD-P	87-12-066
248-100-305	REP-P	87-07-039	248-100-500	REP	87-11-047	250-44-040	AMD-P	87-12-066
248-100-305	REP	87-11-047	248-100-505	REP-P	87-07-039	250-44-050	AMD-P	87-12-066
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250-44-100	AMD-P	87-12-066	251-22-040	AMD	87-02-036	275-19-040	AMD-P	87-05-021
250-44-110	AMD-P	87-12-066	251-22-045	AMD	87-02-036	275-19-040	AMD	87-09-035
250-44-120	AMD-P	87-12-066	251-22-070	AMD-P	87-10-052	275-19-050	AMD-P	87-05-021
250-44-130	AMD-P	87-12-066	251-22-070	AMD	87-14-051	275-19-050	AMD	87-09-035
250-44-140	AMD-P	87-12-066	251-22-110	AMD-P	87-10-052	275-19-075	AMD	87-03-016
250-44-150	AMD-P	87-12-066	251-22-110	AMD-P	87-10-053	275-19-110	AMD-P	87-05-021
250-44-160	AMD-P	87-12-066	251-22-110	AMD	87-14-051	275-19-110	AMD	87-09-035
250-44-170	AMD-P	87-12-066	251-22-112	AMD-P	87-10-053	275-30-010	NEW-P	87-04-023
250-44-180	AMD-P	87-12-066	251-22-112	AMD	87-14-051	275-30-020	NEW-P	87-04-023
250-44-190	AMD-P	87-12-066	251-22-117	NEW-P	87-10-052	275-30-030	NEW-P	87-04-023
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250-44-210	AMD-P	87-12-066	251-22-117	NEW	87-14-051	275-30-050	NEW-P	87-04-023
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251-01-040	AMD-P	87-10-050	251-22-200	AMD	87-14-051	275-30-070	NEW-P	87-04-023
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251-01-057	NEW-P	87-10-053	251-23-015	NEW-C	87-10-049	284-07-010	NEW-P	87-02-065
251-01-057	NEW	87-14-051	251-23-015	NEW-C	87-14-006	284-07-010	NEW	87-05-011
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251-01-172	NEW	87-14-051	251-23-060	AMD	87-02-036	284-07-024	NEW-P	87-02-065
251-01-190	AMD	87-02-036	254-20-090	AMD	87-03-039	284-07-024	NEW	87-05-011
251-01-208	NEW-P	87-10-053	260-24-280	AMD-P	87-08-029	284-12-080	NEW	87-03-055
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251-01-382	NEW-E	87-14-052	260-36-040	AMD-P	87-08-029	284-13-110	NEW	87-09-056
251-01-392	NEW-E	87-14-052	260-36-040	AMD-E	87-09-031	284-13-120	NEW-P	87-06-049
251-01-400	AMD	87-02-036	260-40-100	AMD-P	87-08-029	284-13-120	NEW	87-09-056
251-04-040	AMD	87-02-036	260-44-080	AMD-P	87-08-029	284-13-130	NEW-P	87-06-049
251-05-060	AMD	87-02-036	260-44-080	AMD-E	87-09-031	284-13-130	NEW	87-09-056
251-07-010	NEW-P	87-04-055	260-70-010	AMD-P	87-08-029	284-13-140	NEW-P	87-06-049
251-07-010	NEW	87-08-056	260-70-010	AMD-W	87-09-076	284-13-140	NEW	87-09-056
251-07-020	NEW-P	87-04-055	260-70-010	AMD-P	87-09-077	284-13-150	NEW-P	87-06-049
251-07-020	NEW	87-08-056	260-70-010	AMD-P	87-09-077	284-13-150	NEW	87-09-056
251-07-030	NEW-P	87-04-055	260-70-021	AMD-P	87-08-029	284-13-150	NEW	87-09-056
251-07-030	NEW	87-08-056	260-70-021	AMD-W	87-09-076	284-23-400	AMD-P	87-09-098
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251-07-040	NEW	87-08-056	260-70-025	AMD-P	87-08-029	284-23-410	AMD-P	87-09-098
251-07-050	NEW-P	87-04-055	260-70-025	AMD-W	87-09-076	284-23-410	AMD	87-14-015
251-07-050	NEW	87-08-056	260-70-025	AMD-P	87-09-077	284-23-420	AMD-P	87-09-098
251-07-060	NEW-P	87-04-055	260-70-026	AMD-P	87-08-029	284-23-420	AMD	87-14-015
251-07-060	NEW	87-08-056	260-70-026	AMD-W	87-09-076	284-23-430	AMD-P	87-09-098
251-08-005	AMD-P	87-04-056	260-70-026	AMD-P	87-09-077	284-23-430	AMD	87-14-015
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251-08-021	AMD	87-08-056	260-70-050	AMD-P	87-09-077	284-23-450	AMD-P	87-09-098
251-08-040	AMD-P	87-04-056	260-70-090	AMD-P	87-08-029	284-23-450	AMD	87-14-015
251-08-040	AMD	87-08-056	260-70-090	AMD-W	87-09-076	284-23-455	NEW-P	87-09-098
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251-08-100	AMD-P	87-10-051	260-70-100	AMD-P	87-08-029	284-23-460	AMD-P	87-09-098
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251-08-110	AMD-E	87-14-052	260-70-100	AMD-P	87-09-077	284-23-470	REP-P	87-09-098
251-08-112	AMD-E	87-14-052	260-70-120	AMD-P	87-08-029	284-23-470	REP	87-14-015
251-09-090	AMD-P	87-04-056	260-70-120	AMD-W	87-09-076	284-23-480	AMD-P	87-09-098
251-10-020	AMD-P	87-08-054	260-70-120	AMD-P	87-09-077	284-23-480	AMD	87-14-015
251-10-020	AMD-P	87-08-055	260-70-170	AMD-P	87-08-029	284-23-485	NEW-P	87-09-098
251-10-020	AMD-P	87-12-082	260-70-170	AMD-W	87-09-076	284-23-485	NEW	87-14-015
251-10-020	AMD-P	87-12-083	260-70-170	AMD-P	87-09-077	284-23-490	REP-P	87-09-098
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251-10-055	AMD	87-02-036	261-06-080	AMD-P	87-13-073	284-23-500	REP-P	87-09-098
251-10-108	NEW-P	87-02-054	261-06-090	AMD-P	87-13-073	284-23-500	REP	87-14-015
251-10-108	NEW-P	87-04-057	261-06-110	AMD-P	87-13-073	284-23-510	REP-P	87-09-098
251-10-108	NEW-P	87-06-054	261-50-030	AMD	87-04-008	284-23-510	REP	87-14-015
251-10-108	NEW	87-08-056	261-50-030	AMD-P	87-05-007	284-23-520	REP-P	87-09-098
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251-10-120	AMD-P	87-04-057	261-50-035	NEW-P	87-05-007	284-23-530	REP-P	87-09-098
251-10-120	AMD	87-08-056	261-50-040	AMD	87-04-008	284-23-530	REP	87-14-015
251-10-140	AMD-P	87-04-057	261-50-040	AMD-P	87-05-007	284-30-330	AMD-P	87-06-039
251-10-140	AMD	87-08-056	261-50-045	REP	87-04-008	284-30-330	AMD	87-09-071
251-10-195	AMD	87-02-036	261-50-050	AMD	87-04-008	284-30-350	AMD-P	87-06-039
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251-12-097	NEW-P	87-12-084	261-50-060	AMD	87-04-008	284-30-390	AMD-P	87-06-039
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284-30-590	NEW	87-09-071	296-17-53806	AMD	87-12-032	296-17-765	AMD-P	87-07-047
284-30-620	NEW-P	87-06-039	296-17-542	AMD-P	87-07-047	296-17-765	AMD	87-12-032
284-30-620	NEW	87-09-071	296-17-542	AMD	87-12-032	296-17-850	AMD-P	87-07-047
284-30-630	NEW-P	87-06-039	296-17-544	AMD-P	87-07-047	296-17-850	AMD	87-12-032
284-30-630	NEW	87-09-071	296-17-544	AMD	87-12-032	296-17-87309	REP-P	87-07-047
284-30-650	NEW-P	87-06-039	296-17-54401	NEW-P	87-07-047	296-17-87309	REP	87-12-032
284-30-650	NEW	87-09-071	296-17-54401	NEW	87-12-032	296-17-885	AMD-P	87-07-047
284-30-750	NEW-P	87-06-039	296-17-562	AMD-P	87-07-047	296-17-885	AMD	87-12-032
284-30-750	NEW	87-09-071	296-17-562	AMD	87-12-032	296-17-895	AMD-P	87-07-047
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284-54-060	NEW-P	87-11-056	296-17-56601	NEW	87-12-032	296-17-917	AMD	87-12-033
284-54-100	NEW-P	87-11-056	296-17-568	AMD-P	87-07-047	296-17-920	AMD	87-04-006
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284-54-600	NEW-P	87-11-056	296-17-57601	AMD-P	87-07-047	296-18A-470	AMD-W	87-12-031
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284-54-630	NEW-P	87-11-056	296-17-57602	AMD	87-12-032	296-18A-490	AMD-P	87-05-057
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296-17-502	AMD	87-12-032	296-17-686	AMD-P	87-07-047	296-21-030	AMD-E	87-12-044
296-17-505	AMD-P	87-07-047	296-17-686	AMD	87-12-032	296-21-035	AMD-P	87-11-050
296-17-505	AMD	87-12-032	296-17-689	AMD-P	87-07-047	296-21-035	AMD-E	87-12-044
296-17-509	AMD-P	87-07-047	296-17-689	AMD	87-12-032	296-21-040	AMD-P	87-11-050
296-17-509	AMD	87-12-032	296-17-691	AMD-P	87-07-047	296-21-040	AMD-E	87-12-044
296-17-50904	AMD-P	87-07-047	296-17-691	AMD	87-12-032	296-21-045	AMD-P	87-11-050
296-17-50904	AMD	87-12-032	296-17-692	AMD-P	87-07-047	296-21-045	AMD-E	87-12-044
296-17-520	AMD-P	87-07-047	296-17-692	AMD	87-12-032	296-21-046	AMD-P	87-11-050
296-17-520	AMD	87-12-032	296-17-695	AMD-P	87-07-047	296-21-046	AMD-E	87-12-044
296-17-52102	AMD-P	87-07-047	296-17-695	AMD	87-12-032	296-21-057	AMD-P	87-11-050
296-17-52102	AMD	87-12-032	296-17-704	AMD-P	87-07-047	296-21-057	AMD-E	87-12-044
296-17-52104	AMD-P	87-07-047	296-17-704	AMD	87-12-032	296-21-066	AMD-P	87-11-050
296-17-52104	AMD	87-12-032	296-17-724	AMD-P	87-07-047	296-21-066	AMD-E	87-12-044
296-17-52105	NEW-P	87-07-047	296-17-724	AMD	87-12-032	296-21-075	AMD-P	87-11-050
296-17-52105	NEW	87-12-032	296-17-758	AMD-P	87-07-047	296-21-075	AMD-E	87-12-044
296-17-526	AMD-P	87-07-047	296-17-758	AMD	87-12-032	296-22-010	AMD-E	87-02-042
296-17-526	AMD	87-12-032	296-17-759	AMD-P	87-07-047	296-22-010	AMD	87-03-005
296-17-527	AMD-P	87-07-047	296-17-759	AMD	87-12-032	296-22-021	AMD-P	87-11-050
296-17-527	AMD	87-12-032	296-17-760	AMD-P	87-07-047	296-22-021	AMD-E	87-12-044
296-17-538	AMD-P	87-07-047	296-17-760	AMD	87-12-032	296-22-022	AMD-P	87-11-050

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296-23A-110	NEW	87-03-005	296-23A-266	NEW-E	87-02-042	296-46-130	AMD-P	87-06-047
296-23A-115	NEW-E	87-02-042	296-23A-266	NEW	87-03-005	296-46-130	AMD	87-10-030
296-23A-115	NEW	87-03-005	296-23A-266	AMD-P	87-11-050	296-46-140	AMD-P	87-06-047
296-23A-120	NEW-E	87-02-042	296-23A-266	AMD-E	87-12-044	296-46-140	AMD	87-10-030
296-23A-120	NEW	87-03-005	296-23A-268	NEW-E	87-02-042	296-46-150	AMD-P	87-06-047
296-23A-125	NEW-E	87-02-042	296-23A-268	NEW	87-03-005	296-46-150	AMD	87-10-030
296-23A-125	NEW	87-03-005	296-23A-300	NEW-E	87-02-042	296-46-160	AMD-P	87-06-047
296-23A-130	NEW-E	87-02-042	296-23A-300	NEW	87-03-005	296-46-160	AMD	87-10-030
296-23A-130	NEW	87-03-005	296-23A-310	NEW-E	87-02-042	296-46-180	AMD-P	87-06-047
296-23A-135	NEW-E	87-02-042	296-23A-310	NEW	87-03-005	296-46-180	AMD	87-10-030
296-23A-135	NEW	87-03-005	296-23A-315	NEW-E	87-02-042	296-46-200	AMD-P	87-06-047
296-23A-140	NEW-E	87-02-042	296-23A-315	NEW	87-03-005	296-46-200	AMD	87-10-030
296-23A-140	NEW	87-03-005	296-23A-320	NEW-E	87-02-042	296-46-220	AMD-P	87-06-047
296-23A-145	NEW-E	87-02-042	296-23A-320	NEW	87-03-005	296-46-220	AMD	87-10-030
296-23A-145	NEW	87-03-005	296-23A-325	NEW-E	87-02-042	296-46-240	AMD-P	87-06-047
296-23A-150	NEW-E	87-02-042	296-23A-325	NEW	87-03-005	296-46-240	AMD	87-10-030
296-23A-150	NEW	87-03-005	296-23A-325	AMD-P	87-11-050	296-46-316	NEW-P	87-06-047
296-23A-150	AMD-P	87-11-050	296-23A-325	AMD-E	87-12-044	296-46-316	NEW	87-10-030
296-23A-150	AMD-E	87-12-044	296-23A-330	NEW-E	87-02-042	296-46-350	AMD-P	87-06-047
296-23A-200	NEW-E	87-02-042	296-23A-330	NEW	87-03-005	296-46-350	AMD	87-10-030
296-23A-200	NEW	87-03-005	296-23A-335	NEW-E	87-02-042	296-46-370	AMD-P	87-06-047
296-23A-205	NEW-E	87-02-042	296-23A-335	NEW	87-03-005	296-46-370	AMD	87-10-030
296-23A-205	NEW	87-03-005	296-23A-335	AMD-P	87-11-050	296-46-420	AMD-P	87-06-047
296-23A-210	NEW-E	87-02-042	296-23A-335	AMD-E	87-12-044	296-46-420	AMD	87-10-030
296-23A-210	NEW	87-03-005	296-23A-340	NEW-E	87-02-042	296-46-422	NEW-P	87-06-047
296-23A-215	NEW-E	87-02-042	296-23A-340	NEW	87-03-005	296-46-422	NEW	87-10-030
296-23A-215	NEW	87-03-005	296-23A-340	AMD-P	87-11-050	296-46-495	AMD-P	87-06-047
296-23A-220	NEW-E	87-02-042	296-23A-340	AMD-E	87-12-044	296-46-495	AMD	87-10-030
296-23A-220	NEW	87-03-005	296-23A-345	NEW-E	87-02-042	296-46-514	NEW-P	87-06-047
296-23A-225	NEW-E	87-02-042	296-23A-345	NEW	87-03-005	296-46-514	NEW	87-10-030
296-23A-225	NEW	87-03-005	296-23A-345	AMD-P	87-11-050	296-46-680	AMD-P	87-06-047
296-23A-230	NEW-E	87-02-042	296-23A-345	AMD-E	87-12-044	296-46-680	AMD	87-10-030
296-23A-230	NEW	87-03-005	296-23A-350	NEW-E	87-02-042	296-46-910	AMD-P	87-06-047
296-23A-235	NEW-E	87-02-042	296-23A-350	NEW	87-03-005	296-46-910	AMD	87-10-030
296-23A-235	NEW	87-03-005	296-23A-355	NEW-E	87-02-042	296-46-920	AMD-P	87-06-047
296-23A-240	NEW-E	87-02-042	296-23A-355	NEW	87-03-005	296-46-920	AMD	87-10-030
296-23A-240	NEW	87-03-005	296-23A-355	AMD-P	87-11-050	296-46-940	AMD-P	87-06-047
296-23A-242	NEW-E	87-02-042	296-23A-355	AMD-E	87-12-044	296-62-05405	AMD-P	87-05-055
296-23A-242	NEW	87-03-005	296-23A-360	NEW-E	87-02-042	296-62-05405	AMD	87-10-008
296-23A-244	NEW-E	87-02-042	296-23A-360	NEW	87-03-005	296-62-05427	AMD-P	87-05-055
296-23A-244	NEW	87-03-005	296-23A-360	AMD-P	87-11-050	296-62-07353	AMD-P	87-10-008
296-23A-244	AMD-P	87-11-050	296-23A-360	AMD-E	87-12-044	296-62-07353	AMD-P	87-02-058
296-23A-244	AMD-E	87-12-044	296-23A-400	NEW-E	87-02-042	296-62-07353	AMD	87-07-022
296-23A-246	NEW-E	87-02-042	296-23A-400	NEW	87-03-005	296-62-07517	AMD-P	87-05-055
296-23A-246	NEW	87-03-005	296-23A-410	NEW-E	87-02-042	296-62-07517	AMD	87-10-008
296-23A-246	AMD-P	87-11-050	296-23A-410	NEW	87-03-005	296-62-077	NEW-P	87-05-055
296-23A-246	AMD-E	87-12-044	296-23A-415	NEW-E	87-02-042	296-62-077	NEW	87-10-008
296-23A-248	NEW-E	87-02-042	296-23A-415	NEW	87-03-005	296-62-07701	NEW-P	87-05-055
296-23A-248	NEW	87-03-005	296-23A-420	NEW-E	87-02-042	296-62-07701	NEW	87-10-008
296-23A-250	NEW-E	87-02-042	296-23A-420	NEW	87-03-005	296-62-07703	NEW-P	87-05-055
296-23A-250	NEW	87-03-005	296-23A-425	NEW-E	87-02-042	296-62-07703	NEW	87-10-008
296-23A-252	NEW-E	87-02-042	296-23A-425	NEW	87-03-005	296-62-07705	NEW-P	87-05-055
296-23A-252	NEW	87-03-005	296-23A-425	AMD-P	87-11-050	296-62-07705	NEW	87-10-008
296-23A-252	AMD-P	87-11-050	296-23A-425	AMD-E	87-11-051	296-62-07707	NEW-P	87-05-055
296-23A-252	AMD-E	87-12-044	296-24-14011	AMD-P	87-02-058	296-62-07707	NEW	87-10-008
296-23A-254	NEW-E	87-02-042	296-24-14011	AMD	87-07-022	296-62-07709	NEW-P	87-05-055
296-23A-254	NEW	87-03-005	296-27-160	AMD	87-03-011	296-62-07709	NEW	87-10-008
296-23A-254	AMD-P	87-11-050	296-27-16001	AMD	87-03-011	296-62-07711	NEW-P	87-05-055
296-23A-254	AMD-E	87-12-044	296-27-16002	NEW	87-03-011	296-62-07711	NEW	87-10-008
296-23A-256	NEW-E	87-02-042	296-27-16003	AMD	87-03-011	296-62-07713	NEW-P	87-05-055
296-23A-256	NEW	87-03-005	296-27-16004	NEW	87-03-011	296-62-07713	NEW	87-10-008
296-23A-256	AMD-P	87-11-050	296-27-16005	REP	87-03-011	296-62-07715	NEW-P	87-05-055
296-23A-256	AMD-E	87-12-044	296-27-16007	AMD	87-03-011	296-62-07715	NEW	87-10-008
296-23A-258	NEW-E	87-02-042	296-27-16009	REP	87-03-011	296-62-07717	NEW-P	87-05-055
296-23A-258	NEW	87-03-005	296-27-16011	AMD	87-03-011	296-62-07717	NEW	87-10-008
296-23A-258	AMD-P	87-11-050	296-27-16013	REP	87-03-011	296-62-07719	NEW-P	87-05-055
296-23A-258	AMD-E	87-12-044	296-27-16015	REP	87-03-011	296-62-07719	NEW	87-10-008
296-23A-260	NEW-E	87-02-042	296-27-16017	REP	87-03-011	296-62-07721	NEW-P	87-05-055
296-23A-260	NEW	87-03-005	296-27-16018	NEW	87-03-011	296-62-07721	NEW	87-10-008
296-23A-260	AMD-P	87-11-050	296-27-16019	REP	87-03-011	296-62-07723	NEW-P	87-05-055
296-23A-260	AMD-E	87-12-044	296-27-16020	NEW	87-03-011	296-62-07723	NEW	87-10-008
296-23A-262	NEW-E	87-02-042	296-27-16021	REP	87-03-011	296-62-07725	NEW-P	87-05-055
296-23A-262	NEW	87-03-005	296-27-16022	NEW	87-03-011	296-62-07725	NEW	87-10-008
296-23A-262	AMD-P	87-11-050	296-27-16023	REP	87-03-011	296-62-07727	NEW-P	87-05-055
296-23A-262	AMD-E	87-12-044	296-27-16026	NEW	87-03-011	296-62-07727	NEW	87-10-008
296-23A-264	NEW-E	87-02-042	296-46-110	AMD-P	87-06-047	296-62-07729	NEW-P	87-05-055

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-62-07729	NEW	87-10-008	296-155-179	NEW	87-10-008	296-155-456	NEW-W	87-13-008
296-62-07731	NEW-P	87-05-055	296-155-181	NEW-P	87-05-055	296-155-459	NEW-P	87-02-058
296-62-07731	NEW	87-10-008	296-155-181	NEW	87-10-008	296-155-459	NEW-C	87-07-021
296-62-07733	NEW-P	87-05-055	296-155-183	NEW-P	87-05-055	296-155-459	NEW-W	87-13-008
296-62-07733	NEW	87-10-008	296-155-183	NEW	87-10-008	296-155-462	NEW-P	87-02-058
296-62-07735	NEW-P	87-05-055	296-155-185	NEW-P	87-05-055	296-155-462	NEW-C	87-07-021
296-62-07735	NEW	87-10-008	296-155-185	NEW	87-10-008	296-155-462	NEW-W	87-13-008
296-62-07737	NEW-P	87-05-055	296-155-187	NEW-P	87-05-055	296-155-745	AMD-P	87-02-058
296-62-07737	NEW	87-10-008	296-155-187	NEW	87-10-008	296-155-745	AMD-C	87-07-021
296-62-07739	NEW-P	87-05-055	296-155-189	NEW-P	87-05-055	296-155-745	AMD-W	87-13-008
296-62-07739	NEW	87-10-008	296-155-189	NEW	87-10-008	296-155-775	AMD-P	87-05-055
296-62-07741	NEW-P	87-05-055	296-155-191	NEW-P	87-05-055	296-155-775	AMD	87-10-008
296-62-07741	NEW	87-10-008	296-155-191	NEW	87-10-008	296-200-340	AMD	87-07-003
296-62-07743	NEW-P	87-05-055	296-155-193	NEW-P	87-05-055	296-200-350	AMD	87-07-003
296-62-07743	NEW	87-10-008	296-155-193	NEW	87-10-008	296-200-370	AMD	87-07-003
296-62-07745	NEW-P	87-05-055	296-155-265	AMD-P	87-02-058	296-306-003	NEW-C	87-02-056
296-62-07745	NEW	87-10-008	296-155-265	AMD-C	87-07-021	296-306-003	NEW-C	87-05-023
296-62-07747	NEW-P	87-05-055	296-155-265	AMD-W	87-13-008	296-306-003	NEW	87-09-079
296-62-07747	NEW	87-10-008	296-155-270	AMD-P	87-02-058	296-306-005	REP-C	87-02-056
296-62-07749	NEW-P	87-05-055	296-155-270	AMD-C	87-07-021	296-306-005	REP-C	87-05-023
296-62-07749	NEW	87-10-008	296-155-270	AMD-W	87-13-008	296-306-005	REP	87-09-079
296-65-005	AMD-P	87-05-055	296-155-405	AMD-P	87-02-058	296-306-006	NEW-C	87-02-056
296-65-005	AMD	87-10-008	296-155-405	AMD-C	87-07-021	296-306-006	NEW-C	87-05-023
296-65-015	AMD-P	87-05-055	296-155-405	AMD-W	87-13-008	296-306-006	NEW	87-09-079
296-65-015	AMD	87-10-008	296-155-425	REP-P	87-02-058	296-306-009	NEW-C	87-02-056
296-65-020	AMD-P	87-05-055	296-155-425	REP-C	87-07-021	296-306-009	NEW-C	87-05-023
296-65-020	AMD	87-10-008	296-155-425	REP-W	87-13-008	296-306-009	NEW	87-09-079
296-65-030	AMD-P	87-05-055	296-155-426	NEW-P	87-02-058	296-306-012	NEW-C	87-02-056
296-65-030	AMD	87-10-008	296-155-426	NEW-C	87-07-021	296-306-012	NEW-C	87-05-023
296-65-040	AMD-P	87-05-055	296-155-426	NEW-W	87-13-008	296-306-012	NEW	87-09-079
296-65-040	AMD	87-10-008	296-155-428	NEW-P	87-02-058	296-306-012	NEW	87-09-079
296-81-007	AMD-P	87-14-077	296-155-428	NEW-C	87-07-021	296-306-025	AMD-C	87-02-056
296-81-008	AMD-P	87-14-077	296-155-428	NEW-W	87-13-008	296-306-025	AMD-C	87-05-023
296-104-701	NEW-P	87-07-023	296-155-429	NEW-P	87-02-058	296-306-025	AMD	87-09-079
296-104-701	NEW-E	87-07-024	296-155-429	NEW-C	87-07-021	296-306-057	NEW-C	87-02-056
296-104-701	NEW	87-12-003	296-155-429	NEW-W	87-13-008	296-306-057	NEW	87-05-023
296-116-080	AMD-P	87-02-053	296-155-430	REP-P	87-02-058	296-306-057	NEW	87-09-079
296-150B-320	NEW-E	87-11-060	296-155-430	REP-C	87-07-021	296-306-300	NEW-C	87-02-056
296-155-160	AMD-P	87-05-055	296-155-430	REP-W	87-13-008	296-306-300	NEW-C	87-05-023
296-155-160	AMD	87-10-008	296-155-432	NEW-P	87-02-058	296-306-300	NEW	87-09-079
296-155-175	NEW-P	87-05-055	296-155-432	NEW-C	87-07-021	296-306-310	NEW-C	87-02-056
296-155-175	NEW	87-10-008	296-155-432	NEW-W	87-13-008	296-306-310	NEW-C	87-05-023
296-155-17505	NEW-P	87-05-055	296-155-434	NEW-P	87-02-058	296-306-310	NEW	87-09-079
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296-155-17510	NEW-P	87-05-055	296-155-434	NEW-W	87-13-008	296-306-320	NEW	87-09-079
296-155-17510	NEW	87-10-008	296-155-435	REP-P	87-02-058	296-306-320	NEW-C	87-05-023
296-155-17515	NEW-P	87-05-055	296-155-435	REP-C	87-07-021	304-12-140	AMD-P	87-04-066
296-155-17515	NEW	87-10-008	296-155-435	REP-W	87-13-008	304-12-140	AMD	87-07-029
296-155-17520	NEW-P	87-05-055	296-155-435	REP-C	87-07-021	308-04-020	NEW-P	87-13-041
296-155-17520	NEW	87-10-008	296-155-437	NEW-P	87-02-058	308-04-020	NEW-W	87-14-085
296-155-17525	NEW-P	87-05-055	296-155-437	NEW-C	87-07-021	308-11-030	AMD-P	87-07-046
296-155-17525	NEW	87-10-008	296-155-437	NEW-W	87-13-008	308-11-030	AMD	87-10-028
296-155-17530	NEW-P	87-05-055	296-155-440	REP-P	87-02-058	308-12-083	NEW-P	87-14-016
296-155-17530	NEW	87-10-008	296-155-440	REP-C	87-07-021	308-12-085	AMD-P	87-14-016
296-155-17532	NEW-P	87-05-055	296-155-440	REP-W	87-13-008	308-12-115	AMD-P	87-14-016
296-155-17532	NEW	87-10-008	296-155-441	NEW-P	87-02-058	308-12-150	AMD-P	87-14-016
296-155-17535	NEW-P	87-05-055	296-155-441	NEW-C	87-07-021	308-12-312	AMD-E	87-04-049
296-155-17535	NEW	87-10-008	296-155-441	NEW-W	87-13-008	308-12-312	REP-P	87-07-046
296-155-17540	NEW-P	87-05-055	296-155-444	NEW-P	87-02-058	308-12-312	REP	87-10-028
296-155-17540	NEW	87-10-008	296-155-444	NEW-C	87-07-021	308-12-326	NEW-P	87-07-046
296-155-17545	NEW-P	87-05-055	296-155-444	NEW-W	87-13-008	308-12-326	NEW	87-10-028
296-155-17545	NEW	87-10-008	296-155-447	NEW-P	87-02-058	308-13-150	AMD-E	87-03-031
296-155-17550	NEW-P	87-05-055	296-155-447	NEW-C	87-07-021	308-13-150	AMD-P	87-07-046
296-155-17550	NEW	87-10-008	296-155-447	NEW-W	87-13-008	308-13-150	AMD-P	87-10-024
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296-155-17555	NEW	87-10-008	296-155-449	NEW-C	87-07-021	308-13-160	NEW-P	87-10-025
296-155-17560	NEW-P	87-05-055	296-155-450	NEW-W	87-13-008	308-13-160	NEW-E	87-10-027
296-155-17560	NEW	87-10-008	296-155-450	REP-P	87-02-058	308-20-200	REP-P	87-07-046
296-155-17565	NEW-P	87-05-055	296-155-450	REP-C	87-07-021	308-20-200	REP	87-10-028
296-155-17565	NEW	87-10-008	296-155-450	REP-W	87-13-008	308-20-210	NEW-P	87-07-046
296-155-17570	NEW-P	87-05-055	296-155-452	NEW-P	87-02-058	308-20-210	NEW	87-10-028
296-155-17570	NEW	87-10-008	296-155-452	NEW-C	87-07-021	308-25-065	AMD-P	87-07-046
296-155-17575	NEW-P	87-05-055	296-155-452	NEW-W	87-13-008	308-25-065	AMD	87-10-028
296-155-17575	NEW	87-10-008	296-155-455	REP-P	87-02-058	308-26-025	NEW-P	87-13-042
296-155-177	NEW-P	87-05-055	296-155-455	REP-C	87-07-021	308-26-040	REP-P	87-07-046
296-155-177	NEW	87-10-008	296-155-455	REP-W	87-13-008	308-26-040	REP	87-10-028
296-155-179	NEW-P	87-05-055	296-155-456	NEW-P	87-02-058	308-26-045	NEW-P	87-07-046
			296-155-456	NEW-C	87-07-021	308-26-045	NEW	87-10-028

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308-29-030	AMD	87-11-064	308-50-440	NEW-P	87-07-046	308-94-210	AMD	87-03-041
308-29-045	AMD-P	87-07-046	308-50-440	NEW-P	87-13-057	308-94-220	AMD	87-03-041
308-29-045	AMD	87-10-028	308-50-440	NEW-E	87-14-088	308-94-230	REP	87-03-041
308-29-060	AMD-P	87-07-025	308-51-200	REP-P	87-07-046	308-94-240	AMD	87-03-041
308-29-060	AMD	87-11-064	308-51-200	REP-P	87-13-057	308-94-250	AMD	87-03-041
308-29-070	AMD-P	87-07-025	308-51-200	REP-E	87-14-088	308-94-260	REP	87-03-041
308-29-070	AMD	87-11-064	308-51-210	NEW-P	87-07-046	308-94-261	NEW	87-03-041
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308-29-080	AMD	87-11-064	308-51-210	NEW-E	87-14-088	308-94-270	NEW	87-03-041
308-31-015	AMD	87-04-050	308-52-139	AMD-P	87-13-054	308-96A-005	AMD-P	87-04-067
308-31-025	NEW	87-04-050	308-52-140	AMD-P	87-13-054	308-96A-005	AMD	87-12-023
308-31-025	AMD-P	87-04-054	308-52-141	AMD-P	87-13-054	308-96A-021	NEW-P	87-04-067
308-31-025	AMD	87-09-045	308-52-147	NEW-P	87-13-054	308-96A-021	NEW	87-12-023
308-31-055	AMD-P	87-07-046	308-52-148	NEW-P	87-13-054	308-96A-065	AMD-P	87-04-067
308-31-055	AMD-P	87-13-057	308-52-315	REP-P	87-07-046	308-96A-065	AMD	87-12-023
308-31-055	AMD-E	87-14-088	308-52-315	REP	87-10-028	308-96A-100	AMD-P	87-04-067
308-31-100	AMD	87-04-050	308-52-590	NEW-P	87-07-046	308-96A-100	AMD	87-12-023
308-31-120	AMD	87-04-050	308-52-590	NEW	87-10-028	308-96A-136	NEW-P	87-04-067
308-31-500	AMD	87-04-050	308-53-020	AMD-P	87-07-046	308-96A-136	NEW	87-12-023
308-31-500	AMD-P	87-04-054	308-53-020	AMD	87-10-028	308-96A-205	AMD-P	87-04-067
308-31-500	AMD	87-09-045	308-53-084	AMD-C	87-02-060	308-96A-205	AMD	87-12-023
308-32-090	REP-P	87-07-046	308-53-084	AMD	87-09-046	308-96A-220	AMD-P	87-04-067
308-32-100	NEW-P	87-07-046	308-53-085	AMD-C	87-02-060	308-96A-220	AMD	87-12-023
308-33-011	AMD-P	87-11-061	308-53-085	AMD	87-09-046	308-96A-300	AMD-P	87-04-067
308-33-020	AMD-P	87-11-061	308-53-320	NEW-P	87-09-074	308-96A-300	AMD	87-12-023
308-33-030	AMD-P	87-11-061	308-53-330	NEW-P	87-09-075	308-96A-306	NEW-P	87-04-067
308-33-040	REP-P	87-11-061	308-54-315	AMD-P	87-07-046	308-96A-306	NEW	87-12-023
308-33-050	REP-P	87-11-061	308-54-315	AMD-P	87-13-057	308-96A-310	AMD-P	87-04-067
308-33-060	AMD-P	87-11-061	308-54-315	AMD-E	87-14-088	308-96A-325	AMD-P	87-04-067
308-33-080	AMD-P	87-11-061	308-55-025	AMD-P	87-07-046	308-96A-325	AMD	87-12-023
308-33-095	AMD-P	87-11-061	308-55-025	AMD-P	87-13-057	308-96A-330	AMD-P	87-04-067
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308-34-090	NEW-P	87-07-046	308-56A-115	AMD-P	87-04-069	308-96A-335	AMD	87-12-023
308-34-090	NEW-P	87-13-057	308-56A-125	AMD-P	87-04-069	308-96A-400	AMD-P	87-04-067
308-34-090	AMD-E	87-14-088	308-56A-155	NEW-P	87-04-069	308-96A-400	AMD	87-12-023
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308-37-190	AMD-P	87-09-096	308-56A-195	AMD-P	87-04-069	308-96A-415	NEW-P	87-04-067
308-37-190	AMD-W	87-11-026	308-79-050	REP-P	87-13-083	308-96A-415	NEW	87-12-023
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308-40-102	AMD	87-09-097	308-90-020	REP-E	87-14-072	308-96A-420	NEW	87-12-023
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308-40-105	AMD	87-09-097	308-90-040	AMD-E	87-14-072	308-99-020	AMD-P	87-14-087
308-40-125	AMD-P	87-07-046	308-90-050	REP-E	87-14-072	308-99-021	AMD-P	87-14-087
308-40-125	AMD-P	87-13-057	308-90-060	AMD-E	87-14-072	308-99-025	AMD-P	87-14-087
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308-42-040	AMD	87-08-065	308-90-110	AMD-E	87-14-072	308-115-405	AMD-P	87-13-057
308-42-075	AMD-P	87-07-046	308-90-120	NEW-E	87-14-072	308-115-405	AMD-E	87-14-088
308-42-075	AMD	87-10-028	308-90-130	NEW-E	87-14-072	308-116-325	REP-P	87-07-046
308-42-210	NEW-P	87-14-086	308-90-140	NEW-E	87-14-072	308-116-325	REP	87-10-028
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308-42-240	NEW-P	87-14-086	308-93-010	AMD-P	87-04-068	308-117-300	AMD-P	87-10-067
308-42-250	NEW-P	87-14-086	308-93-010	AMD	87-09-073	308-117-500	NEW-P	87-07-046
308-42-260	NEW-P	87-14-086	308-93-074	AMD-P	87-04-068	308-117-500	NEW	87-10-028
308-42-270	NEW-P	87-14-086	308-93-074	AMD	87-09-073	308-120-275	AMD-P	87-07-046
308-42-280	NEW-P	87-14-086	308-94	AMD	87-03-041	308-120-275	AMD	87-10-028
308-48-075	NEW-P	87-08-051	308-94-010	AMD	87-03-041	308-122-275	AMD-P	87-07-046
308-48-075	NEW	87-11-063	308-94-020	REP	87-03-041	308-122-275	AMD	87-10-028
308-48-210	NEW-P	87-08-051	308-94-030	AMD	87-03-041	308-124A-115	NEW-P	87-14-054
308-48-210	NEW	87-11-063	308-94-040	AMD	87-03-041	308-124A-200	AMD-P	87-14-054
308-48-250	REP-P	87-07-046	308-94-050	AMD	87-03-041	308-124A-460	NEW-P	87-14-054
308-48-250	REP	87-10-028	308-94-060	REP	87-03-041	308-124D-040	AMD	87-05-065
308-48-800	NEW-P	87-07-046	308-94-070	AMD	87-03-041	308-128B-080	NEW-P	87-13-056
308-48-800	NEW	87-10-028	308-94-080	AMD	87-03-041	308-138-080	AMD-P	87-07-046
308-50-010	AMD-P	87-10-066	308-94-100	AMD	87-03-041	308-138-080	AMD	87-10-028
308-50-010	AMD	87-14-030	308-94-110	AMD	87-03-041	308-138-321	NEW-P	87-04-048
308-50-020	AMD-P	87-10-066	308-94-160	AMD	87-03-041	308-138-321	NEW	87-11-062
308-50-020	AMD	87-14-030	308-94-170	AMD	87-03-041	308-138-322	NEW-P	87-04-048
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308-138-325	NEW-P	87-14-017	314-12-150	AMD	87-14-010	320-08-050	AMD-P	87-10-068
308-138-326	NEW-P	87-04-048	314-16-160	AMD-C	87-03-025	320-08-050	AMD	87-14-053
308-138-326	NEW	87-11-062	314-16-160	AMD	87-04-017	320-08-055	NEW-P	87-10-068
308-138-327	NEW-P	87-04-048	314-16-205	AMD-P	87-13-012	320-08-055	NEW	87-14-053
308-138-327	NEW	87-11-062	314-16-240	NEW-P	87-12-027	320-08-070	AMD-P	87-10-068
308-138-328	NEW-P	87-04-048	314-20-020	AMD-P	87-05-045	320-08-070	AMD	87-14-053
308-138-328	NEW-P	87-14-017	314-20-020	AMD	87-08-015	320-08-080	AMD-P	87-10-068
308-138-330	AMD-P	87-04-048	314-24-090	AMD-P	87-05-044	320-08-080	AMD	87-14-053
308-138-330	AMD	87-11-062	314-24-090	AMD	87-08-016	320-08-090	AMD-P	87-10-068
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308-138A-020	AMD	87-13-004	314-24-095	NEW-P	87-12-028	320-08-100	AMD-P	87-10-068
308-138A-020	AMD-P	87-14-046	314-24-110	AMD-P	87-13-013	320-08-100	AMD	87-14-053
308-138A-025	AMD-P	87-14-046	314-24-190	AMD-P	87-13-013	320-08-140	AMD-P	87-10-068
308-138B-170	AMD-P	87-14-046	314-24-200	AMD-P	87-13-013	320-08-140	AMD	87-14-053
308-152-015	REP-P	87-07-046	314-24-210	AMD-P	87-13-059	320-08-160	AMD-P	87-10-068
308-152-015	REP	87-10-028	314-27	REVIEW	87-03-034	320-08-160	AMD	87-14-053
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308-152-030	NEW	87-10-028	314-36-020	AMD-P	87-04-063	320-08-180	AMD	87-14-053
308-171-001	AMD-P	87-05-062	314-36-020	AMD	87-07-008	320-08-190	AMD-P	87-10-068
308-171-001	AMD	87-09-044	314-36-100	AMD-P	87-04-063	320-08-190	AMD	87-14-053
308-171-002	AMD-P	87-05-062	314-36-100	AMD	87-07-008	320-08-200	AMD-P	87-10-068
308-171-002	AMD	87-09-044	314-36-110	AMD-P	87-04-063	320-08-200	AMD	87-14-053
308-171-003	NEW-P	87-05-062	314-36-110	AMD	87-07-008	320-08-210	AMD-P	87-10-068
308-171-003	NEW	87-09-044	314-36-150	AMD-P	87-04-063	320-08-210	AMD	87-14-053
308-171-010	AMD-P	87-05-062	314-36-150	AMD	87-07-008	320-08-260	AMD-P	87-10-068
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308-171-020	AMD	87-09-044	315-04-070	AMD-P	87-07-051	320-08-270	AMD	87-14-053
308-171-030	AMD	87-04-015	315-04-070	AMD	87-10-043	320-08-300	AMD-P	87-10-068
308-171-030	REP-P	87-07-046	315-04-090	AMD-P	87-07-051	320-08-300	AMD	87-14-053
308-171-030	REP	87-10-028	315-04-090	AMD	87-10-043	320-08-310	AMD-P	87-10-068
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308-180-100	REP-P	87-13-057	315-11-241	NEW	87-05-005	320-08-380	AMD	87-14-053
308-180-100	REP-E	87-14-088	315-11-242	NEW	87-05-005	320-08-390	AMD-P	87-10-068
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308-180-130	NEW	87-06-050	315-11-250	NEW-E	87-07-052	320-08-400	AMD-P	87-10-068
308-180-140	NEW-E	87-03-013	315-11-250	NEW	87-10-043	320-08-400	AMD	87-14-053
308-180-140	NEW	87-06-050	315-11-251	NEW-P	87-07-050	320-08-410	AMD-P	87-10-068
308-180-150	NEW-E	87-03-013	315-11-251	NEW-E	87-07-052	320-08-410	AMD	87-14-053
308-180-150	NEW	87-06-050	315-11-251	NEW	87-10-043	320-08-420	AMD-P	87-10-068
308-180-160	NEW-E	87-03-013	315-11-251	AMD-E	87-12-007	320-08-420	AMD	87-14-053
308-180-160	NEW	87-06-050	315-11-252	NEW-P	87-07-050	320-08-430	AMD-P	87-10-068
308-180-170	NEW-E	87-03-013	315-11-252	NEW-E	87-07-052	320-08-430	AMD	87-14-053
308-180-170	NEW	87-06-050	315-11-252	NEW	87-10-043	320-08-440	AMD-P	87-10-068
308-180-190	NEW-E	87-03-013	315-11-260	NEW-P	87-07-050	320-08-440	AMD	87-14-053
308-180-190	NEW	87-06-050	315-11-260	NEW	87-10-043	320-08-445	NEW-P	87-10-068
308-180-200	NEW-E	87-03-013	315-11-261	NEW-P	87-07-050	320-08-445	NEW	87-14-053
308-180-200	NEW	87-06-050	315-11-261	NEW	87-10-043	320-08-450	AMD-P	87-10-068
308-180-210	NEW-E	87-03-013	315-11-262	NEW-P	87-07-050	320-08-450	AMD	87-14-053
308-180-210	NEW	87-06-050	315-11-262	NEW	87-10-043	320-08-460	AMD-P	87-10-068
308-180-220	NEW-E	87-03-013	315-11-270	NEW-P	87-07-050	320-08-460	AMD	87-14-053
308-180-220	NEW	87-06-050	315-11-270	NEW	87-10-043	320-08-470	AMD-P	87-10-068
308-180-230	NEW-E	87-03-013	315-11-271	NEW-P	87-07-050	320-08-470	AMD	87-14-053
308-180-230	NEW	87-06-050	315-11-271	NEW	87-10-043	320-08-510	AMD-P	87-10-068
308-180-240	NEW-E	87-03-013	315-11-272	NEW-P	87-07-050	320-08-510	AMD	87-14-053
308-180-240	NEW	87-06-050	315-11-272	NEW	87-10-043	320-08-520	AMD-P	87-10-068
308-180-250	NEW-E	87-03-013	315-11-280	NEW-P	87-14-058	320-08-520	AMD	87-14-053
308-180-250	NEW	87-06-050	315-11-281	NEW-P	87-14-058	320-08-530	AMD-P	87-10-068
308-180-260	NEW-P	87-07-046	315-11-282	NEW-P	87-14-058	320-08-530	AMD	87-14-053
308-180-260	NEW-P	87-13-057	315-11-290	NEW-P	87-14-058	320-08-540	AMD-P	87-10-068
308-180-260	NEW-E	87-14-088	315-11-291	NEW-P	87-14-058	320-08-540	AMD	87-14-053
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308-400-100	NEW-P	87-13-055	315-30-090	AMD-P	87-14-057	320-12-050	AMD-P	87-10-069
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314-12-070	AMD-P	87-13-060	320-08-010	AMD-P	87-10-068	320-12-060	AMD	87-14-047
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320-16-010	REP	87-14-047	332-24-190	REP-P	87-06-055	332-24-405	NEW	87-11-005
320-16-015	REP-P	87-10-069	332-24-190	REP	87-11-005	332-24-410	REP-P	87-06-055
320-16-015	REP	87-14-047	332-24-192	REP-P	87-06-055	332-24-410	REP	87-11-005
320-20-010	AMD-P	87-10-069	332-24-192	REP	87-11-005	332-24-411	NEW-P	87-06-055
320-20-010	AMD	87-14-047	332-24-194	REP-P	87-06-055	332-24-411	NEW	87-11-005
320-20-020	AMD-P	87-10-069	332-24-194	REP	87-11-005	332-24-412	REP-P	87-06-055
320-20-020	AMD	87-14-047	332-24-196	REP-P	87-06-055	332-24-412	REP	87-11-005
320-20-030	AMD-P	87-10-069	332-24-196	REP	87-11-005	332-24-415	REP-P	87-06-055
320-20-030	AMD	87-14-047	332-24-197	REP-P	87-06-055	332-24-415	REP	87-11-005
320-20-060	REP-P	87-10-069	332-24-197	REP	87-11-005	332-24-418	REP-P	87-06-055
320-20-060	REP	87-14-047	332-24-200	REP-P	87-06-055	332-24-418	REP	87-11-005
322-12-010	AMD	87-04-035	332-24-200	REP	87-11-005	332-24-420	REP-P	87-06-055
323-12-010	NEW	87-05-014	332-24-201	NEW-P	87-06-055	332-24-420	REP	87-11-005
323-12-020	NEW	87-05-014	332-24-201	NEW	87-11-005	332-24-430	REP-P	87-06-055
323-12-030	NEW	87-05-014	332-24-205	NEW-P	87-06-055	332-24-430	REP	87-11-005
323-12-040	NEW	87-05-014	332-24-205	NEW	87-11-005	332-24-440	REP-P	87-06-055
323-12-050	NEW	87-05-014	332-24-210	REP-P	87-06-055	332-24-440	REP	87-11-005
323-12-060	NEW	87-05-014	332-24-210	REP	87-11-005	332-24-500	REP-P	87-06-055
323-12-070	NEW	87-05-014	332-24-211	NEW-P	87-06-055	332-24-500	REP	87-11-005
323-12-080	NEW	87-05-014	332-24-211	NEW	87-11-005	332-24-600	NEW-P	87-06-055
323-12-090	NEW	87-05-014	332-24-215	NEW-P	87-06-055	332-24-600	NEW	87-11-005
323-12-100	NEW	87-05-014	332-24-215	NEW	87-11-005	332-24-650	NEW-P	87-06-055
323-12-110	NEW	87-05-014	332-24-220	REP-P	87-06-055	332-24-650	NEW	87-11-005
323-12-120	NEW	87-05-014	332-24-220	NEW	87-11-005	332-24-652	NEW-P	87-06-055
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332-24-001	REP-P	87-06-055	332-24-221	NEW	87-11-005	332-24-654	NEW-P	87-06-055
332-24-001	REP	87-11-005	332-24-225	NEW-P	87-06-055	332-24-654	NEW	87-11-005
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332-24-005	NEW	87-11-005	332-24-230	REP-P	87-06-055	332-24-656	NEW	87-11-005
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332-24-020	REP	87-11-005	332-24-232	NEW-P	87-06-055	332-24-660	NEW	87-11-005
332-24-025	REP-P	87-06-055	332-24-232	NEW	87-11-005	332-24-900	NEW-P	87-06-055
332-24-025	REP	87-11-005	332-24-234	NEW-P	87-06-055	332-24-900	NEW	87-11-005
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332-24-057	REP-P	87-06-055	332-24-240	NEW	87-11-005	332-52-066	AMD-P	87-14-039
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388-37-040	AMD-E	87-14-027	388-54-660	AMD-P	87-12-017
388-37-050	AMD-P	87-13-079	388-54-660	AMD-E	87-12-048
388-37-050	AMD-E	87-14-027	388-54-662	NEW	87-06-003
388-37-060	REP-P	87-13-079	388-54-665	AMD-P	87-12-017
388-37-060	REP-E	87-14-027	388-54-665	AMD-E	87-12-048
388-37-120	AMD-P	87-13-079	388-54-670	AMD	87-03-019
388-37-120	AMD-E	87-14-027	388-54-675	AMD-P	87-08-045
388-37-135	AMD-P	87-13-079	388-54-675	AMD-E	87-08-046
388-37-135	AMD-E	87-14-027	388-54-677	AMD-P	87-08-045
388-37-140	AMD-P	87-13-079	388-54-677	AMD-E	87-08-046
388-37-140	AMD-E	87-14-027	388-54-730	AMD-P	87-11-058
388-40	AMD-P	87-13-080	388-54-730	AMD-E	87-14-064
388-40	AMD-E	87-14-026	388-54-730	AMD-E	87-14-070
388-40-010	AMD-P	87-13-080	388-54-730	AMD	87-14-071
388-40-010	AMD-E	87-14-026	388-54-735	AMD	87-03-019
388-40-020	NEW-P	87-13-080	388-54-735	AMD-E	87-03-021
388-40-020	NEW-E	87-14-026	388-54-740	AMD	87-03-054
388-40-030	NEW-P	87-13-080	388-54-740	AMD-P	87-09-090
388-40-030	NEW-E	87-14-026	388-54-740	AMD	87-12-051
388-40-040	NEW-P	87-13-080	388-54-740	AMD-P	87-14-063
388-40-040	NEW-E	87-14-026	388-54-740	AMD-E	87-14-067
388-40-050	NEW-P	87-13-080	388-54-745	AMD	87-03-054
388-40-050	NEW-E	87-14-026	388-54-765	AMD	87-06-003
388-40-060	NEW-P	87-13-080	388-54-775	AMD-P	87-09-088
388-40-060	NEW-E	87-14-026	388-54-775	AMD-E	87-10-065
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388-40-080	NEW-P	87-13-080	388-54-850	AMD-P	87-04-010
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388-40-090	NEW-P	87-13-080	388-70-056	REP-P	87-06-043
388-40-090	NEW-E	87-14-026	388-70-056	REP	87-09-027
388-40-100	NEW-P	87-13-080	388-83-015	AMD-P	87-02-063
388-40-100	NEW-E	87-14-026	388-83-015	AMD-E	87-03-002
388-53-010	AMD-E	87-09-020	388-83-015	AMD	87-06-005
388-53-010	AMD-P	87-09-021	388-83-032	NEW-P	87-14-062
388-53-010	AMD	87-12-053	388-83-032	NEW-E	87-14-069
388-53-020	REP-E	87-09-020	388-86-005	AMD-P	87-09-089
388-53-020	REP-P	87-09-021	388-86-005	AMD	87-12-050
388-53-020	REP	87-12-053	388-86-009	AMD	87-06-001
388-53-030	REP-E	87-09-020	388-86-00901	AMD-P	87-02-062
388-53-030	REP-P	87-09-021	388-86-00901	AMD-E	87-03-003
388-53-030	REP	87-12-053	388-86-00901	AMD	87-06-004
388-53-040	REP-E	87-09-020	388-86-071	AMD	87-06-002
388-53-040	REP-P	87-09-021	388-87-005	AMD-P	87-09-057
388-53-040	REP	87-12-053	388-87-005	AMD	87-12-056
388-53-050	AMD-E	87-09-020	388-87-105	AMD-P	87-09-057
388-87-105	AMD	87-12-056	388-87-115	NEW-P	87-09-089
388-87-115	NEW-P	87-12-050	388-87-115	NEW	87-12-050
388-87-041	NEW-P	87-07-012	388-92-041	NEW-E	87-10-021
388-92-041	NEW-E	87-10-021	388-92-041	NEW	87-10-022
388-92-041	NEW-P	87-05-018	388-96-217	NEW-P	87-05-018
388-96-217	NEW	87-09-058	388-96-217	AMD-P	87-05-018
388-96-366	AMD-P	87-05-018	388-96-366	AMD	87-09-058
388-96-366	AMD	87-05-018	388-96-366	AMD-P	87-05-018
388-96-565	AMD	87-09-058	388-96-565	AMD	87-09-058
388-96-585	AMD-P	87-05-018	388-96-585	AMD-P	87-05-018
388-96-585	AMD	87-09-058	388-96-585	AMD	87-09-058
388-96-710	AMD-P	87-05-018	388-96-710	AMD-P	87-05-018
388-96-710	AMD	87-09-058	388-96-710	AMD	87-09-058
388-96-722	AMD-P	87-05-018	388-96-722	AMD-P	87-05-018
388-96-722	AMD	87-09-058	388-96-722	AMD	87-09-058
388-96-745	AMD-P	87-05-018	388-96-745	AMD	87-09-058
388-96-745	AMD	87-09-058	388-96-745	AMD-P	87-05-018
388-96-754	AMD-P	87-05-018	388-96-754	AMD	87-09-058
388-96-754	AMD	87-09-058	388-96-754	AMD	87-09-058
388-96-774	AMD-P	87-05-018	388-96-774	AMD-P	87-05-018
388-96-774	AMD	87-09-058	388-96-774	AMD	87-09-058
388-99-020	AMD-P	87-02-064	388-99-020	AMD-P	87-02-064
388-99-020	AMD-E	87-03-001	388-99-020	AMD-E	87-03-001
388-99-020	AMD	87-06-006	388-99-020	AMD	87-06-006
388-99-020	AMD-P	87-14-061	388-99-020	AMD-P	87-14-061
388-99-020	AMD-E	87-14-068	388-99-020	AMD-E	87-14-068
388-100-005	REVIEW	87-04-062	388-100-005	REVIEW	87-04-062
388-100-005	AMD-P	87-09-087	388-100-005	AMD-P	87-09-087
388-100-005	AMD	87-12-054	388-100-005	AMD	87-12-054
390-20-0101	AMD	87-05-001	390-20-0101	AMD	87-05-001
390-20-014	NEW-P	87-05-041	390-20-014	NEW-P	87-05-041
390-20-110	NEW	87-08-025	390-20-110	NEW	87-08-025
390-20-110	AMD	87-05-001	390-20-110	AMD	87-05-001
392-100-050	NEW-P	87-07-027	392-100-050	NEW-P	87-07-027
392-100-050	NEW	87-10-012	392-100-050	NEW	87-10-012
392-100-060	NEW-P	87-07-027	392-100-060	NEW-P	87-07-027
392-100-060	NEW	87-10-012	392-100-060	NEW	87-10-012
392-101-010	NEW-P	87-07-026	392-101-010	NEW-P	87-07-026
392-101-010	NEW	87-10-013	392-101-010	NEW	87-10-013
392-122-605	AMD-P	87-04-046	392-122-605	AMD-P	87-04-046
392-122-605	AMD	87-09-018	392-122-605	AMD	87-09-018
392-123-054	AMD-P	87-12-087	392-123-054	AMD-P	87-12-087
392-123-078	AMD-P	87-05-039	392-123-078	AMD-P	87-05-039
392-123-145	AMD-P	87-09-019	392-123-145	AMD	87-09-019
392-123-145	AMD	87-07-028	392-123-145	AMD	87-07-028
392-137-060	AMD-P	87-04-047	392-137-060	AMD-P	87-04-047
392-137-060	AMD	87-10-014	392-137-060	AMD	87-10-014
392-140-058	AMD-P	87-09-017	392-140-058	AMD-P	87-09-017
392-140-058	AMD	87-13-065	392-140-058	AMD	87-13-065
392-185-060	AMD-P	87-13-025	392-185-060	AMD-P	87-13-025
399-30-040	AMD-E	87-13-043	399-30-040	AMD-E	87-13-043
399-30-040	AMD-P	87-03-049	399-30-040	AMD-P	87-03-049
415-02-090	AMD	87-07-013	415-02-090	AMD	87-07-013
415-02-090	NEW-E	87-14-036	415-02-090	NEW-E	87-14-036
415-02-099	NEW-P	87-14-037	415-02-099	NEW-P	87-14-037
415-100	AMD-P	87-03-046	415-100	AMD-P	87-03-046
415-100	AMD	87-07-014	415-100	AMD	87-07-014
415-100-005	NEW-P	87-03-046	415-100-005	NEW-P	87-03-046
415-100-005	NEW	87-07-014	415-100-005	NEW	87-07-014
415-100-010	REP-P	87-03-046	415-100-010	REP-P	87-03-046
415-100-010	REP	87-07-014	415-100-010	REP	87-07-014
415-100-015	NEW-P	87-03-046	415-100-015	NEW-P	87-03-046
415-100-015	NEW	87-07-014	415-100-015	NEW	87-07-014
415-100-020	REP-P	87-03-046	415-100-020	REP-P	87-03-046
415-100-020	REP	87-07-014	415-100-020	REP	87-07-014
415-100-025	NEW-P	87-03-046	415-100-025	NEW-P	87-03-046
415-100-025	NEW	87-07-014	415-100-025	NEW	87-07-014
415-100-035	NEW-P	87-03-046	415-100-035	NEW-P	87-03-046
415-100-035	NEW	87-07-014	415-100-035	NEW	87-07-014
415-100-040	REP-P	87-03-046	415-100-040	REP-P	87-03-046
415-100-040	REP	87-07-014	415-100-040	REP	87-07-014
415-100-050	REP-P	87-03-046	415-100-050	REP-P	87-03-046
415-100-050	REP	87-07-014	415-100-050	REP	87-07-014

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415-100-060	REP	87-07-014	415-104-175	NEW	87-07-016	415-112-800	NEW-E	87-14-035
415-100-100	REP-P	87-03-046	415-104-180	REP-P	87-03-047	415-112-810	NEW-E	87-14-035
415-100-100	REP	87-07-014	415-104-180	REP	87-07-016	415-112-820	NEW-E	87-14-035
415-100-110	REP-P	87-03-046	415-104-190	REP-P	87-03-047	434-09-010	NEW-E	87-02-067
415-100-110	REP	87-07-014	415-104-190	REP	87-07-016	434-09-010	NEW-P	87-02-068
415-100-120	REP-P	87-03-046	415-104-200	REP-P	87-03-047	434-09-010	NEW	87-06-009
415-100-120	REP	87-07-014	415-104-200	REP	87-07-016	434-09-020	NEW-E	87-02-067
415-100-130	REP-P	87-03-046	415-104-210	REP-P	87-03-047	434-09-020	NEW-P	87-02-068
415-100-130	REP	87-07-014	415-104-210	REP	87-07-016	434-09-020	NEW	87-06-009
415-100-140	REP-P	87-03-046	415-104-220	REP-P	87-03-047	434-09-030	NEW-E	87-02-067
415-100-140	REP	87-07-014	415-104-220	REP	87-07-016	434-09-030	NEW-P	87-02-068
415-100-150	REP-P	87-03-046	415-104-230	REP-P	87-03-047	434-09-030	NEW	87-06-009
415-100-150	REP	87-07-014	415-104-230	REP	87-07-016	434-09-040	NEW-E	87-02-067
415-100-160	REP-P	87-03-046	415-104-240	REP-P	87-03-047	434-09-040	NEW-P	87-02-068
415-100-160	REP	87-07-014	415-104-240	REP	87-07-016	434-09-040	NEW	87-06-009
415-100-170	REP-P	87-03-046	415-104-250	REP-P	87-03-047	434-09-050	NEW-E	87-02-067
415-100-170	REP	87-07-014	415-104-250	REP	87-07-016	434-09-050	NEW-P	87-02-068
415-100-180	REP-P	87-03-046	415-104-260	REP-P	87-03-047	434-09-050	NEW	87-06-009
415-100-180	REP	87-07-014	415-104-260	REP	87-07-016	434-09-060	NEW-E	87-02-067
415-104	AMD-P	87-03-047	415-104-270	REP-P	87-03-047	434-09-060	NEW-P	87-02-068
415-104	AMD	87-07-016	415-104-270	REP	87-07-016	434-09-060	NEW	87-06-009
415-104-005	NEW-P	87-03-047	415-104-300	REP-P	87-03-047	434-09-070	NEW-E	87-02-067
415-104-005	NEW	87-07-016	415-104-300	REP	87-07-016	434-09-070	NEW-P	87-02-068
415-104-010	REP-P	87-03-047	415-104-310	REP-P	87-03-047	434-09-070	NEW	87-06-009
415-104-010	REP	87-07-016	415-104-310	REP	87-07-016	434-09-080	NEW-E	87-02-067
415-104-015	NEW-P	87-03-047	415-104-320	REP-P	87-03-047	434-09-080	NEW-P	87-02-068
415-104-015	NEW	87-07-016	415-104-320	REP	87-07-016	434-09-080	NEW	87-06-009
415-104-020	REP-P	87-03-047	415-104-400	REP-P	87-03-047	434-09-090	NEW-E	87-02-067
415-104-020	REP	87-07-016	415-104-400	REP	87-07-016	434-09-090	NEW-P	87-02-068
415-104-025	NEW-P	87-03-047	415-104-410	REP-P	87-03-047	434-09-090	NEW	87-06-009
415-104-025	NEW	87-07-016	415-104-410	REP	87-07-016	434-55-010	AMD-P	87-14-028
415-104-030	REP-P	87-03-047	415-104-800	REP-P	87-03-047	434-55-015	AMD-P	87-14-028
415-104-030	REP	87-07-016	415-104-800	REP	87-07-016	434-55-016	AMD-P	87-14-028
415-104-035	NEW-P	87-03-047	415-104-810	REP-P	87-03-047	434-55-020	REP-P	87-14-028
415-104-035	NEW	87-07-016	415-104-810	REP	87-07-016	434-55-030	AMD-P	87-14-028
415-104-045	NEW-P	87-03-047	415-104-820	REP-P	87-03-047	434-55-035	REP-P	87-14-028
415-104-045	NEW	87-07-016	415-104-820	REP	87-07-016	434-55-040	AMD-P	87-14-028
415-104-050	NEW-P	87-03-047	415-104-830	REP-P	87-03-047	434-55-055	AMD-P	87-14-028
415-104-050	NEW	87-07-016	415-104-830	REP	87-07-016	434-55-060	AMD-P	87-14-028
415-104-060	NEW-P	87-03-047	415-105-050	AMD-P	87-03-048	440-44-030	AMD-P	87-09-007
415-104-060	NEW	87-07-016	415-105-050	AMD	87-07-015	440-44-030	AMD	87-12-049
415-104-070	NEW-P	87-03-047	415-105-060	AMD-P	87-03-048	440-44-030	AMD-P	87-13-081
415-104-070	NEW	87-07-016	415-105-060	AMD	87-07-015	440-44-040	AMD-P	87-10-015
415-104-080	NEW-P	87-03-047	415-105-070	AMD-P	87-03-048	440-44-040	AMD-E	87-14-065
415-104-080	NEW	87-07-016	415-105-070	AMD	87-07-015	440-44-040	AMD	87-14-066
415-104-090	NEW-P	87-03-047	415-105-090	AMD-P	87-03-048	440-44-045	AMD-P	87-10-015
415-104-090	NEW	87-07-016	415-105-090	AMD	87-07-015	440-44-045	AMD-E	87-14-065
415-104-100	AMD-P	87-03-047	415-105-100	NEW-P	87-03-048	440-44-045	AMD	87-14-066
415-104-100	REP-P	87-03-047	415-105-100	NEW	87-07-015	440-44-048	AMD-P	87-10-015
415-104-100	AMD	87-07-016	415-105-110	NEW-P	87-03-048	440-44-048	AMD-E	87-14-065
415-104-105	REP-P	87-03-047	415-105-110	NEW	87-07-015	440-44-048	AMD	87-14-066
415-104-105	REP	87-07-016	415-105-120	NEW-P	87-03-048	440-44-061	AMD	87-03-017
415-104-110	REP-P	87-03-047	415-105-120	NEW	87-07-015	440-44-070	AMD-P	87-10-015
415-104-110	REP	87-07-016	415-105-130	NEW-P	87-03-048	440-44-070	AMD-E	87-14-065
415-104-115	NEW-P	87-03-047	415-105-130	NEW	87-07-015	440-44-070	AMD	87-14-066
415-104-115	NEW	87-07-016	415-105-140	NEW-P	87-03-048	440-44-075	AMD-P	87-10-015
415-104-120	REP-P	87-03-047	415-105-140	NEW	87-07-015	440-44-076	AMD-P	87-10-015
415-104-120	REP	87-07-016	415-105-150	NEW-P	87-03-048	440-44-076	AMD-E	87-14-065
415-104-125	NEW-P	87-03-047	415-105-150	NEW	87-07-015	440-44-076	AMD	87-14-066
415-104-125	NEW	87-07-016	415-105-160	NEW-P	87-03-048	440-44-100	AMD-P	87-10-015
415-104-135	NEW-P	87-03-047	415-105-160	NEW	87-07-015	440-44-100	AMD-C	87-13-082
415-104-135	NEW	87-07-016	415-105-170	NEW-P	87-03-048	446-55-005	NEW-C	87-04-024
415-104-140	REP-P	87-03-047	415-105-170	NEW	87-07-015	446-55-005	NEW	87-05-012
415-104-140	REP	87-07-016	415-105-180	NEW-P	87-03-048	446-55-020	AMD-C	87-04-024
415-104-145	NEW-P	87-03-047	415-105-180	NEW	87-07-015	446-55-020	AMD	87-05-012
415-104-145	NEW	87-07-016	415-108-450	NEW-P	87-14-038	446-55-030	AMD-C	87-04-024
415-104-150	REP-P	87-03-047	415-108-460	NEW-P	87-14-038	446-55-030	AMD	87-05-012
415-104-150	REP	87-07-016	415-108-470	NEW-P	87-14-038	446-55-060	AMD-C	87-04-024
415-104-155	NEW-P	87-03-047	415-108-480	NEW-P	87-14-038	446-55-060	AMD	87-05-012
415-104-155	NEW	87-07-016	415-108-490	NEW-P	87-14-038	446-55-090	AMD-P	87-02-040
415-104-160	REP-P	87-03-047	415-108-510	NEW-P	87-14-038	446-55-090	AMD-E	87-02-041
415-104-160	REP	87-07-016	415-112-410	AMD-P	87-14-034	446-55-100	AMD-P	87-02-040
415-104-165	NEW-P	87-03-047	415-112-411	NEW-P	87-14-034	446-55-100	AMD-E	87-02-041
415-104-165	NEW	87-07-016	415-112-412	NEW-P	87-14-034	446-55-170	AMD-C	87-04-024
415-104-170	REP-P	87-03-047	415-112-413	NEW-P	87-14-034	446-55-170	AMD	87-05-012
415-104-170	REP	87-07-016	415-112-414	NEW-P	87-14-034	446-55-180	AMD-C	87-04-024

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446-55-200	REP	87-05-012	458-53-110	AMD	87-12-029	478-116-390	AMD-P	87-10-057
446-55-210	REP-C	87-04-024	458-53-141	AMD-P	87-09-022	478-116-450	AMD-P	87-10-057
446-55-210	REP	87-05-012	458-53-141	AMD	87-12-029	478-116-520	AMD-P	87-10-057
446-55-220	AMD-C	87-04-024	458-53-160	AMD-P	87-09-022	478-116-582	AMD-P	87-10-057
446-55-220	AMD	87-05-012	458-53-160	AMD	87-12-029	478-116-584	AMD-P	87-10-057
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446-55-240	REP	87-05-012	458-53-163	AMD	87-12-029	478-116-590	AMD-P	87-10-057
446-55-250	AMD-P	87-02-040	458-61-030	AMD	87-03-036	478-116-600	AMD-P	87-10-057
446-55-250	AMD-E	87-02-041	458-61-030	AMD-P	87-09-034	478-116-601	AMD-P	87-10-057
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