

Washington State Register

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CITATION

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of October 1994 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1994 - 1995

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
94-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995
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95-02	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 7
95-03	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 1	Feb 21
95-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
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95-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
95-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
95-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
95-09	Mar 22	Apr 5	Apr 19	May 3	May 23
95-10	Apr 5	Apr 19	May 3	May 17	Jun 6
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95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996

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

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

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

WSR 94-19-007
PREPROPOSAL STATEMENT OF INTENT
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed September 8, 1994, 3:28 p.m.]

Specific Statutory Authority for New Rule: RCW 28A.180.060(2) which authorizes the Superintendent of Public Instruction to adopt rules implementing the State Transitional Bilingual Instruction Act at chapter 28A.180 RCW.

Reasons Why the New Rule is Needed: The current rules codified at chapter 392-160 WAC were initially adopted in 1980 and have not been updated since then to reflect and incorporate current bilingual education legal requirements.

Goals of New Rule: To update chapter 392-160 WAC to reflect current legal requirements including, but not limited to, assessment of the English reading and writing capabilities of students; staff qualifications and training; access to highly capable, special education and remediation program services; the translation of school notices to parents; and indirect cost charges limitations.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (206) 753-4201, TDD (206) 664-3631. For telephone assistance contact: Helen Valdez, (206) 753-2573.

September 8, 1994
 Judith A. Billings
 Superintendent of
 Public Instruction

WSR 94-19-009
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF LICENSING

[Filed September 9, 1994, 9:58 a.m.]

Specific Statutory Authority for New Rule: RCW 18.08.340.

Reasons Why the New Rule is Needed: To delete the October and February examination dates. The examination is no longer offered in October and February.

Goals of New Rule: To specify the dates that the examinations are offered.

Process for Developing New Rule: Examination schedules are established in accordance with dates published by test supplier.

How Interested Parties can Participate in Formulation of the New Rule: James D. Hanson, Board of Registration for Architects, P.O. Box 9045, Olympia, WA 98507-9045, (206) 753-1153, FAX (206) 586-0998, TDD (206) 753-1196. Deadline for Comments: October 21, 1994.

August 29, 1994
 James D. Hanson
 Program Administrator

AMENDATORY SECTION (Amending Order PM 857, filed 8/10/89, effective 9/10/89)

WAC 308-12-025 Application for examination: (1)

The application for examination must be submitted on forms approved by the board, accompanied by academic and/or practical experience verification to document eligibility under the provisions of RCW 18.08.350. Applications for admission to ~~((an))~~ a scheduled examination ~~((if scheduled,))~~ must be submitted or postmarked not later than the following dates:

<u>Examination Months/Divisions</u>	<u>Cut-off Dates</u>
June - All Divisions	April 1
((October - A, B(Written), D/F, E, G, H, I	September 10))
December - B(Graphic), C	October 1
((February - A, B(Written), D/F, E, G, H, I	December 10))

(2) On subsequent attempts examinees may retake any divisions offered not passed on previous attempts. Applications for examination or reexamination must be accompanied by the application fee for examination or reexamination fee and the appropriate examination fee for each division as established by the director and published in chapter 308-12 WAC, architect fees. For reexamination applicants, examination fees are listed by separate division.

(3) For the June and December examinations, notices of acceptance (examination admission letters) will be mailed to eligible applicants approximately six weeks prior to the examination, along with detailed information as to times, place, and scheduled examination divisions.

(4) ~~((For the February and October computer administered examinations, instruction packets will be mailed to eligible applicants approximately two weeks prior to the testing agency admission deadline.~~

~~(5))~~ The application fee~~((s))~~ for examination and the reexamination fee are administrative charges and will not be refunded. The examination fees ~~((costs of each test))~~ for each division may be refunded if notice of cancellation is received by the department prior to ordering of examinations from the national ~~((testing service))~~ test supplier.

WSR 94-19-010
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF LICENSING

[Filed September 9, 1994, 9:59 a.m.]

Specific Statutory Authority for New Rule: RCW 18.08.340.

Reasons Why the New Rule is Needed: To repeal WAC 308-12-083 Identification of registrant.

Goals of New Rule: To eliminate the requirement for firms and architects to identify designated architects in public correspondence.

Process for Developing New Rule: Board resolution August 11, 1994.

How Interested Parties can Participate in Formulation of the New Rule: James D. Hanson, Board of Registration for Architects, P.O. Box 9045, Olympia, WA 98507-9045, (206)

753-1153, FAX (206) 586-0998, TDD (206) 753-1196.
Deadline for Comments: October 21, 1994.

September 2, 1994
James D. Hanson
Program Administrator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-12-083 Identification of registrant.

WSR 94-19-012

PREPROPOSAL STATEMENT OF INTENT STATE BOARD OF EDUCATION

[Filed September 9, 1994, 10:43 a.m.]

Specific Statutory Authority for New Rule: Regulatory provisions pursuant to chapter 285, Laws of 1971 ex. sess.; and general authority of State Board of Education to adopt rules that implement and ensure compliance with the basic program of education requirement of RCW 28A.150.250, 28A.150.260, and 28A.150.220.

Reasons Why the New Rule is Needed: Chapter 180-58 WAC, Vocational education, has not been updated for several years. There is need to review the operational program requisites and delete reference to vocational-technical institutes.

Goals of New Rule: Update current program operational requisites; and delete language relating to vocational-technical institutes.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, TDD (206) 664-3631. For telephone assistance contact: Nancy Johnson, (206) 753-5670.

September 9, 1994
Larry Davis
Executive Director

WSR 94-19-016

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed September 9, 1994, 4:44 p.m.]

Specific Statutory Authority for New Rule: 7 CFR 273.1(b) and 273.9(c), RCW 74.04.510.

Reasons Why the New Rule is Needed: Changes the language to read "foster care person" indicating that a foster care person can either be an adult or a child. WAC 388-49-250 Boarders.

Goals of New Rule: A foster care person is defined as a boarder. The food stamp household has the option to

exclude a foster care adult as well as a foster child from the household.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Wendy Forslin, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (SCAN 585) 438-8323, FAX (SCAN 585) 438-8258.

September 9, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-19-017

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed September 9, 1994, 4:45 p.m.]

Specific Statutory Authority for New Rule: Public Law 103-66 Mickey Leland Hunger Relief Act and 7 CFR 273.1(b), Household concept, WAC 388-49-190.

Reasons Why the New Rule is Needed: Clarify that a person living with a spouse in the home of a parent can be a separate food stamp household when the person and spouse purchase and prepare meals separate from the parent. Ineligible students are treated as nonhousehold members. Ineligible students need to be defined as nonhousehold members rather than ineligible household members.

Goals of New Rule: Clarifies separate household status from parents. Also, clarifies that ineligible students are treated as nonhousehold members.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Contact Wendy Forslin, Program Manager, Food Stamp Program Section, Division of Income Assistance, phone (SCAN 585) 438-8323, FAX (SCAN 585) 438-8258.

September 9, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-19-031

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Division of Alcohol and Substance Abuse)

[Filed September 14, 1994, 2:44 p.m.]

Specific Statutory Authority for New Rule: Subacute detox definition, RCW 70.96A.090; and driving while under the influence (DUI), chapter 46.61 RCW.

Reasons Why the New Rule is Needed: WAC 440-22-010, 440-22-110 and 440-22-120, subacute detox definition

is expanded to be consistent with that proposed by Department of Health's alcohol treatment facilities; and DUI provider penalties and revocation are required by 1994 legislation in the Omnibus Drunk Drivers Act and chapter 46.61 RCW.

Goals of New Rule: To promote regulatory consistency, allow more provider flexibility, and decrease costs of services; and to implement new 1994 legislation.

Process for Developing New Rule: Negotiated rule making. If you have questions, please contact: Fran Moellman, Program Manager, Division of Alcohol and Substance Abuse, Mailstop 45330, Lacey, WA 98503, (206) 438-8054.

How Interested Parties can Participate in Formulation of the New Rule: All providers will receive a preadoption mailing for review and comment; the process and product will be discussed and approved by the Citizens Advisory Council; and providers will be informed of hearings.

September 14, 1994
Dewey Brock, Chief
Office of Vendor Services

WSR 94-19-036

PREPROPOSAL STATEMENT OF INTENT WESTERN WASHINGTON UNIVERSITY

[Filed September 15, 1994, 3:34 p.m.]

Specific Statutory Authority for New Rule: RCW 28B.35.120(11).

Reasons Why the New Rule is Needed: Broaden the smoke-free area for employees and guests.

Goals of New Rule: Broaden the smoke-free area for employees and guests.

Process for Developing New Rule: University Health and Safety Committee recommendation.

How Interested Parties can Participate in Formulation of the New Rule: Gayle Shipley, Environmental Safety Office, Western Washington University, Bellingham, Washington 98225, phone 650-6512.

September 13, 1994
Wendy Bohlke
Assistant Attorney General
Senior Counsel

WSR 94-19-052

PREPROPOSAL STATEMENT OF INTENT PUBLIC DISCLOSURE COMMISSION

[Filed September 19, 1994, 11:44 a.m.]

Specific Statutory Authority for New Rule: RCW 42.17.090 (1)(k) and 42.17.370(1).

Reasons Why the New Rule is Needed: Initiative 134, effective December 3, 1992, imposes contribution limits on contributors to candidates for state office. The initiative also recognizes, however, that expenditures supporting or opposing state office candidates that are made independently of the candidate's campaign may not, constitutionally, be subject to limit. In order to implement and enforce the state's campaign finance law in a manner consistent with I-134, it is necessary for the commission to clarify the term "independ-

ent expenditure" and modify its existing WAC 390-05-210 regarding what expenditures constitute contributions under the law.

Goals of New Rule: Protect and preserve the contribution limits enacted by the voters through passage of I-134; assure persons who make or are contemplating making campaign expenditures completely independently of the benefitting campaign that their right to do so is not being abridged in any way; and provide guidance to the public as large as well as the political community in order that those subject to the law are better able to comply with its provisions.

Process for Developing New Rule: On June 1 and 8, 1994, the Public Disclosure Commission (PDC) staff met with representatives from business, labor, political consulting firms, legislative caucus committees and others concerning independent campaign expenditures and the reporting and disclosure provisions applicable to them. PDC staff also discussed those areas it thought required further clarification by rule and solicited comments and suggestions for addressing those areas. The commission received public comment at its June 29 and August 23, 1994, meetings. Given the close proximity of the 1994 primary and general elections, the members adopted emergency rules regarding independent expenditures and further defining the term contribution at its August 23, 1994, meeting. The commission anticipates holding a formal public hearing and considering possible permanent adoption of these rules later this year or early in 1995.

How Interested Parties can Participate in Formulation of the New Rule: Contact Vicki Rippie, Public Disclosure Commission Assistant Director for Public Information and Policy Development, P.O. Box 40908, Olympia, WA 98504-0908, FAX (206) 753-1112, phone (206) 586-4838. Public comment and suggestions are always welcome and are shared with the members of the Public Disclosure Commission. Administrative rules—whether emergency or permanent—that in the public's perception inadequately address an issue or problem are always eligible for modification if the commission agrees such action is warranted.

September 19, 1994
Melissa Warheit
Executive Director

WSR 94-19-054

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF ECOLOGY

[Order 94-37—Filed September 19, 1994, 4:07 p.m.]

Specific Statutory Authority for New Rule: RCW 70.105D.030 (1)(f).

Reasons Why the New Rule is Needed: The Model Toxics Control Act regulation currently defines situations appropriate for the use of agreed orders and describes the general conditions which must be present at a site for application of the industrial cleanup standards. During the 1994 legislative session, statutory changes were made to the Model Toxics Control Act relating to these two issues. The reason for the rule amendment is to make the Model Toxics Control Act regulation consistent with the recent statutory changes.

Goals of New Rule: To facilitate the successful implementation of recent changes to the Model Toxics Control Act.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Curtis Dahlgren, Washington Department of Ecology, Toxics Cleanup Program, P.O. Box 47600, Olympia, WA 98504-7600, (206) 407-7187.

September 14, 1994

Dan Silver
Assistant Director

WSR 94-19-065

PREPROPOSAL STATEMENT OF INTENT WASHINGTON STATE PATROL

[Filed September 20, 1994, 2:09 p.m.]

Subject of Possible Rule Making: WAC 204-24-050 Chain requirements for commercial vehicles.

Specific Statutory Authority for New Rule: RCW 46.37.005.

Reasons Why the New Rule is Needed: Adds exemption for automobile transporters. More specific chaining requirements for certain commercial vehicle types, lessening the number of chains required for some vehicles.

Goals of New Rule: Simplify chaining requirements over mountain passes in inclement weather. Lessen chaining requirements for certain commercial vehicles.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Lieutenant Lonnie Brackins, Safety and Technical Section, P.O. Box 42614, Olympia, WA 98504-2614, (206) 753-2754, FAX (206) 586-8233.

September 20, 1994

Roger W. Bruett
Chief

[AMENDATORY SECTION (Amending WSR 94-08-069, filed 4/4/94)]

WAC 204-24-050 Use of tire chains or other traction devices. (1) Vehicles under 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "approved traction tires required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires at least one of the traction devices meeting the requirements of WAC 204-24-040.

(b) When traffic control signs marked "chains required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires, tire chains meeting the standards in chapter 204-22 WAC.

(i) Exception for all wheel drive vehicles. When "chains required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices

as specified in WAC 204-24-040 provided that tire chains for at least one set of drive tires are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

When traffic control signs marked "approved traction tires required" or "chains required" are posted by the department of transportation it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its tires, tire chains as follows: *Provided*, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from the following requirements if such vehicle has sanding capability in front of the drive tires.

(a) (~~(Single vehicles,)~~) Vehicle combinations with two to four axles including but not limited to trucks, truck-tractors, buses and school buses: For vehicles with a single drive axle, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, (~~all tires on~~) one tire on each side of one of the drive axles shall be chained.

(b) Automobile transporters. Automobile transporters are any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. For vehicles with single drive axles, one tire on each side of the drive axles shall be chained. For vehicles with dual drive axles, one tire on each side of the drive axles shall be chained. For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(~~(b) Two vehicle combinations,)~~ (c) Vehicle combination with five axles, including but not limited to truck and trailer, or truck tractor and semi-trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained. (~~In addition, one tire on each side of the additional drive axle shall be chained.~~) For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(~~(c) Three v,)~~ (d) Vehicle combinations with six or more axles, including but not limited to truck tractor, semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, where traffic control signs marked "approved traction tires required" are posted, all tires on one of the drive axles shall be chained. For vehicles with dual drive axles, where traffic control signs marked "chains required, are posted, all tires on one of the drive axles shall be chained. In addition, one tire on each side of the additional drive axle shall be chained. For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer has tandem rear axles, the chained wheel may be on either of the last two axles.

(~~(d)~~) (e) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains

or in the event that chains in use are broken or otherwise made useless.

((e)) (f) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The state patrol may approve other devices as chains if the devices are equivalent to regular chains in performance.

((f)) (g) On the following routes all vehicles and combinations of vehicles over 10,000 pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

(i) I-90 - between North Bend (MP 32) and Ellensburg (MP 101).

(ii) SR-97 - between (MP 145) and Junction SR-2.

(iii) SR-2 - between Dryden (MP 108) and Index (MP 36).

(iv) SR-12 - between Packwood (MP 135) and Naches (MP 187).

(v) SR-97 - between the junction of SR-14 (MP 4) Columbia River and Toppenish (MP 59).

(vi) SR-410 - from Enumclaw to Naches.

(vii) SR-20 - between Tonasket (MP 262) and Kettle Falls (MP 342).

(viii) SR-155 - between Omak (MP 79) and Nespelem (MP 45).

(ix) SR-970 - between (MP 0) and (MP 10).

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington state department of transportation or Washington state patrol may prohibit any vehicle from entering a chain/approved traction tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 94-19-066
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed September 20, 1994, 2:51 p.m.]

Subject of Possible Rule Making: Repeal of chapter 236-24 WAC, Waiver of public bidding requirements for water projects.

Specific Statutory Authority for New Rule: Not applicable, this is not a new rule.

Reasons Why the New Rule is Needed: The repeal of the rule is necessary because the 1977 statute which this WAC chapter was enacted to implement expired by its own terms in 1977.

Goals of New Rule: The goal in repealing this WAC chapter is to streamline and update the agency's rules.

Process for Developing New Rule: Since this proposal is to repeal obsolete rules, no process for rule development was used.

How Interested Parties can Participate in Formulation of the New Rule: Contact Victoria W. Sheldon, APA Coordinator, Department of General Administration, Box 41018, Olympia, Washington 98504-1018, phone (206) 753-4243, FAX (206) 664-9040.

September 19, 1994
 Fred W. King
 Assistant Director
 Engineering and
 Architectural Services

WSR 94-19-067
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed September 20, 1994, 2:52 p.m.]

Subject of Possible Rule Making: Chapter 236-28 WAC, Small works roster.

Specific Statutory Authority for New Rule: Not applicable, this is not a new rule but an update and revision of an existing rule.

Reasons Why the New Rule is Needed: This chapter is being revised to update and simplify the small works roster process.

Goals of New Rule: The goal of the revision is to streamline the registration process and to update the WAC chapter. In addition, it will allow a state agency to remove a contractor from a small works roster after failing to respond to two solicitations to bids instead of the current five.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Write Victoria W. Sheldon, APA Coordinator, Department of General Administration, Box 41018, Olympia, Washington 98504-1018, phone (206) 753-4243, FAX (206) 664-9040.

September 19, 1994
 Fred W. King
 Assistant Director
 Engineering and
 Architectural Services

WSR 94-19-068
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed September 20, 1994, 2:53 p.m.]

Subject of Possible Rule Making: Repeal of chapter 236-60 WAC, Suggested design and construction standards of sidewalk and curb ramps for the physically handicapped person without uniquely endangering the blind.

Specific Statutory Authority for New Rule: Not applicable, this is not a new rule.

Reasons Why the New Rule is Needed: The repeal of the chapter is appropriate because curb cut and ramp design standards are included in the Uniform Building Code. Therefore this chapter is no longer necessary.

Goals of New Rule: The goal in repealing this WAC chapter is to streamline and update the agency's rules.

Process for Developing New Rule: Since this proposal is to repeal obsolete rules, no process for rule development was used.

How Interested Parties can Participate in Formulation of the New Rule: Contact Victoria W. Sheldon, APA Coordinator, Department of General Administration, Box 41018, Olympia, Washington 98504-1018, phone (206) 753-4243, FAX (206) 664-9040.

September 19, 1994
Fred W. King
Assistant Director
Engineering and
Architectural Services

WSR 94-19-069
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed September 20, 1994, 2:54 p.m.]

Subject of Possible Rule Making: Chapter 236-70 WAC, a rule to facilitate private investment in energy conservation for state-owned facilities.

Specific Statutory Authority for New Rule: Not applicable, this is not a new rule but an update of an existing WAC chapter.

Reasons Why the New Rule is Needed: This update is necessary to conform the rule to the current process.

Goals of New Rule: The goal is to update, clarify and simplify the rules.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Victoria W. Sheldon, APA Coordinator, Department of General Administration, Box 41018, Olympia, Washington 98504-1018, phone (206) 753-4243, FAX (206) 664-9040.

September 19, 1994
Fred W. King
Assistant Director
Engineering and
Architectural Services

WSR 94-19-077
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF AGRICULTURE
[Filed September 21, 1994, 8:02 a.m.]

Subject of Possible Rule making: Chapter 16-22 WAC, Custom meat slaughterers and handling of custom meat food animal carcasses at meat handling establishments.

Specific Statutory Authority for New Rule: RCW 16.49.680.

Reasons Why the New Rule is Needed: The rule is needed to allow for the orderly integration of meat from

Preproposal

ratites into the custom meat slaughter and handling rules to protect public health and safety with regard to uninspected meat.

Goals of New Rule: To allow ratites weighing over one hundred pounds to be processed in red meat custom plants and to keep birds larger than one hundred pounds from being processed as poultry without special permission.

Process for Developing New Rule: Agency study, draft prepared by state veterinarian and delivered to ratite industry groups for comment and feedback, followed by agency-industry work sessions.

How Interested Parties can Participate in Formulation of the New Rule: Robert W. Mead, DVM, State Veterinarian, Department of Agriculture, FS/AH, P.O. Box 42577, Olympia, WA 98504-2577, (206) 902-1878, FAX (206) 902-2087.

September 20, 1994
John Daly
Assistant Director

AMENDATORY SECTION (Amending Order 1396, filed 3/24/75, effective 9/3/75)

WAC 16-22-010 Definitions. For the purposes of regulations contained in this order the following definitions ((as they appear in chapter 16.49A RCW)) shall apply:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food;

(2) "Custom farm slaughterer" means any person licensed pursuant to the provisions of chapter 16.49A RCW, the State Meat Inspection Act, and who may under such license engage in the business of slaughtering meat food animals for the owner or owners thereof;

(3) "Department" means the department of agriculture of the state of Washington;

(4) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals or meat food birds;

(5) "Person" means a natural person, individual, firm partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be;

(6) "Equipment" means all machinery, fixtures, containers, utensils, vessels, tools, implements, vehicles, or apparatus used by a custom farm slaughterer in the process of slaughtering meat food animals, dressing the carcasses and transporting the inedible parts thereof from the place of slaughter to their destination;

(7) "Meat food animal" means live cattle, sheep, swine, and goats;

(8) "Meat food bird" means a bird defined as poultry in chapter 16.57 RCW which weighs one hundred pounds or more live weight.

(9) "Meat handling establishment" means any place of business where uninspected meat is stored, frozen, cut, wrapped, or otherwise prepared;

((9)) (10) "Identifying" means that each half, quarter, and edible part of slaughtered food animal carcasses shall be marked, stamped or tagged in a manner approved by the

director, for the purpose of tracing such part to the person doing the slaughtering;

~~((10))~~ (11) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food.

AMENDATORY SECTION (Amending Order 1396, filed 3/24/75, effective 9/3/75)

WAC 16-22-030 Custom farm slaughtering establishment—Sanitation. (1) Hooks, trolleys and spreaders, used in dressing carcasses, shall be of nonrusting metal or galvanized finish. They shall be clean, free from scale or rust and be given a thorough cleaning, sterilizing, drying and light coat of an edible mineral oil after each use. Hand hooks, knives, steels, and scabbards will be clean at all times. They will be washed and sterilized as needed during operations, to minimize contamination.

(2) All tools and equipment shall be thoroughly sanitized before each operation. Further, they shall be washed and sterilized if contaminated by viscera contents, ~~((abscesses))~~ abscesses, or foreign material during slaughtering operations.

(3) All vans, vehicles, tools and equipment shall be cleaned and sanitized before each day's slaughter operation or at more frequent intervals if required to prevent adulteration of carcasses.

(4) Meat food animal or meat food bird carcasses shall not be transported in the mobile slaughtering unit unless each carcass is hung so that it does not touch the floor except beef carcasses that are dressed with the hide on and are to be delivered to a processing plant within two hours for completion of the dressing procedure. Only two such "hide on" carcasses may be transported at one time under this provision.

(5) Edible offal shall be transported in clean containers of approved materials and shall be properly identified.

(6) If a second animal is to be slaughtered while one carcass is hanging in the van, either the rear doors to the van are to be kept closed or an effective internal separator is to be provided to keep the hanging meat and the portion of the van that it is in from being contaminated from splash, dust, insects, and the like. This separator may be in the form of a double door system or an "air curtain."

(7) No animals, other than scalded and dehaired hogs, and defeathered meat food birds, and those exempted under Item 4, WAC 16-22-030, may be dressed and transported with the hide on.

(a) Viscera of all meat food animals and meat food birds shall be separated from the carcass at the time of slaughter on the premises where the animal is slaughtered. Feet shall be removed from all meat food animals, except hogs, when scalded, and the head shall be removed from beef on the premises where the animal is slaughtered. Feet and metatarsus shall be removed from meat food birds.

(b) All material produced through the slaughter activity, such as inedible offal and hide which may tend to cause the slaughtering area to become insanitary, must immediately upon completion of actual slaughter of the animal, be

removed from the slaughtering area and disposed of in a completely sanitary manner. The licensee shall be responsible for proper disposal of inedible offal and all inedible products. The hide may be removed to a satisfactory place for storage.

(8) Meat food birds may be slaughtered by a custom farm slaughterer or custom slaughter establishment but not by a licensed custom poultry processor without prior approval by the director.

AMENDATORY SECTION (Amending Order 1396, filed 3/24/75, effective 9/3/75)

WAC 16-22-050 Custom farm slaughtering establishment—Inedible offal. (1) Inedible offal may only be transported by a mobile custom slaughtering establishment under the following conditions:

(a) In a covered, watertight trailer constructed from plans approved by the department and maintained in a sanitary condition at all times; or

(b) In approved sanitary containers, in a separate compartment, in the van body. The compartment will be metal lined. There will be no openings from this compartment to the portion of the van used to transport edible products. All inedible offal containers, such as barrels or tubs, will be made of hard rubber, plastic material or metal. They shall be smooth, easily cleaned and durable. Any metal containers capable of rusting shall be galvanized and oiled or primed and painted. Any operator desiring a variance from these inedible offal transport specifications shall apply to the department for such variance, give full details of construction and the reasons why each change will be equal to or an improvement on presently required construction.

(2) The only portion of an animal or bird slaughtered by a mobile custom slaughtering establishment operator which he/she may claim, own, or resell, is the inedible offal and the hide. Meat food bird hides must be negotiated with the bird owner before any claim of ownership.

(3) Inedible offal shall not be held by an operator more than eighteen hours unless under refrigeration sufficient to effectively retard spoilage and prevent noxious odors.

WSR 94-19-078

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF AGRICULTURE

[Filed September 21, 1994, 8:03 a.m.]

Subject of Possible Rule Making: Chapter 16-23 WAC, Custom meat facilities.

Specific Statutory Authority for New Rule: RCW 16.49.680.

Reasons Why the New Rule is Needed: This rule is needed to allow for the orderly integration of meat from ratites into rules for custom meat facilities to protect public health and welfare from mishandled uninspected ratite meat.

Goals of New Rule: To allow ratites weighing over one hundred pounds to be processed in custom meat facilities and to keep birds larger than one hundred pounds from being processed as poultry without special permission.

Process for Developing New Rule: Agency study, draft prepared by the state veterinarian and delivered to the ratite industry for comment and feedback followed by agency-industry work sessions.

How Interested Parties can Participate in Formulation of the New Rule: Robert W. Mead, DVM, State Veterinarian, Department of Agriculture, FS/AH, P.O. Box 42577, Olympia, WA 98504-2577, (206) 902-1878, FAX (206) 902-2087.

September 20, 1994

John Daly

Assistant Director

AMENDATORY SECTION (Amending Order 1956, filed 10/27/87)

WAC 16-23-010 Definitions. For the purpose of these rules:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal.

(2) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department or the director's designee.

(5) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and about an establishment and vehicles used to transport meat.

(6) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(7) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act.

(8) "Meat food animal" means cattle, swine, sheep, or goats.

(9) "Meat food bird" means a bird defined as poultry in chapter 16.57 RCW which weighs one hundred pounds or more live weight.

(10) "Meat food product" means any product derived from meat food animal and intended for human consumption.

~~((10))~~ (11) "Operator" includes any owner, lessee, or manager of a custom meat facility.

~~((11))~~ (12) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, any member, officer, or employee thereof or assignee for the benefit of creditors.

~~((12))~~ (13) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

~~((13))~~ (14) "Uninspected meat" means carcasses or parts thereof of meat food animals slaughtered or processed for human consumption other than under requirements provided in chapter 16.49A RCW or a federal meat inspection act which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

~~((14))~~ (15) "Unwholesome" means a condition in which meat or meat food products may be found to be diseased, contaminated, unsound, unhealthful.

~~((15))~~ (16) "Prepackaged inspected meat" means any inspected meat or meat food product prepared from inspected meat processed or prepared by establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act and packaged and sealed in a container or wrapping bearing the seal of federal inspection.

~~((16))~~ (17) "Sanitize" means an effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for a sufficient period of time to reduce the bacterial count, including pathogens, to a safe level.

AMENDATORY SECTION (Amending Order 1956, filed 10/27/87)

WAC 16-23-020 Maintaining sanitary premises. Establishments or premises on or in which meat food products or meat from meat food birds are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-23-025 through 16-23-165 will be deemed necessary for minimum sanitary conditions.

AMENDATORY SECTION (Amending Order 1956, filed 10/27/87)

WAC 16-23-170 Proof of ownership of uninspected carcasses or parts of carcasses by the operator. The operator of any custom meat facility shall have in his/her possession certificates of permit as provided by chapter 16-620 WAC or other satisfactory proof of ownership of all uninspected carcasses or parts thereof received in his/her establishment, and such proof of ownership must be kept on file for a period of six months after receipt of such carcasses or parts of carcasses.

(1) All uninspected cattle carcasses or parts of carcasses shall be identified by a department approved tagging device describing the name and address of the owner, name and address of the slaughterer, if not the owner, the slaughter date and brand, if the animal was branded, while in the possession of the operator. Such identity shall conform to the requirements of chapter 16.57 RCW.

(2) All uninspected meat food animal or meat food bird carcasses or parts of carcasses other than cattle must be identified as to name and address of the owner, name and address of the slaughterer if different than the owner, and the slaughter date while in the possession of the operator.

(3) Each owner of uninspected carcasses, parts of carcasses, or meat food products delivered to a custom meat facility for preparing will be furnished by the operator a written record stating the gross weight received for preparing. A duplicate copy of this record will be maintained by

the operator at his principle place of business for a period of at least six months.

(4) Operators making sales of prepackaged inspected meat to other than household users shall maintain records of all such transactions as to buyer, type of product sold and total net weight of each exchange.

WSR 94-19-079

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF AGRICULTURE

[Filed September 21, 1994, 8:04 a.m.]

Subject of Possible Rule Making: WAC 16-54-071
Animal importation—Domestic equine.

Specific Statutory Authority for New Rule: RCW
16.36.020.

Reasons Why the New Rule is Needed: WAC 16-54-071(3) is needed to facilitate movement of horses to shows, rides or other events to and from western states and still maintain health certification and tracking of such movements. WAC 16-54-071(4) is needed to satisfy federal requirements necessary to establish an equine quarantine station at the Washington State University School of Veterinary Medicine to accept horses from contagious equine metritis (CEM) countries.

Goals of New Rule: WAC 16-54-071(3) to satisfy horse industry with regard to their complaints about having to get a health certificate every thirty days for in and out travel to western states. WAC 16-54-071(4) to allow for the establishment of an equine quarantine station at the Washington State University School of Veterinary Medicine for imported horses from CEM countries.

Process for Developing New Rule: Requested by industry for both WAC 16-54-071 (3) and (4). WAC 16-54-071(3) drafted and redrafted by state veterinarian in response to industry and legislator inquiry and requests. Discussion meetings held around Washington and Oregon with industry. WAC 16-54-071(4) modified Montana rules to adapt to Washington as required by USDA.

How Interested Parties can Participate in Formulation of the New Rule: Robert W. Mead, DVM, State Veterinarian, Department of Agriculture, FS/AH, P.O. Box 42577, Olympia, WA 98504-2577, (206) 902-1878, FAX (206) 902-2087.

September 20, 1994

John Daly

Assistant Director

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-071 Domestic equine. (1) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon are excluded from test requirements.

(2) Breeding stallions or their semen shall be tested negative for equine viral arteritis (EVA) within ninety days

of import. Positive stallions or semen may be imported with a certifying statement on the health certificate that the consignee has been advised and consents to the shipment. All positive stallions or semen entering Washington shall be moved on a permit issued by the office of the state veterinarian and may be subject to quarantine.

(3) Washington horses may reenter Washington when returning from shows, rides or other events from states that will accept travel to that state with a current "equine certificate of veterinary inspection and interstate movement permit" without additional animal health certifications. Within fourteen days of the return to Washington an "itinerary of interstate travel" must be filed with the state veterinarian's office. Likewise horses from the western state of Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, or New Mexico may enter the state of Washington for shows, rides or other events and return with documents similar to the above named documents under a state system of equine health certification acceptable to the Washington state veterinarian and the state origin by written agreement. In any case, travel under this alternative to normal thirty-day health certification will be limited to not more than ninety days duration for any one excursion and the movement permit shall expire in six months from the date of the certificate.

(4) EQUINE QUARANTINE STATIONS. Stallions or mares imported from foreign countries listed in 92.301 (c)(1) of the Code of Federal Regulations (CFR) may only be received at an approved equine quarantine station. No person may receive in this state any stallion or mare which is imported from a foreign country in which contagious equine metritis has been reported unless the stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle. The sealed vehicle shall have been sealed at a federal or federally approved quarantine station or port of entry by a federal or federally approved agent. The imported stallion or mare shall be accompanied by an import permit issued by the State Veterinarian's office prior to the date on which the stallion or mare is brought into the state. The vehicle seal may not be removed except by an authorized employee or agent of the Department of Agriculture at an approved equine quarantine station. All equine animals, including test mares, which are received at an approved equine quarantine station shall be identified with an individual identification of a type approved by the State Veterinarian.

(a) QUARANTINE RELEASE. An imported stallion or mare received at an approved equine quarantine station under paragraph 4 is quarantined until the quarantine is released by the Director of Agriculture in writing. A quarantined equine animal may not be removed from the quarantine premises or be allowed in contact with other equine animals on adjacent premises. Contact between a quarantined equine animal and a test mare is permitted, but only pursuant to a written agreement with the Department under sub-paragraph (d). A test mare which has been in contact with an imported stallion is quarantined until the quarantine is released by the Department in writing.

(b) APPROVED EQUINE QUARANTINE STATION PERMIT. No person may operate an approved equine quarantine station in Washington State without written permission from the Director, Washington Department of Agriculture. Permits shall expire December 31 of each year. Applica-

tions for a permit shall be made in writing as required by the Director. The Director shall grant or deny a permit application within 90 days after the application is received provided that the application is accompanied by all requisite information and documentation. Every application shall include:

(i) the name and mailing address of the applicant and any trade name or business name to be used by the applicant;

(ii) a statement indicating whether the applicant is an individual, partnership, corporation, cooperative corporation, or other business association or entity;

(iii) the location of the equine quarantine station specified by county, town or city, road or street, and number.

(iv) the name and address of the accredited veterinarian who will perform all identification, handling, testing, and treatment of equine animals at the approved equine quarantine station under procedures or protocols established by the Department; and

(v) other information which the Department may require if the information is reasonably relevant to the Department's action on the permit request.

(c) CONSTRUCTION REQUIREMENTS: Approved equine quarantine stations shall be constructed and maintained to prevent contact between quarantined equine animals and any other equine animals on the premises, including test mares. An approved equine quarantine station shall be maintained in a clean and sanitary manner.

(d) TESTING AND TREATMENT PROCEDURES: Before permission is granted for the operation of an approved equine quarantine station, the station operator and the accredited veterinarian designated under sub-paragraph (b)(iv) shall enter into a written agreement with the Department establishing procedures and protocols to be followed in the identification, handling, testing, and treatment of equine animals quarantined in the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. Procedures and protocols shall be performed by the designated veterinarian except as otherwise authorized by the Director.

(e) RECORD KEEPING. The operator of an approved equine quarantine station shall keep complete and accurate records which shall be made available for inspection and copies of which shall be supplied to the Department upon request. Records shall be kept for at least two years after they are made and shall include;

(i) the identification, date of arrival, and date of removal of each imported equine animal received at the quarantine station;

(ii) the name and address of the owner of each equine animal received at the quarantine station correlated with a specific identification of the equine animal; and

(iii) a complete record of the procedures and protocols followed in conjunction with the identification, handling, testing and treatment of each imported animal.

NEW SECTION

WAC 16-54-145 Ratites. All ratites imported into Washington shall be accompanied by a permit number and a health certificate or certificate of veterinary inspection unless otherwise exempted, stating that the birds are free from signs or exposure to infectious disease. Ratites as

defined in chapter 16.57 RCW and/or their eggs must be tested negative for the following diseases: -Salmonella pullorum-typhoid-enteritidis.

WSR 94-19-080

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF AGRICULTURE

[Filed September 21, 1994, 8:05 a.m.]

Subject of Possible Rule Making: WAC 16-54-145 Animal importation—Ratites.

Specific Statutory Authority for New Rule: RCW 16.36.040 and SB 5082.

Reasons Why the New Rule is Needed: SB 5082 added a new section to chapter 16.36 RCW stating the (1) poultry defined in RCW 16.57.010 is subject to this chapter including but not limited to quarantines, health certificates and rules adopted by director, (2) the department shall in consultation with the ratite and poultry industries and others review adequacy of existing animal health regulations that pertain to ratites. The department shall adopt rules as deemed necessary to assure adequate protection to the ratite and poultry industries from a potential importation or spread of contagious diseases and parasites.

Goals of New Rule: To satisfy above mandate.

Process for Developing New Rule: Agency study, drafted by state veterinarian and delivered to ratite and poultry industries for comment and discussion and input. Then followed by department-industry work sessions.

How Interested Parties can Participate in Formulation of the New Rule: Robert W. Mead, DVM, State Veterinarian, Department of Agriculture, FS/AH, P.O. Box 42577, Olympia, WA 98504-2577, (206) 902-1878, FAX (206) 902-2087.

September 20, 1994

John Daly
Assistant Director

AMENDATORY SECTION (Amending WSR 92-21-039, filed 10/15/92, effective 11/15/92)

WAC 16-54-071 Domestic equine. (1) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon are excluded from test requirements.

(2) Breeding stallions or their semen shall be tested negative for equine viral arteritis (EVA) within ninety days of import. Positive stallions or semen may be imported with a certifying statement on the health certificate that the consignee has been advised and consents to the shipment. All positive stallions or semen entering Washington shall be moved on a permit issued by the office of the state veterinarian and may be subject to quarantine.

(3) Washington horses may reenter Washington when returning from shows, rides or other events from states that will accept travel to that state with a current "equine certificate of veterinary inspection and interstate movement permit"

without additional animal health certifications. Within fourteen days of the return to Washington an "itinerary of interstate travel" must be filed with the state veterinarian's office. Likewise horses from the western state of Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, or New Mexico may enter the state of Washington for shows, rides or other events and return with documents similar to the above named documents under a state system of equine health certification acceptable to the Washington state veterinarian and the state origin by written agreement. In any case, travel under this alternative to normal thirty-day health certification will be limited to not more than ninety days duration for any one excursion and the movement permit shall expire in six months from the date of the certificate.

NEW SECTION

WAC 16-54-145 Ratites. All ratites imported into Washington shall be accompanied by a permit number and a health certificate or certificate of veterinary inspection unless otherwise exempted, stating that the birds are free from signs or exposure to infectious disease. Ratites as defined in chapter 16.57 RCW and/or their eggs must be tested negative for the following diseases: Salmonella pullorum-typhoid-enteritidis.

WSR 94-19-081

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF AGRICULTURE

[Filed September 21, 1994, 8:06 a.m.]

Subject of Possible Rule Making: Chapter 16-59 WAC, Importation of poultry and hatching eggs.

Specific Statutory Authority for New Rule: RCW 16.36.040 and SB 5082.

Reasons Why the New Rule is Needed: SB 5082 added a new section to chapter 16.36 RCW stating that (1) poultry defined in RCW 16.57.010 is subject to this chapter including but not limited to quarantines, health certificates and rules adopted by director, (2) the department shall in consultation with the ratite industry, poultry industry and others review adequacy of existing animal health regulations that pertain to ratites. The department shall adopt rules as deemed necessary to assure adequate protection to the ratite and poultry industries from a potential importation or spread of contagious diseases and parasites.

Goals of New Rule: To satisfy above mandate.

Process for Developing New Rule: Agency study, drafted by state veterinarian and delivered to ratite and poultry industries for comment and discussion and input. Then followed by department-industry work sessions.

How Interested Parties can Participate in Formulation of the New Rule: Robert W. Mead, DVM, State Veterinarian, Department of Agriculture, FS/AH, P.O. Box 42577, Olympia, WA 98504-2577, (206) 902-1878, FAX (206) 902-2087.

September 20, 1994
John Daly
Assistant Director

AMENDATORY SECTION (Amending Order 997, Regulation 1, filed 1/21/66)

WAC 16-59-010 Health certificates. (1) It shall be unlawful for any person, firm or corporation to import any poultry or hatching eggs into this state unless in compliance with the requirements set forth hereafter in this ~~((order))~~ rule and in accordance with Washington import ~~((order))~~ rules (chapter 16-54 WAC) and Title 9, Code of Federal Regulations. Shipment to be accompanied by an official health certificate or certificate of veterinary inspection (except shipments for immediate slaughter, hatching eggs and unfed poultry) on which vaccinations are shown when applicable giving dates, method and type of vaccine used in addition to requirements of Washington import ~~((order))~~ rules. A permit is required for import of ratites and the permit number entered on the certificate of veterinary inspection or health certificate. Each ratite imported must be permanently identified with a permanent leg band, microchip, or tattoo showing an individual number. The type of identification (including type of microchip if used) must be listed on the certificate of veterinary inspection or health certificate.

(2) Poultry for immediate slaughter may enter and move within the state of Washington directly to slaughter plants under federal, state, county or municipal supervision providing the accompanying certificate or waybill is so marked ~~((designating))~~ with the following information:

(a) The plant of destination ~~((and;));~~

(b) That the birds are consigned for immediate slaughter and shall be slaughtered forthwith ~~((and;));~~

(c) The shipper's name and address ~~((and;));~~

(d) The number of birds in the shipment.

(3) For the purpose of this order the term "poultry" is considered to include all chickens, turkeys, ratites and other domestic fowl.

AMENDATORY SECTION (Amending Order 1994, filed 2/17/89)

WAC 16-59-030 Testing of breeding stock. (1) **Pullorum-typhoid:** All hatching eggs, baby chicks and/or poults, and growing stock (started pullets) in interstate movement shall have originated from parent or grandparent stock which are/were registered as participating flocks under the National Poultry Improvement Plan (NPIP) or equivalent state program and classified as Salmonella pullorum-typhoid free or are tested negative for Salmonella pullorum-typhoid within thirty days of movement. Acceptable tests are serum tube agglutination, serum or whole blood plate agglutination with pullorum antigen or Enzyme Linked Immuno-Sorbent Assay (ELISA). Any person who sells poultry or hatching eggs as Salmonella pullorum-typhoid free must qualify such under the provisions of this ~~((order))~~ rule: *Provided, however,* That eggs for table consumption and stock for immediate slaughter, or shipments consigned to a diagnostic laboratory or research institute approved by Washington state department of agriculture, shall be exempt from pullorum-typhoid requirements contained in this order.

(2) **Infectious laryngotracheitis; infectious coryza:** No poultry shall be transported, shipped or otherwise introduced into the state that have been naturally infected with or exposed to poultry naturally infected with field strains of infectious laryngotracheitis or infectious coryza or

vaccinated with virulent laryngotracheitis or infectious coryza vaccines, except upon a permit from the director of agriculture and subject to quarantine at destination. Such permits will be granted only when available authentic information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks: *Provided, however,* That eggs for table consumption from flocks naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, when washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists, stock for immediate slaughter or stock consigned to a diagnostic or research laboratory approved by Washington state department of agriculture shall be exempt from the infectious laryngotracheitis(;) or infectious coryza requirements contained in this order: *Provided further,* That crates, equipment, and packaging material used for such transportation are cleaned and sterilized to the satisfaction of Washington state department of agriculture authorities or burned before leaving the slaughter, diagnostic, or egg processing premises.

(3) **Ornithosis:** Poultry and eggs from flocks in which ornithosis has been diagnosed shall not be imported into or moved intrastate in the state of Washington except on written permit from the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 997, Regulation 7, filed 1/21/66)

WAC 16-59-070 Penalty provisions. (~~Any person, firm or corporation violating this regulation shall be deemed guilty of a misdemeanor.~~) RCW 16.36.110 provides: A violation of or a failure to comply with any chapter shall be a gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.030, 16.36.103, 16.36.105, 16.36.107, 16.36.108, or 16.36.109 may be enjoined from continuing such violation.

WSR 94-19-088
PREPROPOSAL STATEMENT OF INTENT
PERSONNEL RESOURCES BOARD

[Filed September 21, 1994, 9:52 a.m.]

Specific Statutory Authority for New Rule: RCW 41.06.150.

Reasons Why the New Rule is Needed: Federal regulations become effective January 1, 1995, which require drug testing in specific situations for those employees who have a commercial driver's license. The rule changes bring the current rules in Title 356 WAC into compliance with the federal requirements.

Goals of New Rule: The goal is to develop and revise rules so agencies and employees are in compliance with federal requirements for drug testing.

Process for Developing New Rule: Department of Personnel rule development process, in the development and revision of rules, the Department of Personnel encourages participation of affected agencies, institutions of higher

education, employee organizations, and other interested parties. Rule proposals are discussed at monthly joint rule meetings and possibly in task forces established for a specific topic. Rule proposals from these groups are submitted to the Washington Personnel Resources Board (WPRB) for adoption. Agendas and meeting notices including the WPRB meeting agenda, are distributed to all identified interested parties.

How Interested Parties can Participate in Formulation of the New Rule: Persons interested in rules being considered or development by the Department of Personnel for presentation to the board should contact the Department of Personnel, Office of Client Relations, 521 Capitol Way South, P.O. Box 47500, Olympia, WA 98504-7500 or telephone the Office of Client Relations at (206) 586-1770, (206) 664-3255, or FAX (206) 586-4694 for information about the joint rule and/or WPRB meetings.

September 20, 1994

Dennis Karras
Secretary

WSR 94-19-089
PREPROPOSAL STATEMENT OF INTENT
PERSONNEL RESOURCES BOARD

[Filed September 21, 1994, 9:55 a.m.]

Specific Statutory Authority for New Rule: RCW 41.06.150.

Reasons Why the New Rule is Needed: As of July 1, 1993, ESHB 2054 abolished the Higher Education Personnel Board and the State Personnel Board and created the Washington Personnel Resources Board (WPRB). As a result of ESHB 2054, both higher education and general government employees are covered by chapter 41.06 RCW and are under the WPRB's jurisdiction. Therefore, the Department of Personnel is working to consolidate the two existing civil service rule books, Titles 251 and 356 WAC, to create a new set of civil service rules, Title 359 WAC. The department has proposed and the WPRB has adopted four chapters of Title 359 WAC to be effective as of January 1, 1995. The Department of Personnel is continuing to work on the development of the remaining chapters using the rule-making process outlined in Process for Developing New Rule below. At this time it is evident the remainder of Title 359 WAC will not be completed by January 1, 1995, to coincide with the effective date of the four adopted WAC chapters. Therefore, the Department of Personnel is considering postponing the effective date of the following chapters of WAC: Chapters 359-39, 359-09, 359-48, and 359-07 WAC which were filed as WSR 94-13-091, 94-06-063, 94-02-033, and 94-02-032, respectively.

Goals of New Rule: The goal is to postpone the effective date of the adopted chapters of Title 359 WAC until the development of the remaining chapters in the title is complete.

Process for Developing New Rule: Department of Personnel rule development process, in the development and revision of rules, the Department of Personnel encourages participation of affected agencies, institutions of higher education, employee organizations, and other interested parties. Rule proposals are discussed at monthly joint rule

meetings and possibly in task forces established for a specific topic. Rule proposals from these groups are submitted to the Washington Personnel Resources Board for adoption. Agendas and meeting notices, including the WPRB meeting agenda, are distributed to all identified interested parties.

How Interested Parties can Participate in Formulation of the New Rule: Persons interested in rules being considered or developed by the Department of Personnel for presentation to the board should contact the Department of Personnel, Office of Client Relations, 521 Capitol Way South, P.O. Box 47500, Olympia, WA 98504-7500 or telephone the Office of Client Relations at (206) 586-1770, (206) 664-3255, or FAX (206) 586-4694 for information about the joint rule and/or WPRB meetings.

September 20, 1994
Dennis Karras
Secretary

WSR 94-19-090
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed September 21, 1994, 9:59 a.m.]

Subject of Possible Rule Making: Chapter 236-48 WAC, Office of State Procurement; and chapter 236-49 WAC, Relationship and procedures between Division of Purchasing and state agencies.

Specific Statutory Authority for New Rule: This is a general revision of current rules, and is authorized under chapter 43.19 RCW.

Reasons Why the New Rule is Needed: To eliminate unnecessary restating of law, and to provide for modern purchasing practices, such as use of new technologies.

Goals of New Rule: The goal is to revise the rules so they are up-to-date and pertinent.

Process for Developing New Rule: Discussion sessions with interested suppliers, state agencies and other customer groups. Those who contact either of the persons listed below by October 10, 1994, will be invited to participate in a discussion session to share their thoughts regarding the proposed changes.

How Interested Parties can Participate in Formulation of the New Rule: Write Victoria W. Sheldon, APA Coordinator, Department of General Administration, Box 41018, Olympia, Washington 98504-1018, phone (206) 753-4243, FAX (206) 664-9040; or Pat Kohler, Assistant Director, Office of State Procurement, Box 41017, Olympia, Washington 98504-1017, phone (206) 753-6461, FAX (206) 586-4944.

September 21, 1994
Pat Kohler
Assistant Director
Office of State Procurement

WSR 94-19-100
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
[Filed September 21, 1994, 11:38 a.m.]

Subject of Possible Rule Making: Fire protection sprinkler system contractors.

Specific Statutory Authority for New Rule: Chapters 43.63A and 18.160 RCW.

Reasons Why the New Rule is Needed: To clarify and amend rules for subcontracting, to clarify and amend rules for the issuance and use of certificate of competency stamps, and to amend rules for suspension and revocation of licenses and certificates of competency.

Goals of New Rule: To ensure that all parts of fire protection sprinkler systems in the state are designed and installed in accordance with nationally recognized standards, by competent persons and companies.

Process for Developing New Rule: Recommendation and study by the fire sprinkler advisory committee of the fire protection policy board.

How Interested Parties can Participate in Formulation of the New Rule: Contact Lyall Smith, Deputy State Fire Marshal, P.O. Box 48350, Olympia, WA 98504-8350, phone (206) 493-2651, FAX (206) 493-2648.

September 21, 1994
Mike Fitzgerald
Director



WSR 94-17-140
PROPOSED RULES
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY

[Filed August 22, 1994, 3:30 p.m.]

Original Notice.

Title of Rule: Adds Southwest Air Pollution Control Authority 406 "Acid Rain Regulation."

Purpose: Establish emission control requirements for large fossil fuel-fired boilers.

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

Summary: Adds a new rule to reduce acid rain-producing emissions from fossil fuel-fired boilers as required by the federal Clean Air Act amendments of 1990 and rules established by EPA at 40 CFR Part 72. This rule will be included in the Washington state implementation plan.

Reasons Supporting Proposal: Emissions from fossil fuel-fired boilers are significant contributors to acid rain.

This rule is required by the federal Clean Air Act amendments of 1990. Failure to adopt and implement this rule would result in federal sanctions including increased requirements for new industrial facilities.

As part of Southwest Washington Air Pollution Control Authority's delegation request to ecology for the operating permit program, Southwest Washington Air Pollution Control Authority's board of directors committed to adoption of this rule in its Resolution 1993-11. Failure to fulfill that requirement may result in permit program disapproval.

Name of Agency Personnel Responsible for Drafting: Lawrence L. Stookey, Southwest Air Pollution Control Authority, Vancouver, (206) 574-3058; Implementation: Paul T. Mairose, Southwest Air Pollution Control Authority, Vancouver, (206) 574-3058; and Enforcement: Robert D. Elliott, Southwest Air Pollution Control Agency, Vancouver, (206) 574-3058.

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

Rule is necessary because of federal law, 42 U.S.C. § 7410 (1990) (amending 42 U.S.C. § 7410 (1963)).

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is proposed in order to allow the Southwest Air Pollution Control Authority to comply with the federal Clean Air Act amendments of 1990. Its purpose is to reduce acid rain-producing emissions from fossil fuel-fired utility boilers by about 50% from 1980 emission levels. It will cause utilities to add pollution control and measurement equipment to certain fossil fuel-fired boilers.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. One facility within the jurisdiction of the Southwest Air Pollution Control Authority will be affected by this proposed rule. This is less than 2% of the industries in Standard Industrial Classification 4911. The minimum trigger level for a small business economic impact statement is 10%. No small businesses are affected by this proposed rule.

Hearing Location: Southwest Air Pollution Control Authority Conference Room, 1308 N.E. 134th Street, Vancouver, WA, on November 15, 1994, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Mary Allen by November 1, 1994, TDD (206) 574-3058, or (206) 574-3058 (voice).

Submit Written Comments to: Lawrence L. Stookey, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (206) 576-0925, by October 25, 1994.

Date of Intended Adoption: November 15, 1994.

August 19, 1994
 Robert D. Elliott
 Executive Director

SWAPCA 406
ACID RAIN REGULATION

SWAPCA

- 406-100 Acid Rain program general provisions
- 406-101 Definitions.
- 406-102 Measurements, abbreviations, and acronyms.
- 406-103 Applicability.
- 406-104 New units exemption.
- 406-105 Retired units exemption.
- 406-106 Standard requirements.
- 406-200 Designated representative
- 406-201 Submissions.
- 406-202 Objections.
- 406-300 Acid Rain applications
- 406-301 Requirement to apply.
- 406-302 Information requirements for Acid Rain Permit applications.
- 406-303 Permit application shield and binding effect of permit application.
- 406-400 Acid Rain compliance plan and compliance options
- 406-401 General.
- 406-402 Repowering extensions.
- 406-500 Acid Rain Permit contents
- 406-501 General.
- 406-502 Permit shield.
- 406-600 Acid Rain Permit issuance procedures
- 406-601 General.
- 406-602 Completeness.
- 406-603 Statement of basis.
- 406-604 Issuance of Acid Rain Permits.
- 406-605 Acid Rain appeal procedures
- 406-700 Permit revisions
- 406-701 General.
- 406-702 Permit modifications.
- 406-703 Fast-track modifications.
- 406-704 Administrative permit amendment.
- 406-705 Automatic permit amendment.
- 406-706 Permit reopenings.
- 406-800 Compliance certification
- 406-801 Annual compliance certification report.
- 406-802 Units with repowering extension plans.
- 406-900 Nitrogen Oxides Emission Reduction Program (Reserved)
- 406-1000 Sulfur Dioxide Opt-ins (Reserved)

PROPOSED

**PART I
GENERAL PROVISIONS**

SWAPCA 406-100 Acid Rain Program General Provisions

SWAPCA 406-101 Definitions

The terms used in this regulation shall have the meanings set forth in title IV of the Clean Air Act, 42 U.S.C. 7401, et seq. as amended by the Clean Air Act Amendments of 1990, 42 U.S.C. 7651, et seq. (November 15, 1990) and in this section as follows:

(1) "Acid Rain compliance option" means one of the methods of compliance used by an affected unit under the Acid Rain Program as described in a compliance plan submitted and approved in accordance with SWAPCA 406-400 or regulations implementing section 407 of the Act.

(2) "Acid Rain emissions limitation" means:

(a) For the purposes of sulfur dioxide emissions:

(i) The tonnage equivalent of the basic Phase II allowance allocations authorized to be allocated to an affected unit for use in a calendar year;

(ii) As adjusted:

(A) By allowances allocated by the Administrator pursuant to section 406, section 405 (a)(2), (a)(3), (b)(2), (c)(4), (d)(3), and (h)(2), and section 406 of the Act;

(B) By allowances allocated by the Administrator pursuant to subpart D of 40 CFR part 72; and thereafter

(C) By allowance transfers to or from the compliance subaccount for that unit that were recorded or properly submitted for recordation by the allowance transfer deadline pursuant to 40 CFR 73.35, after deductions and other adjustments are made pursuant to 40 CFR 73.34(c); and

(b) For purposes of nitrogen oxides emissions, the applicable limitation established by regulations promulgated by the Administrator pursuant to section 407 of the Act, as modified by an Acid Rain Permit application submitted to SWAPCA, and an Acid Rain Permit issued by SWAPCA, in accordance with regulations implementing section 407 of the Act.

(3) "Acid Rain emissions reduction requirement" means a requirement under the Acid Rain Program to reduce the emissions of sulfur dioxide or nitrogen oxides from a unit to a specified level or by a specified percentage.

(4) "Acid Rain Permit or permit" means the legally binding written document, or portion of such document, issued by SWAPCA (following an opportunity for appeal pursuant to 40 CFR part 78, RCW 43.21 or other administrative appeals procedures established by SWAPCA), including any permit revisions, specifying the Acid Rain Program requirements applicable to an affected source, to each affected unit at an affected source, and to the owners and operators and the designated representative of the affected source or the affected unit.

(5) "Acid Rain Program" means the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with title IV of the Act, SWAPCA 406-100 through 406-1000, 40 CFR parts 72, 73, 75, 77, and 78, and regulations implementing sections 407 and 410 of the Act.

(6) "Act" means the Clean Air Act, 42 U.S.C. §7401, et seq. as amended by Public Law No. 101-549 (November 15, 1990).

(7) "Actual SO₂ emissions rate" means the annual average sulfur dioxide emissions rate for the unit (expressed in lb/mmBtu), for the specified calendar year; provided that, if the unit is listed in the National Allowance Data Base, the "1985 actual SO₂ emissions rate" for the unit shall be the rate specified by the Administrator in the NADB under the data field "SO2RTE."

(8) "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's duly authorized representative.

(9) "Affected source" means a source that includes one or more affected units.

(10) "Affected state" means a state whose boundary is within 50 statute miles of an affected source within the State of Washington.

(11) "Affected unit" means a unit that is subject to any Acid Rain emissions reduction requirement or Acid Rain emissions limitation.

(12) "Affiliate" shall have the meaning set forth in section 2 (a)(11) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79b (a)(11), as of November 15, 1990.

(13) "Allocate or allocation" means the initial crediting of an allowance by the Administrator to an Allowance Tracking System unit account or general account.

(14) "Allowance" means an authorization by the Administrator under the Acid Rain Program to emit up to one ton of sulfur dioxide during or after a specified calendar year.

(15) "Allowance deduction, or deduct when referring to allowances," means the permanent withdrawal of allowances by the Administrator from an Allowance Tracking System compliance subaccount to account for the number of the tons of SO₂ emissions from an affected unit for the calendar year, for tonnage emissions estimates calculated for periods of missing data pursuant to 40 CFR part 75, or for any other allowance surrender obligations of the Acid Rain Program.

(16) "Allowances held or hold allowances" means the allowances recorded by the Administrator, or submitted to the Administrator for recordation in accordance with 40 CFR 73.50, in an Allowance Tracking System account.

(17) "Allowance Tracking System or ATS" means the Acid Rain Program system by which the Administrator allocates, records, deducts, and tracks allowances.

(18) "Allowance Tracking System account" means an account in the Allowance Tracking System established by the Administrator for purposes of allocating, holding, transferring, and using allowances.

(19) "Allowance transfer deadline" means midnight of January 30th or, if January 30th is not a business day, midnight of the first business day thereafter and is the deadline by which allowances may be submitted for recordation in an affected unit's compliance subaccount for the purposes of meeting the unit's Acid Rain emissions limitation requirements for sulfur dioxide for the previous calendar year.

(20) "Authorized account representative" means a responsible natural person who is authorized, in accordance with 40 CFR part 73, to transfer and otherwise dispose of allowances held in an Allowance Tracking System general

account; or, in the case of a unit account, the designated representative of the owners and operators of the affected unit.

(21) "Auxiliary firing" means the combustion of additional fuel downstream of a gas turbine for the purpose of adding thermal energy to the exhaust gases which can be recovered in a waste heat recovery unit.

(22) "Basic Phase II allowance allocations" means:

(a) For calendar years 2000 through 2009 inclusive, allocations of allowances made by the Administrator pursuant to section 406 and section 405 (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4), and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1); (i); and (j).

(b) For each calendar year beginning in 2010, allocations of allowances made by the Administrator pursuant to section 406 and section 405 (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4), and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1) and (3); (i); and (j).

(23) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or any other medium.

(24) "Certificate of representation" means the completed and signed submission required by 40 CFR 72.20, for certifying the appointment of a designated representative for an affected source or a group of identified affected sources authorized to represent the owners and operators of such source(s) and of the affected units at such source(s) with regard to matters under the Acid Rain Program.

(25) "Certifying Official" means:

(a) For a corporation, 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;

(b) For partnership or sole proprietorship, a general partner or the proprietor, respectively; and

(c) For a local government entity or State, federal, or other public agency, either a principal executive officer or ranking elected official.

(26) "Coal" means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials Designation ASTM D388-92 "Standard Classification of Coals by Rank."

(27) "Coal-derived fuel" means any fuel, whether in a solid, liquid, or gaseous state, produced by the mechanical, thermal, or chemical processing of coal (e.g., pulverized coal, coal refuse, liquefied or gasified coal, washed coal, chemically cleaned coal, coal-oil mixtures, and coke).

(28) "Coal-fired" means the combustion of fuel consisting of coal or any coal-derived fuel (except a coal-derived gaseous fuel with a sulfur content no greater than natural gas), alone or in combination with any other fuel, where a unit is "coal-fired" if it uses coal or coal-derived fuel as its primary fuel (expressed in mmBtu); provided that, if the unit is listed in the NADB, the primary fuel is the fuel listed in the NADB under the data field "PRIMEFUEL".

(29) "Cogeneration unit" means a unit that has equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam) for industrial, commercial, heating or cooling purposes, through the sequential use of energy.

(30) "Commence commercial operation" means to have begun to generate electricity for sale, including the sale of test generation.

(31) "Commence construction" means that an owner or operator has either undertaken a continuous program of construction or has entered into a contractual obligation to undertake and complete, within eighteen months, a continuous program of construction. SWAPCA may, upon application by the owner or operator, extend the period for completion at its discretion.

(32) "Commence operation" means to have begun any mechanical, chemical, or electronic process, including start-up of an emissions control technology or emissions monitor or of a unit's combustion chamber.

(33) "Common stack" means the exhaust of emissions from two or more units through a single flue.

(34) "Compliance certification" means a submission to the Administrator or SWAPCA that is required by SWAPCA 406-100 through 406-1000, by 40 CFR part 72, 73, 75, 77, or 78, or by regulations implementing sections 407 or 410 of the Act to report an affected source's or an affected unit's compliance or non-compliance with a provision of the Acid Rain Program and that is signed and verified by the designated representative in accordance with subpart B of 40 CFR part 72, SWAPCA 406-800, and the Acid Rain Program regulations generally.

(35) "Compliance plan, for purposes of the Acid Rain Program," means the document submitted for an affected source in accordance with SWAPCA 406-301 and 406-302 specifying the method(s) (including one or more Acid Rain compliance options under SWAPCA 406-402 or regulations implementing section 407 of the Act) by which each affected unit at the source will meet the applicable Acid Rain emissions limitation and Acid Rain emissions reduction requirements.

(36) "Compliance subaccount" means the subaccount in an affected unit's Allowance Tracking System account, established pursuant to 40 CFR 73.31 (a) or (b), in which are held, from the date that allowances for the current calendar year are recorded under 40 CFR 73.34(a) until December 31st, allowances available for use by the unit in the current calendar year and, after December 31st until the date that deductions are made under 40 CFR 73.35(b), allowances available for use by the unit in the preceding calendar year, for the purpose of meeting the unit's Acid Rain emissions limitation for sulfur dioxide.

(37) "Compliance use date" means the first calendar year for which an allowance may be used for purposes of meeting a unit's Acid Rain emissions limitation for sulfur dioxide.

(38) "Construction" means fabrication, erection, or installation of a unit or any portion of a unit.

(39) "Control Officer" means the Air Pollution Control Officer of a local air pollution control authority which is constituted under chapter 70.94 RCW.

(40) "Designated representative" means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with subpart B of 40 CFR part 72, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program.

Whenever the term "responsible official" is used in 40 CFR part 70 or in any other regulations implementing title V of the Act, it shall be deemed to refer to the "designated representative" with regard to all matters under the Acid Rain Program. An alternate designated representative is also included in this definition.

(41) "Diesel fuel" means a low sulfur fuel oil of grades 1-D or 2-D, as defined by the American Society for Testing and Materials ASTM D975-91, "Standard Specification for Diesel Fuel Oils."

(42) "Direct public utility ownership" means direct ownership of equipment and facilities by one or more corporations, the principal business of which is sale of electricity to the public at retail. Percentage ownership of such equipment and facilities shall be measured on the basis of book value.

(43) "Director" means the Director of the Washington Department of Ecology.

(44) "Draft Acid Rain Permit or draft permit" means the version of the Acid Rain Permit, or the Acid Rain portion of an Air Operating Permit, that SWAPCA offers for public comment.

(45) "Ecology" means the Washington Department of Ecology.

(46) "Emissions" means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the Administrator by the designated representative and as determined by the Administrator, in accordance with the emissions monitoring requirements of 40 CFR part 75.

(47) "EPA" means the United States Environmental Protection Agency.

(48) "Excess emissions" means:

(a) Any tonnage of sulfur dioxide emitted by an affected unit during a calendar year that exceeds the Acid Rain emissions limitation for sulfur dioxide for the unit as identified at 40 CFR part 77; and

(b) Any tonnage of nitrogen oxides emitted by an affected unit during a calendar year that exceeds the annual tonnage equivalent of the Acid Rain emissions limitation for nitrogen oxides applicable to the affected unit taking into account the unit's heat input for the year.

(49) "Executive Director" means the Executive Director of a local air pollution control authority which is constituted under chapter 70.94 RCW.

(50) "Existing unit" means a unit (including a unit subject to section 111 of the Act) that commenced commercial operation before November 15, 1990, and that on or after November 15, 1990, served a generator with a nameplate capacity of greater than twenty-five (25) MWe. "Existing unit" does not include simple combustion turbines or any unit that on or after November 15, 1990, served only generators with a nameplate capacity of twenty-five (25) MWe or less. Any "existing unit" that is modified, reconstructed, or repowered after November 15, 1990, shall continue to be an "existing unit."

(51) "Facility" means any institutional, commercial, or industrial structure, installation, plant, source, or building.

(52) "Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

(53) "Fossil fuel-fired" means the combustion of fossil fuel or any derivative of fossil fuel, alone or in combination with any other fuel, independent of the percentage of fossil fuel consumed in any calendar year.

(54) "Fuel oil" means any petroleum-based fuel (including diesel fuel or petroleum derivatives such as oil tar) as defined by the American Society for Testing and Materials in ASTM D396-90a, "Standard Specification for Fuel Oils," and any recycled or blended petroleum products or petroleum by-products used as a fuel whether in a liquid, solid or gaseous state.

(55) "Gas-fired" means the combustion of natural gas, or a coal-derived gaseous fuel with a sulfur content no greater than natural gas, for at least ninety percent of the average annual heat input during the previous three calendar years and for at least 85 percent of the annual heat input in each of those calendar years; and any fuel other than coal or any other coal-derived fuel for the remaining heat input, if any.

(56) "General Account" means an Allowance Tracking System account that is not a unit account.

(57) "Generator" means a device that produces electricity and was or would have been required to be reported as a generating unit pursuant to the United States Department of Energy Form 860 (1990 edition).

(58) "Generator output capacity" means the full-load continuous rating of a generator under specific conditions as designed by the manufacturer.

(59) "Heat input" means the product (expressed in mmBtu/time) of the gross calorific value of the fuel (expressed in Btu/lb) and the fuel feed rate into the combustion device (expressed in mass of fuel/time) and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(60) "Independent power production facility (IPP)" means a source that:

(a) Is nonrecourse project financed, as defined by the Secretary of Energy at 10 CFR part 715;

(b) Is used for the generation of electricity, eighty percent or more of which is sold at wholesale; and

(c) Is a new unit required to hold allowances under title IV of the Act;

(d) Provided that direct public utility ownership of the equipment comprising the facility does not exceed fifty percent.

(61) "Life-of-the-unit, firm power contractual arrangement" means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy generated by any specified generating unit and pays its proportional amount of such unit's total costs, pursuant to a contract:

(a) For the life of the unit;

(b) For a cumulative term of no less than thirty years, including contracts that permit an election for early termination; or

(c) For a period equal to or greater than twenty-five (25) years or seventy percent of the economic useful life of the unit determined as of the time the unit was built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

(62) "Nameplate capacity" means the maximum electrical generating output (expressed in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the NADB under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States Department of Energy standards if the generator is not listed in the NADB.

(63) "National Allowance Data Base or NADB" means the data base established by the Administrator under section 402 (4)(C) of the Act.

(64) "Natural Person" means an individual human being and not a firm, public or private corporation, association, partnership, political subdivision, municipality, or governmental agency corporate entity or partnership.

(65) "Natural gas" means a naturally occurring fluid mixture of hydrocarbons containing little or no sulfur (e.g., methane, ethane, or propane), produced in geological formations beneath the Earth's surface, and maintaining a gaseous state at International Standards Organization standard atmospheric temperature and pressure conditions of fifteen degrees Celsius and seven hundred sixty millimeters of mercury.

(66) "New unit" means a unit that commences commercial operation on or after November 15, 1990, including any such unit that serves a generator with a nameplate capacity of twenty-five (25) MWe or less or that is a simple combustion turbine.

(67) "Offset plan" means a plan pursuant to 40 CFR part 77 for offsetting excess emissions of sulfur dioxide that have occurred at an affected unit in any calendar year.

(68) "Oil-fired" means the combustion of: fuel oil for more than ten percent of the average annual heat input during the previous three calendar years or for more than fifteen percent of the annual heat input in any one of those calendar years; and any solid, liquid, or gaseous fuel, other than coal or any other coal-derived fuel (except a coal-derived gaseous fuel with a sulfur content no greater than natural gas), for the remaining heat input, if any.

(69) "Operating permit" means a permit issued under 40 CFR part 70 and any other regulations implementing title V of the Act.

(70) "Owner" means any of the following persons:

(a) Any holder of any portion of the legal or equitable title in an affected unit;

(b) Any holder of a leasehold interest in an affected unit; or

(c) Any purchaser of power from an affected unit under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected unit; or

(d) With respect to any Allowance Tracking System general account, any person identified in the submission required by 40 CFR 73.31(c) that is subject to the binding agreement for the authorized account representative to represent that person's ownership interest with respect to allowances.

(71) "Owner or operator" means any person who is an owner or who operates, controls, or supervises an affected unit or affected source and shall include, but not be limited to, any holding company, utility system, or plant manager of an affected unit or affected source.

(72) "Permit revision" means a permit modification, fast track modification, administrative permit amendment, or automatic permit amendment, as provided in SWAPCA 406-700 of this regulation.

(73) "Permitting authority" means the Washington Department of Ecology, the Washington Energy Facility Siting Evaluation Council, local air authority or other agency authorized under chapter 70.94 RCW and approved by EPA to carry out a permit program under this chapter.

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

(75) "Phase II" means the Acid Rain Program period beginning January 1, 2000, and continuing into the future thereafter.

(76) "Potential electrical output capacity" means the MWe capacity rating for the units which shall be equal to thirty-three percent of the maximum design heat input capacity of the steam generating unit, as calculated according to appendix D of 40 CFR part 72.

(77) "Power distribution system" means the portion of an electricity grid owned or operated by a utility that is dedicated to delivering electric energy to customers.

(78) "Power purchase commitment" means a commitment or obligation of a utility to purchase electric power from a facility pursuant to:

(a) A power sales agreement;

(b) A state regulatory authority order requiring a utility to:

(i) Enter into a power sales agreement with the facility;

(ii) Purchase from the facility; or

(iii) Enter into arbitration concerning the facility for the purpose of establishing terms and conditions of the utility's purchase of power;

(c) A letter of intent or similar instrument committing to purchase power (actual electrical output or generator output capacity) from the source at a previously offered or lower price and a power sales agreement applicable to the source is executed within the time frame established by the terms of the letter of intent but no later than November 15, 1992, or, where the letter of intent does not specify a time frame, a power sales agreement applicable to the source is executed on or before November 15, 1992; or

(d) A utility competitive bid solicitation that has resulted in the selection of the qualifying facility of independent power production facility as the winning bidder.

(79) "Power sales agreement" means a legally binding agreement between a qualifying facility, an independent power production facility, or firm associated with such facility and a regulated electric utility that establishes the terms and conditions for the sale of power from the facility to the utility.

(80) "Primary fuel or primary fuel supply" means the main fuel type (expressed in mmBtu) consumed by an affected unit for the applicable calendar year.

(81) "Proposed Acid Rain Permit or proposed permit" means the version of an Acid Rain Permit that SWAPCA

submits to the Administrator after the public comment period, but prior to completion of the EPA permit review period under 40 CFR 70.8(c).

(82) "Qualifying facility (QF)" means a "qualifying small power production facility" within the meaning of section 3 (17)(C) of the Federal Power Act or a "qualifying cogeneration facility" within the meaning of section 3 (18)(B) of the Federal Power Act.

(83) "Qualifying power purchase commitment" means a power purchase commitment in effect as of November 15, 1990, without regard to changes to that commitment so long as:

(a) The identity of the electric output purchaser, the identity of the steam purchaser and the location of the facility, remain unchanged as of the date the facility commences commercial operation; and

(b) The terms and conditions of the power purchase commitment are not changed in such a way as to allow the costs of compliance with the Acid Rain Program to be shifted to the purchaser.

(84) "Qualifying repowering technology" means:

(a) Replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990; or

(b) Any oil- or gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(85) "Receive or receipt of" means the date the Administrator or SWAPCA comes into possession of information or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the information or correspondence, by the Administrator or SWAPCA in the regular course of business.

(86) "Recordation, record, or recorded" means, with regard to allowances, the transfer of allowances by the Administrator from one Allowance Tracking System account or subaccount to another.

(87) "Schedule of compliance" means an enforceable sequence of actions, measures, or operations designed to achieve or maintain compliance, or correct non-compliance, with an applicable requirement of the Acid Rain Program, including any applicable Acid Rain Permit requirement.

(88) "Secretary of Energy" means the Secretary of the United States Department of Energy or the Secretary's duly authorized representative.

(89) "Simple combustion turbine" means a unit that is a rotary engine driven by a gas under pressure that is created by the combustion of any fuel. This term includes combined cycle units without auxiliary firing. This term excludes combined cycle units with auxiliary firing, unless the unit did not use the auxiliary firing from 1985 through 1987 and

does not use auxiliary firing at any time after November 15, 1990.

(90) "Solid waste incinerator" means a source as defined in section 129 (g)(1) of the Act.

(91) "Source" means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the Act. For purposes of section 502(c) of the Act, a "source", including a "source" with multiple units, shall be considered a single "facility."

(92) "Stack" means a structure that includes one or more flues and the housing for the flues.

(93) "State" means one of the forty-eight contiguous states and the District of Columbia and includes any non-federal authorities, including local agencies, interstate associations, and state-wide agencies with approved state operating permit programs. The term "state" shall have its conventional meaning where such meaning is clear from the context.

(94) "State operating permit program" means an operating permit program that the Administrator has approved as meeting the requirements of titles IV and V of the Act and 40 CFR parts 70 and 72.

(95) "Submit or serve" means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

(a) In person;

(b) By United States Postal Service certified mail with the official postmark or, if service is by the Administrator or SWAPCA, by any other mail service by the United States Postal Service; or

(c) By other means with an equivalent time and date mark used in the regular course of business to indicate the date of dispatch or transmission and a record of prompt delivery. Compliance with any "submission", "service", or "mailing" deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

(96) "Ton or tonnage" means any "short ton" (i.e., two thousand pounds). For the purpose of determining compliance with the Acid Rain emissions limitations and reduction requirements, total tons for a year shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with 40 CFR part 75, with any remaining fraction of a ton equal to or greater than one-half ton deemed to equal one ton and any fraction of a ton less than one-half ton deemed not to equal any ton.

(97) "Total planned net output capacity" means the planned generator output capacity, excluding that portion of the electrical power which is designed to be used at the power production facility, as specified under one or more qualifying power purchase commitments or contemporaneous documents as of November 15, 1990.

(98) "Total installed net output capacity" means the generator output capacity, excluding that portion of the electrical power actually used at the power production facility, as installed.

(99) "Unit" means a fossil fuel-fired combustion device.

(100) "Unit account" means an Allowance Tracking System account, established by the Administrator for an affected unit pursuant to 40 CFR 73.31 (a) or (b).

(101) "Utility" means any person that sells electricity.

(102) "Utility competitive bid solicitation" means a public request from a regulated utility for offers to the utility for meeting future generating needs. A qualifying facility, independent power production facility may be regarded as having been "selected" in such solicitation if the utility has named the facility as a project with which the utility intends to negotiate a power sales agreement.

(103) "Utility regulatory authority" means an authority, board, commission, or other entity (limited to the local-, State-, or federal-level, whenever so specified) responsible for overseeing the business operations of utilities located within its jurisdiction, including, but not limited to, utility rates and charges to customers.

(104) "Utility unit" means a unit owned or operated by a utility:

(a) That serves a generator that produces electricity for sale, or

(b) That during 1985, served a generator that produced electricity for sale.

(c) Notwithstanding paragraphs (a) and (b) of this definition, a unit that was in operation during 1985, but did not serve a generator that produced electricity for sale during 1985, and did not commence commercial operation on or after November 15, 1990, is not a utility unit for purposes of the Acid Rain Program.

(d) Notwithstanding paragraphs (a) and (b) of this definition, a unit that cogenerates steam and electricity is not a utility unit for purposes of the Acid Rain Program, unless the unit is constructed for the purpose of supplying, or commences construction after November 15, 1990, and supplies, more than one-third of its potential electrical output capacity and more than twenty-five (25) MWe output to any power distribution system for sale.

SWAPCA 406-102 Measurements, Abbreviations, and Acronyms

Measurements, abbreviations, and acronyms used in this regulation are defined as follows:

ASTM- American Society for Testing and Materials
 ATS- Allowance Tracking System
 Btu-British thermal unit
 CAAA- Clean Air Act Amendments
 CFR-Code of Federal Regulations
 DOE-Department of Energy
 IPP- Independent power production facility
 mmBtu-million Btu
 MWe-megawatt electrical
 NADB- National Allowance Data Base
 QF- Qualifying facility
 RCW- Revised Code of Washington
 SO₂-sulfur dioxide
 SWAPCA- Southwest Air Pollution Control Authority
 WAC- Washington Administrative Code
 WDOE- Washington Department of Ecology, hereinafter referred to as Ecology

SWAPCA 406-103 Applicability

(1) Each of the following units shall be an affected unit, and any source that includes such a unit shall be an affected source, subject to the requirements of the Acid Rain Program:

(a) A unit listed in Table 1 of 40 CFR 73.10(a).

(b) An existing unit that is identified in Table 2 or 3 of 40 CFR 73.10 and any other existing utility unit, except a unit under paragraph (2) of this section.

(c) A utility unit, except a unit under paragraph (2) of this section, that:

(i) Is a new unit;

(ii) Did not serve a generator with a nameplate capacity greater than twenty-five (25) MWe on November 15, 1990, but serves such a generator after November 15, 1990.

(iii) Was a simple combustion turbine on November 15, 1990, but adds or uses auxiliary firing after November 15, 1990;

(iv) Was an exempt cogeneration facility under paragraph (2)(d) of this section but during any three calendar year period after November 15, 1990, sold, to a utility power distribution system, an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand (219,000) MWe-hrs (i.e., twenty-five (25) MWe times eight thousand seven hundred sixty hours) electric output, on a gross basis;

(v) Was an exempt qualifying facility under paragraph (2)(e) of this section but, at any time after the later of November 15, 1990, or the date the facility commences commercial operation, fails to meet the definition of qualifying facility;

(vi) Was an exempt independent power production facility under paragraph (2)(f) but, at any time after the later of November 15, 1990, or the date the facility commences commercial operation, fails to meet the definition of independent power production facility; or

(vii) Was an exempt solid waste incinerator under paragraph (2)(g) of this section but during any three calendar year period after November 15, 1990, consumes twenty percent or more (on a Btu basis) fossil fuel.

(2) The following types of units are not affected units, and are not subject to the requirements of the Acid Rain Program:

(a) A simple combustion turbine that commenced operation before November 15, 1990.

(b) Any unit that commenced commercial operation before November 15, 1990, and that did not, as of November 15, 1990, and does not currently, serve a generator with a nameplate capacity of greater than twenty-five (25) MWe.

(c) Any unit that, during 1985, did not serve a generator that produced electricity for sale and that did not, as of November 15, 1990, and does not currently, serve a generator that produces electricity for sale.

(d) A cogeneration facility which:

(i) For a unit that commenced construction on or prior to November 15, 1990, was constructed for the purpose of supplying equal to or less than one-third its potential electrical output capacity or equal to or less than two hundred nineteen thousand (219,000) MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). If the purpose of construction is not known, it will be presumed to be consistent with the actual operation from 1985 through 1987. However, if in any three calendar year period after November 15, 1990, such unit sells to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than two

hundred nineteen thousand (219,000) MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the Acid Rain Program; or

(ii) For units that commenced construction after November 15, 1990, supplies equal to or less than one-third its potential electrical output capacity or equal to or less than two hundred nineteen thousand (219,000) MWe-hrs actual electric output on an annual basis to any utility power distribution system for sale (on a gross basis). However, if in any three calendar year period after November 15, 1990, such unit sells to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than two hundred nineteen thousand (219,000) MWe-hrs actual electric output (on a gross basis), that unit shall be an affected unit, subject to the requirements of the Acid Rain Program.

(e) A qualifying facility that:

(i) Has, as of November 15, 1990, one or more qualifying power purchase commitments to sell at least fifteen percent of its total planned net output capacity; and

(ii) Consists of one or more units designated by the owner or operator with total installed net output capacity not exceeding 130 percent of the total planned net output capacity. If the emissions rates of the units are not the same, the Administrator may exercise discretion to designate which units are exempt.

(f) An independent power production facility that:

(i) Has, as of November 15, 1990, one or more qualifying power purchase commitments to sell at least fifteen percent of its total planned net output capacity; and

(ii) Consists of one or more units designated by the owner or operator with total installed net output capacity not exceeding 130 percent of its total planned net output capacity. If the emissions rates of the units are not the same, the Administrator may exercise discretion to designate which units are exempt.

(g) A solid waste incinerator, if more than eighty percent (on a Btu basis) of the annual fuel consumed at such incinerator is other than fossil fuels. For a solid waste incinerator which began operation before January 1, 1985, the average annual fuel consumption of non-fossil fuels for calendar years 1985 through 1987 must be greater than eighty percent for such an incinerator to be exempt. For a solid waste incinerator which began operation after January 1, 1985, the average annual fuel consumption of non-fossil fuels for the first three years of operation must be greater than eighty percent for such an incinerator to be exempt. If, during any three calendar year period after November 15, 1990, such incinerator consumes twenty percent or more (on a Btu basis) fossil fuel, such incinerator will be an affected source under the Acid Rain Program.

(h) A non-utility unit which is not a utility unit as defined at SWAPCA 406-101.

(3) A certifying official of any unit may petition the Administrator for a determination of applicability under 40 CFR 72.6(c). The Administrator's determination of applicability shall be binding upon SWAPCA, unless the petition is found to have contained significant errors or omissions.

SWAPCA 406-104 New Units Exemption

(1) Applicability. This section applies to any new utility unit that serves one or more generators with total nameplate capacity of twenty-five (25) MWe or less and burns only fuels with a sulfur content of five hundredths of one percent (0.05%) or less by weight, as determined in accordance with paragraph (d)(1) of this section.

(2) Petition for Written Exemption. The designated representative, authorized in accordance with subpart B of 40 CFR part 72, of a source that includes a unit under paragraph (a) of this section may petition SWAPCA for a written exemption, or to renew a written exemption, for the unit from certain requirements of the Acid Rain Program. The petition shall be submitted on a form approved by SWAPCA which includes the following elements:

(a) Identification of the unit.

(b) The nameplate capacity of each generator served by the unit.

(c) A list of all fuels currently burned by the unit and their percentage sulfur content by weight, determined in accordance with paragraph (a) of this section.

(d) A list of all fuels that are expected to be burned by the unit and their sulfur content by weight;

(e) The special provisions in paragraph (d) of this section.

(f) The name of the designated representative, his or her signature, and the date of signature.

(3) SWAPCA's Action

(a)(i) SWAPCA will issue, for any unit meeting the requirements of paragraphs (1) and (2) of this section, a written exemption from the requirements of the Acid Rain Program except for the requirements specified in this section, 40 CFR 72.2 through 72.7, and 40 CFR 72.10 through 72.13; provided that no unit shall be exempted unless the designated representative of the unit surrenders, and the Administrator deducts from the unit's Allowance Tracking System account, allowances pursuant to 40 CFR 72.7 (c)(1)(i) and (d)(1).

(ii) The exemption shall take effect on January 1st of the year immediately following the date on which the written exemption is issued as a final SWAPCA action subject to judicial review, in accordance with paragraph (3)(b) of this section; provided that the owners and operators, and, to the extent applicable, the designated representative, shall comply with the requirements of the Acid Rain Program concerning all years for which the unit was not exempted, even if such requirements arise, or must be complied with, after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements of the Acid Rain Program whether the violation occurs before or after the exemption takes effect.

(b) SWAPCA will consider and either issue or deny a written exemption under paragraph (3)(a) of this section by applying the procedures for Acid Rain Permit Issuance in SWAPCA 406-600 as if the Petition for Written Exemption were an Acid Rain Permit application, with regard to completeness determination, draft written exemption, administrative record, statement of basis, public notice and comment period, public hearing, proposed written exemption, written exemption issuance, exemption revision and appeal procedures as provided by SWAPCA 406-600 and SWAPCA

406-700. No provision under SWAPCA 406-600 concerning the content, effective date, or term of an Acid Rain Permit shall apply to the written exemption or proposed written exemption under this section.

(c) A written exemption issued under this section shall have a term of five (5) years from its effective date, except as provided in paragraph (4)(c) of this section.

(4) Special Provisions, except for the first year until SWAPCA Air Operating Permits are issued, in which case the expiration of the term of the exemption will be coincident with the issuance of a final permit.

(a) The owners and operators of each unit exempted under this section shall determine the sulfur content by weight of its fuel as follows:

(i) For petroleum or petroleum products that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2622-92, or ASTM D4294-90.

(ii) For natural gas that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, the sulfur content shall be documented to be five hundredths of one percent (0.05%) or less by weight.

(iii) For gaseous fuel (other than natural gas) that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D1072-90 and ASTM D1265-92; provided that if the gaseous fuel is delivered by pipeline to the unit, a sample of the fuel shall be tested, at least once every quarter in which the unit operates during any year for which the exemption is in effect, using ASTM method ASTM D1072-90.

(b) The owners and operators of each unit exempted under this section shall retain at the source that includes the unit, the records of the results of the tests performed under paragraph (4)(a)(i) and (iii) of this section, a copy of documentation produced under paragraph (4)(a)(ii) of this section, and a copy of the purchase agreements for the fuel under paragraph (4)(a) of this section, stating the sulfur content of such fuel. Such records and documents shall be retained for five (5) years from the date they are created.

(c) On the earlier of the date the written exemption expires, the date a unit exempted under this section burns any fuel with a sulfur content in excess of five hundredths of one percent (0.05%) by weight (as determined in accordance with paragraph (4)(a) of this section), or twenty-four months prior to the date the unit first serves one or more generators with total nameplate capacity in excess of twenty-five (25) MWe, the unit shall no longer be exempted under this section and shall be subject to all requirements of the Acid Rain Program, except that:

(i) Notwithstanding SWAPCA 406-301 (2) and (3), the designated representative of the source that includes the unit shall submit a complete Acid Rain Permit application on the later of January 1, 1998 or the date the unit is no longer exempted under this section.

(ii) For purposes of applying monitoring requirements under 40 CFR part 75, the unit shall be treated as a new unit that commenced commercial operation on the date the unit

no longer meets the requirements of paragraph (a) of this section.

(iii) In the event a SWAPCA Air Operating Permit is required, the unit shall no longer be exempted under this section on the effective date of the SWAPCA Air Operating Permit.

SWAPCA 406-105 Retired Units Exemption

(1) **Applicability.** This section applies to any affected unit that is retired prior to the issuance (including renewal) of an Acid Rain Permit for the unit as a final SWAPCA action.

(2) **Petition for Written Exemption.**

(a) The designated representative, authorized in accordance with subpart B of 40 CFR part 72, of a source that includes a unit under paragraph (1) of this section may petition SWAPCA for a written exemption, or to renew a written exemption, for the unit from certain requirements of the Acid Rain Program.

(b) A petition under this section shall be submitted on or before:

(i) The deadline for submitting an Acid Rain Permit application for Phase II; or

(ii) If the unit has a Phase II Acid Rain Permit, the deadline for reapplying for such permit.

(c) The petition under this section shall be submitted on a form approved by SWAPCA which includes the following elements:

(i) Identification of the unit;

(ii) The applicable deadline under paragraph (2)(b) of this section;

(iii) The actual or expected date of retirement of the unit;

(iv) The following statement: "I certify that this unit ('is' or 'will be', as applicable) permanently retired on the date specified in this petition and will not emit any sulfur dioxide or nitrogen oxides after such date;"

(v) A description of any actions that have been or will be taken and provide the basis for the certification in paragraph (2)(c)(iv) of this section;

(vi) The special provisions in paragraph (4) of this section; and

(vii) The name of the designated representative, his or her signature, and the date of signature.

(3) **SWAPCA's Action.**

(a)(i) SWAPCA will issue, for any unit meeting the requirements of paragraphs (1) and (2) of this section, a written exemption from the requirements of SWAPCA 406-100 through 406-800 and 40 CFR part 72 except for the requirements specified in this section and 40 CFR 72.1 through 72.6, 40 CFR 72.8, and 40 CFR 72.10 through 72.13.

(ii) The exemption shall take effect on January 1st of the year following the date on which the written exemption is issued as a final SWAPCA action subject to judicial review, in accordance with paragraph (3)(b) of this section; provided that the owners and operators, and, to the extent applicable, the designated representative, shall comply with the requirements of SWAPCA 406-100 through 406-800 and 40 CFR part 72 concerning all years for which the unit was not exempted, even if such requirements arise or must be

complied with after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements of the Acid Rain Program whether the violation occurs before or after the exemption takes effect.

(b) SWAPCA will consider and either issue or deny a written exemption under paragraph (3)(a) of this section by applying the procedures for Acid Rain Permit Issuance in SWAPCA 406-600 as if the Petition for Written Exemption were an Acid Rain Permit application, with regard to completeness determination, draft written exemption, administrative record, statement of basis, public notice and comment period, public hearing, proposed written exemption, written exemption issuance, exemption revision and appeal procedures as provided by SWAPCA 406-600 and SWAPCA 406-700. No provision under SWAPCA 406-600 concerning the content, effective date, or term of an Acid Rain Permit shall apply to the written exemption or proposed written exemption under this section.

(c) A written exemption issued under this section shall have a term of five (5) years, except as provided in paragraph (4)(c) or paragraph (4)(d) of this section.

(4) Special Provisions

(a) A unit exempted under this section shall not emit any sulfur dioxide and nitrogen dioxide starting on the date it is exempted.

(b) The owners and operators of a unit exempted under this section shall comply with monitoring requirements in accordance with 40 CFR part 75 and will be allocated allowances in accordance with 40 CFR part 73.

(c) A unit exempted under this section shall not resume operation unless the designated representative of the source that includes the unit submits an Acid Rain Permit application for the unit not less than twenty-four months prior to the later of January 1, 2000 or the date the unit is to resume operation. On the earlier of the date the written exemption expires or the date an Acid Rain Permit application is submitted or is required to be submitted under this paragraph, the unit shall no longer be exempted under this section and shall be subject to all requirements of SWAPCA 406-100 through 406-800 and 40 CFR part 72.

(d) In the event an Air Operating Permit is required under SWAPCA 401 (FCAA Title V), the unit shall no longer be exempted under this section on the effective date of the Air Operating Permit.

SWAPCA 406-106 Standard Requirements

(1) Permit Requirements

(a) The designated representative of each affected source and each affected unit at the source shall:

(i) Submit a complete Acid Rain Permit application under this part in accordance with the deadlines specified in SWAPCA 406-301;

(ii) Submit in a timely manner any supplemental information that SWAPCA determines is necessary in order to review an Acid Rain Permit application and issue or deny an Acid Rain Permit.

(b) The owners and operators of each affected source and each affected unit at the source shall:

(i) Operate the unit in compliance with a complete Acid Rain Permit application or a superseding Acid Rain Permit issued by SWAPCA; and

(ii) Have an Acid Rain Permit.

(2) Monitoring Requirements

(a) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements pursuant to 40 CFR part 75 and section 407 of the Act and regulations implementing section 407 of the Act.

(b) The emissions measurements recorded and reported in accordance with 40 CFR part 75 and section 407 of the Act and regulations implementing section 407 of the Act shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

(c) The requirements of 40 CFR part 75 and regulations implementing section 407 of the Act shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act, applicable requirements of WAC 173, and other provisions of the Air Operating Permit for the source.

(3) Sulfur Dioxide Requirements

(a) The owners and operators of each source and each affected unit at the source shall:

(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and

(ii) Comply with the applicable Acid Rain emissions limitation for sulfur dioxide.

(b) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.

(c) An affected unit shall be subject to the requirements under paragraph (3)(a) of this section as follows:

(i) Starting January 1, 2000, an affected unit under SWAPCA 406-103 (1)(b); or

(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under SWAPCA 406-103 (1)(c).

(d) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

(e) An allowance shall not be deducted, in order to comply with the requirements under paragraph (3)(a)(i) of this section, prior to the calendar year for which the allowance was allocated.

(f) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain Permit application, the Acid Rain Permit, or the written exemption under SWAPCA 406-104 and 406-105 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(g) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

(4) **Nitrogen Oxides Requirements.** The owners and operators of the source and each affected unit at the source

shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

(5) Excess Emissions Requirements

(a) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan to the Administrator, as required under 40 CFR part 77, and submit a copy to SWAPCA.

(b) The owners and operators of an affected unit that has excess emissions in any calendar year shall:

(i) Pay to the Administrator without demand the penalty required, and pay to the Administrator upon demand the interest on that penalty, as required by 40 CFR part 77; and

(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

(6) Record Keeping and Reporting Requirements

(a) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of five (5) years from the date the document is created.

(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative.

(ii) All emissions monitoring information, in accordance with 40 CFR part 75.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program.

(iv) Copies of all documents used to complete an Acid Rain Permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(b) This period may be extended for cause, at any time prior to the end of five (5) years, in writing by the Administrator or SWAPCA.

(c) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under SWAPCA 406-800 and 40 CFR part 75.

(7) Liability

(a) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain Permit application, an Acid Rain Permit, or a written exemption under SWAPCA 406-104 or 406-105, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement by the Administrator pursuant to section 113(c) of the Act and by SWAPCA pursuant to RCW 70.94.431 and 70.94.435.

(b) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement by the Administrator pursuant to section 113(c) of the Act and 18 U.S.C. 1001 and by SWAPCA pursuant to RCW 70.94.430.

(c) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.

(d) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

(e) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

(f) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under SWAPCA 406-402 (Phase II repowering extension plans), section 407 of the Act and regulations implementing section 407 of the Act, and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(g) Each violation of a provision of SWAPCA 406-100 through 406-1000 and 40 CFR parts 72, 73, 75, 77, and 78, and regulations implementing sections 407 and 410 of the Act by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

(8) Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain Permit application, an Acid Rain Permit, or a written exemption under SWAPCA 406-104 or 406-105 shall be construed as:

(a) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(b) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;

(c) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;

(d) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or

(e) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.

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

**PART II
DESIGNATED REPRESENTATIVE**

SWAPCA 406-200 Designated Representative

SWAPCA 406-201 Submissions

(1) The designated representative shall submit a certificate of representation, and any superseding certificate of representation, to the Administrator in accordance with subpart B of 40 CFR part 72 and, concurrently, shall submit a copy to SWAPCA. Whenever the term "designated representative" is used in this regulation, the term shall be construed to include the alternate designated representative.

(2) Each submission under the Acid Rain Program shall be submitted, signed, certified and dated by the designated representative for all sources on behalf of which the submission is made.

(3) In each submission under the Acid Rain Program, the designated representative shall certify, by his or her signature:

(a) The following statement, which shall be included verbatim in such submission: "I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made."

(b) The following statement, which shall be included verbatim in such submission: "I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(4) SWAPCA will accept or act on a submission made on behalf of owners or operators of an affected source and an affected unit only if the submission has been made, signed, and certified in accordance with paragraphs (2) and (3) of this section.

(5)(a) The designated representative of a source shall serve notice on each owner and operator of the source and of an affected unit at the source:

(i) By the date of submission, of any Acid Rain Program submissions by the designated representative;

(ii) Within ten business days of receipt of a determination, of any written determination by the Administrator or SWAPCA; and

(iii) Provided that the submission or determination covers the source or the unit.

(b) The designated representative of a source shall provide each owner and operator of an affected unit at the source a copy of any submission or determination under paragraph (5)(a) of this section, unless the owner or operator expressly waives the right to receive such a copy.

SWAPCA 406-202 Objections

(1) Except as provided in 40 CFR 72.23, no objection or other communication submitted to the Administrator or SWAPCA concerning the authorization, or any submission, action or inaction, of the designated representative shall affect any submission, action, or inaction of the designated representative, or the finality of any decision by SWAPCA, under the Acid Rain Program. In the event of such communication, SWAPCA is not required to stay any submission or the effect of any action or inaction under the Acid Rain Program.

(2) SWAPCA will not adjudicate any private legal dispute concerning the authorization or any submission, action, or inaction of any designated representative, including private legal disputes concerning the proceeds of allowance transfers.

**PART III
APPLICATIONS**

SWAPCA 406-300 Acid Rain Permit Applications

SWAPCA 406-301 Requirement to Apply

(1) Duty to apply. The designated representative of any source with an affected unit shall submit a complete Acid Rain Permit application by the applicable deadline in paragraphs (2) and (3) of this section, and the owners and operators of such source and any affected unit at the source shall not operate the source or unit without a permit that states its Acid Rain Program requirements.

(2) Deadlines

(a) For any source with an existing unit described under SWAPCA 406-103 (1)(b), the designated representative shall submit a complete Acid Rain Permit application governing such unit to SWAPCA on or before January 1, 1996.

(b) For any source with a new unit described under SWAPCA 406-103 (1)(c)(i), the designated representative shall submit a complete Acid Rain Permit application governing such unit to SWAPCA at least twenty-four months before the later of January 1, 2000, or the date on which the unit commences operation.

(c) For any source with a unit described under SWAPCA 406-103 (1)(c)(ii), the designated representative shall submit a complete Acid Rain Permit application governing such unit to SWAPCA at least twenty-four months before the later of January 1, 2000, or the date on which the unit begins to serve a generator with a nameplate capacity greater than twenty-five (25) MWe.

(d) For any source with a unit described under SWAPCA 406-103 (1)(c)(iii), the designated representative shall submit a complete Acid Rain Permit application governing such unit to SWAPCA at least twenty-four months before the later of January 1, 2000, or the date on which the auxiliary firing commences operation.

(e) For any source with a unit described under SWAPCA 406-103 (1)(c)(iv), the designated representative shall submit a complete Acid Rain Permit application governing such unit to SWAPCA before the later of January 1, 1998, or March 1st of the year following the three calendar year period in which the unit sold to a utility power distribution system an annual average of more than one-third

of its potential electrical output capacity and more than two hundred nineteen thousand (219,000) MWe-hrs actual electric output (on a gross basis).

(f) For any source with a unit described under SWAPCA 406-103 (1)(c)(v), the designated representative shall submit a complete Acid Rain Permit application governing such unit to SWAPCA before the later of January 1, 1998, or March 1st of the year following the calendar year in which the facility fails to meet the definition of qualifying facility.

(g) For any source with a unit described under SWAPCA 406-103 (1)(c)(vi), the designated representative shall submit a complete Acid Rain Permit application governing such unit to SWAPCA before the later of January 1, 1998, or March 1st of the year following the calendar year in which the facility fails to meet the definition of an independent power production facility.

(h) For any source with a unit described under SWAPCA 406-103 (1)(c)(vii), the designated representative shall submit a complete Acid Rain Permit application governing such unit to SWAPCA before the later of January 1, 1998, or March 1st of the year following the three calendar year period in which the incinerator consumed twenty percent or more fossil fuel (on a Btu basis).

(3) Duty to Reapply. The designated representative shall submit a complete Acid Rain Permit application for each source with an affected unit at least six months or more but not to exceed eighteen months, as may be approved by SWAPCA, prior to the expiration of an existing Acid Rain Permit governing the unit to ensure that the existing Acid Rain Permit does not expire prior to renewal.

(4) The original and three copies of all permit applications shall be submitted to SWAPCA.

SWAPCA 406-302 Information Requirements for Acid Rain Permit Applications

(1) **Complete Permit Application.** A complete Acid Rain Permit application shall be submitted on a form approved by SWAPCA, which includes the following elements:

(a) Identification of the affected source for which the permit application is submitted;

(b) Identification of each affected unit at the source for which the permit application is submitted;

(c) A complete compliance plan for each unit, in accordance with SWAPCA 406-400;

(d) The standard requirements under SWAPCA 406-106;

(e) If the unit is a new unit, the date that the unit has commenced or will commence operation and the deadline for monitor certification; and

(f) The name of the designated representative, his or her signature, and the date of signature.

SWAPCA 406-303 Permit Application Shield and Binding Effect of Permit Application

(1) Permit Application Shield

(a) Once a designated representative submits a timely and complete Acid Rain Permit application, the owners and operators of the affected source and the affected units covered by the permit application shall be deemed in

compliance with the requirement to have an Acid Rain Permit under SWAPCA 406-106 (1)(b) and 406-301(1); provided that any delay in issuing an Acid Rain Permit is not caused by the failure of the designated representative to submit in a complete and timely fashion supplemental information, as required by SWAPCA, necessary to issue a permit.

(b) Prior to the earlier of the date on which an Acid Rain Permit is issued as a final SWAPCA action subject to judicial review, an affected unit governed by and operated in accordance with the terms and requirements of a timely and complete Acid Rain Permit application shall be deemed to be operating in compliance with the Acid Rain Program.

(c) A complete Acid Rain Permit application shall be binding on the owners and operators and the designated representative of the affected source and the affected units covered by the permit application and shall be enforceable as an Acid Rain Permit from the date of submission of the permit application until the issuance or denial of such permit as a final SWAPCA action subject to judicial review.

PART IV COMPLIANCE PLAN

SWAPCA 406-400 Acid Rain Compliance Plan and Compliance Options

SWAPCA 406-401 General

(1) For each affected unit included in an Acid Rain Permit application, a complete compliance plan shall include:

(a) For sulfur dioxide emissions, a certification that, as of the allowance transfer deadline, the designated representative will hold allowances in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c) not less than the total annual emissions of sulfur dioxide from the unit. The compliance plan may also specify, in accordance with SWAPCA 406-400, one or more of the Acid Rain compliance options.

(b) For nitrogen oxides emissions, a certification that the unit will comply with the applicable limitation established by regulations implementing section 407 of the Act or shall specify one or more Acid Rain compliance options, in accordance with section 407 of the Act and regulations implementing section 407.

(2) The compliance plan may include a multi-unit compliance option under SWAPCA 406-402 or section 407 of the Act or regulations implementing section 407.

(a) A plan for a compliance option that includes units at more than one affected source shall be complete only if:

(i) Such plan is signed, certified and dated by the designated representative for each source with an affected unit governed by such plan; and

(ii) A complete permit application is submitted covering each unit governed by such plan.

(b) SWAPCA's approval of a plan under paragraph (2)(a) of this section that includes units in more than one state shall be final only after every permitting authority with jurisdiction over any such unit has approved the plan with the same modifications or conditions, if any.

(3) Conditional Approval. In the compliance plan, the designated representative of an affected unit may propose, in

accordance with SWAPCA 406-400, any Acid Rain compliance option for conditional approval; provided that an Acid Rain compliance option under section 407 of the Act may be conditionally proposed only to the extent provided in regulations implementing section 407 of the Act.

(a) To activate a conditionally-approved Acid Rain compliance option, the designated representative shall notify SWAPCA in writing that the conditionally-approved compliance option will actually be pursued beginning January 1st of a specified year. Such notification shall be subject to the limitations on activation under SWAPCA 406-402 and regulations implementing section 407 of the Act. If the conditionally approved compliance option includes a plan described in paragraph (2)(a) of this section, the designated representative of each source governed by the plan shall sign and certify the notification.

(b) The notification under paragraph (3)(a) of this section shall specify the first calendar year and the last calendar year for which the conditionally approved Acid Rain compliance option is to be activated. A conditionally approved compliance option shall not be activated after the date of any enforceable milestone applicable to the compliance option. The date of activation of the compliance option shall not be a defense against failure to meet the requirements applicable to that compliance option during each calendar year for which the compliance option is activated.

(c) Upon submission of a notification meeting the requirements of paragraphs (3)(a) and (b) of this section, the conditionally-approved Acid Rain compliance option becomes binding on the owners and operators and the designated representative of any unit governed by the conditionally-approved compliance option.

(d) A notification meeting the requirements of paragraphs (3)(a) and (b) of this section will revise the unit's permit in accordance with SWAPCA 406-704 (administrative permit amendment).

(4) Termination of Compliance Option

(a) The designated representative for a unit may terminate an Acid Rain compliance option by notifying SWAPCA in writing that an approved compliance option will be terminated beginning January 1st of a specified year. Such notification shall be subject to the limitations on termination under SWAPCA 406-402 and regulations implementing section 407 of the Act. If the compliance option includes a plan described in paragraph (2)(a) of this section, the designated representative for each source governed by the plan shall sign and certify the notification.

(b) The notification under paragraph (4)(a) of this section shall specify the calendar year for which the termination will take effect.

(c) Upon submission of a notification meeting the requirements of paragraphs (4)(a) and (b) of this section, the termination becomes binding on the owners and operators and the designated representative of any unit governed by the Acid Rain compliance option to be terminated.

(d) A notification meeting the requirements of paragraphs (4)(a) and (b) of this section will revise the unit's permit in accordance with SWAPCA 406-704 (administrative permit amendment).

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

SWAPCA 406-402 Repowering Extensions

(1) Applicability

(a) This section shall apply to the designated representative of:

(i) Any existing affected unit that is a coal-fired unit and has a 1985 actual SO₂ emissions rate equal to or greater than one and two tenths (1.2) lbs/mmBtu; or

(ii) Any new unit that will be a replacement unit, as provided in paragraph (2)(b) of this section, for a unit meeting the requirements of paragraph (1)(a)(i) of this section; or

(iii) Any oil and/or gas-fired unit that has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Secretary of Energy.

(b) A repowering extension does not exempt the owner or operator for any unit governed by the repowering plan from the requirement to comply with such unit's Acid Rain emissions limitations for sulfur dioxide.

(2) The designated representative of any unit meeting the requirements of paragraph (1)(a)(i) of this section may include in the unit's Acid Rain Permit application a repowering extension plan that includes a demonstration that:

(a) The unit will be repowered with a qualifying repowering technology in order to comply with the emissions limitations for sulfur dioxide; or

(b) The unit will be replaced by a new utility unit that has the same designated representative and that is located at a different site using a qualified repowering technology and the existing unit will be permanently retired from service on or before the date on which the new utility unit commences commercial operation.

(3) In order to apply for a repowering extension, the designated representative of a unit under paragraph (1) of this section shall:

(a) Submit to SWAPCA, by January 1, 1996, a complete repowering extension plan;

(b) Submit to the Administrator before June 1, 1997, a complete petition for approval of repowering technology in accordance with 40 CFR 72.44(d) and submit a copy to SWAPCA; and

(c) If the repowering extension plan is submitted for conditional approval, submit to SWAPCA by December 31, 1997, a notification to activate the plan in accordance with SWAPCA 406-401(3).

(4) Contents of Repowering Extension Plan. A complete repowering extension plan shall include the following elements:

(a) Identification of the existing unit governed by the plan.

(b) The unit's federally-approved State Implementation Plan sulfur dioxide emissions limitation.

(c) The unit's 1995 actual SO₂ emissions rate, or best estimate of the actual emissions rate; provided that the actual emissions rate is submitted to SWAPCA by January 30, 1996.

(d) A schedule for construction, installation, and commencement of operation of the repowering technology

approved or submitted for approval under 40 CFR 72.44(d) with dates for the following milestones:

- (i) Completion of design engineering;
- (ii) For a plan under paragraph (2)(a) of this section, removal of the existing unit from operation to install the qualified repowering technology;
- (iii) Commencement of construction;
- (iv) Completion of construction;
- (v) Start-up testing;
- (vi) For a plan under paragraph (2)(b) of this section, shutdown of the existing unit; and
- (vii) Commencement of commercial operation of the repowering technology.

(e) For a plan under paragraph (2)(b) of this section:

- (i) Identification of the new unit. A new unit shall not be included in more than one repowering extension plan.
- (ii) Certification that the new unit will replace the existing unit.

(iii) Certification that the new unit has the same designated representative as the existing unit.

(iv) Certification that the existing unit will be permanently retired from service on or before the date the new unit commences commercial operation.

(f) The special provisions of paragraph (7) of this section.

(5) SWAPCA's Action on Repowering Extension Plan

(a) SWAPCA will not approve a repowering extension plan until the Administrator makes a conditional determination that the technology is a qualified repowering technology, unless SWAPCA approves such plan subject to the conditional determination of the Administrator.

(b) Permit Issuance.

(i) Upon a conditional determination by the Administrator that the technology to be used in the repowering extension plan is a qualified repowering technology and a determination by SWAPCA that such plan meets the requirements of this section, SWAPCA will issue the Acid Rain portion of the Air Operating Permit including:

(A) The approved repowering extension plan; and

(B) A schedule of compliance with enforceable milestones for construction, installation, and commencement of operation of the repowering technology and other requirements necessary to ensure that emission reduction requirements under this section will be met.

(ii) Except as otherwise provided in paragraph (6) of this section, the repowering extension shall be in effect starting January 1, 2000, and ending on the day before the date (specified in the Acid Rain Permit) on which the existing unit will be removed from operation to install the qualifying repowering technology or will be permanently removed from service for replacement by a new unit with such technology; provided that the repowering extension shall end no later than December 31, 2003.

(iii) The portion of the Air Operating Permit specifying the repowering extension and other requirements under paragraph (5)(b)(i) of this section shall be subject to the Administrator's final determination, under 40 CFR 72.44 (d)(4), that the technology to be used in the repowering extension plan is a qualifying repowering technology.

(c) Allowance Allocation. Allowances will be allocated in accordance with 40 CFR 72.44 (f)(3) and (g).

(6) Failed Repowering Projects

(a)(i) If, at any time before the end of the repowering extension under paragraph (5)(b)(ii) of this section, the designated representative of a unit governed by an approved repowering extension plan submits the notification under SWAPCA 406-802(4) that the owners and operators have decided to terminate efforts to properly design, construct, and test the repowering technology specified in the plan before completion of construction or start-up testing, the designated representative may submit to SWAPCA a proposed permit modification demonstrating that such efforts were in good faith. If such demonstration is to the satisfaction of the Administrator, the unit shall not be deemed in violation of the Act because of such a termination and SWAPCA will revise the Air Operating Permit in accordance with paragraph (6)(a)(ii) of this section.

(ii) Regardless of whether notification under paragraph (6)(a)(i) of this section is given, the repowering extension will end beginning on the earlier of the date of such notification or the date by which the designated representative was required to give such notification under SWAPCA 406-802(4).

(b) The designated representative of a unit governed by an approved repowering extension plan may submit to SWAPCA a proposed permit modification demonstrating that the repowering technology specified in the plan was properly constructed and tested on such unit but was unable to achieve the emissions reduction limitations specified in the plan and that it is economically or technologically infeasible to modify the technology to achieve such limits. In order to be properly constructed and tested, the repowering technology shall be constructed at least to the extent necessary for direct testing of the multiple combustion emissions (including sulfur dioxide and nitrogen oxides) from such unit while operating the technology at nameplate capacity. If such demonstration is to the satisfaction of the Administrator,

(i) The unit shall not be deemed in violation of the Act because of such failure to achieve the emissions reduction limitations;

(ii) SWAPCA will revise the Acid Rain portion of the Air Operating Permit in accordance with the following:

(A) The existing unit may be retrofitted or repowered with another clean coal or other available control technology; and

(B) The repowering extension will continue in effect until the earlier of the date the existing unit commences commercial operation with such control technology or December 31, 2003.

(7) Special Provisions

(a) Emissions Limitations.

(i) Sulfur Dioxide. Allowances allocated during the repowering extension under paragraphs (5)(c) and (6) of this section to a unit governed by an approved repowering extension plan shall not be transferred to any Allowance Tracking System account other than the unit accounts of other units at the same source as that unit.

(ii) Nitrogen Oxides. Any existing unit governed by an approved repowering extension plan shall be subject to the Acid Rain emissions limitations for nitrogen oxides in accordance with section 407 of the Act and regulations implementing section 407 of the Act beginning on the date that the unit is removed from operation to install the

repowering technology or is permanently removed from service.

(iii) No existing unit governed by an approved repowering extension plan shall be eligible for a waiver under section 111(j) of the Act.

(iv) No new unit governed by an approved repowering extension plan shall receive an exemption from the requirements imposed under section 111 of the Act.

(b) Reporting Requirements. Each unit governed by an approved repowering extension plan shall comply with the special reporting requirements of SWAPCA 406-802.

(c) Liability.

(i) The owners and operators of a unit governed by an approved repowering plan shall be liable for any violation of the plan or this section at that or any other unit governed by the plan;

(ii) The units governed by the plan under paragraph (2)(b) of this section shall continue to have a common designated representative until the existing unit is permanently retired under the plan.

(d) Terminations. Except as provided in paragraph (6) of this section, a repowering extension plan shall not be terminated after December 31, 1999.

PART V PERMIT CONTENTS

SWAPCA 406-500 Acid Rain Permit

SWAPCA 406-501 Contents

(1) Each Acid Rain Permit (including any draft or proposed Acid Rain Permit) will contain the following elements:

(a) All elements required for a complete Acid Rain Permit application under SWAPCA 406-302, as approved or adjusted by SWAPCA;

(b) The applicable Acid Rain emissions limitation for sulfur dioxide; and

(c) The applicable Acid Rain emissions limitation for nitrogen oxides.

(2) Each Acid Rain Permit is deemed to incorporate the definitions of terms under SWAPCA 406-101 unless expressly otherwise defined in the permit.

SWAPCA 406-502 Permit Shield

(1) **Permit Shield.** Each affected unit operated in accordance with the Acid Rain Permit that governs the unit and that was issued in compliance with title IV of the Act, as provided in SWAPCA 406-100 through 406-800, 40 CFR parts 72, 73, 75, 77, and 78, and the regulations implementing section 407 of the Act, shall be deemed to be operating in compliance with the Acid Rain Program, except as provided in SWAPCA 406-106 (7)(f).

PART VI PERMIT ISSUANCE

SWAPCA 406-600 Acid Rain Permit Issuance Procedures

SWAPCA 406-601 General

(1) SWAPCA will issue or deny all Acid Rain Permits in accordance with SWAPCA 401, including the completeness determination, draft permit, administrative record, statement of basis, public notice and comment period, public hearing, proposed permit, permit issuance, permit revision, and appeal procedures as provided by SWAPCA 406-600 and 406-700.

SWAPCA 406-602 Completeness

(1) SWAPCA will submit a written notice of application completeness to the Administrator and the designated representative within ten working days following a determination by SWAPCA that the Acid Rain Permit application is complete.

SWAPCA 406-603 Statement of Basis

(1) The statement of basis will briefly set forth significant factual, legal, and policy considerations on which SWAPCA relied in issuing or denying the draft permit.

(2) The statement of basis will include the reasons, and supporting authority, for approval or disapproval of any compliance options requested in the permit application, including references to applicable statutory or regulatory provisions and to the administrative record.

(3) SWAPCA will submit to the Administrator a copy of the draft Acid Rain Permit and the statement of basis and all other relevant portions of the Air Operating Permit that may affect the draft Acid Rain Permit.

SWAPCA 406-604 Issuance of Acid Rain Permits

(1) **Proposed Permit.** After the close of the public comment period and within eighteen months of receipt of a complete application, SWAPCA will incorporate all necessary changes and issue or deny a proposed Acid Rain Permit.

(2) SWAPCA will submit the proposed Acid Rain Permit or denial of a proposed Acid Rain Permit to the Administrator in accordance with SWAPCA 401-810 and SWAPCA 401-820, the provisions of which shall be treated as applying to the issuance or denial of a proposed Acid Rain Permit.

(3)(a) Following the Administrator's review of the proposed Acid Rain Permit or denial of a proposed Acid Rain Permit, SWAPCA or, under SWAPCA 401-700(6) (treated as applying to the issuance or denial of an Acid Rain Permit), SWAPCA will incorporate any required changes and issue, or deny the Acid Rain Permit in accordance with SWAPCA 406-500.

(b) No Acid Rain Permit (including a draft or proposed permit) shall be issued unless the Administrator has received a certificate of representation for the designated representative of the source as provided in SWAPCA 406-201 in accordance with subpart B of 40 CFR part 72.

(4) **Permit Issuance Deadline and Effective Date**

(a) On or before December 31, 1997, SWAPCA will issue an Acid Rain Permit to each affected source whose designated representative submitted a timely and complete Acid Rain Permit application by January 1, 1996, in accor-

dance with SWAPCA 406-201 and meets the requirements of SWAPCA 406-600 and SWAPCA 401.

(b) Nitrogen Oxides. Not later than January 1, 1999, SWAPCA will reopen the Acid Rain Permit to add the Acid Rain Program nitrogen oxides requirements; provided that the designated representative of the affected source submitted a timely and complete Acid Rain Permit application for nitrogen oxides in accordance with SWAPCA 406-201. Such reopening shall not affect the term of the Acid Rain portion of an Air Operating Permit.

(c) Each Acid Rain Permit issued in accordance with paragraph (d)(1) of this section shall take effect by the later of January 1, 2000, or, where the permit governs a unit under SWAPCA 406-103 (a)(3), the deadline for monitor certification under 40 CFR part 75.

(d) Each Acid Rain Permit shall have a term of five (5) years commencing on its effective date, except that the initial issuance may have a shorter period in order to provide coordination with SWAPCA Air Operating Permit requirements.

(e) An Acid Rain Permit shall be binding on any new owner or operator or designated representative of any source or unit governed by the permit.

(5)(a) Each Acid Rain permit shall contain all applicable Acid Rain requirements, shall be a portion of the Air Operating Permit that is complete and segregable from all other air quality requirements, and shall not incorporate information contained in any other documents, other than documents that are readily available.

(b) Invalidation of the Acid Rain portion of an Air Operating Permit shall not affect the continuing validity of the rest of the Air Operating Permit, nor shall invalidation of any other portion of the Air Operating Permit affect the continuing validity of the Acid Rain portion of the permit.

SWAPCA 406-605 Acid Rain Permit Appeal Procedures

(1) Appeals of the Acid Rain portion of an Air Operating Permit issued by SWAPCA that do not challenge or involve decisions or actions of the Administrator under 40 CFR part 72, 73, 75, 77 and 78 and sections 407 and 410 of the Act and regulations implementing sections 407 and 410 shall be conducted according to the procedures in RCW 43.21. Appeals of the Acid Rain portion of such a permit that challenge or involve such decisions or actions of the Administrator shall follow the procedures under 40 CFR part 78 and section 307 of the Act. Such decisions or actions include, but are not limited to, allowance allocations, determinations concerning alternative monitoring systems, and determinations of whether a technology is a qualifying empowering technology.

(2) No administrative appeal or judicial appeal of the Acid Rain portion of an Air Operating Permit shall be allowed more than thirty days following respectively issuance of the Acid Rain portion that is subject to administrative appeal or issuance of the final SWAPCA action subject to judicial appeal.

(3) The Administrator may intervene as a matter of right in any state administrative appeal of an Acid Rain Permit or denial of an Acid Rain Permit.

(4) No administrative appeal concerning an Acid Rain requirement shall result in a stay of the following requirements:

(a) the allowance allocations for any year during which the appeal proceeding is pending or is being conducted;

(b) any standard requirement under SWAPCA 406-106;

(c) the emissions monitoring and reporting requirements applicable to the affected units at an affected source under 40 CFR part 75;

(d) uncontested provisions of the decision on appeal; and

(e) the terms of a certificate of representation submitted by a designated representative under subpart B of 40 CFR part 72.

(5) SWAPCA will serve written notice on the Administrator of any state administrative or judicial appeal concerning an Acid Rain provision of any Air Operating Permit or denial of an Acid Rain portion of any Air Operating Permit within thirty days of the filing of the appeal.

(6) SWAPCA will serve written notice on the Administrator of any determination or order in a state administrative or judicial proceeding that interprets, modifies, voids, or otherwise relates to any portion of an Acid Rain Permit. Following any such determination or order, the Administrator will have an opportunity to review and veto the Acid Rain Permit or revoke the permit for cause in accordance with SWAPCA 401-810 and SWAPCA 401-820.

PART VII PERMIT REVISIONS

SWAPCA 406-700 Permit Revisions

SWAPCA 406-701 General

(1) SWAPCA 406-700 shall govern revisions to any Acid Rain Permit issued by SWAPCA.

(2) A permit revision may be submitted for approval at any time. No permit revision shall affect the term of the Acid Rain Permit to be revised. No permit revision shall excuse any violation of an Acid Rain Program requirement that occurred prior to the effective date of the revision.

(3) The terms of the Acid Rain Permit shall apply while the permit revision is pending.

(4) Any determination or interpretation by state (including SWAPCA or a state court) modifying or voiding any Acid Rain Permit provision shall be subject to review by the Administrator in accordance with SWAPCA 401-810 and SWAPCA 401-820 as applied to permit modifications, unless the determination or interpretation is an administrative amendment approved in accordance with 406-704.

(5) The standard requirements of SWAPCA 406-106 shall not be modified or voided by a permit revision.

(6) Any permit revision involving incorporation of a compliance option that was not submitted for approval and comment during the permit issuance process, or involving a change in a compliance option that was previously submitted, shall meet the requirements for applying for such compliance option under SWAPCA 406-402 and section 407 of the Act and regulations implementing section 407 of the Act.

(7) For permit revisions not described in SWAPCA 406-702 and 406-703, SWAPCA may, in its discretion, determine which of these sections is applicable.

SWAPCA 406-702 Permit Modifications

(1)(a) Permit modifications shall follow the permit issuance requirements of SWAPCA 406-600, SWAPCA 401-810 and SWAPCA 401-820.

(b) For purposes of applying paragraph (1)(a) of this section, a permit modification shall be treated as an Acid Rain Permit application, to the extent consistent with SWAPCA 406-700.

(2) The following permit revisions are permit modifications:

(a) Relaxation of an excess emission offset requirement after approval of the offset plan by the Administrator;

(b) Incorporation of a final nitrogen oxides alternative emission limitation following a demonstration period;

(c) Determinations concerning failed repowering projects under SWAPCA 406-402 (6)(a)(i) and (b); and

(d) At the option of the designated representative submitting the permit revision, the permit revisions listed in SWAPCA 406-703(2).

SWAPCA 406-703 Fast-track Modifications

(1) Fast-track modifications shall follow the following procedures:

(a) The designated representative shall serve a copy of the fast-track modification on the Administrator, SWAPCA, and any person entitled to a written notice under SWAPCA 401-800. Within five (5) business days of serving such copies, the designated representative shall also give public notice by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice.

(b) The public shall have a period of thirty days, commencing on the date of publication of the notice, to comment on the fast-track modification. Comments shall be submitted in writing to SWAPCA and to the designated representative.

(c) The designated representative shall submit the fast-track modification to SWAPCA on or before commencement of the public comment period.

(d) Within thirty days of the close of the public comment period, SWAPCA will consider the fast-track modification and the comments received and approve or disapprove, in whole or in part or with changes or conditions as appropriate, or disapprove the modification. A fast-track modification shall be effective immediately upon issuance, in accordance with SWAPCA 401-810 as applied to significant modifications.

(2) The following permit revisions are, at the option of the designated representative submitting the permit revision, either fast-track modifications under this section or permit modifications under SWAPCA 406-702:

(a) Incorporation of a compliance option that the designated representative did not submit for approval and comment during the permit issuance process;

(b) Addition of a nitrogen oxides averaging plan to a permit; and

(c) Changes in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension.

SWAPCA 406-704 Administrative Permit Amendment

(1) Administrative amendments shall follow the procedures set forth at SWAPCA 401-720. SWAPCA will submit the revised portion of the permit to the Administrator within ten working days after the date of final action on the request for an administrative amendment.

(2) The following permit revisions are administrative amendments:

(a) Activation of a compliance option conditionally approved by SWAPCA; provided that all requirements for activation under SWAPCA 406-401(c) and SWAPCA 406-402 are met;

(b) Changes in the designated representative or alternative designated representative; provided that a new certificate of representation is submitted to the Administrator in accordance with subpart B of 40 CFR part 72;

(c) Correction of typographical errors;

(d) Changes in names, addresses, or telephone or facsimile numbers;

(e) Changes in the owners or operators; provided that a new certificate of representation is submitted within thirty days to the Administrator in accordance with subpart B of 40 CFR part 72;

(f) Termination of a compliance option in the permit; provided that all requirements for termination under SWAPCA 406-401(d) shall be met and this procedure shall not be used to terminate a repowering plan after December 31, 1999;

(g) Changes in the date, specified in a new unit's Acid Rain Permit, of commencement of operation or the deadline for monitor certification, provided that they are in accordance with SWAPCA 406-106;

(h) The addition of or change in a nitrogen oxides alternative emissions limitation demonstration period, provided that the requirements of regulations implementing section 407 of the Act are met; and

(i) Incorporation of changes that the Administrator has determined to be similar to those in paragraphs (1)(a) through (h) of this section.

SWAPCA 406-705 Automatic Permit Amendment

(1) The following permit revisions shall be deemed to amend automatically, and become a part of the affected unit's Acid Rain Permit by operation of law without any further review:

(a) Upon recordation by the Administrator under 40 CFR part 73, all allowance allocations to, transfers to, and deductions from an affected unit's Allowance Tracking System account; and

(b) Incorporation of an offset plan that has been approved by the Administrator under 40 CFR part 77.

SWAPCA 406-706 Permit Reopenings

(1) As provided in SWAPCA 401-730, SWAPCA will reopen an Acid Rain Permit for cause, including whenever

additional requirements become applicable to any affected unit governed by the permit.

(2) In reopening an Acid Rain Permit for cause, SWAPCA will issue a draft permit changing the provisions, or adding the requirements, for which the reopening was necessary. The draft permit shall be subject to the requirements of SWAPCA 406-500 and 406-600.

(3) Any reopening of an Acid Rain Permit shall not affect the term of the permit.

PART VIII COMPLIANCE CERTIFICATION

SWAPCA 406-800 Compliance Certification

SWAPCA 406-801 Annual Compliance Certification Report

(1) **Applicability and Deadline.** For each calendar year in which a unit is subject to the Acid Rain emissions limitations, the designated representative of the source at which the unit is located shall submit to the Administrator and to SWAPCA, within sixty days after the end of the calendar year, an annual compliance certification report for the unit in compliance with 40 CFR 72.90.

(2) The submission of complete compliance certifications in accordance with paragraph (1) of this section and 40 CFR part 75 shall be deemed to satisfy the requirement to submit compliance certifications under SWAPCA 401-600 with regard to the Acid Rain portion of the source's Air Operating Permit.

SWAPCA 406-802 Units with Repowering Extension Plans

(1) **Design and Engineering and Contract Requirements.** No later than January 1, 2000, the designated representative of a unit governed by an approved repowering plan shall submit to the Administrator and SWAPCA:

(a) Satisfactory documentation of a preliminary design and engineering effort.

(b) A binding letter agreement for the executed and binding contract (or for each in a series of executed and binding contracts) for the majority of the equipment to repower the unit using the technology conditionally approved by the Administrator under 40 CFR 72.44 (d)(3).

(c) The letter agreement under paragraph (1)(b) of this section shall be signed and dated by each party and specify:

- (i) The parties to the contract;
- (ii) The date each party executed the contract;
- (iii) The unit to which the contract applies;
- (iv) A brief list identifying each provision of the contract;
- (v) Any dates to which the parties agree, including construction completion date;
- (vi) The total dollar amount of the contract; and
- (vii) A statement that a copy of the contract is on site at the source and will be submitted upon written request of the Administrator or SWAPCA.

(2) **Removal From Operation to Repower.** The designated representative of a unit governed by an approved repowering plan shall notify the Administrator in writing at least sixty days in advance of the date on which the existing

unit is to be removed from operation so that the qualified repowering technology can be installed, or is to be replaced by another unit with the qualified repowering technology, in accordance with the plan.

(3) **Commencement of Operation.** Not later than sixty days after the units repowered under an approved repowering plan commences operation at full load, the designated representative of the unit shall submit a report to the Administrator and SWAPCA comparing the actual hourly emissions and percent removal of each pollutant controlled at the unit to the actual hourly emissions and percent removal at the existing unit under the plan prior to repowering, determined in accordance with 40 CFR part 75.

(4) **Decision to Terminate.** If at any time before the end of the repowering extension and before completion of construction and start-up testing, the owners and operators decide to terminate good faith efforts to design, construct, and test the qualified repowering technology on the unit to be repowered under an approved repowering plan, then the designated representative shall submit a notice to the Administrator and SWAPCA by the earlier of the end of the repowering extension or a date within thirty days of such decision, stating the date on which the decision was made.

PART IX NITROGEN OXIDES

SWAPCA 406-900 Nitrogen Oxides Emission Reduction Program (Reserved)

PART X SULFUR DIOXIDE OPT-IN

SWAPCA 406-1000 Sulfur Dioxide Opt-ins (Reserved)

WSR 94-18-069 PROPOSED RULES SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY [Filed September 1, 1994, 3:57 p.m.]

Original Notice.

Title of Rule: Spokane County Air Pollution Control Authority Regulation I, Article VI, Emissions Prohibited (Section 6.01 - Open Burning; Section 6.11 - Agricultural Burning).

Purpose: To define the requirements, conditions, and prohibitions relative to open burning and agricultural burning.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: The regulation defines terms relative to burning, establishes conditions under which burning may occur, and establishes which agencies have authority over open burning.

Reasons Supporting Proposal: Changes to chapter 70.94 RCW in 1991, changes to chapter 173-425 WAC in 1992, and impending changes to chapter 173-430 WAC necessitate these amendments for the sake of consistency.

Name of Agency Personnel Responsible for Drafting: Eric Skelton, Spokane, Washington, (509) 456-4727, x 121; Implementation and Enforcement: Mabel Caine, Spokane, Washington, (509) 456-4727 x 120.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The regulation establishes the rules for general open burning and agricultural burning. Its primary purpose is to regulate burning in a manner which protects ambient air quality while at the same time allowing for burning to be used as a management tool. As this regulation change primarily codifies existing practices, the anticipated effect is consistency with state regulations and a better understanding of what is allowed and what is prohibited.

Proposal Changes the Following Existing Rules: The proposal amends the existing Spokane County Air Pollution Control Authority regulation on open fires. See Explanation of Rule for the described change.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Spokane County Air Pollution Control Authority is not required under chapter 19.85 RCW to file small business economic impact statements.

Hearing Location: Spokane County Public Works Building, West 1026 Broadway, Hearing Room, Spokane, WA, on November 3, 1994, at 9:00 a.m.

Submit Written Comments to: Eric Skelton, Spokane County Air Pollution Control Authority, 1101 West College, Suite 403, Spokane, WA 99201, FAX (509) 459-6828, by October 31, 1994.

Date of Intended Adoption: November 3, 1994.

August 30, 1994

Eric Skelton

Director

ARTICLE VI EMISSIONS PROHIBITED

ADOPTED: June 9, 1969

REVISED: May 11, 1993

EFFECTIVE: June 11, 1993

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

AMENDATORY SECTION SECTION 6.01 OPEN FIRES BURNING

A. Purpose. ~~This rule, promulgated under Chapter 70.94 RCW, the Washington State Clean Air Act, authorizes the Spokane County Air Pollution Control Authority to implement the provisions of that act. This rule Section establishes controls for open burning in Spokane County in order to:~~

1. Reduce open burning to the greatest extent practical, consistent with the policy of the State of Washington.

~~+ 2. Minimize the impact of emissions from open burning by burning only when weather and ventilation conditions are favorable.~~

~~2 3. Establish rules and procedures by~~ Define conditions under which open burning may be conducted.

~~3 4. Encourage the development and specify the use of alternate methods of disposal of combustible waste materials.~~

5. Geographically limit open burning in order to assure continued attainment of the National Ambient Air Quality Standards for carbon monoxide and fine particulate matter (PM10).

B. Applicability. This ~~s~~Section applies to open burning in all ~~parts areas~~ of Spokane County ~~except to:~~ unless exempted in Section 6.01.E.

~~1. Burning of field and turf grasses grown for seed (governed by Chapter 173-430 WAC).~~

~~2. Open burning for activities subject to the permit issuing authority of the Department of Natural Resources, as given in RCW 70.94.660.~~

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in Chapter 70.94.650 RCW or other authoritative source on agricultural practices.

2. Authority means the Spokane County Air Pollution Control Authority.

3. Ceremonial Fire means a fire associated with a Native American ceremony or ritual.

4. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in Chapter 70.94.715 RCW.

5. Impaired Air Quality, for purposes of open burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:

a. Particulates which are ten microns or smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of seventy-five micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

b. Carbon monoxide is measured at any location inside Spokane County at an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.

c. Air contaminant levels reach or exceed other limits, established pursuant to Chapter 173-425-030 (5)(b) WAC, by resolution of the Board of Directors of the Authority, or established pursuant to Chapter 70.94.690 RCW, by mutual agreement between the Authority and the Washington Department of Natural Resources.

6. Land Clearing means removing trees, shrubbery, or other natural vegetation from a plot of land.

7. Nonattainment Area means the Spokane County PM10 Nonattainment Area and the Spokane Urban Carbon Monoxide Nonattainment Area as defined in CFR Title 40, Part 81.

8. Nuisance means an emission of smoke or other emissions from any open fire that unreasonably interferes with the use and enjoyment of property.

9. Open Burning or Outdoor Burning means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion in a manner approved by the Authority.

10. Permitting Authority means the Spokane County Air Pollution Control Authority, or Spokane County, any fire department, any fire district, or the Spokane County Conservation District, whenever the referenced agency enters into a written agreement with the Authority to administer a permit program pursuant to Chapter 173-425-070 WAC.

11. Phase-out Area means any geographical area which is outside the No-Burn Area, as defined in Attachment A of Resolution 91-01 of the Authority, and inside the Spokane PM10 Nonattainment Area, as defined in CFR Title 40, Part 81.

12. Premises of a Residence means the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to agricultural use, other than yard and gardening activities connected with the residence.

13. Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke or obnoxious odors.

14. Reasonable Alternatives means disposal alternatives to open burning that cost less than eight dollars fifty cents per cubic yard (This amount may be adjusted periodically by policy decision of the Department of Ecology), or more costly disposal alternatives which have been deemed reasonable, on a case-by-case basis, by the Authority.

15. Recreational Fire means a small fire, limited to barbecues and campfires, using charcoal, natural gas, propane, or natural wood, and which occurs in designated areas on public lands or on private property. Fires used for debris disposal are not considered recreational fires.

16. Responsible Person means any person who has applied for and received a permit, or any person allowing, igniting or attending to an open fire, or any person who owns or controls property on which an open fire occurs.

17. Social Event means a public event or celebration officially sponsored by Spokane County or an incorporated city or town.

18. Silvicultural Burning means burning on unimproved land the Department of Natural Resources protects pursuant to Chapter 70.94.030(20), 70.94.660, and 70.94.690 RCW, and pursuant to Chapter 76.04 RCW.

19. Small Fire means a fire generated by a pile of combustible material with dimensions no greater than four feet by four feet by three feet.

20. Urban Growth Area means an area defined by Chapter 36.70A.030 RCW.

21. Yard means a maintained area on residential property.

22. Yard and Garden Debris means dry garden trimmings, tree clippings, lawn rakings, dry leaves and needles generated from a residential yard or garden.

D. Prohibitions. Except as provided in Section 6.01.E., no person shall practice or permit the practice of open burning in any of the following circumstances and locations:

1. Within the No-Burn Area, as defined by resolution of the Board of Directors of the Authority.

2. Within any part of a nonattainment area that is not within an open burning phase-out area.

3. After November 1, 1994, in any area where no permit program is being administered by a permitting authority.

4. Within any open burning phase-out area after the final phase-out date as approved by the Department of Ecology.

5. After December 31, 2000, within any urban growth area or any incorporated city or town with a population of 10,000 or more.

6. Outside the period designated by the Authority or permitting authority for burning yard and garden debris.

7. When the materials to be burned include any prohibited materials.

8. During an episode or impaired air quality as declared by the Department of Ecology or the Authority for a defined geographical area.

9. When the fire is larger than a small fire, unless a valid written permit has been issued by a permitting authority.

10. In or within 500 feet of forest slash, unless a written permit has been issued by the permitting authority.

11. When burning is for commercial purposes, other than silvicultural burning, agricultural burning, or burning of land clearing debris.

12. Where the Authority, Department of Ecology, or permitting authority has determined that reasonable alternatives are available.

13. When burning causes a nuisance, or the Authority or permitting authority determines that the creation of a nuisance is the likely result of burning.

E. Exceptions. Exceptions to Section 6.01.D shall be made as follows:

1. The prohibitions in Subsections 1 through 7 of Section 6.01.D shall not apply to the following types of fires if authorized by the Authority and a written permit has been issued by the Authority:

C. Episodes:

~~1. No open fire shall be ignited during any stage of an episode:~~

~~2. Any person responsible for an open fire already ignited when any stage of an episode is declared shall extinguish that fire when informed that an episode has been declared. Open fires conducted under the auspices of the Department of Natural Resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.700 are to be extinguished by withholding new fuel and allowing the fire to burn down:~~

~~D. Prohibited materials. Except as provided in Subsection F, the following materials shall not be burned in any open fire:~~

~~1. Garbage;~~

- ~~2. Dead animals;~~
- ~~3. Asphaltic products;~~
- ~~4. Waste petroleum products;~~
- ~~5. Paints;~~
- ~~6. Rubber products;~~
- ~~7. Plastics;~~
- ~~8. Any substance, other than natural vegetation, which normally emits dense smoke or obnoxious odors.~~

~~E. Restrictions on outdoor combustion devices and containers except as provided in Subsection F.~~

~~It shall be unlawful for any person to burn any combustible material in any outdoor container or device within the jurisdiction of this Authority except in an approved multiple-chambered unit such as in a multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control. The Control Officer may require the installation of additional control apparatus on an outdoor combustion device or container of approved design if he finds that it is not effectively controlling air pollution emissions or is the cause of legitimate complaints.~~

~~F. Exceptions. Exceptions to this Section shall be made only as follows:~~

~~1. a. When ordered by a duly authorized health officer and when authorized by the Authority, diseased animals and other infested material may be burned, as required, to keep the infestation from spreading.~~

~~2. b. When ordered by a fire protection agency of jurisdiction and when authorized by the Authority, fires to dispose of materials presenting a danger to life, property, or public welfare may be burned, if no practical alternate method of disposal is available.~~

~~3. c. When approved by the Authority fires authorized by a fire protection agency of jurisdiction, fires as necessary for training, including military training, may be burned.~~

~~4. d. When ordered by a fire protection agency of jurisdiction and when authorized by the Authority, fires to prevent or abate a fire hazard may be burned, if no practical alternative method of disposal is available.~~

~~5. e. When approved by the Authority, fires set as part of a defined research project may be burned.~~

~~6. The following fires may be burned, if they do not contain prohibited materials, as provided in Subsection D, and no nuisance is created:~~

~~2. The prohibitions in Subsections 1 through 6 of Section 6.01.D shall not apply to the following types of fires if authorized by the Authority:~~

~~a. Ceremonial fires Fires set for religious ceremony or food preparation.~~

~~b. Small fires set for warming purposes at temporary construction and demolition sites provided that:~~

~~1. Fires are confined in barrels or portable stoves, not exceeding twenty five (25) cubic feet capacity.~~

~~2. Fires contain only clean dry wood.~~

~~3. The number of fires is kept to a reasonable minimum. This shall be limited to one fire per work station or one for every four employees working in the immediate area.~~

~~4. Warming fires are not allowed when the outside temperature is above 45°F.~~

~~5. The containers must not be placed within 50 feet of any combustible material or structure other than a windbreak used in conjunction with the warming fire.~~

b. Recreational fires, provided the fire is not started an unreasonable length of time before nor continues an unreasonable length of time beyond its recreational purpose.

c. Fires set for recreational or a social purposes event, provided that:

1. The fire is a small fire, or has been approved in writing by the Authority.

2. Only clean, dry wood, or fuels approved in writing by the Authority, are burned.

3. The fire is not started an unreasonable length of time before the recreational or social event begins nor continues an unreasonable length of time after beyond the event ends.

4. Attendance of person(s) at the fire site who is (are) responsible for the same and capable of extinguishing the fire is required on a continuous basis until extinguishment.

5. Compliance with all requirements of the Authority, Department of Natural Resources, local fire districts and 70.94 RCW is maintained.

d. In unincorporated areas of Spokane County which are outside of the restricted area described as Fairchild Air Force Base; Sections 1 through 6, Township 24 N, Range 42 E; Townships 25 and 26 N, Range 42 E; Sections 1 through 24, Township 24 N, Range 43 E; Townships 25, 26 and 27N, Range 43E; Sections 19 through 36, Township 28 N, Range 43 E; Sections 1 through 24, Township 24 N, Range 44 E; Township 25 N, Range 44 E; sections 19 through 36, Township 26 N, Range 44E; Township 25 N, Range 45 E; Sections 1 through 4, 9 through 16 and 19 through 36, Township 26 N, Range 45 E; Sections 33 through 36, Township 27 N, Range 45E; Sections 6, 7, 18, 19, 30 and 31, Township 25 N, Range 46 E; Sections 6, 7, 18, 19, 30 and 31, Township 26 N, Range 46E; Section 31, Township 27 N, Range 46 E, burning of household refuse shall be permitted provided that:

1. The fires shall not contain material specified in subsection D.

2. The fire is confined in a barrel or stove not exceeding twenty five (25) cubic feet capacity.

3. Such fires shall not create a nuisance or safety hazard.

4. A burning permit has been obtained from the Authority.

5. Burning is done only during daylight hours.

d. Fires set for improving and maintaining fire dependent ecosystems, as provided in Chapter 70.94.660 RCW.

e. Fires fueled exclusively by from flares and or torches.

3. Nothing in Section 6.01, except for Subsection 8 of Section 6.01.D., shall apply to the following types of fires:

a. Silvicultural burning.

b. Agricultural burning pursuant to Section 6.11.

c. Grass field burning pursuant to Section 6.10.

4. Subsection 6 of Section 6.01.D. shall not apply to fires for which a valid written permit has been issued by a permitting authority.

5. Nothing in Section 6.01 shall apply to burning of combustible material in a multiple-chambered unit, such as in a multiple-chambered incinerator, as long as the unit is registered with the Authority pursuant to Article IV or the operator possesses a valid Approval of Construction issued pursuant to Article V and the unit complies with all applicable regulations.

F. General Conditions. Considering population density and local conditions affecting air quality, the permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting burning to a defined season, restricting the size of fires, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. Any person who practices or permits the practice of open burning shall, in addition to any specific permit conditions imposed, comply with all of the following conditions:

1. Whenever an episode or impaired air quality is declared, all small fires shall be immediately extinguished by smothering the fire with water or soil. All other fires shall be extinguished by withholding new fuel and allowing the fire to burn down.

2. The fire shall be attended by a person who is responsible for and capable of extinguishing the fire. The fire must be extinguished before leaving it.

3. Burning shall occur during daylight hours only, or a more restrictive period as determined by the permitting authority.

4. All fires shall be on non-combustible surfaces at an adequate distance but no less than 50 feet from buildings, fences, other combustible materials, and other fires.

5. If requested by the permitting authority, the responsible person shall provide adequate justification that burning, as requested, is reasonably necessary to successfully carry out the enterprise in which the person is engaged.

6. Permission from a landowner, or owner's designated representative, must be obtained prior to igniting an open fire.

7. If it becomes apparent at any time to the Authority or permitting authority that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Authority or permitting authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.

8. The Authority or permitting authority shall be contacted to confirm burning conditions for each day, prior to igniting an open fire.

G. Residential Open Burning of Yard and Garden Debris. All of the following shall apply:

1. No open fire shall be allowed on the premises of any residence:

- a. Within a no burn area designated in Subsection J.
- b. During any stage of an episode (see Subsection C).
- c. If the fire contains prohibited materials, as given in Subsection D.
- d. If the fire contains any material other than natural vegetation; or
- e. If the fire is larger than a small fire.

The premises of a residence include the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to agricultural use, other than yard and gardening activities connected with the residence.

2.1. Single small fires for the disposal of yard and garden debris generated on the premises of a residence,

consisting of four dwelling units or less, may be allowed under a permit program administered by a permitting authority, without a written permit, to dispose of yard and garden debris if:

a. None of the provisions of Subsection C.1. are violated;

b. Such fires do not violate any local regulations to prevent or abate nuisances or any local county or city ordinance or resolution pertaining to a nuisance; and

e. Means of extinguishment are readily available;

d. Such fires are attended at all times by a person capable of extinguishing them.

2. Single small fires for the disposal of yard and garden debris generated on the premises of residential property consisting of more than four dwelling units may be allowed under a written permit issued to a responsible person by a permitting authority.

3. e. Burning is shall be done only during periods specified by the Board of Directors or Control Officer of the Authority. These periods shall not exceed twenty three (23) days in the spring and twenty three (23) days in the fall. the following limitations:

f. Such fires are on non-combustible surfaces at an adequate distance from buildings, fences, or other combustible materials. Fifty (50) feet is the minimum desired distance separating fires and combustible materials.

g a. Burning shall be done between the hours of 9 a.m. and 5 p.m. or a more restrictive period as determined by the permitting authority.

b. Until December 31, 1995, the number of specified burn days shall not exceed 21 days per year.

c. After December 31, 1995, the number of specified burn days shall not exceed 14 days per year.

d. After December 31, 1998, the number of specified burn days shall not exceed 7 days per year.

H. Commercial Open Burning.

1. No permit shall be issued for commercial open burning, and commercial open burning shall not be conducted:

- a. Within a no burn area designated in Subsection J.
- b. During any stage of an episode (See Subsection C).
- c. If the burning contains prohibited materials, as provided in Subsection D.
- d. Where a practical alternate method of disposal is reasonably available;
- e. If the material is or contains anything other than natural vegetation.

2. No commercial open burning shall be conducted without authorization from the Authority. Open burning shall be authorized only if:

a. The applicant shows that no practical alternate method of disposal is reasonably available; and

b. The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in; and

c. The burning will not violate any regulations of a local fire protection agency, or any local county or city ordinance or resolution pertaining to a nuisance.

3. Considering population concentration and local conditions affecting air quality, the Authority shall condition permits issued under this section. Permits shall be conditioned to minimize air pollution as much as practical.

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Conditions may include but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

4. It becomes apparent at any time to the Control Officer that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the board, the Control Officer, or any authorized agent shall notify the permittee and any limitation so imposed shall be treated as conditions under which the permit is issued.

H. Field response.

1. By November 1, 1994, Spokane County shall identify a fire marshal or other appropriate county official for field response and to document open burning complaints and violations in the unincorporated portions of the following geographical areas, using appropriate field notices.

- a. The Spokane Carbon Monoxide Nonattainment Area
- b. The Spokane PM10 Nonattainment Area
- c. The No-Burn Area, as defined by resolution of the

Board of Directors of the Authority.

d. Any additional No-Burn Area subsequently created by the absence of agreement on a permit program pursuant to Chapter 173-425-070 WAC.

2. By November 1, 1994, all agencies which have agreed to become permitting authorities shall commence field response programs to document open burning complaints and violations within their respective areas of jurisdiction, using appropriate field notices.

I. Agricultural Open Burning.

1. No permit shall be issued for agricultural open burning, and agricultural open burning shall not be conducted:

- a. Within a no burn area designated in Subsection J.
- b. During any stage of an episode (see Subsection C).
- c. If the burning contains prohibited materials, described in Subsection D, or
- d. If the burning contains any material other than natural vegetation generated on the property, which is the burning site, or transported to the burning site by wind or water.

2. Except as provided in Subsection I.3., agricultural open burning shall not be conducted without a permit from the Authority. Permits shall be issued only if:

- a. None of Subsection I.1. would be violated by the burning;
- b. The applicant shows that burning, as requested, is reasonably necessary to successfully carry out the enterprise the applicant is engaged in;
- c. The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, or any local county or city ordinance or resolution pertaining to a nuisance; and,
- d. The burning is necessary to control disease or insect infestation, and other measures are not available.

3. Agricultural open burning may be conducted without a permit if:

- a. None of Subsection H.1. would be violated by the burning;
- b. The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to

prevent or abate nuisances, or any local or city ordinance or resolution pertaining to a nuisance; and

e. The fire(s) cover one acre or less and the burning is done to destroy obnoxious weeds or crop residue along fence rows, ditches, or in cultivated fields.

4. Considering population concentration and local conditions affecting air quality, the Authority shall condition permits issued under this section. Permits shall be conditioned to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

5. If it becomes apparent at any time to the Control Officer that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Board, the Control Officer, or any authorized agent shall notify the permittee and any limitation so imposed shall be treated as conditions under which the permit is issued.

J. No Burn Area Designation.

1. The Authority shall designate as "no burn" areas those geographic areas where ambient air quality standards for suspended particulates, set forth in WAC 18 40 030, are being exceeded or are threatened to be exceeded. These designations shall be based on monitoring data, topography and meteorology.

2. The designation of any area as a "no burn" area by the Authority shall be made by rule-making procedure and only after public hearing.

3. Open burning shall not be conducted in any designated "no burn" area.

K. Department of Natural Resources—Smoke management plan. The Department of Natural Resources has the responsibility for issuing and regulating burning permits for open fires in areas protected by the Department of Natural Resources, when such fires are for:

1. Abating a forest fire hazard;
2. Preventing a fire hazard;
3. Instruction in methods of forest fire fighting;
4. Any silvicultural operation to improve the forest lands of the state.

Fires set for these purposes must be conducted according to the provisions of the smoke management plan administered by the Department of Natural Resources in agreement with the Department of Ecology and other involved agencies and written agreements between the Department of Natural Resources and the Authority.

L. I. Notice of Violations.

1. The Authority may issue a Notice of Violation to a responsible person responsible for a fire when:

1 a. Conditions of a Any specific permit condition issued under this or any general permit condition specified in Section 6.01.F. are is violated; or

2 b. Any open fire is ignited or, if ignited, is not extinguished, when the person responsible for the fire is aware that any air pollution episode stage has been declared; Any prohibition in Section 6.01.D. is violated; or

3 c. An open fire is ignited where, under this Section such fires are prohibited or where a permit is required and no such permit has been obtained.

~~4. Prohibited materials are burned in an open fire. Procedures for Notices of Violation shall follow RCW 70.94.332 and Regulation I, Article II.~~

~~2. A fire protection agency called to respond to, control, or extinguish an illegal or out-of-control fire may charge and recover from the responsible person(s), the costs of its response and control action.~~

~~3. Spokane County and all permitting authorities may refer field notices and other documentation to the Authority for appropriate enforcement action. The Authority shall remit one-half of any civil penalty collected, to the referring agency, if the referring agency makes such a request in writing at the time of referral.~~

~~4. Smoke visible from open burning after a time period of three hours has elapsed from the time of declaration of an episode or impaired air quality shall constitute prima facie evidence of unlawful open burning.~~

~~M. Remedies.~~

~~Any violation of this Section may be subject to any penalty or other remedy given in chapter 70.94 RCW and Regulation I, Article II.~~

~~It shall be prima facie evidence that the person who owns or controls property on which an open fire, prohibited in this Regulation, occurs has caused or allowed said open fire.~~

~~J. The provisions of this Section are severable. If any phrase, sentence, paragraph, or provision is held invalid, the application of such phrase, sentence, paragraph, or provision to other circumstances and the remainder of this Section shall not be affected.~~

~~K. Compliance with other laws and regulations. Compliance with Section 6.01 or qualifying for an exception in Section 6.01.E. does not necessarily mean that open burning complies with applicable laws and regulations implemented by other authorities.~~

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

NEW SECTION

SECTION 6.11 AGRICULTURAL BURNING

A. Purpose. This Section establishes fees and controls for agricultural burning in Spokane County, consistent with best management practices.

B. Applicability. This Section applies to agricultural burning in all areas of Spokane County unless specifically exempted.

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in Chapter 70.94.650 RCW or other authoritative source on agricultural practices.

2. Authority means the Spokane County Air Pollution Control Authority.

3. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in Chapter 173-435 WAC.

4. Impaired Air Quality, for purposes of agricultural burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:

a. Particulates which are ten microns or smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of seventy-five micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

b. Carbon monoxide is measured at any location inside Spokane County at an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.

c. Air contaminant levels reach or exceed other limits, established pursuant to Chapter 173-425-030 (5)(b) WAC, by resolution of the Board of Directors of the Authority.

5. Nuisance means an emission of smoke or other emissions from agricultural burning that unreasonably interferes with the use and enjoyment of property.

6. Permitting Authority means the Spokane County Air Pollution Control Authority, or Spokane County, the Spokane County Conservation District, or any fire protection agency, whenever the referenced agency is delegated the authority, pursuant to RCW 70.94.654, to issue permits.

7. Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke or obnoxious odors.

8. Responsible Person means any person who has applied for and received a permit for agricultural burning, or any person allowing, igniting or attending to agricultural burning, or any person who owns or controls property on which agricultural burning occurs.

D. Prohibitions. Except as provided in Section 6.11.E, no person shall practice or permit the practice of agricultural burning in any of the following circumstances and locations:

1. Within the No-Burn Area, as defined by resolution of the Board of Directors of the Authority.

2. When the materials to be burned include any prohibited materials.

3. During an episode or impaired air quality as declared by the Department of Ecology or the Authority for a defined geographical area.

4. When burning causes a nuisance or the Authority or permitting authority determines that the creation of a nuisance is the likely result of burning.

5. Unless a written permit has been issued by the permitting authority.

6. If the applicant is unable to show to the satisfaction of the Authority or permitting authority that burning, as requested:

- a. is reasonably necessary to successfully carry out the enterprise in which the applicant is engaged; or
- b. constitutes a best management practice; or
- c. is necessary to control disease or insect infestation, and other measures are not available.

7. If the burning includes any material other than natural vegetation generated on the property, which is the burning site, or transported to the burning site by wind or water.

E. Nothing in Section 6.11 shall apply to the following types of fires:

- 1. Silvicultural burning.
- 2. Grass Field Burning pursuant to Section 6.10.

F. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Conditions may include but are not limited to restricting the permissible hours of burning, restricting burning to a defined season, restricting the size of fires, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. Any person who practices or permits the practice of agricultural burning shall, in addition to any specific permit conditions imposed, comply with all of the following conditions:

- 1. Whenever an episode or impaired air quality is declared, all fires shall be extinguished by withholding new fuel, as appropriate and allowing the fire to burn down.
- 2. The fire shall be attended by a person who is responsible for the same and capable of extinguishing the fire. The fire must be extinguished before leaving it.
- 3. Burning shall occur during daylight hours only, or a more restrictive period as determined by the Authority.
- 4. Permission from a landowner, or owner's designated representative, must be obtained before starting the fire.
- 5. The fire district of jurisdiction shall be notified by the responsible person, prior to igniting a fire.
- 6. If it becomes apparent at any time to the Authority or permitting authority that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.

G. Administrative requirements.

- 1. Until January 1, 1995, all applicants for agricultural burning permits shall pay a one-time interim fee of \$20 at the time the application is submitted. Payment shall be made by check, payable to the Washington Department of Ecology.
- 2. After January 1, 1995, all applicants for agricultural burning permits shall pay a fee at the time of application, not to exceed the level determined by the agricultural burning practices and research task force, pursuant to Chapter 70.94.650 RCW. The schedule of fees shall be established by resolution of the permitting authority.
- 3. The permitting authority shall act upon a complete permit application within 7 days from the date such complete application is filed.

H. Compliance with other laws and regulations. Compliance with Section 6.11 does not necessarily mean that agricultural burning complies with applicable laws and regulations implemented by other authorities.

**WSR 94-19-033
PROPOSED RULES
SECRETARY OF STATE**

(Division of Archives and Records Management)
[Filed September 15, 1994, 1:43 p.m.]

Continuance of WSR 94-15-072.
Title of Rule: WAC 434-615-030 Transfer and preservation of public records.

Date of Intended Adoption: October 14, 1994.
September 15, 1994
David W. Owens
Acting State Archivist

**WSR 94-19-037
WITHDRAWAL OF PROPOSED RULES
POLLUTION LIABILITY
INSURANCE AGENCY**

[Filed September 15, 1994, 3:35 p.m.]

This memo is to inform you of our intention to withdraw the proposed rule change involving chapter 374-50 WAC, pertaining to insurance eligibility assessment reimbursement. The original notice was filed on August 24, 1994, under WSR 94-18-001.

Deanna Bourgault
Rules Coordinator

**WSR 94-19-038
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)
[Filed September 15, 1994, 3:48 p.m.]

Original Notice.
Title of Rule: WAC 388-49-470 Income—Exclusions.
Purpose: Clarifies that adult and child governmental foster care payments received by households with foster care individuals, who are considered boarders, are excluded income.

Statutory Authority for Adoption: RCW 74.04.510.
Statute Being Implemented: RCW 74.04.510.
Summary: Issuances will clarify that adult and child governmental foster care payments from foster care individuals, who are considered boarders, are excluded income.

Reasons Supporting Proposal: 7 CFR 273.9 (c)(16) clarifies that treatment of foster care payments as excluded income.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8324.

PROPOSED

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

Rule is necessary because of federal law, 7 CFR 273.9 (c)(16).

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This change does not affect small businesses; it only affects food stamp recipients.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on October 25, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by October 11, 1994, TDD (206) 753-4595, or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by October 18, 1994.

Date of Intended Adoption: October 26, 1994.
September 15, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3766, filed 7/29/94, effective 9/1/94)

WAC 388-49-470 Income—Exclusions. (1) The department shall exclude the following income:

(a) Money withheld from an income source to repay a prior overpayment from that same income source except for money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;

(b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;

(c) The earned income of household members who are:

- (i) Twenty-one years of age or under; and
- (ii) Attending elementary or secondary school at least half time.

(d) Infrequent or irregular income, received during a three-month period by a prospectively budgeted household, that:

- (i) Cannot be reasonably anticipated as available; and
- (ii) Shall not exceed thirty dollars for all household members.

(e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;

(f) Nonrecurring lump sum payments;

(g) Income used for the cost of producing self-employment income;

(h) Educational assistance financed in whole or in part with Title IV funds or issued by the Bureau of Indian Affairs;

(i) Educational ((expenses)) assistance to the extent such assistance is earmarked by the school or actually paid by the student for the following educational expenses:

- (i) Tuition;

(ii) Mandatory fees, including rental or purchase of equipment, materials, and supplies related to pursuing the course of study;

(iii) Books;

(iv) Supplies;

(v) Transportation; and

(vi) Miscellaneous personal expenses.

(j) Reimbursements for past or future expenses to the extent the reimbursements do not:

(i) Exceed the actual expense; and

(ii) Represent a gain or benefit to the household.

(k) Any gain or benefit not in money;

(l) Vendor payments as defined in WAC 388-49-020;

(m) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;

(n) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;

(o) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 55
2	71
3	86
4	102
5	117
6	133
7	154
8 or more	170

(p) Support payments owed to a household member, but specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;

(q) Support payments on behalf of a household member, not required by the support court order or other legally binding written support or alimony agreement and paid directly to a third party rather than to the household;

(r) Payments from the individual and family grant program;

(s) Public assistance payments:

(i) Over and above the regular warrant amount;

(ii) Not normally a part of the regular warrant; and

(iii) Paid directly to a third party on behalf of the household.

(t) From Jobs Training Partnership Act programs:

(i) Allowances; and

(ii) Earnings from on-the-job training by household members under parental control and eighteen years of age and younger.

(u) Cash donations based on need:

(i) Received directly by the household;

(ii) From one or more private, nonprofit, charitable organizations; and

(iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

(v) Earned income credit;

PROPOSED

(w) Governmental foster care payments received by households with foster care individuals who are considered to be boarders under WAC 388-49-020(10).

(2) When earnings or amount of work performed by a household member described in subsection (1)(c) of this section, cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members; and

(b) Exclude the household member's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household; or

(b) The lesser of:

(i) The actual amount used from a single payment for the care of a person outside the household; or

(ii) A pro rata share of the single payment when the single payment does not identify the portion intended for the care of the person outside the household.

WSR 94-19-039
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 15, 1994, 3:49 p.m.]

Original Notice.

Title of Rule: WAC 388-49-460 Income—Unearned.

Purpose: Clarifies student fellowships as unearned income when such fellowships do not have a work requirement (7 CFR 273.9 (b)(i)[1] and (vi)). Clarifies foster care payments (for both adults or children) are counted as unearned income when the foster care person is a food stamp household member.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: Clarifies policy counting fellowships and foster care payments as unearned income.

Reasons Supporting Proposal: Federal rules count adult and child governmental foster care payments as unearned income when the foster care party is a food stamp household member (7 CFR 273.9 (b)(2)(ii)). Federal rules consider fellowship income as unearned income when no work requirements are present (7 CFR 273.9 (b)(2)(iv)).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8324.

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

Rule is necessary because of federal law, 7 CFR 273.9 (b)(2)(ii) and (iv).

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This change does not affect small businesses; it only affects food stamp recipients.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on October 25, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by October 11, 1994, TDD (206) 753-4595, or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by October 18, 1994.

Date of Intended Adoption: October 26, 1994.

September 15, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3761, filed 7/27/94, effective 9/1/94)

WAC 388-49-460 Income—Unearned. (1) The department shall consider unearned income to include, but not be limited to:

(a) An annuity, pension, or retirement;

(b) Veteran or disability benefits;

(c) Workmen or unemployment compensation;

(d) Old-age, survivors, or social security benefits;

(e) Strike benefits;

(f) Payment from federally aided assistance programs based on need;

(g) Support and alimony payments made directly to the household from a person residing outside the household;

(h) Child support refund payments received by AFDC recipients from office of support enforcement;

(i) Adult ~~((foster care payments;~~

~~((+)))~~ and child governmental foster care payments, provided the foster ~~((child))~~ care recipient is a food stamp household member;

~~((+)))~~ (j) Educational benefits less excluded amounts (see income exclusions in WAC 388-49-470):

(i) Scholarships;

(ii) Educational grants including loans where repayment is deferred;

(iii) Fellowships without work requirements; and

(iv) Veteran benefits.

~~((+)))~~ (k) Payments from government-sponsored programs;

~~((+)))~~ (l) Cash prizes, awards, lottery winnings, or gifts;

~~((+)))~~ (m) Dividends, interest, or royalties;

~~((+)))~~ (n) Gross income minus the cost of doing business from rental property if a household member is not managing the property at least twenty hours a week;

~~((+)))~~ (o) Money withheld to recoup an intentional noncompliance overpayment from a federal, state, or local means-tested program;

~~((+)))~~ (p) Direct money payments, such as interest, dividends, and royalties which are a gain or benefit;

((+)) (q) Money legally obligated and otherwise payable to the household, but diverted by the provider of the payment to a third party, for a household expense; and

((s)) (r) Deemed income from an alien's sponsor.

(2) The department shall disregard the following as unearned income:

(a) Money from any source voluntarily returned by a household member to repay a prior overpayment from the same source;

(b) Child support payments assigned to office of support enforcement received by AFDC recipients.

(3) The department shall verify gross nonexempt unearned income except for expedited service households:

(a) Before initial certification;

(b) At recertification if amount changes more than twenty-five dollars; and

(c) On a monthly basis for households subject to monthly reporting if the income changes.

WSR 94-19-040
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 15, 1994, 3:50 p.m.]

Original Notice.

Title of Rule: WAC 388-49-450 Income—Earned.

Purpose: Food and nutrition service now considers student fellowships as earned income when such fellowships have a work requirement. Current rules consider all fellowships as unearned income. The rule change will allow a 20% earned income deduction when computing food stamp benefits. This amendment clarifies adult and child governmental foster care payments are not counted as income.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Fellowships with work requirements will be considered earned income, allowing a 20% deduction when computing food stamp benefits. Clarifies that adult and child governmental foster care payments are not counted as income.

Reasons Supporting Proposal: Food and nutrition service (FNS) considers student fellowship as earned income when such fellowships have a work requirement (7 CFR 273.9 (b)(i)[1](vi)). 7 CFR 273.9 (c)(16) also clarifies that adult and child governmental foster care payments are not counted as income.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Division of Income Assistance, 438-8324.

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

Rule is necessary because of federal law, 7 CFR 273.9 (b)(1)(vi) and (c)(16).

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This change

does not affect small businesses; it only affects food stamp recipients.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on October 25, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by October 11, 1994, TDD (206) 753-4595, or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by October 18, 1994.

Date of Intended Adoption: October 26, 1994.

September 15, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3614, filed 8/11/93, effective 9/11/93)

WAC 388-49-450 Income—Earned. (1) The department shall consider the following as earned income:

(a) Wages and salaries;

(b) Gross income from self-employment, including total gain from the sale of any capital goods or equipment related to the business, and excluding the cost of doing business. Self-employment income includes:

(i) Income from rental property if a household member is managing the property an average of twenty hours or more a week; and

(ii) Payments from a roomer; and

(iii) Payments from a boarder except for adult or child governmental foster care payments.

(c) Training allowances from vocational and rehabilitative programs:

(i) Recognized by federal, state, or local governments; and

(ii) Are not a reimbursement.

(d) Payments under Title I of the Domestic Volunteer Service Act;

(e) Advance on wages;

(f) Earnings by persons nineteen years of age and older from on-the-job training programs under JTPA;

(g) Money from the sale of blood or blood plasma; ~~((and))~~

(h) Military basic allowance for quarters and basic allowance for subsistence in lieu of provided housing and/or food; and

(i) Fellowships with work requirements.

(2) The department shall verify gross nonexempt earned income except for expedited service households:

(a) Prior to initial certification;

(b) At reapplication if amount has changed more than twenty-five dollars; and

(c) On a monthly basis for households subject to monthly reporting.

WSR 94-19-050
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed September 19, 1994, 11:33 a.m.]

Original Notice.

Title of Rule: Spokane County Air Pollution Control Authority Regulation I, Article VI, Section 6.13 General Surface Coating.

Purpose: To limit particulate and toxic air pollutant emissions from surface coating (painting) operations.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: The regulation establishes requirements for coating application techniques, use of spray booths, use of clean-up materials, disposal, and solvent content of auto refinishing coatings.

Reasons Supporting Proposal: Surface coating emissions contribute to PM10 concentrations, exposure to toxic air pollutants, and concentration of tropospheric ozone precursors.

Name of Agency Personnel Responsible for Drafting: Eric Skelton, Spokane, Washington, (509) 456-4727; Implementation: Ron Edgar, Spokane, Washington, (509) 456-4727; and Enforcement: Mabel Caine, Spokane, Washington, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The regulation establishes requirements for surface coating application techniques, use of spray booths, use of clean-up materials, disposal, recordkeeping, limitations on certain toxic substances, and limitations on solvent content of auto refinishing coatings. The purpose of the regulations is to limit air contaminant emissions from surface coating. The anticipated effect is industrywide uniformity in how coatings are applied and in clean-up practices.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Spokane County Air Pollution Control Authority is not required under chapter 19.85 RCW to file small business economic impact statements.

Hearing Location: Spokane County Public Works Building, West 1026 Broadway, Hearing Room, Spokane, WA, on November 3, 1994, at 9:00 a.m.

Submit Written Comments to: Eric Skelton, Spokane County Air Pollution Control Authority, West 1101 College, Suite 403, Spokane, WA 99201, FAX (509) 459-6828, by October 31, 1994.

Date of Intended Adoption: November 3, 1994.

September 15, 1994

Eric Skelton
Director

DRAFT: 9/6/94

NEW SECTION

SECTION 6.13 GENERAL SURFACE COATING

A. Purpose. This Section establishes controls on surface coating operations in Spokane County in order to:

1. Reduce particulate emissions from coating overspray;
2. Reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC;
3. Reduce emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants; and
4. Encourage pollution prevention.

B. Applicability. This Section applies to all surface preparation, surface coating, cleanup and disposal, associated with general surface coating in Spokane County, unless specifically exempted. Sections 6.13.A., B., C., G.3, G.4, G.5, H., I., and J. become effective 45 days after the date of adoption. Sections 6.13.D., E., F., G.1, and G.2 become effective 12 months after the date of adoption.

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Brush Coat Application means manual application of coatings by use of a paint brush.

2. Coating means a material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.

3. Dip Coat Application means application of coatings in which the surface to be coated is immersed in a solution (or dispersion) containing the coating material and withdrawn.

4. Electrostatic Application means application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.

5. Exempt Solvent means a solvent, or solvent component, which is not a volatile organic compound (VOC).

6. Flow Coat Application means application of coatings by flowing the coating over the surface to be coated and draining the excess coating to a collection system.

7. High-Volume Low-Pressure or Low-Volume Low-Pressure Coating System means equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge air pressure.

8. Light Duty Vehicle means a passenger car, truck, van, or other motor vehicle which has a gross vehicle weight of 8500 pounds or less, or components thereof.

9. Metallic/Iridescent Topcoat means any coating that contains more than 5 grams per liter (0.042 lb/gal) of metal or iridescent particles, as applied to the surface, where such particles are visible in dried film.

10. Multi-Coat System means a coating system where more than one product or coat is sequentially applied to the same surface and generally consists of a pigmented base coat, one or more semi-transparent midcoats, and a transparent clear coat. The VOC content for a multi-coat system shall be calculated as follows:

$$VOC_{TM} = \frac{VOC_{BC} + VOC_{X1} + VOC_{X2} + \dots + VOC_{Xn} + 2VOC_{CC}}{n+3}$$

where:

VOC_{TM} is the sum of the VOC content, as applied to the surface, in a multi-coat system; and

VOC_{BC} is the VOC content, as applied to the surface, of the base coat; and

VOC_{X} is the VOC content, as applied to the surface, of each sequentially applied midcoat; and

VOC_{CC} is the VOC content, as applied to the surface, of the clear coat; and
n is the total number of midcoats applied to the surface.

11. Precoat means any coating that is applied to bare metal, primarily to deactivate the metal surface for corrosion resistance to a subsequently applied water-based primer.

12. Pre-packaged Aerosol Can Application means application of coatings from cans which are sold by the coating supplier as nonreusable, hand-held pressurized containers. The coating is expelled as a finely divided spray when a valve on the container is depressed.

13. Pretreatment Wash Primer means any coating which contains a minimum of 0.5% acid by weight that is applied directly to bare metal to etch the metal surface to enhance corrosion resistance and adhesion of subsequently applied coatings.

14. Primer means any coating that is applied to a surface to enhance corrosion resistance, protection from the environment, functional fluid resistance, and adhesion of subsequently applied coatings.

15. Primer Sealer means any coating that is applied prior to the application of a topcoat to enhance corrosion resistance, adhesion of the topcoat, color uniformity, and the ability of an undercoat to resist penetration by the topcoat.

16. Primer Surfacer means any coating that is applied prior to the application of a topcoat to enhance corrosion resistance, adhesion of the topcoat, and a uniform surface by filling in surface imperfections.

17. Reducer means any solvent added to a coating which has the effect of reducing the viscosity of the coating or shortening the drying time.

18. Refinishing means reapplying coating to a surface to repair, restore, or alter the finish.

19. Roll Coat Application means manual application of coatings by the use of a paint roller.

20. Solvent Consumption means the volume of solvent purchased or otherwise procured, less the volume recycled or disposed. In the absence of records which document the transfer of solvent to an authorized recycler or waste hauler, solvent consumption means the volume of solvent purchased or otherwise procured.

21. Specialty Coating means any coating that is necessary due to unusual job performance requirements, including but not limited to uniform finish blenders, elastomeric materials for coating of flexible plastic parts, coatings for non-metallic parts, jaming clear coatings, gloss flatteners, and anti-glare/safety coatings.

22. Surface Coating means the application of coating to a surface.

23. Topcoat means any coating that is applied over a primer or directly to a surface, primarily to enhance appearance.

24. Touchup means that portion of the coating operation, involving nine square feet (9 ft²) or less or 10% or less, which ever is smaller, of total surface, which is incidental to the main coating process but necessary to cover minor imperfections.

25. Volatile Organic Compound (VOC) has the same meaning as the definition in 40 CFR 51.100(s).

26. VOC Content means pounds of VOC per gallon of coating (Lb/Gal) or grams of VOC per liter of coating (G/L),

minus water and exempt solvents. The VOC content is calculated as follows:

$$VOC_{CT} = \frac{W_v}{V_M - V_W - V_{ES}}$$

where:

VOC_{CT} is the VOC content of the coating, as applied to the surface; and

W_v is the weight of VOC per unit volume of coating, as applied to the surface; and

V_M is the unit volume of coating, as applied to the surface; and

V_W is the volume of water per unit volume of coating, as applied to the surface; and

V_{ES} is the volume of exempt solvents per unit volume of coating, as applied to the surface.

27. Wash Solvent means any solution, solvent, suspension, compound, or other material that is used to clean spray equipment, spray equipment lines, containers, and any other equipment associated with the application of coatings.

28. Wipe-Down Agent means any solution, solvent, suspension, compound, or other material that is applied to a surface exclusively for cleaning the surface or preparing the surface for coating.

D. Light duty vehicle refinishing - prohibitions on VOC content. Except as provided in Section 6.13.I., no person shall cause or allow the application of any coating or other agent to any light duty vehicle or light duty vehicle component, with a VOC content in excess of the following limits:

Type of Coating or Agent	VOC Content	
	Lb/Gal	G/L
Metallic/Iridescent		
Topcoat	6.0	720
Multi-Coat System	5.2	620
Plastic Parts Cleaner	7.0	840
Precoat	5.5	660
Pretreatment Wash Primer	6.5	780
Primer	5.0	600
Primer Sealer	6.0	720
Primer Surfacer	5.0	600
Specialty Coating	7.0	840
Topcoat (General)	5.0	600
Wipe-Down Agent	1.4	170

E. Prohibitions on emissions of certain toxic air pollutants. No person shall cause or allow the application of any coating which contains:

1. Greater than 0.1% by weight of one or more compounds of lead or hexavalent chromium; or

2. Sufficient quantities of VOC or exempt solvents to cause facility-wide light duty vehicle refinishing emissions to exceed the small quantity emission rates as defined in Chapter 173-460-080 (2)(e) WAC.

F. Application methods. Except as provided in Section 6.13.I., no person shall cause or allow the application of any coating or other agent containing VOC unless the coating or agent is applied by the use of one of the following methods:

1. High-Volume, Low-Pressure coating system; or
2. Low-Volume, Low-Pressure coating system; or
3. Electrostatic application; or
4. Flow coat application; or
5. Dip coat application; or
6. Brush coat application; or

PROPOSED

7. Pre-packaged aerosol can application; or
8. Roll coat application; or
9. Other application methods that have received the prior written approval of the Control Officer.

G. Enclosure and control requirements. Except as provided in Section 6.13.I., all persons subject to the requirements of Section 6.13 shall comply with all of the following enclosure and control requirements:

1. Spray application is conducted in a booth or area which is vented to an operating particulate control system. The control system shall be equipped with a fan which is capable of capturing all visible overspray and vented to the atmosphere through a vertical stack which is at least 1.2 times the height (as measured from ground level) of the tallest building within 200 feet of the stack and which does not impede the upward vertical flow of the exhausted air. Visible emissions from the stack shall not exceed 10% opacity for an aggregate of more than three (3) minutes in any one hour period, as determined by EPA Method 9.

2. Equipment cleanup and any other use of wash solvent is totally enclosed during washing, rinsing, and draining; or wash solvent, after making contact with the equipment being cleaned, is immediately drained to a closed sump which is an integral part of the cleaning system.

3. All containers of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC are closed, except when in use, or when being filled or emptied.

4. Spills of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC are cleaned up upon discovery and the waste is stored in closed containers.

5. All disposable materials which contain VOC and are associated with wipe-down or with application of coatings and other agents are stored in closed containers for disposal.

H. Recordkeeping requirements. Except as provided in Section 6.13.I., all persons subject to the requirements of Section 6.13 shall maintain the following records for all coatings, coating additives, wipe-down agents, wash solvents, and reducers for the previous 24-month period at the place of business where surface coating is performed:

1. The most current material safety data sheets (MSDS) or other data sheets which clearly indicate the VOC content of the product and of any multi-coat system.

2. Records of purchases and usage, including unused materials returned to the supplier.

3. Records of disposal of waste materials, including volumes of waste solvents and coatings transferred in sealed containers to authorized waste haulers.

4. Records of the volume of reducers added to light duty vehicle refinishing coatings, with sufficient detail to determine whether the coatings, as applied, comply with Section 6.13.D.

I. Exceptions. Exceptions to Section 6.13 shall be made as follows:

1. Noncommercial exemption. Nothing in Section 6.13 shall apply to surface coating operations conducted solely for personal, noncommercial purposes if, on a facility-wide basis, less than 5 gallons of surface coatings are applied per year.

2. Architectural coating exemption. Nothing in Section 6.13 shall apply to the application of architectural coatings

to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.

3. Low usage exemption. Nothing in Sections 6.13.F. or 6.13.G.1&2 shall apply to surface coating operations which, on a facility-wide basis, apply less than 10 gallons per year of surface coatings.

4. Exemption for touchup. Nothing in Section 6.13.F or Subsection 6.13.G.1. shall apply to touchup operations.

5. Exemption for large objects. Nothing in Subsection 6.13.G.1. shall apply to the outdoor surface coating of large objects where the control officer determines that it is impractical to totally enclose the object inside a booth or vented area. In such case, a temporary enclosure (tarps) shall be maintained around the object during the surface coating operation, sufficient at all times to prevent overspray from remaining airborne beyond the property line of the facility.

6. Wash solvent exemption. Nothing in Subsection 6.13.G.2. shall apply to:

a. the use of wash solvents with composite vapor pressure of organic compounds less than 45 mm Hg at 20°C as determined by ASTM Method D-2306-81; or

b. wash solvent operations if total wash solvent consumption does not exceed 120 gallons per year.

7. Stack height exemption. The stack height requirements in Subsection 6.13.G.1. shall not apply to surface coating operations where the owner or operator can demonstrate to the satisfaction of the control officer that emissions of toxic air pollutants will not exceed the Acceptable Source Impact Levels as defined in Chapter 173-460-150 & 160 WAC and emissions will not create a nuisance.

8. Aerosol can exemption. Nothing in Subsection 6.13.G.1 shall apply to the application of any coating or other agent from pre-packaged aerosol cans.

9. Low VOC content exemption. Nothing in Section 6.13.F shall apply to the application of coatings where the VOC content does not exceed 2.1 Lb/Gal or 250 G/L.

10. Toxic air pollutant exemption. The prohibition in Section 6.13.E.1 shall not apply to a surface coating operation where the control officer determines that no practical alternative coating is available.

J. Compliance with other laws and regulations. Compliance with Section 6.13 or qualifying for an exemption in Section 6.13.I. does not necessarily mean that the surface coating operation complies with fire protection, waste disposal, or other applicable laws or regulations.

K. Compliance schedule. All persons subject to the requirements of Subsection 6.13.G.1 and not already in compliance on the date of adoption shall comply with the following schedule:

1. No later than 6 months prior to the effective date, apply for a Notice of Construction and Order of Approval, pursuant to Article V of this Regulation, to install the required equipment; and

2. No later than 30 days after the date of the Order of Approval, order the required equipment; and

3. No later than 1 month prior to the effective date, commence installation of the required equipment; and

4. No later than the effective date, be in full compliance with Section 6.13.G.

WSR 94-19-051
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY
 [Filed September 19, 1994, 11:35 a.m.]

Original Notice.

Title of Rule: Spokane County Air Pollution Control Authority Regulation I; Article I, Section 1.04, General Definitions; Article VI, Section 6.09, Exceptions to this Article.

Purpose: To provide general definitions which apply to all of Regulation I; and to exempt certain equipment from visible emission standards.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: The definitions section is being updated. Residential space heating equipment would lose its visible emission exemption. All storage grain elevators would be exempted from visible emission standards.

Reasons Supporting Proposal: Recent changes in Regulation I and state regulations necessitate updating the definitions. Deletion of the definition for Sensitive Areas necessitates amending the exemptions in Section 6.09.

Name of Agency Personnel Responsible for Drafting: Eric Skelton, Spokane, Washington, (509) 456-4727; Implementation and Enforcement: Mabel Caine, Spokane, Washington, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The sections proposed for amendments define general terms and exemptions. The purpose of the amendments is primarily to achieve consistency within Regulation I and with state laws and regulations. The amendments to the exemption section are not expected to impact emissions or regulatory stringency relative to residential space heaters or storage grain elevators.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Spokane County Air Pollution Control Authority is not required under chapter 19.85 RCW to file small business economic impact statements.

Hearing Location: Spokane County Public Works Building, West 1026 Broadway, Hearing Room, Spokane, WA, on November 3, 1994, at 9:00 a.m.

Submit Written Comments to: Eric Skelton, Spokane County Air Pollution Control Authority, West 1101 College, Suite 403, Spokane, WA 99201, FAX (509) 459-6828, by October 31, 1994.

Date of Intended Adoption: November 3, 1994.

September 16, 1994

Eric Skelton
Director

DRAFT: 9/14/94
AMENDATORY SECTION
ARTICLE I, SECTION 1.04 GENERAL DEFINITIONS

When used in Regulation I of the Spokane County Air Pollution Control Authority:

A. Agricultural(e)al Operation means a farmer who can substantiate that the operation is commercial agriculture by showing the most recent year's IRS schedule F form or proof that the land is registered for agricultural use. It also includes burning conducted by irrigation district or drainage district personnel as part of water system management (~~the growing of crops, the raising of fowl, animals, or bees as a gainful occupation~~).

B. Agricultural Burning means the burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the Agricultural Burning Practices and Research Task Force established in RCW 70.94.650 or other authoritative source on agricultural practices.

C. ((B)). Air Contaminant means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorless substance or any combination thereof. "Air pollutant" means the same as "air contaminant".

D. ((C)). Air Pollution means the presence in the out(side) door atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to (~~public welfare;~~ ~~to~~) human health, plant(~~s~~) or animal life, or (~~to~~) property; or which unreasonably interferes with enjoyment of life and property.

E. ((D)). Ambient Air means the surrounding outside air.

F. ((E)). Authority means Spokane County Air Pollution Control Authority.

G. ((F)). Board means Board of Directors of the Spokane County Air Pollution Control Authority.

H. Certified Observer means a person who has met the requirements pursuant to 40 CFR 60, Appendix A, Method 9.

I. ((G)). Combustion means the (~~rapid~~) exothermic reaction of any material with oxygen.

J. ((H)). Control Equipment means any equipment which has the primary function of regulating or controlling (~~the~~) emissions from a process, fuel burning or refuse burning equipment and thus reduces the formation of or the emission of air contaminants into the atmosphere, or both.

K. ((I)). Control Officer means Air Pollution Control Officer for the Spokane County Air Pollution Control Authority or his/her representative. "Director" means the same as "control officer".

L. ((J)). Emission means a release (~~into the outdoor atmosphere~~) of air contaminants into the ambient air.

M. ((K)). Emission Point means the point at which emissions are released into the ambient air, such as but not limited to a duct, vent, stack, pipe, or other opening to the ambient air.

N. ((L)). Emissions Unit means any part of a source which (~~equipment, device, process, or activity that produces and~~) emits or would have the potential to (~~to the outside air, or that may produce and~~) emit (~~to the outside air,~~) any pollutant subject to regulation under the FCAA, Chapter 70.94 RCW, Chapter 70.98 RCW, or Regulations of the Authority (~~contaminant regulated by local, state, or federal law~~).

PROPOSED

O. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in Chapter 70.94.715 RCW.

~~(M. Equivalent Method means a method of sampling and analyzing the ambient air for an air pollutant that has been designated as an equivalent method in accordance with 40 CFR 53, and/or defined in the Source Test Method Procedures Book for the State of Washington, Department of Ecology; it does not include a method for which an equivalent method designation has been canceled in accordance with 40 DFR 53.11 or 53.16.)~~

P. Federal Clean Air Act (FCAA) means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq, as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

Q ((N)). Fire ((Department)) Protection Agency means a ~~((fire control agency such as C))~~ city ~~((F))~~ fire ~~((D))~~ department ~~((S))~~, ~~((C))~~ county ~~((F))~~ fire ~~((D))~~ department ~~((S))~~, local fire ~~((control))~~ protection district ~~((S))~~, or the Washington State Department of Natural Resources.

R ((O)). Garbage means putrescible animal or vegetable waste resulting from the handling, preparation, cooking ~~((and))~~ or serving of food.

S ((P)). Incinerator means a furnace used primarily for the thermal destruction of waste. ~~((any article, machine, or equipment, contrivance, structure, or part of a structure capable of withstanding heat and designed to reduce the solid, semi solid, or liquid by combustion.))~~

~~((Q. Motor Vehicle means equipment propelled by an internal combustion engine in or upon which people or material may be transported on the ground.))~~

T ((R)). Odor means that property of a substance which allows its detection by the sense of smell.

U. Opacity means the degree to which an object seen through a plume is obscured, stated as a percentage.

V ((S)). Open Fire, Outdoor Fire or Open Burning means the combustion of material of any type in an ~~((a fire where any material is burned in the))~~ open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion in a manner approved by the Authority ~~((other than a furnace, incinerator, or other equipment connected to a stack or chimney which has been approved by the Control Officer in accordance with Section 6.01 E)).~~

W ((T)). Particulate Matter or particulates means any airborne ~~((material except uncombined water that exists in a))~~ finely-divided ~~((form as a liquid or))~~ solid or liquid material with an aerodynamic diameter smaller than 100 micrometers ~~((at standard conditions of temperature and pressure)).~~

X ((U)). Person means an ~~((any))~~ individual, firm, public or private corporation, association, partnership, political subdivision, ~~((board, department, or bureau of))~~ municipality, or government agency ~~((partnership, association, trust, estate or other legal entity whatsoever, which is recognized by law as the subject of rights and duties, or any officer or employee of any of the foregoing)).~~

Y ((V)). Pollution Control Hearings Board of Washington: established under Chapter 43.21 RCW to adjudicate

hearings pertaining to decisions and orders of the Department of Ecology and other pollution control agencies.

Z ((W)). Refuse means putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, dead animals, abandoned automobiles, solid market wastes, street cleanings, and solid commercial and industrial waste (including waste disposal in industrial salvage).

~~((X. Salvage Operation means any operation conducted in whole or part, for the salvaging or reclaiming of any product or material.~~

~~Y. Sensitive Areas: (1) Any location included in whole or part within the boundaries of the designated air quality maintenance area for Spokane County, and (2) any location within the City limits of Cheney, Washington.))~~

AA. Silvicultural Burning means burning on unimproved land the Department of Natural Resources protects pursuant to RCW 70.94.030(20), 70.94.660, 70.94.690 and pursuant to RCW 76.04.

~~((Z. Single Source means any equipment, device, duct, stack, chimney, or opening which discharges air or other gases into the outdoor atmosphere.~~

~~AA. Smoke means small gas borne particles, other than water generated from combustion processes in sufficient number to be observable.~~

~~BB. Stack means duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air contaminants.))~~

BB. Source or Air Contaminant Source means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

CC. Standard Conditions means a temperature of 20°C (68°F) and a pressure of 29.92 inches (760 mm) of mercury except when otherwise specified.

~~((DD. Certified Observer means a person who has completed the requirements of the Oregon-Washington Criteria for Visible Emissions, Revised 1979 and hereinafter amended.~~

~~EE. Opacity means the degree to which an object seen through a plume is obscured, stated as a percentage.~~

~~FF. Agricultural Open Burning means open burning conducted as part of any agricultural operation, but not including yard and gardening activities connected with a residence.~~

~~GG. Commercial Open Burning means open burning conducted as part of any commercial or business operation, including land clearing when the land is cleared to change the use of the cleared land. Commercial open burning does not include agricultural open burning.~~

~~HH. Director means the director of the Spokane County Air Pollution Control Authority or his authorized representative. Director also means Control Officer.~~

~~II. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in RCW 70.94.415.~~

~~JJ. Land Clearing means removing structures, trees, shrubbery, or other natural vegetation from a plot of land.~~

~~KK. No Burn Area means an area designated by the Authority as an area exceeding or threatening to exceed a state ambient air quality standard.~~

~~LL. Recreational Fire means an outdoor fire not associated with a commercial or industrial activity for the purpose of sports, pastime or refreshment such as campfires, bonfires, etc. Fires in or within five hundred (500) feet of logging slash are not included.~~

~~MM. Residence means a place, especially a house, in which a person lives or resides.~~

~~NN. Small Fire means a fire not more than four feet in diameter or more than three feet high.~~

~~OO. Silvicultural Operation means the growing of trees for commercial or recreational use, including preparing the land, planting, growing, and harvesting of trees.~~

~~PP. Yard means an area usually planted with grass, shrubs and trees, adjacent to a residence.~~

~~QQ. Yard and Garden Debris means dry garden trimmings, tree clippings, lawn rakings, dry leaves and needles generated from a yard or garden.)~~

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

**AMENDATORY SECTION
ARTICLE VI, SECTION 6.09 EXCEPTIONS TO THIS ARTICLE**

The following equipment is ~~((exempted))~~ exempt from Section 6.02 of this Article:

~~((1. Fuel burning equipment, other than solid fuel burning devices as defined in Article VIII, Section 8.03, H, used exclusively for space heating in a dwelling serving less than five (5) families;~~

~~2-)) Grain elevators engaged exclusively in receiving, transferring, and storing of cereal grains ~~((of))~~ or legumes ~~((and not located in whole or part within a sensitive area are exempt from Section 6.02, only)).~~~~

**WSR 94-19-056
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed September 20, 1994, 9:45 a.m.]**

Original Notice.

Title of Rule: WAC 308-13-150 Landscape architect fees.

Purpose: To delete the listing and fees for the plant identification exam and proctoring program both of which have been discontinued.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: RCW 18.96.080.

Summary: The amendment will establish the registration examination cost for each candidate at a sufficient level to defray the cost of administering the exam. It will delete

the plant identification exam and proctoring program which have been discontinued.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James D. Hanson, 2424 Bristol Court, Olympia, (206) 753-6967, FAX (206) 586-0998, TDD (206) 753-1966.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment will establish the registration examination cost for each candidate at a sufficient level to defray the cost of administering the exam. It will delete the listing and fees for the plant identification exam and proctoring program both of which have been discontinued.

Proposal Changes the Following Existing Rules: The amendment will eliminate the plant identification listing and fees as well as the proctoring program listing and fees. Both have been discontinued.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The change will not affect small business.

Hearing Location: Business and Professions Division Conference Room, 405 Black Lake Boulevard, Olympia, WA, on November 7, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (206) 753-1966.

Submit Written Comments to: James D. Hanson, FAX (206) 586-0998, by October 31, 1994.

Date of Intended Adoption: November 7, 1994.

September 19, 1994

James D. Hanson

Program Administrator

AMENDATORY SECTION (Amending WSR 94-04-044, filed 1/27/94, effective 2/27/94)

WAC 308-13-150 Landscape architect fees. The following fees shall be charged by the ~~((professional licensing))~~ business and professions division of the department of licensing:

Title of Fee	Fee
Application fee	\$150.00
Examination (entire) fee	((475.00)) 450.00
Reexamination administration fee	50.00
Examination Sections:	
Section 1: Legal and administrative aspects of practice	25.00
Section 2: Programming and environmental analysis	35.00
Section 3: Conceptualization and communication	85.00
Section 4: Design synthesis	80.00
Section 5: Integration of technical and design requirements	95.00
Section 6: Grading and drainage	85.00
Section 7: Implementation of design through construction process	45.00
((Section 8: Plant identification	40.00))

PROPOSED

Exam proctor	100.00
Renewal (3 years)	450.00
Late renewal penalty	150.00
Duplicate license	25.00
Initial registration (3 years)	450.00
Reciprocity application fee	200.00
Certification	45.00
((Proctoring program	125.00))
Replacement certificate	20.00

WSR 94-19-057**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed September 20, 1994, 10:13 a.m.]

Continuance of WSR 94-14-041.

Title of Rule: Chapter 308-330 WAC, Model traffic ordinance.

Purpose: To amend chapter 308-330 WAC to include legislation enacted in the 1994 session and to make administrative corrections.

Other Identifying Information: Section 1, chapter 139, Laws of 1994; section 1, chapter 141, Laws of 1994; sections 4, 5, 6, 7, 10, 11 and 12, chapter 275, Laws of 1994; and section 1, chapter 305, Laws of 1994.

Statutory Authority for Adoption: RCW 46.90.010.

Statute Being Implemented: Chapters 139, 141, 275 and 305, Laws of 1994.

Summary: RCW 46.90.010 provides for the department to adopt by rule a comprehensive compilation of traffic laws to serve as a guide for local authorities. This proposed rule making amends chapter 308-33 WAC to incorporate laws of 1994.

Reasons Supporting Proposal: Chapter 308-33 WAC to incorporate laws of 1994.

Name of Agency Personnel Responsible for Drafting and Implementation: Jack L. Lince, Highways-Licenses Building, (206) 902-3773; and Enforcement: Local ordinance.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: New rules are not being proposed.

Proposal Changes the Following Existing Rules: WAC 308-330-157, expand definition to include RCW 46.04.391; WAC 308-330-197, to incorporate RCW 46.09.190 previously omitted; WAC 308-330-300, to incorporate RCW 46.12.250 and [46.12].270 previously omitted; WAC 308-330-307, to incorporate section 10, chapter 275, Laws of 1994; WAC 308-330-320, to incorporate section 1, chapter 305, Laws of 1994; WAC 308-330-400, to incorporate section 10, chapter 275, Laws of 1994 and repeal RCW 46.61.515 as provided in section 42, chapter 275, Laws of 1994; and WAC 308-330-425, to incorporate sections 4, 5, 6, 7, 11 and 12, chapter 275, Laws of 1994; section 1, chapter 139, Laws of 1994; and section 1, chapter 141, Laws of 1994.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. A small business

economic impact statement is not required under provisions of RCW 19.85.030(1).

Hearing Location: Highways-Licenses Building, Third Floor, 1125 S.E. Washington, Olympia, WA, on October 28, 1994, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Jack Lince by October 24, 1994, TDD (206) 664-8885, or (206) 902-3773.

Submit Written Comments to: Jack Lince, Vehicle Services Division, P.O. Box 2957, Olympia, WA 98507-2957, FAX (206) 664-0339, by October 24, 1994.

Date of Intended Adoption: November 1, 1994.

September 19, 1994

Nancy Kelly
Administrator

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-157 Police or police officer. "Police or police officer" includes, in addition to the meaning in RCW 46.04.391, the police officers of a city, a town, marshal, or the sheriff and his/her deputies of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-197 RCW sections adopted—Off road and nonhighway vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.120, 46.09.130, 46.09.140, ~~((and))~~ 46.09.180, and 46.09.190.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.250, 46.12.260, 46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-307 RCW sections adopted—Driver licenses-identcards. The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.344,

46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, 46.20.435, 46.20.500, 46.20.510, 46.20.550, ~~((and))~~ 46.20.750, and 46.20.— (section 10, chapter 275, Laws of 1994).

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-320 RCW sections adopted—Size, weight, load. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.44.010, 46.44.015, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.105, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, ~~((and))~~ 46.44.180, and 46.44.— (section 1, chapter 305, Laws of 1994).

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through ~~((46.61.515))~~ 46.61.508, and 46.20.— (section 10, chapter 275, Laws of 1994) shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93, effective 7/1/94)

WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault. The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.504, 46.61.506, ~~((46.61.515,))~~ 46.61.— (section 1, chapter 139, Laws of 1994), 46.61.— (section 1, chapter 141, Laws of 1994), 46.61.— (section 4, chapter 275, Laws of 1994), 46.61.— (section 5, chapter 275, Laws of 1994), 46.61.— (section 6, chapter 275, Laws of 1994), 46.61.— (section 7, chapter 275, Laws of 1994), 46.61.— (section 11, chapter 275, Laws of 1994), 46.61.— (section 12, chapter 275, Laws of 1994), 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.525, 46.61.530, 46.61.535, and 46.61.540.

WSR 94-19-059

PROPOSED RULES

LOTTERY COMMISSION

[Filed September 20, 1994, 12:59 p.m.]

Original Notice.

Title of Rule: New sections WAC 315-11A-133 Instant Game Number 133 ("Pocket Cash"), 315-11A-134 Instant Game Number 134 ("7 Cards Up") and 315-11A-135 Instant Game Number 135 ("Bingo"); and amending WAC 315-11A-130 Instant Game number 130 ("Moolah Moolah"), and 315-04-200 Denial, suspension or revocation of a license.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 133 ("Pocket Cash"), 134 ("7 Cards Up") and 135 ("Bingo"); and to amend WAC 315-11A-130 and 315-04-200.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Rules Coordinator, Olympia, 586-6583; Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11A-133, 315-11A-134 and 315-11A-135, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: The proposal amends WAC 315-11A-130 to correct some technical information in the rule; and WAC 315-04-200 to give the director authority to deny a lottery license to any person who has been convicted of a felony.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, Suite 106, 5963 Corson Avenue South, Seattle, WA 98108, on November 4, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeff Burkhardt by October 25, 1994, (206) 586-6583.

Submit Written Comments to: Jeff Burkhardt, Lottery, FAX (206) 753-2602, by November 3, 1994.

Date of Intended Adoption: November 4, 1994.

September 14, 1994
 Evelyn P. Yenson
 Director

NEW SECTION

WAC 315-11A-133 Instant Game Number 133 ("Pocket Cash"). (1) Definitions for Instant Game Number 133.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," "7," and "\$\$." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 133, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
\$\$	DLR

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$5.00," "\$7.00," "\$50.00," and "\$500.00." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 133, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ 50.00	\$FIFTY\$
\$ 500.00	FIVHUND

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 13300001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight

digits of the pack-ticket number for Instant Game Number 133 constitute the "pack number" which starts at 13300001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 133, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1)
FIV	\$ 5.00 (\$2, \$1, \$1 AND \$1; \$5)
SVN	\$ 7.00 (\$4, \$1, \$1 AND \$1; \$7)
FRN	\$ 14.00 (\$4, \$4, \$4 AND \$2; \$7 AND \$7)
TTF	\$ 24.00 (\$7, \$7, \$5 AND \$5)
FTY	\$ 50.00
FVH	\$ 500.00

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 133.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In Game 133, the "\$\$" play symbol shall always be a winning play symbol, and the bearer of a ticket which has a "\$\$" play symbol shall be entitled to the prize shown below the "\$\$" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 133 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 133; and/or

(ii) Vary the number of tickets sold in Instant Game Number 133 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

PROPOSED

(3) Ticket validation requirements for Instant Game Number 133.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 133 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) 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	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-134 Instant Game Number 134 ("7 Cards Up"). (1) Definitions for Instant Game Number 134.

(a) Play symbols: The following are the "play symbols": "2," "3," "4," "5," "6," "7," "9," "10," "J," and "Q." One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the nine play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 134, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
9	NIN
10	TEN
J	JCK
Q	QUE

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$7.00," "\$10.00," "\$70.00," and "\$10,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 134, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 7.00	SVN DOL
\$ 10.00	TEN DOL
\$ 70.00	\$SVNTY\$
\$ 10,000	TENTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 13400001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 134 constitute the "pack number" which starts at 13400001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 134, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00 (\$1 AND \$1; \$2)
SVN	\$ 7.00 (\$1, \$1, \$1, \$1, \$1, \$1 AND \$1; \$7)

PROPOSED

FRN	\$ 14.00	(\$2, \$2, \$2, \$2, \$2, \$2 AND \$2; \$7 AND \$7)
TTN	\$ 21.00	(\$3, \$3, \$3, \$3, \$3, \$3 AND \$3; \$7, \$7 AND \$7)
SVY	\$ 70.00	(\$10, \$10, \$10, \$10, \$10, \$10 AND \$10; \$70)

Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-135 Instant Game Number 135 ("Bingo"). (1) Definitions for Instant Game Number 135.

(a) Play symbols: The play symbols are all the integers from "1" to "75" inclusive and the word "free". Twenty-four of these play symbols shall appear in each of four play fields on the front of the ticket. Each playfield shall be known as a "player's card" and each ticket shall have four player's cards, one each labeled "Card 1," "Card 2," "Card 3," and "Card 4." The 24 play symbols in each card shall be placed in a 5-play-symbol by 5-play-symbol configuration with a "free" space in the center of each card. Each ticket shall have a "caller's card" which shall have 24 play symbols which shall be covered by latex.

(b) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(c) Pack-ticket number: The twelve-digit number of the form 13500001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 135 constitute the "pack number" which starts at 13500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(d) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket in the caller's card section which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 135, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols in the caller's card section on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
TWO	\$2.00
THR	\$3.00
FIV	\$5.00 (\$2 AND \$3)
TEN	\$10.00
TWF	\$25.00
TRY	\$30.00 (\$2, \$3, AND \$25)
FRY	\$40.00 (\$2, \$3, \$10, AND \$25)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 134.

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the seven play symbols matches exactly one of the two play symbols labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 134 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 134; and/or

(ii) Vary the number of tickets sold in Instant Game Number 134 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 134.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 134 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the nine play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) 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	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font

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FTY	\$50.00	
OHF	\$150.00	
TWH	\$200.00	(\$25, \$25, AND \$150; \$50 AND \$150)
THF	\$250.00	(\$25, \$25, \$50 AND \$150; \$250; \$250)

(e) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 135.

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When the play symbols in any of the player's cards which match exactly the play symbols in the "caller's card" form the following configurations, the bearer of the ticket shall be entitled to a prize as follows:

-Card 1: Five matching play symbols in a horizontal, vertical or diagonal line in Card 1 shall entitle the bearer to \$2.00. The "free" space may substitute for one of the matching play symbols in the line.

- A matching play symbols in each and every corner space of Card 1 shall entitle the bearer to \$25.00.
- Eight matching play symbols forming an "X" on Card 1 shall entitle the bearer to \$150.00. The "X" must have the "free" space at its center.

-Card 2: Five matching play symbols in a horizontal, vertical or diagonal line in Card 2 shall entitle the bearer to \$3.00. The "free" space may substitute for one of the matching play symbols in the line.

- A matching play symbol in each and every corner space of Card 2 shall entitle the bearer to \$50.00.
- Eight matching play symbols forming an "X" on Card 2 shall entitle the bearer to \$250.00. The "X" must have the "free" space at its center.

-Card 3: Five matching play symbols in a horizontal, vertical or diagonal line in Card 3 shall entitle the bearer to \$10.00. The "free" space may substitute for one of the matching play symbols in the line.

- A matching play symbol in each and every corner space of Card 3 shall entitle the bearer to \$150.00.
- Eight matching play symbols forming an "X" on Card 3 shall entitle the bearer to \$1000.00. The "X" must have the "free" space at its center.

-Card 4: Five matching play symbols in a horizontal, vertical or diagonal line in Card 4 shall entitle the bearer to \$25.00. The "free" space may substitute for one of the matching play symbols in the line.

- A matching play symbol in each and every corner space of Card 4 shall entitle the bearer to \$250.00.

- Eight matching play symbols forming an "X" on Card 4 shall entitle the bearer to \$10,000. The "X" must have the "free" space at its center.

(ii) The bearer of a ticket which is entitled to a prize from more than one player's card shall be entitled to the total of the prizes won on all the cards, provided however, that there shall be no more than one prize from each player's card.

(iii) Player symbols may not be combined, exchanged, or intermingled among or within one or more player's cards.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

- (i) Vary the length of Instant Game Number 135; and/or
- (ii) Vary the number of tickets sold in Instant Game Number 135 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 135.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 135 all of the following validation requirements apply:

(i) Exactly 25 play symbols must appear in each of the player's cards on the front of the ticket. One of the play symbols shall be "free" which shall appear in the exact center of each player's card.

(ii) Exactly 24 play symbols must appear in the caller's card section on the front of the ticket.

(iii) 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	Play Symbol Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

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

PROPOSED

AMENDATORY SECTION (Amending WSR 94-15-049, filed 7/15/94, effective 8/15/94)

WAC 315-11A-130 Instant Game Number 130 ("Moolah Moolah"). (1) **Definitions for Instant Game Number 130.**

(a) **Play symbols:** The following are the "play symbols": "1," "2," "3," "4," "5," "6," "9," and "\$\$." One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the six play spots shall be labeled "winning number."

(b) **Play symbol captions:** The small printed characters appearing below each play symbol which correspond with and verify 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. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 130, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN
\$\$	DLRS

(c) **Prize symbols:** The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$6.00," "\$9.00," "\$16.00," "\$50.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning number."

(d) **Prize symbol captions:** The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 130, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 6.00	SIX DOL
\$ 9.00	NIN DOL
\$ 16.00	SXT DOL
\$ 50.00	FIFTY\$
\$ 5,000	FIVTHOU

(e) **Validation number:** The unique ~~((nine))~~ nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) **Pack-ticket number:** The ~~((eleven))~~ twelve-digit number of the form 13000001-1-000 printed on the ~~((front))~~ back of the ticket. The ~~((back))~~ first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 130 constitute the "pack

number" which starts at 13000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) **Retailer verification codes:** Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 130, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
THR	\$ 3.00 (\$1, \$1 AND \$1; \$3)
SIX	\$ 6.00 (\$3 AND \$3; \$2, \$2, \$1 AND \$1)
NIN	\$ 9.00 (\$3, \$3, \$2 AND \$1)
SXT	\$ 16.00 (\$9, \$6 AND \$1; \$16)
FTY	\$ 50.00
ONH	\$100.00 (\$50 AND \$50)

(h) **Pack:** A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 130.

(a) The price of each instant game ticket shall be \$1.00.

(b) **Determination of prize winning tickets:** An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly one of the play symbols labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has a "\$\$" play symbol shall be entitled to the prize shown below the "\$\$" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 130 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 130; and/or

(ii) Vary the number of tickets sold in Instant Game Number 130 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 130.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for

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Instant Game Number 130 all of the following validation requirements apply:

- (i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.
- (ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.
- (iii) Each of the play symbol captions, except for the "winning number" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.
- (iv) 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	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending Order 97, filed 12/16/86)

WAC 315-04-200 Denial, suspension or revocation of a license. The director may deny an application for or suspend or revoke any license issued pursuant to these rules for one or more of the following reasons:

- (1) Failure to meet or maintain the eligibility criteria for license application and issuance established by chapter 7, Laws of 1982 2nd ex. sess., or these rules;
- (2) Failure to account for lottery tickets received or the proceeds of the sale of tickets or to post a bond if required by the director or to comply with the instructions of the director concerning the licensed activity;
- (3) Failure to pay to the lottery any obligation when due;
- (4) Violating any of the provisions of chapter 7, Laws of 1982 2nd ex. sess., or these rules;
- (5) Failure to file any return or report or to keep records required by the director or by these rules;
- (6) Failure to pay any federal, state or local tax or indebtedness;
- (7) Fraud, deceit, misrepresentation or conduct prejudicial to public confidence in the lottery;

(8) If public convenience is adequately served by other licensees;

(9) Failure to sell a sufficient number of tickets to meet administrative costs;

(10) If there is a history of thefts or other forms of losses of tickets or revenue therefrom;

(11) If there is a delay in accounting or depositing in the designated depository the revenues from the ticket sales;

(12) Has violated, failed or refused to comply with any of the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW (Gambling Act), or chapter 7, Laws of 1982 2nd ex. sess., or when a violation of any provisions of chapter 7, Laws of 1982 2nd ex. sess., has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(13) Knowingly causes, aids, abets or conspires with another to cause any person to violate any of the laws of this state;

(14) Has obtained a license by fraud, misrepresentation, concealment or through inadvertence or mistake;

(15) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any (~~crime, whether a felony or~~) misdemeanor, involving any gambling activity or physical harm to individuals or involving moral turpitude, or of any felony;

(16) Makes a misrepresentation of, or fails to disclose, a material fact to the commission or director on any report, record, application form or questionnaire required to be submitted to the commission or director. Misrepresentation of, or failure to disclose criminal history shall be considered a material fact for purposes of this section;

(17) Denies the commission or director or their authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted, or fails to promptly produce for inspection or audit any book, record, document or item required by law or these rules;

(18) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses indicated under subsection (15) of this section: *Provided*, That at the request of an applicant for an original license, the director may defer decision upon the application during the pendency of such prosecution or appeal;

(19) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in lottery or gambling or related activities would be inimical to the proper operation of an authorized lottery or gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

(20) Is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to

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be inimical to the policy of this state or to the proper operation of the authorized lottery or gambling or related activities in this state. For the purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders;

(21) Failure to follow the instructions of the director for the conduct of any particular game or special event;

(22) Failure to follow security procedures of the director for the handling of tickets or for the conduct of any particular game or special event;

(23) Makes a misrepresentation of fact to the purchaser, or prospective purchaser, of a ticket, or to the general public with respect to the conduct of a particular game or special event;

(24) Failure to comply with lottery point-of-sale requirements which have been published and disseminated to lottery retailers; or

(25) Failure or inability to meet financial obligations as they fall due in the normal course of business.

WSR 94-19-071
PROPOSED RULES
GAMBLING COMMISSION
[Filed September 20, 1994, 3:00 p.m.]

Continuance of WSR 94-17-089.

Title of Rule: WAC 230-30-998 Punchboard and pull tab retention requirements—Test, 230-30-072 Punchboard and pull tab inventory and retention requirements, and 230-30-075 Punchboard and pull tab retention restrictions—Minimum percentage of prizes available (~~for certain gambling activities~~).

Purpose: WAC 230-30-998, repealer, companion action for changes incorporated in WAC 230-30-072; WAC 230-30-072, rule change requires charitable and nonprofit organizations to retain series for four months and commercial stimulant licensees to retain series for two months following the last day of the month in which is [it] was removed from play; and WAC 230-30-075, rule change clarifies punchboard/pull tab prize restrictions by adding subsection (4) that will not allow series to be sold in the state if the series offers prizes for purchasing the last ticket or punch which exceeds \$100.00 or the highest prize offered, whichever is less.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-30-998, repealer, companion action to changes incorporated in WAC 230-30-072; WAC 230-30-072, rule change requires charitable and nonprofit organizations to retain series for four months and commercial stimulant licensees to retain series for two months following the last day of the month in which it was removed from play; and WAC 230-30-075, rule change clarifies punchboard/pull tab prize restrictions by adding subsection (4) that will not allow series to be sold in the state if the series offers prizes for purchasing the last ticket or punch

which exceeds \$100.00 or the highest prize offered, whichever is less.

Name of Agency Personnel Responsible for Drafting: Shanna Lingel, Lacey, 438-7654, x 305; Implementation: Frank L. Miller, Director, Lacey, 438-7654, x 301; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654, x 369.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repealer of WAC 230-30-998 and proposed changes to WAC 230-30-072 require charitable/nonprofit organizations to retain punchboard/pull tab series for four months and commercial stimulant licensees for two months following the last day of the month in which it was removed from play. Proposed changes to WAC 230-30-075 clarifies punchboard/pull tab prize restrictions prohibiting sale of series in Washington state if prizes are offered for purchase of last ticket which exceed \$100.00 or the highest prize offered, whichever is less.

Proposal Changes the Following Existing Rules: Amendments to WAC 230-30-072 require charitable/nonprofit organizations to retain punchboard/pull tab series for four months, commercial stimulant licensees for two months following the last day of the month removed from play. Amendment to WAC 230-30-075 clarifies punchboard/pull tab prize restrictions by prohibiting sale of series of prizes are offered for purchase of last ticket which exceed \$100 or the highest prize offered, whichever is lower.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Spokane Ridpath, West 515 Sprague, Spokane, WA 99201, on November 18, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Shanna Lingel by November 16, 1994, TDD (206) 438-7638, or (206) 438-7654, x 305.

Submit Written Comments to: Shanna Lingel, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (206) 438-8652, by November 16, 1994.

Date of Intended Adoption: November 18, 1994.

September 20, 1994

Shanna R. Lingel
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-30-998 Punchboard and pull tab retention requirements—Test.

AMENDATORY SECTION (Amending Order 250, filed 3/16/94, effective 4/16/94)

WAC 230-30-072 Punchboard and pull tab inventory and retention requirements. Each punchboard and pull tab series purchased or otherwise obtained by an operator shall be controlled and accounted for in the following manner:

(1) Each operator shall closely monitor punchboard and pull tab series purchased to assure that all Washington state identification and inspection service stamp numbers are correctly entered in all records and each device purchased is recorded. The following control procedures apply:

(a) At the time a punchboard or pull tab series is delivered, each operator will assure that all purchase invoice data is correctly recorded by the distributor by comparing the actual Washington state identification and inspection services stamp number attached to each punchboard and pull tab series to the number recorded on the purchase invoice;

(b) All purchases of punchboards or pull tab series shall be recorded on a standard distributor's invoice, which will be used by the operator as a record to account for the punchboard or pull tab series between the time it is purchased and removed from play. Each invoice shall include space for the operator to either attach a records entry label or enter the Washington state identification and inspection services stamp number and the date the device was placed out for play: *Provided*, That in lieu of the distributor's invoice recording system, licensees may use a separate inventory record to account for purchases and uses of punchboards and pull tabs. Entries required to be made by the distributor on the purchase invoice shall be entered by the operator on the alternative inventory record at the time devices are received. The inventory record may be manually maintained or generated from a computer data base. If generated from a computer data base, all requirements relating to computer data base records and printouts, as set out in WAC 230-08-010 (6) and (7) shall be followed. Inventory records shall include space for the following entries for each punchboard or pull tab series purchased or otherwise obtained:

(i) Distributor's name;
(ii) Invoice number;
(iii) Date of purchase;
(iv) Name of the punchboard or pull tab series;
(v) Date placed into play;
(vi) The Washington state identification and inspection services stamp number entered by the distributor at the time of purchase; and

(vii) The Washington state identification and inspection services stamp number entered by the operator by attaching a records entry label at the time placed into play: *Provided*, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label;

(c) At the time a punchboard or pull tab series is placed into play, each operator shall record in the allotted space on the distributor's invoice or the inventory record the following:

(i) Date placed into play; and
(ii) Washington state identification and inspection services stamp number by attaching a records entry label:

Provided, That a computer generated facsimile of the number may be imprinted on the inventory record in lieu of a records entry label.

(d) If a device is returned to a distributor for any reason, including commission required recall, the operator shall record the date, invoice or credit memo number, and "returned" on the original purchase invoice or inventory log in the spaces allotted for "date-in-play" and "records entry label";

(2) Each punchboard or pull tab series which is removed from operation, together with the prize flare, all unplayed tabs, and all winning punches or tabs, shall be retained by the operator (~~for at least four months following the last day of the month in which it was removed from play~~). The board, unplayed tabs, flare, and all winning punches or tabs shall remain available for inspection, on the licensed premises, by commission agents and/or local law enforcement and taxing agencies: *Provided*, That devices may be stored off premise if they are produced for inspection upon demand(†);

(a) Charitable and nonprofit organizations shall retain these items for a period of at least four months following the last day of the month in which it was removed from play.

(b) Commercial stimulant licensees shall retain these items for a period of at least two months following the last day of the month in which it was removed from play.

(c) In addition to administrative actions that may be pursued, any licensee that fails to comply with the conditions and limitations set forth above or misstates gross gambling receipts by more than one-half percent may be required, by the director and at the director's discretion, after a brief adjudicated proceeding, to retain the records set forth above for six months. The six-month alternative may be required for a period of up to one year.

(d) For purposes of determining gross gambling receipts for compliance with this rule, any difference between recorded and audited gross gambling receipts noted by commission staff, will be applied to an entire year (twelve months) by multiplying the amount recorded by a ratio that is computed by dividing the audited amount by the recorded amount. Prior to applying this ration, the recorded amount shall be increased for punchboard or pull tab series that are not recorded in the monthly record. The gross gambling receipts for unrecorded boards or series shall be the maximum possible, computed by multiplying the total number of chances available times the price per chance.

(3) Each punchboard or pull tab series which is not placed out for public play or returned to the distributor or manufacturer from whom it was originally purchased, must be retained on the licensed premises and made available for inspection by commission agents and/or local law enforcement and taxing agencies: *Provided*, That devices may be stored off premise if they are produced for inspection upon demand;

(4) Each punchboard or pull tab series which is deemed by the operator to be defective or unplayable, for any reason, shall not be returned to the distributor or manufacturer without approval from the commission. If it is found to be defective after it has been placed out for play, all other rules apply and it must be recorded as required by WAC 230-08-010: *Provided*, That the retention time required by subsec-

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tion (2) above may be shortened by the commission upon inspection and written release by a commission agent.

AMENDATORY SECTION (Amending Order 236, filed 1/22/93, effective 2/22/93)

WAC 230-30-075 Punchboard and pull tab prize restrictions—Minimum percentage of prizes ~~((for certain gambling activities))~~ available. No operator shall put out for play and no distributor or manufacturer ~~((of punchboards and pull tabs))~~ shall sell or otherwise provide to any person in this state, or for use in this state, any punchboard or pull tab series that ~~((does not contain the following minimum percentage in prizes))~~:

(1) ~~((Punchboards—a minimum of sixty percent respecting each punchboard placed out for public play.~~

(2) ~~((Pull tabs—a minimum of sixty percent respecting each series of pull tabs placed out for public play.~~

(3) ~~((For))~~ Does not offer prizes that are equal to or greater than sixty percent of the total gross receipts available from the punchboard or pull tab series: *Provided, That* for the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series ~~((under this section))~~, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus fifty percent of that actual cost.

~~((4))~~ Single cash prizes on punchboards/pull tabs shall not exceed: (2) Offers a single prize that exceeds:

(a) Five hundred dollars in cash; or

(b) ~~((Effective July 1, 1993,))~~ A merchandise prize, or combination merchandise prize, for which the operator has ~~((not))~~ expended more than five hundred dollars.

~~((5))~~ (3) Has multiple winners on an individual pull tab or punch ~~((shall not))~~ that combined values exceed the single cash or merchandise prize limit in subsection ~~((4))~~ (2) of this section.

(4) Offers prizes for purchasing the last ticket or last punch that exceeds one hundred dollars or the highest prize offered, whichever is less.

WSR 94-19-072
PROPOSED RULES
GAMBLING COMMISSION
[Filed September 20, 1994, 3:02 p.m.]

Continuance of WSR 94-16-010.

Title of Rule: WAC 230-30-070 Control of prizes.

Purpose: Amendment clarifies the requirement for punchboard/pull tab operators to permanently delete reference to prizes from the flare upon determination of a winner and prior to awarding the prize.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: Amendment requires punchboard/pull tab operators to permanently delete references to prizes from the flare with an indelible ink marking pen upon determination of a winner and prior to awarding the prize.

Name of Agency Personnel Responsible for Drafting: Shanna Lingel, Lacey, 438-7685; Implementation: Frank L. Miller, Lacey, 438-7640; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 x 369.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendment would require punchboard/pull tab operators to permanently delete references to prizes from the flare upon determination of a winner and prior to awarding of the prize.

Proposal Changes the Following Existing Rules: Amendment clarifies the requirement for punchboard/pull tab operators to permanently delete reference to prizes from the flare with an indelible ink marking pen prior to awarding of the prize.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons. No cost or expenditure of resource; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Icicle Inn/Best Western, 505 State Highway 2, Leavenworth, WA 98826, on October 14, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Shanna Lingel by October 12, 1994, TDD (206) 438-7638, or (206) 438-7654 x 305.

Submit Written Comments to: Shanna Lingel, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (206) 438-8652, by October 12, 1994.

Date of Intended Adoption: October 14, 1994.

September 20, 1994

Shanna R. Lingel

Rules Coordinator

AMENDATORY SECTION (Amending Order 228, filed 10/15/91, effective 11/15/91)

WAC 230-30-070 Control of prizes. All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise.

(1) Prizes shall be cash or merchandise only. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2) Display of prizes:

(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes

shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(d) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

(e) Upon determination of a winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall permanently and conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The reference to the prize shall be deleted using an indelible ink marking pen. Labels or stickers shall not be used to delete references to any prize. The prize shall then be paid or delivered to the winner forthwith.

(3) Payment of prizes. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) Cash in lieu of merchandise prizes. No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) Record of winners:

(a) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in the following manner:

(i) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(ii) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab.

(iii) If the pull tab or punch is constructed or printed in such a manner as to preclude recording the information required in (i) and (ii) above in a legible manner, the licensee may record the required information on a sheet of paper not less than three inches by five inches and staple the winning tab or punch thereto.

~~((6) Retention of records. Every licensee shall keep the record of all prizes awarded in excess of twenty dollars,~~

~~containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches for a period of at least four months following the last day of the month in which it was removed from play and shall display the same to any representative of the commission or law enforcement officials upon demand.)~~

~~((7)) (6) Defacing winning punches or tabs. The licensee shall, within twenty-four hours after a winning pull tab or punch of five dollars or more has been presented for payment, mark or perforate the winning symbols in such a manner that the pull tab or punch cannot be presented again for payment.~~

~~((8)) (7) Value of merchandise prizes. For purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.~~

~~((9)) (8) Spindle, banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only. Pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.~~

WSR 94-19-073

PROPOSED RULES

GAMBLING COMMISSION

[Filed September 20, 1994, 3:03 p.m.]

Original Notice.

Title of Rule: WAC 230-04-020 Certification procedure—General requirements—Mandatory training required, WAC 230-04-125 Distributor's representative license may be reissued when changing distributors, WAC 230-04-145 Licensing of managers of bingo games, WAC 230-04-260 Effect of exceeding license class income limit, WAC 230-04-290 Loss of destruction of licenses or permits, WAC 230-04-310 Change of name, WAC 230-04-320 Change of location, WAC 230-04-325 Cancellation, change of time, date, or location of fund raising event, WAC 230-04-340 Transfer of licenses—Conditions, WAC 230-04-350 Death or incapacity of licensee, WAC 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required, and WAC 230-30-016 Replacement of commission identification stamps on pull tab dispensing devices.

Purpose: Packet of rules are housekeeping changes to correspond with the repeal of WAC 230-04-201 and eliminates reference to repealer rule.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: Amendments are housekeeping changes referencing the new fee schedules and deleting reference to repealed fee schedule.

Name of Agency Personnel Responsible for Drafting: Shanna Lingel, Lacey, 438-7654 x 305; Implementation:

Frank L. Miller, Lacey, 438-7640; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 x 369.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments are housekeeping changes referencing the new fee schedules and deleting reference to repealed fee schedule WAC 230-04-201.

Proposal Changes the Following Existing Rules: The packet of rule changes are housekeeping changes to correspond with the repeal of WAC 230-04-201 and eliminates reference to repealed rule.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Spokane Ridpath, West 515 Sprague, Spokane, WA 99201, on November 18, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Shanna Lingel by November 16, 1994, TDD (206) 438-7638, or (206) 438-7685.

Submit Written Comments to: Shanna Lingel, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (206) 438-8652, by November 16, 1994.

Date of Intended Adoption: November 18, 1994.

September 20, 1994

Shanna R. Lingel
Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-22-058, filed 10/29/92, effective 11/29/92)

WAC 230-04-020 Certification procedure—General requirements—Mandatory training required. Applicants for license from the commission shall submit all applications, including the proper fee, as established by WAC ((230-04-201,)) 230-04-202, 230-04-203 or 230-04-204 to the administrative office of the commission in Lacey. The application process is as follows:

(1) The application shall be made using a form provided by the commission. The application form must be completed in every respect, containing all the information and attachments requested;

(2) The application shall be signed under oath by an individual attesting that the information set forth in the application and any accompanying materials is true, accurate and complete and that they assume full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts. The following person(s) shall sign the application:

(a) The highest ranking officer/official of a charitable, nonprofit or profit seeking corporation;

(b) The principal owner of a sole proprietorship;

(c) All partners of a partnership or general partner of a limited partnership; and

(d) The mayor or the mayor's designated representative if the application is being submitted by or on behalf of an incorporated city or town.

(e) The director may also require the following persons to sign the application:

(i) The chairman of the board of directors or trustees;

(ii) The person in charge of financial records; and/or

(iii) Persons with a substantial interest in the applicant business or charitable/nonprofit organization.

(3) The commission will consider only those applications that have been fully completed. Failure to respond to written notification of an incomplete application, within twenty days of such notice, shall be cause for administrative closure of the application. The following reasons will cause an application to be incomplete:

(a) Failure to provide all information requested on the application form and/or attachments;

(b) Failure to provide supplemental information requested during the licensing investigation;

(c) Failure to attend mandatory prelicensing training;

(d) Failure to provide fingerprints or samples of handwriting; and

(e) Failure to submit proper fees.

(4) The commission may disclose to the public or discuss at a public meeting all information set forth in the application and all supplemental information submitted, except statements regarding arrests or convictions of any person.

(5) The commission shall not issue a license until it is satisfied that the applicant is completely qualified to operate the activity for which a license is requested. Prior to issuing a license, the commission will:

(a) Conduct a review and investigation of all information available, whether submitted as a part of the application or otherwise obtained, to the degree deemed necessary to attest to the qualification of the applicant and the gambling premises; and

(b) Require all persons who sign the application, as set out in subsection (2) of this section, plus the manager or other designated person(s) responsible for conducting the gambling activity or completing records, to complete a training course as established and provided by the commission: *Provided*, That mandatory training shall not be required for manufacturers; manufacturers representatives; or applicants or licensees with special circumstances as approved by the director. Mandatory training shall be completed within the following time lines:

(i) New applicants - Within sixty days of application and prior to being granted a license: *Provided*, That cardroom employees and bingo managers must attend training no later than thirty days after the first day of work((-));

(ii) Annual recertification - No later than sixty days after the effective date of the license: *Provided*, That only those person(s), as set out in subsection (2) of this section, which are newly designated to sign the application since the last license application shall be required to attend training if they have not attended within the previous three years; and

(iii) Changes to managers or other designated persons responsible for conducting gambling activities or completing records - No later than sixty days after the first day of work.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-04-125 Distributor's representative license may be reissued when changing distributors. In the event that a licensed distributor's representative ceases to represent the distributor under ~~((whom his))~~ which a license was granted, the license shall be automatically suspended and ~~((he))~~ shall ~~((return it))~~ be returned to the commission ~~((forthwith))~~: *Provided*, That ~~((if such person is employed to))~~ a person may apply to have the remaining term of a license represent a different distributor ~~((within the term otherwise remaining under the license, he may apply to the commission to have his license reissued as a representative of that distributor for such remaining term))~~. The fee for this transfer shall be as required by WAC ~~((230-04-201))~~ 230-04-204. The distributor which the distributor's representative seeks to represent shall sign the application for transfer acknowledging that the applicant for transfer will be representing the distributor with the distributor's knowledge and consent.

AMENDATORY SECTION (Amending Order 169, filed 7/14/87)

WAC 230-04-145 Licensing of managers of bingo games. (1) No person shall perform the duties of a bingo game manager as defined by WAC 230-02-418 for a Class D and above bingo licensee unless they have:

(a) Received a license to do so from the commission; or
 (b) Submitted a completed application to the commission on or before the first day the applicant begins working: *Provided*, That section (1)(b) above shall not apply if one or more of the following reasons exist:

(i) The applicant's present or past license has been previously denied, suspended, or revoked by the commission; or

(ii) The applicant is presently involved with pending commission charges or criminal prosecution; or

(iii) The applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158; or

(iv) The applicant has violated, failed, or refused to comply with provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW or any rules of the commission.

(c) Completed a training course as provided by the commission within 30 days after the first day worked.

(2) Each application shall be submitted as specified in WAC 230-04-020, and signed by both the applicant and the highest ranking executive officer of the employing bingo licensee. The duration of the license shall be:

(a) One year from the date of application, if the applicant began working the same day or prior to licensure as authorized by section (1)(b) above; or

(b) One year from the date of issuance, if the applicant waited for licensure as required by section (1)(b)(i-iv) above; or

(c) Upon termination of employment with the organization listed on the license application, for any reason, the license shall expire and the licensee must reapply for licensure.

(3) The fee for this license shall be as required by WAC ~~((230-04-201))~~ 230-04-204: *Provided*, That if an applicant is changing employment from one bingo licensee to another prior to the expiration date as specified in (2)(a) and (b) above, the fee shall be as required for license renewal.

AMENDATORY SECTION (Amending Order 181, filed 7/11/88)

WAC 230-04-260 Effect of exceeding license class income limit. (1) A licensee shall not exceed the class limit on annual gross or net receipts from the licensed activity.

(2) When it is apparent that any licensee's class limit of annual gross or net receipts from licensed activity will be exceeded, the licensee shall immediately notify the commission and shall apply for the license class which is proper, submitting the basic fee required for the upgrade class less the amount originally submitted for the previous license, plus a change of classification fee required by WAC ~~((230-04-201))~~ 230-04-202 and/or 230-04-203.

Any such additional license issued by the commission shall be valid only for the period which remains in the term of the previous license at the time such additional license is issued: *Provided*, that if the commission assigns a license class, or if a licensee voluntarily upgrades their license to comply with this subsection, and in either case operates at a level lower than the class assigned or requested, then the licensee shall be allowed to apply for a refund. The amount of refund shall be the difference between the fee for the licensed class.

(3) Any licensee failing to comply with the requirements set forth in paragraph (2) above and exceeds the license class limit within a present or previous license year, may be assessed an exceeding class fee not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less. Upon written notice by the commission assessing an exceeding class fee, a licensee shall remit the proper fee plus all upgrade fees within 20 days. Failure to remit such fees may result in a summary suspension of all licenses held by the licensee pending a hearing for the suspension or revocation of such licenses.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-04-290 Loss or destruction of licenses or permits. Upon the loss or destruction of any license or permit granted by the commission to conduct gambling activities in the state of Washington, application for a duplicate copy of the license or permit must be made to the commission upon a form to be supplied by the commission. Such application shall include an affidavit signed by the licensee, chief executive officer of a corporation, or by each of the owners of a profit making business which details the circumstances under which the license was lost or destroyed. The fee for replacement of a license shall be as required by WAC ~~((230-04-201))~~ 230-04-202, 230-04-203, and/or 230-04-204.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-04-310 Change of name. No licensee shall adopt or make a change in his or her given name or a trade or corporate name without notifying the commission at least thirty days prior to the effective date of such change. Each such change shall be made subject to the approval of the commission. The fee for such adoption or change of name shall be as required by WAC (~~(230-04-201)~~) 230-04-202, 230-04-203, and/or 230-04-204.

AMENDATORY SECTION (Amending Order 228, filed 10/15/91, effective 11/15/91)

WAC 230-04-320 Change of location. No change of location of licensed premises shall be made without the written consent of the commission. The fee for such change will be as required by WAC (~~(230-04-201)~~) 230-04-202 or 230-04-203. *Provided,* That persons operating amusement games under a commercial amusement game license issued pursuant to WAC 230-04-135 (2)(c) shall pay no fee for adding to or deleting from the list of locations for which that license was issued.

AMENDATORY SECTION (Amending Order 144, filed 1/9/85)

WAC 230-04-325 Cancellation, change of time, date, or location of fund raising event. A cancellation or a change in time, date, and/or location of a fund raising event as defined in RCW 9.46.020 requires:

(1) For cancellation, the licensee shall notify the commission and the appropriate law enforcement agency in advance of the date upon which the event is scheduled.

(2) For change of time, date, or location, the licensee shall:

(a) Give at least ten days written notice to the commission in advance of the new time, date, or location change, together with a signed statement from the chief executive officer that the appropriate law enforcement agency has been notified of the change;

(b) Pay a fee as required by WAC (~~(230-04-201)~~) 230-04-202 to the commission for each such time, date, or location change.

(3) For a cancellation (~~((of) (or))~~) or change in time, date, and/or location, the license authorizing the event for the specific time, date, or location shall be returned to the commission.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-04-340 Transfer of licenses—Conditions. Transfers of licenses issued by the commission shall be permitted only under the following circumstances and conditions and those set out in WAC 230-04-350, upon approval by the director or the commission. Otherwise, no transfer of any license issued by the commission shall be permitted.

(1) If the licensee is a corporation, except as provided in subsection (2) below, a change in ownership of stock shall

not be deemed a transfer of a license: *Provided,* That any change in the ownership of any stock in such corporation which results in any person or organization becoming the owner of a substantial interest therein who was not the owner of a substantial interest immediately preceding the transaction, or which involves ten percent or more of any class of stock, shall be reported to the commission, in writing, within ten days of the close of such transaction, together with such information concerning the person or persons receiving such stock as the director may require.

(2) Where a change in the ownership of the stock of any corporate licensee results in any person, together with any members of his or her immediate family, or results in any organization, becoming the owner of a majority of the voting shares of that corporation who or which had not held a substantial interest in the corporation immediately prior to the change in ownership, gambling licenses held by that corporation shall immediately terminate and be void. In such cases a new license must be obtained from the commission prior to the operation of any gambling activity requiring a license.

(3) Licenses issued to other than bona fide charitable or bona fide nonprofit organizations, may be transferred to a business entity wholly owned by the same person or persons who owned the business entity to which the license was originally issued, or by their spouses or children under the age of eighteen and residing at the family home or by others possessing less than a substantial interest in the business to which the license transfer is sought, but only when the licensed activity will be conducted on the same premises as that for which the license was issued.

(4) Transfers will not be permitted when any person owning or holding a substantial interest in any of the entities to which transfer is sought is not qualified to hold a gambling license.

(5) The license or licenses of any corporation in which a person holds or acquires a substantial interest will be revoked when such person is not qualified to hold a gambling license.

(6) The fee for transfer of the license under this rule shall be as required by WAC (~~(230-04-201)~~) 230-04-202.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-04-350 Death or incapacity of licensee. In the event of the proven incapacity, death, receivership, bankruptcy or assignment for benefit of creditors of any licensee, upon approval of the director or commission the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the provisions of chapter 9.46 RCW and the commission's rules.

The person to whom a license is transferred hereunder must be otherwise qualified to hold a gambling license.

The license following transfer shall be subject to regular renewal based upon its original expiration date and shall be void upon that person ceasing to hold such a court appointed, or court confirmed, position.

The fee for transfer of the license under this rule shall be as required by WAC ((230-04-201)) 230-04-202 or 230-04-203.

AMENDATORY SECTION (Amending Order 250, filed 3/16/94, effective 4/16/94)

WAC 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Organizations licensed to conduct bingo games must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC ((230-04-201)) 230-04-202, Table 1., or as restricted by the commission under subsection (6) of this section.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts, as percentages of gross receipts, shall not exceed the percentages listed in Table 1. by class of license, or as restricted by the commission under subsection (6) of this section.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, combined net income from bingo games, punchboards/pull tabs, and food, drink or other retail sales activities conducted in conjunction with bingo games, as a percentage of bingo games gross receipts shall not be less than the percentage listed in Table 1. by class of license for any annual license period, or as restricted by the commission under subsection (6) of this section: *Provided*, That local gambling taxes paid or accrued will be allowed as a credit when computing net income for bingo and punchboards and pull tabs.

(4) The director may allow a licensee to temporarily exceed the limitations set out in subsection (2) or (3) of this section, or Table 1. of this section when unusual and/or uncontrollable conditions affect the licensee's ability to comply. Any licensee seeking relief from these requirements must petition the commission staff in writing. This petition must set forth the specific circumstances for which such relief is sought and include objective evidence regarding the scope of the impact on the bingo operation. The director may authorize exceptions under the following conditions:

(a) When a new class D or above bingo licensee or any game not under the jurisdiction of the commission and which operates two or more days per week begins bingo activities within the market area of an operating game. For purposes of this section, "market area" is defined as:

(i) Primary market area - within the area encompassed by a measurement that starts at the premises of an operating class D or above bingo game and extends to a radius that is located five miles from such premises;

(ii) Secondary market area - within the area encompassed by a measurement that starts at a radius that is located five miles from the premises of an operating class D or above bingo game and extends to a radius that is located ten miles from the premises;

(iii) Rural market area - within the area starting at the premises of an operating class D or above bingo game and extending to the twenty-five mile radius from such premises

when such premises is located in any county that the total population is less than one hundred thousand.

(b) When a class D or above game is forced to move its current operations outside their primary market area due to circumstances beyond the control of the organization. Examples of uncontrollable circumstances are:

(i) Premises destroyed or condemned;

(ii) Lease expiration without an option to renew;

(iii) Increases to rent that would put the licensee in jeopardy of being in violation of net income requirements;

(iv) Permanent interruption of customer flow, such as: Closure of arterial exit ramps; loss of customer parking; cancellation of public transportation; etc.; or

(v) Other circumstances as approved by the director.

(c) When an organization not previously licensed to conduct bingo at any class begins operations at the class D or above level;

(d) When a licensee is required to upgrade their license class in the last quarter of their annual license period; or

(e) When an organization incurs a temporary interruption of customer flow. A "temporary interruption of customer flow" is defined as an interruption that the licensee can not prevent but which will be corrected within a reasonable time period, such as street repairs, damage to premises, inclement weather, etc.

(5) Relief granted under subsection (4) of this section shall be limited to adjustment of the requirements in Table 1. as follows:

(a) Relief for subsection (4)(a) of this section - New game operating within the primary market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the primary market area of an operating class D or above bingo game and:

(i) The new game operates two or more occasions per week that are common to the currently operating game, the annual and calendar quarter prize payout limits shall be increased by two percentage points for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by two percentage points for the first twelve months of operation of the new game; or

(ii) The new game operates one occasion or less per week that is common to the currently operating game, the annual and calendar quarter prize payouts limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game.

(b) Relief for subsection (4)(a) of this section - New game operating within the secondary or rural market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the secondary or rural market area of an operating class D or above bingo game and:

(i) The new game operates on two or more occasions common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game; or

(ii) The new game operates on one or less occasion common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one-half percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one-half percentage point for the first twelve months of operation of the new game.

(c) Relief for subsection (4)(b) of this section - Organizations forced to move their game outside their primary market area shall be authorized an increase in the quarterly prize payout limit of one percentage point, and a decrease in the annual net income limit by one percentage point for the first twelve months of operation in the new location;

(d) Relief for subsection (4)(c) of this section - Organizations not previously licensed to conduct bingo at any level shall be authorized a two percentage point reduction in the net income requirement and a two percentage point increase in the maximum prize payout requirement of Table 1. for the first annual license period;

(e) Relief for subsection (4)(d) of this section - Organizations required to upgrade their license in the last quarter of their annual license period shall be measured for the entire annual license period based on the lower license class limits; and

(f) Relief for subsection (4)(e) of this section - Organizations that have temporary interruption of customer flow shall be measured for the affected period, plus one month, based on performance with the interruption period factored out.

(6) Enforcement actions. The commission may impose the following corrective requirements and/or penalties on any licensee who fails to meet requirements of this section:

(a) Any licensee that exceeds the maximum calendar quarter prize payout limit or reports net income that is more than two percentage points lower than the annual minimum net income requirements during any quarter and whose net income falls below the annual minimum requirements when measured license year-to-date shall:

(i) Take immediate steps to decrease prizes and/or expenses;

(ii) Report the violation to commission staff as soon as discovered, but in no case later than thirty days following the end of the quarter. This notification shall be separate and additional to the quarterly activity report;

(iii) Provide a written plan of actions to gain compliance to the commission no later than forty-five days following the end of the quarter. This plan shall be evaluated by commission staff and input provided to the licensee no later than thirty days after receipt;

(iv) Provide the commission additional reports determined by the staff as necessary to monitor progress toward compliance; and

(v) Upon request, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager responsible for supervising the primary bingo manager, and the primary bingo manager shall meet with commission staff to discuss the action plan.

(b) Any licensee who fails to achieve the minimum net income requirement for their annual measurement period shall be limited in license class for the next annual license period to the license class equal to the level of net income actually achieved, not to exceed a license class that authoriz-

es at least one-half of the maximum gross gambling receipts of the current license class. The annual measurement period used shall be the licensee's annual fiscal accounting year: *Provided*, That the reduction for the first violation shall be a maximum of two license classes. A licensee limited under this section will not be granted an increase in their authorized license class until it has demonstrated the ability to maintain net income requirements at or above the minimum level for the class of license sought. Achieving net income requirements at or above the minimum level for at least two quarters, one of which may be the last quarter in the previous license year, shall be prima facie evidence of such ability: *Provided Further*, That a licensee may petition the commissioners for a license to operate at a higher level. Any such petition would be heard at a regular public meeting of the commission under the requirements of WAC 230-50-850. Petitions for relief under this section must include: The impact the reduction would have on their programs; what portion of their programs are charitable as compared to nonprofit; and income available from other sources to fund programs. The commission may take testimony from other parties that may be affected by approval of the petition. Any approval granted under this section may be made contingent upon future compliance or other issues as determined by the commission.

(c) The commission deems the responsibility for maintaining prize payouts at or below the maximum annual limit to be that of the primary bingo manager. The organization's board of directors may relieve the primary bingo manager of this responsibility by informing the commission in writing. Unless relieved by the board of directors, the primary manager shall be responsible for all penalties imposed under this section. If the board relieves the manager of responsibility for prizes, the commission shall consider the organization fully responsible for compliance with this section. In this case, prize payouts will be considered when reviewing violations of this section. The primary manager shall not be compensated in any manner during periods of license suspension imposed under this section. Any primary bingo manager who fails to achieve the annual limit for the class of license issued to the organization, as set out in Table 1. below, shall:

(i) First violation - Receive a written warning and be required to demonstrate in-depth knowledge of factors affecting prize payouts including, but not limited to, bingo game prize probabilities, expected payouts for each type of game, factors included in the computation, and methods for analysis of games. The scope and depth of their bingo management knowledge shall be demonstrated by requiring the manager to prepare and submit their current game schedules, records used to analyze games, and the expected payout for each game. The manager will be required to meet with commission staff to discuss the evaluation and other aspects of their game;

(ii) Second violation - Three day suspension that includes at least one operating day;

(iii) Third violation - Ten day suspension that includes at least four operating days;

(iv) Fourth violation - Thirty-day suspension;

(v) Fifth violation - Revocation of manager's license for at least one year.

Table 1.

Group	License Class	Annual Gross Receipts	Annual Prize Payout Limits	Calendar Quarter Prize Payout Limits	Annual Minimum Net Income Requirements - Bingo *	Annual Minimum Net Income Requirements - Bingo & Punchboards/Pull Tabs **
I	A	Up to \$ 10,000	No Limits	No Limits	No Limits ***	No Limits ***
	B	\$ 10,001- 50,000	No Limits	No Limits	No Limits ***	No Limits ***
	C	50,001- 100,000	No Limits	No Limits	No Limits ***	No Limits ***
	D	100,001- 300,000	Max of 85.0%	Max of 86.5%	At least 1.0%	At least 2.0%
	E	300,001- 500,000	Max of 84.0%	Max of 85.0%	At least 2.0%	At least 3.0%
II	F	500,001- 1,000,000	Max of 83.0%	Max of 84.0%	At least 3.5%	At least 4.5%
	G	1,000,001- 1,500,000	Max of 80.0%	Max of 81.0%	At least 5.0%	At least 7.0%
	H	1,500,001- 2,000,000	Max of 78.0%	Max of 79.0%	At least 7.0%	At least 9.0%
	I	2,000,001- 2,500,000	Max of 76.0%	Max of 77.0%	At least 9.0%	At least 11.0%
	J	2,500,001- 3,000,000	Max of 74.0%	Max of 75.0%	At least 11.0%	At least 13.0%
III	K	3,000,001- 3,500,000	Max of 72.0%	Max of 73.0%	At least 12.5%	At least 15.0%
	L	3,500,001- 4,000,000	Max of 70.0%	Max of 71.0%	At least 13.5%	At least 16.0%
	M	Over 4,000,000	Max of 70.0%	Max of 71.0%	At least 14.5%	At least 17.0%

* = Combined net income from bingo games and sales of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

** = Combined net income from punchboards/pull tabs, bingo games and sales of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

*** = Combined net income must be equal to or greater than zero (0) if wages or rent is paid to operate the activity. Local gambling taxes are not considered an expense for computing net income.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-30-016 Replacement of commission identification stamps on pull tab dispensing devices. (1) Notwithstanding any other provisions in these rules, a licensed operator or distributor of pull tab dispensing devices may obtain a commission identification stamp to replace an identification stamp affixed to a pull tab dispensing device that has become unidentifiable due to wear: *Provided*, That the operator or distributor furnish to the commission:

(a) The invoice from the operator, distributor or manufacturer for the purchase of the dispensing device in question, or

(b) A complete notarized description of the pull tab dispensing device, serial number, manufacturer, and the commission stamp number previously affixed to the device.

(2) The request for replacement of the commission identification stamp shall be submitted on a form provided by the commission. The fee for replacement of the commission identification stamps shall be as required by WAC ((230-04-201)) 230-04-202 and/or 230-04-203.

WSR 94-19-074
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed September 20, 1994, 3:04 p.m.]

Original Notice.

Title of Rule: WAC 388-49-360 Work registration and employment and training (E&T) program services.

Purpose: Implement provisions of the Mickey Leland Childhood Hunger Relief Act (Public Law 103-66). Allows the household or the department to designate a nonexempt household member who will represent the household for purposes of employment and training (E&T) and voluntary quit provisions.

Statutory Authority for Adoption: RCW 74.04.510 and 74.01.510.

Statute Being Implemented: RCW 74.01.510 and 74.04.510.

Summary: Incorporate the concept of the household employment representative into work registration/employment and training section and the voluntary quit section. Amends the voluntary quit section to exclude applicants for and recipients of UC and enrollment in IV-A E&T as remedies for voluntary quit sanction.

Reasons Supporting Proposal: WAC change required to allow the household or the department to designate a household member who will represent the household for purposes of E&T. The rule change is a provision of the Mickey Leland Relief Act of 1990.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Al Frazier, Division of Employment and Social Services, 438-8272.

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

Rule is necessary because of federal law, 7 CFR 273.7 (b)(1)(i), Public Law 103-66 Section 13922, Administrative Notice 92-34.

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule herein documented is being adopted to comply with provisions of the Mickey Leland Childhood Hunger Act, Public Law 103-66. This change does not affect small businesses; it only affects food stamp recipients.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on October 25, 1994, at 10:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Office of Vendor Services by October 11, 1994, TDD (206) 753-4595, or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by October 18, 1994.

Date of Intended Adoption: October 26, 1994.

September 20, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2870, filed 9/12/89, effective 10/13/89)

WAC 388-49-360 Work registration and employment and training (E&T) program services. (1) Unless exempt, the department shall register each individual between eighteen and sixty years of age, for employment at certification and once every twelve months thereafter. The department shall register a child reaching eighteen years of age during a certification period for work during the next recertification process.

(2) The department shall register sixteen and seventeen-year-old heads of households for employment unless the individuals are:

- (a) Attending school; or
- (b) Enrolled in an E&T program at least half time.

(3) The department shall exempt from work registration a person:

- (a) Physically or mentally unfit for employment;
- (b) Responsible for the care of a dependent child under six years of age or of an incapacitated person.

If a child's sixth birthday falls within a certification period, apply the exemption until the next recertification;

(c) Applying for or receiving unemployment compensation (UC);

(d) Subject to and participating in any work program under Titles IV-A and IV-C of the Social Security Act, as amended, or other E&T program;

(e) Employed or self-employed thirty hours or more per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty;

(f) Enrolled as a student half time or more in any recognized school, training program, or institution of higher education provided the students enrolled in higher education meet the eligibility conditions under WAC 388-49-020;

(g) Regularly participating in a drug addiction or alcoholic treatment and rehabilitation program;

(h) Complying with work requirements imposed as a participant in any refugee program; or

(i) Under contract or agreement with an employer as a migrant or seasonal farmworker.

(4) The department shall ~~((provide work registration forms for))~~ register each household member required to ~~((register))~~ be work registered. ~~((Department receipt of a completed work registration form constitutes registration.))~~

(5) The department shall accept an applicant's statement concerning the employability of each member of the household unless the information is questionable. The department

shall verify any claim for exemption the department determines questionable.

(6) The department shall:

(a) Refer persons ~~((required to register for work))~~ to E&T program services, unless the person is exempted by subsection (9) of this section; and

(b) Provide E&T program services to assigned applicants or recipients ~~((not otherwise exempt))~~, either directly or through a contracted service provider, as specified in the state plan.

(7) Persons subject to E&T services shall participate in an E&T program service for:

(a) A minimum level of participation comparable to spending approximately twelve hours a month for two months during:

(i) An eight-week or two four-week period or periods, each time an applicant/recipient enters into the food stamp program; or

(ii) Each twelve months of continuous participation, whichever occurs sooner.

(b) A maximum level of participation not to exceed one hundred twenty hours. In any month, hours of participation may include a combination of:

- (i) An E&T program; and
- (ii) Workfare program; and
- (iii) Hours worked for compensation.

(8) The department shall require persons subject to E&T to:

(a) Report at a prescheduled time to the department or service provider and participate in an initial assessment interview. The department or service provider shall provide written information regarding:

(i) An E&T plan developed jointly between the department or service provider and the participant;

(ii) The grounds for noncompliance;

(iii) The sanctions for noncompliance without good cause; and

(iv) Provisions for ending noncompliance.

(b) Provide supplemental information regarding employment status or availability for work as requested;

(c) Report when referred to an employer, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment;

(e) Complete reports as scheduled on the results of individual participation in all E&T services; and

(f) Appear for follow-up interviews.

(9) The department shall exempt from referral for E&T program services applicants or recipients who:

(a) Reside in an exempt county as specified in the state plan;

(b) Reside one hour or more travel distance from the service provider;

(c) Have no mailing address or message telephone; or

(d) Have a temporary incapacity expected to have a sixty-day or more duration.

(10) The department shall reimburse participants for expenses incurred in fulfilling E&T requirements as follows:

(a) An allowance of twenty-five dollars per participant month for transportation or other costs reasonably necessary and directly related to participation in the E&T program; and

(b) ~~((Effective July 1, 1989,))~~ Dependent care costs directly related to participation in the E&T program, up to

~~((one hundred sixty dollars per month, per dependent)) standards as set forth for the food stamp E&T program.~~

(i) A participant who is part of an AFDC household and resides in an area with work programs under Titles IV-A and IV-C of the Social Security Act, as amended, is not eligible for dependent care reimbursement under the E&T program.

(ii) An individual's participation in E&T activities shall be deferred if dependent care costs would exceed ~~((one hundred sixty dollars per dependent per month))~~ the published standards for E&T dependent care. Deferment shall continue until:

(A) A suitable component is available; or

(B) Circumstances change and monthly dependent care costs no longer exceed the limit.

(iii) Any portion of child care costs reimbursed may not be claimed as an expense and used in calculating the child care deduction.

(11) If a household member fails to comply with work registration or E&T program requirements without good cause, the department shall:

(a) Disqualify the entire household if the noncompliant member is the ~~((head-of))~~ household employment representative; or

(b) Disqualify the noncompliant person if ~~((the noncompliant member))~~ that person is not the ~~((head-of))~~ household employment representative. The department shall treat the disqualified member as an ineligible household member.

(12) The department shall determine whether or not good cause ~~((existed))~~ exists before initiating sanction for refusal or failure to register for work or participate in E&T program services. The following circumstances shall constitute good cause for failure to register for work or participate in E&T program services. The following circumstances are not inclusive:

(a) Illness of the participant;

(b) Illness of another household member requiring the presence of the member;

(c) A household emergency;

(d) The unavailability of transportation; and

(e) Lack of adequate child care for children who reached six years of age, but are under twelve years of age.

(13) Within ten days of a determination of failure to comply the department shall determine whether good cause exists and, if not, provide notice to the household that contains:

(a) The particular act of noncompliance;

(b) The proposed period of disqualification;

(c) Notification that the individual or household may re-apply at the end of the disqualification period; and

(d) Information describing the action the individual or household may take to end or avoid the sanction.

(14) The disqualification period for noncompliance shall be for two months or until the noncompliant member moves from the household, becomes exempt for reasons other than subsection (3) (c) and (d) of this section, or complies, whichever is earlier.

(a) If the noncompliant member moves from the household, the household may resume participation.

(b) If the noncompliant member moves from the household and joins another household:

(i) As ~~((head-of))~~ the household employment representative, the entire new household is ineligible for the remainder of the disqualification ~~((and the original household may resume participation))~~ period; or

(ii) As ~~((not the head-of))~~ other than the household employment representative, the department shall consider the noncompliant individual as an ineligible household member of the new household for the remainder of the disqualification period.

~~((b))~~ (c) If a new person, who has not committed a violation~~(s)~~ joins a sanctioned household:

(i) As ~~((head-of))~~ the household~~(s)~~ employment representative, the period of ineligibility ~~((for the household))~~ ends; or

(ii) As other than the household employment representative, the disqualification continues.

(15) The department shall consider a household member subject to work requirements of Titles IV-A or IV-C of the Social Security Act, as amended, or UC work registration and participation requirements, who fails to comply with such requirements, the same as under E&T program service requirements if the requirements were comparable. If a comparable E&T program service requirement does not exist, the household member shall lose exemption status as referenced under subsection (3)(d) of this section and shall register for work.

(16) At the end of the two-month disqualification period, a household may apply to re-establish eligibility. The individual may re-establish eligibility during the disqualification period if the reason for disqualification is corrected.

(17) Persons subject to reporting requirements who lose exemption status due to any reportable change of circumstance shall ~~((register for work. Persons shall complete the work registration report form and return the form within ten calendar days of the date the department hands or mails the form to the household member reporting the change. If the person fails to return the form, the department shall issue a notice of adverse action stating:~~

~~(a) A participant or, if the individual is the head of the household, the household is terminated and the reason why; but~~

~~(b) The termination may be avoided by returning the form))~~ be work registered by the department when the case is processed.

(18) Persons ~~((not subject to reporting requirements who lose exemption status during a certification period shall register for employment at the household's))~~ who lose their exemption status due to a nonreportable change in circumstance shall be work registered at their next recertification.

(19) A registrant moving out of the jurisdiction of the department's local office where the registrant is registered shall reregister at the department local office in the new location.

(20) The household shall be held liable for any overissuances resulting from erroneous information given by the household member or the household's authorized representative.

(21) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to:

(a) A determination of nonexempt status; or

(b) Failure to comply with work registration and employment and training program requirements; or

(c) Determination of noncompliance with a comparable work program under Titles IV-A and IV-C of the Social Security Act, as amended, or UC requirement.

(22) (~~DSHS~~) The department of social and health services shall administer the program and may contract E&T services through other agencies.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 2870, filed 9/12/89, effective 10/13/89)

WAC 388-49-380 Voluntary quit. (1) A household where the (~~head of~~) household employment representative voluntarily quit his or her most recent job without good cause shall be ineligible if:

(a) The employment involved twenty hours or more per week or provided weekly earnings equivalent to twenty times the minimum wage;

(b) The quit occurred within sixty days prior to application or any time thereafter; and

(c) The (~~head of~~) household (~~is~~) employment representative was, at the time of the voluntary quit, required to register for work as provided under WAC 388-49-360.

(2) Good cause for voluntarily quitting employment includes the following:

(a) Circumstances included under WAC 388-49-360(12);

(b) The employment is unsuitable as defined under WAC 388-49-370;

(c) Discrimination by an employer based on age, race, sex, color, handicap, religious belief, national origin, or political belief;

(d) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(e) Acceptance by the (~~head of~~) household employment representative of employment or enrollment of at least half time in any recognized school, training program, or institution of higher education including fulfillment of the provisions under WAC 388-49-330, requiring the (~~head of~~) household employment representative to leave employment;

(f) Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring the (~~head of~~) household employment representative to leave employment;

(g) Resignations by persons under sixty years of age recognized by the employer as retirement;

(h) Acceptance of a bona fide offer of employment of twenty hours or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the (~~head of~~) household employment representative, subsequently either does not materialize or results in employment of twenty hours or less a week or weekly

earnings of less than the federal minimum wage multiplied by twenty hours; and

(i) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work.

(3) A household where the (~~head of~~) household employment representative voluntarily quit (~~the head of household's~~) their most recent job shall not be ineligible if the circumstances of the employment involve:

(a) Changes in employment status resulting from (~~reducing~~) reduced hours of employment while working for the same employer;

(b) Termination of a self-employment enterprise; or

(c) Resignation from a job at the demand of an employer.

(4) An employee of the federal government or of a state or local government who participates in a strike against the government and is subsequently dismissed because of participation in the strike, shall be considered to have voluntarily quit a job without good cause.

(5) If a quit was without good cause, the department shall:

(a) Deny a household's application for a period of ninety days beginning with the day of quit; or

(b) For participating households, disqualify the household for three months. The disqualification shall start the first of the month following the adverse action period.

(6) (~~If a noncompliant head of household leaves the household, the remaining household members shall no longer be sanctioned. If the head of household committing the violation joins another household as the head of household, the balance of the sanction shall be imposed on the new household. If the violator joins a new household and is not the household head, the sanction ends. If a new person who has not committed a violation joins the household as its head, the period of ineligibility ends.~~)

(7)) The household shall have primary responsibility for providing verification. If the household and the department are unable to obtain verification, the department shall not deny the household access to the program.

(~~(8))~~ (7) The household may re-establish eligibility during the disqualification, if otherwise eligible, and the person who caused the disqualification:

(a) Secures new employment:

(i) Comparable in monthly salary to the job the person quit; or

(ii) (~~If at~~) Of a lesser monthly salary, that is expected to improve the person's future employment prospects.

(b) Leaves the household;

(c) Becomes exempt from work registration for reasons other than under WAC 388-49-360 (3)(c) and (d); or

(d) Complies with requirements to correct the disqualification.

(8) If the noncompliant member moves from the household and joins another household:

(a) As the household employment representative, the entire new household is ineligible for the remainder of the disqualification period; or

(b) As other than the household employment representative, the department shall consider the noncompliant individual as an ineligible household member of the new household for the remainder of the disqualification period.

(9) If a new person who has not committed a violation joins a sanctioned household:

(a) As the household employment representative the period of ineligibility ends; or

(b) As other than the household employment representative, the disqualification continues.

**WSR 94-19-083
PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed September 21, 1994, 8:08 a.m.]

Original Notice.

Title of Rule: Amendments to State Environmental Policy Act rules, chapter 197-11 WAC.

Purpose: The rules amend chapter 197-11 WAC to clarify policies and provide guidance for early integration of SEPA requirements into GMA planning process. It also establishes SEPA procedures for MTCA cleanup actions and clarifies lead agency responsibilities.

Other Identifying Information: The rule also makes reference changes to bring the SEPA rules and language into compliance with the Administrative Procedure Act.

Statutory Authority for Adoption: RCW 43.21C.110, chapter 34.05 RCW.

Statute Being Implemented: Chapter 43.21C RCW.

Summary: The proposed rules incorporate integration principles and processes for growth management and SEPA. Reconcile potentially duplicative aspects of SEPA and GMA, specifically environmentally sensitive areas and critical areas. It integrates the procedural requirements and documents of SEPA with the procedures and documents under chapter 70.105D RCW, Model Toxics Control Act. The rule also clarifies lead agency responsibilities for Class IV forest practices and mining operations.

Reasons Supporting Proposal: By incorporating environmental review at early stages in the planning process the plans and regulations better reflect environmental values and public concerns. By combining processes and documents cost savings can result and a better understanding of the impacts of decisions can be achieved.

Name of Agency Personnel Responsible for Drafting: Marvin Vialle, P.O. Box 47703, Olympia, WA 98505-7703, Lacey, WA, phone (206) 407-6928; Implementation: State and local government; and Enforcement: Lead agencies - state and local.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule addresses the integration of SEPA with other state laws and rules by making it easier and clearly authorized to combine documents and processes of the laws, namely growth management and the Model Toxic Control Act. For SEPA/GMA it encourages early environmental analysis by providing for expanded early scoping prior to a threshold determination, broadening phased scoping to correspond to GMA timing, and clarifying the use of joint (combined) documents. For MTCA it provides guidance for joint processes and document. In addition, it clarifies how

the lead agency is determined for Class IV Forest Practices. It is anticipated that the rule will assist lead agencies and the public by preventing duplication, making planning and other decisions better through early input into the environmental effects.

Proposal Changes the Following Existing Rules: The proposed changes provide for concurrent review and comment periods, encourages combined documents, provides for the use of scoping prior to a threshold determination, and clarifies when and how lead agency status for Class IV Forest Practices are made.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rules are applicable to governmental agencies and less than ten percent of any industry is likely to be affected by the proposed action.

Hearing Location: Public Works Building, Commissioner's Hearing Room, West 1026 Broadway, Spokane, on October 27, 1994, at 7:30 p.m.; at the Everett City Hall, 3002 Wetmore, Everett, on November 1, 1994, at 7:30 p.m.; Cowlitz County Training Center, 1942 First, Kelso, on November 2, 1994, at 7:30 p.m.; and at the Kittitas County Courthouse County Extension Office, 5th and Main, Ellensburg, on November 3, 1994, at 7:30 p.m.

Assistance for Persons with Disabilities: Contact Marvin Vialle by October 14, 1994, TDD (206) 407-6006, or (206) 407-6631.

Submit Written Comments to: Marvin Vialle, Department of Ecology, Environmental Review, P.O. Box 47703, Olympia, WA 98504-7703, FAX (206) 407-6907, by November 18, 1994.

Date of Intended Adoption: December 15, 1994.

September 19, 1994

Mary Riveland
Director

NEW SECTION

WAC 197-11-200 Purpose. The purpose of this part is to:

(1) Authorize integrated compliance with SEPA and the Growth Management Act (GMA) so as to ensure that environmental analyses required under SEPA can occur concurrently with and as an integral part of the planning and decision making required under GMA. Nothing in this part is intended to jeopardize the adequacy or require the revision of any SEPA and GMA processes, analyses or document deadlines specified in GMA.

(2) Integrate the procedures and documents of SEPA with the procedures and documents under chapter 70.105D RCW (toxics cleanup).

NEW SECTION

WAC 197-11-210 Applicability. Jurisdictions planning under GMA may use the procedures of these rules to satisfy the requirements of SEPA for GMA actions. The procedures relating to the Model Toxics Control Act (WAC 197-11-250 through 197-11-268) shall be used where applicable.

NEW SECTION

WAC 197-11-220 Definitions. For purposes of SEPA:

- (1) "Formal SEPA documents" mean:
 - (a) A nonproject environmental checklist/DNS;
 - (b) A notice of adoption with or without an addendum;
 - (c) An addendum;
 - (d) An EIS; or
 - (e) An integrated GMA document.

(2) "GMA" means the Growth Management Act, chapter 36.70A RCW and those statutes codified in other chapters of the Revised Code of Washington that were enacted or amended as part of chapter 17, Laws of 1990 1st ex. sess. and chapter 32, Laws of 1991 sp. sess.

(3) "Proposed GMA action" means a proposal for a GMA action that has been issued for public and interagency comment and is being considered for adoption by a local legislative body at least sixty days prior to final adoption under RCW 36.70A.106. It does not include drafts, preliminary drafts, or other materials or processes that have been used to develop GMA documents or elements of GMA documents. Such drafts are not considered a "proposal" or "proposed action" under WAC 197-11-055 and 197-11-406.

(4) "GMA action" means policies, plans and regulations adopted or amended under RCW 36.70A.210. Actions do not include preliminary determinations on the scope and content of GMA actions, appeals of GMA actions, actions by the governor or by the growth management hearings boards.

(5) "Integrated GMA document" means a GMA document which contains or combines other relevant analyses including environmental analysis under SEPA.

NEW SECTION

WAC 197-11-228 Overall integration procedures.

(1) "Joint process." These rules provide full authority for GMA jurisdictions to carry out SEPA and GMA processes, analyses and documents together. Nothing in these rules should be construed to discourage, prohibit, or conflict with integrating SEPA and GMA.

(2) "Phasing and level of detail." To integrate SEPA and GMA:

(a) The appropriate scope and level of detail of environmental review should be tailored to the GMA action being developed or considered for adoption.

(b) Jurisdictions are authorized to modify SEPA phased review as necessary to track the phasing of GMA actions, as provided in GMA and the procedural criteria in chapter 365-195 WAC. (For example, actions of narrower scope, such as interim urban growth boundaries or development regulations, subarea plans, and plan elements may be adopted prior to GMA actions of broader scope, such as an overall comprehensive plan revision.)

(c) The process of integrating SEPA and GMA should begin at the early stages of plan development. One purpose of an integrated GMA document (see WAC 197-11-235) is to bring early studies together for agency and public review later in the planning and environmental review process (see WAC 197-11-230(2) and 197-11-235). Although early planning documents and environmental analyses such as documents on concepts or plan elements may serve specific purposes and are not each required to be comprehensive in scope, they should explain their relationship to the overall

GMA/SEPA process that is underway and identify how cumulative impacts are being considered in this overall process.

NEW SECTION

WAC 197-11-230 Timing of an integrated GMA/SEPA process. (1) "Preparation and review of SEPA documents." A formal SEPA document (which may be a draft integrated GMA document under WAC 197-11-235):

(a) Shall be prepared and issued no later than the time that a proposed GMA action is issued for public and interagency review;

(b) Shall be provided:

(i) To the legislative body that will consider issuing a GMA action; and

(ii) To any advisory body designated by the local legislative body or chief executive of the city or county to make a formal recommendation to the local legislative body on whether to propose a GMA action, including planning commissions and citizen advisory groups. The draft document shall also be circulated as otherwise required of formal SEPA documents.

(2) "Threshold determinations." A SEPA threshold determination:

(a) May be made at any time, as long as it is early enough in the process so that the appropriate environmental document can accompany or be combined with a proposed GMA action;

(b) Shall be made early in the planning for the GMA action if the responsible official can determine under WAC 197-11-330 that a significant adverse environmental impact is likely to result from the implementation of the GMA action being developed;

(c) Is not required when there has been a previous threshold determination or a notice of adoption or an addendum is prepared, except when a new threshold determination is required pursuant to WAC 197-11-600(3).

(3) If a formal SEPA document is issued concurrently with a proposed GMA action which has a public comment period, the public comment period on the formal SEPA document shall be the same as the comment period on the GMA action, provided the comment period is not less than otherwise required of a SEPA document. (See WAC 197-11-340 (2)(c) and 197-11-455(6)).

NEW SECTION

WAC 197-11-232 Integration procedures for preliminary planning, environmental analysis, and expanded scoping. (1) Preliminary environmental analyses. As part of the planning process, GMA jurisdictions may prepare environmental analyses for use by decision makers and the public to assist in developing and reviewing preliminary drafts of GMA documents. Environmental analyses prepared for use in preliminary GMA planning:

(a) Do not require a threshold determination.

(b) May be separate from, or woven into, issue papers or other agency planning materials or presentations.

(c) May use the format of SEPA documents, including a nonproject environmental checklist (Part D of WAC 197-11-960) or addendum (WAC 197-11-706, 197-11-625),

which are intended to be flexible and may be used at any time in the SEPA process.

(d) May include evaluation of issues and concerns that are not required in SEPA documents, such as economic or other factors identified in GMA, SEPA, and WAC 197-11-448.

(2) "Expanded scoping."

(a) Timing and use. Expanded scoping may be used prior to a threshold determination to meet one or more of the purposes stated in WAC 197-11-030, 197-11-225, 197-11-230, 197-11-235 and 197-11-410(2). Expanded scoping may initiate or be combined with any early GMA planning activities such as "visioning," development of alternative concepts or elements, or scoping of possible GMA actions and studies. Scoping under WAC 197-11-408 may also be used for these purposes if a determination of significance has been issued.

(b) Notice. An expanded scoping notice may be issued separately from or without a threshold determination. If so the notice should explain that SEPA determinations and documents will occur later and that scoping is starting early to assist and involve the public, tribes and agencies in formulating a specific proposed GMA action and identifying useful environmental analyses.

NEW SECTION

WAC 197-11-235 Documents. (1) "Integrating documents." Formal SEPA documents may be prepared as companion documents to accompany proposed GMA actions or may be integrated into the documentation of GMA actions. This section clarifies how WAC 197-11-640 (all SEPA documents) and WAC 197-11-425 through 197-11-442 (EISs) apply to integrated SEPA/GMA documents. The overriding consideration is the quality of information and analysis at the appropriate scope and level of detail for the particular GMA document, and not the format, length or bulk of the document.

(2) "Document format."

(a) There is no standard format for an integrated GMA document. An integrated GMA document may look more like a GMA document with an environmental summary (see WAC 197-11-235(5)), in contrast to a format described in WAC 197-11-430. For example, for a comprehensive plan or subarea plan, the integrated document may look like a plan with an environmental summary in front. Any separately bound supporting documents shall be clearly identified in the integrated document.

(b) An integrated GMA document is not required to contain a separate section on affected environment, significant impacts, and mitigation measures under WAC 197-11-440(6), as long as this information is summarized as required in this section, and the basis for this information can be readily found in the document and the supporting record.

(3) "Integrated non-EIS documents."

(a) If a proposed GMA action is not likely to have a significant adverse environmental impact, an integrated GMA document shall be prepared that combines the formal SEPA document (such as an environmental checklist/DNS, a notice of adoption or addendum) with the GMA document. The provisions of WAC 197-11-235 (1) and (2) apply to these integrated documents.

(b) If an environmental checklist is used, only Parts A (which serves as a fact sheet), C (responsible official's signature), and D (nonproject checklist) need be prepared, plus an environmental summary as specified in WAC 197-11-235(5). Part D and the summary may be combined.

(c) If an addendum is to accompany or be incorporated into an integrated GMA document, it shall contain the information specified in WAC 197-11-235(5) for an environmental summary.

(4) "Plan/EIS documents." Because these documents need to contain sufficient analysis for GMA actions, the same documents that meet GMA planning needs should constitute the SEPA documents for GMA actions and should provide a basis for future decisions on projects. An integrated document will constitute the necessary SEPA document, if accompanied by the following (as further specified by subsections (5) through (7) of this section):

- (a) Environmental summary and fact sheet;
 - (b) Concise analysis of alternatives;
 - (c) Comments and responses; and
 - (d) Appropriate technical and other materials.
- (5) "Environmental summary and fact sheet."

(a) The environmental summary includes the contents required in WAC 197-11-440(4). It should emphasize the major conclusions, significant areas of controversy and uncertainty, if any, and the issues to be resolved, including the environmental choices to be made and the effectiveness of mitigation measures. The summary is not to be a summary of the GMA action.

(b) The summary should highlight from an environmental perspective the main options that would be preserved or foreclosed by the proposed GMA action. It should reflect SEPA's substantive policies and focus on any significant irreversible or irretrievable commitments of natural resources that would be likely to harm long-term environmental productivity, taking into account cumulative impacts. A summary of the principal environmental impacts may be presented in chart or matrix form, summarizing the relevant elements of the environment and impact assessment required by WAC 197-11-440 (6)(b) through (e). The summary may discuss nonenvironmental factors and should do so if relevant to resolving issues concerning the main environmental choices facing decision makers.

(c) The summary should be no longer than necessary (generally fifteen to thirty pages for a plan/EIS, less for other integrated documents) and include tables or graphics to assist readability. At a minimum the fact sheet shall contain the information required in WAC 197-11-440(2). The fact sheet shall precede the summary in the integrated GMA document.

(6) "Alternatives analysis."

(a) This concise analysis focuses on a comparative evaluation of the environmental consequences of the principal alternative courses of action that are or have been under consideration in the GMA planning process, as provided by WAC 197-11-440(5). The alternatives analysis shall evaluate the proposed GMA action compared to the principal alternative concepts and plan elements or regulatory options that were considered. These alternatives may be:

- (i) Those which are actively being considered; or
- (ii) Those considered and screened earlier as part of a public GMA planning process.

This analysis allows decision makers, other agencies and the public to determine whether the proposed GMA action can or should be revised before adoption to avoid or reduce environmental or other impacts.

(b) Descriptive material on the features of the alternatives (in contrast to comparing their impacts) should be kept to the minimum necessary to understand the comparative evaluation. If more description is necessary, it should be cited or located in the supporting record. Depending on the scope of the GMA action, the text of the alternatives analysis should be less than forty pages.

(7) "Comments and responses." The inclusion of comments and responses is not required for a draft integrated GMA document. For a final integrated document, comments (or a summary of comments) shall be compiled and response prepared as provided in WAC 197-11-560(3). A jurisdiction may include comments (or a summary of comments) received during the scoping process or on preliminary documents, as well as general or specific responses to these comments if any have been prepared, with the integrated GMA document on a proposed GMA action. If this approach is not used, these preliminary comments shall be included in the supporting record.

(8) "Supporting record, analyses, and materials."

(a) The integrated GMA document shall contain a list of the principal analytical documents and other materials (such as meeting minutes, maps, models, tapes or videos) that have been prepared, received, or used in developing the GMA action. These materials shall be considered to be incorporated by reference under SEPA and part of the supporting record for SEPA compliance, and their contents need not be further described as required in WAC 197-11-635. Annotated lists are encouraged, but not required, to assist current and future reviewers.

(b) Materials in the supporting record should enable agencies and members of the public to identify and review the planning basis for the conclusions and analysis presented in the integrated GMA document as provided in the "procedural criteria" for preparing plan documents.

NEW SECTION

WAC 197-11-250 SEPA/Model Toxics Control Act integration. Procedures to integrate the procedural requirements and documents of this chapter with those required under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, are set forth in WAC 197-11-253 through 197-11-268.

(1) Both MTCA and SEPA provide opportunities for early public review of a proposal. The following sections contain procedures to combine the MTCA and SEPA processes to reduce duplication and improve public participation. These sections supersede the remaining provisions of this chapter, to the extent there is a conflict between the two.

(2) These sections apply to remedial actions conducted by ecology, or by a potentially liable person under an order, agreed order, or consent decree under MTCA. These sections do not apply to independent remedial actions; rather, the remainder of this chapter applies to independent remedial actions that are subject to SEPA.

NEW SECTION

WAC 197-11-253 SEPA lead agency for MTCA actions. (1) Ecology will be lead agency for any remedial action conducted under the Model Toxics Control Act (MTCA), including governmental proposals, unless:

- (a) The remedial action is not being conducted by ecology or under a MTCA order, agreed order, or decree; or
- (b) The remedial action is occurring as a result of another development proposal.

Another agency may be lead agency if agreed to in writing and all agencies with jurisdiction agree as provided in WAC 197-11-942. Ecology may also agree to share lead agency status with another agency (WAC 197-11-944).

(2) When ecology is lead agency, the procedures in WAC 197-11-253 through 197-11-268 shall be used to combine the procedural requirements of SEPA and MTCA.

(3) When the remedial action is occurring as part of another development proposal for which an agency other than ecology is lead agency, the lead agency shall, to the extent practicable, combine the procedural requirements of MTCA and SEPA using the provisions in WAC 197-11-253 through 197-11-268. The lead agency shall contact ecology prior to making a SEPA threshold determination to invite ecology to share lead agency status (WAC 197-11-944). Where ecology and another agency agree to share lead agency responsibilities, ecology shall be responsible for that portion of the environmental analysis related to the remedial action.

NEW SECTION

WAC 197-11-256 Preliminary threshold determination. Prior to conducting a state remedial investigation/feasibility study under MTCA (WAC 173-340-350), ecology will consider the potential environmental impacts of the proposal and take one of the following steps.

(1) Decide the project is unlikely to have a probable significant adverse environmental impact and proceed according to WAC 197-11-259.

(2) Decide the remedial action will have a probable significant adverse environmental impact and issue a determination of significance following the procedures in WAC 197-11-262.

(3) Decide that all or part of the cleanup action or its impacts are not sufficiently definite to make a threshold determination and proceed according to WAC 197-11-265.

NEW SECTION

WAC 197-11-259 Determination of nonsignificance. (1) If after initial review of the proposal, it appears unlikely that significant adverse environmental impacts will occur, a DNS should be delayed until a MTCA document is circulated for public review. This will allow the combining of public comment periods and additional time to evaluate new information.

(2) The DNS shall be issued no later than the draft cleanup action plan.

(3) If the DNS is issued with a MTCA document which has a public comment period, the public comment period on the DNS shall be the same as the comment period on the MTCA document, provided the comment period is no less

than fifteen days. One public notice shall be used to announce the availability of both the DNS and MTCA document, using the requirements of WAC 173-340-600.

NEW SECTION

WAC 197-11-262 Determination of significance and EIS. (1) If the remedial action will have a probable significant adverse environmental impact, the SEPA scoping process will typically be combined with either the MTCA public scoping process for the state remedial investigation/feasibility study, or with the order, consent decree or agreed order covering a state remedial investigation/feasibility study (WAC 173-340-600 (12)(a)). One public notice shall be used for both SEPA and MTCA, using the requirements in WAC 173-340-600.

(2) In most instances, the draft EIS and state remedial investigation/feasibility study will be integrated into a single document. The format of the document shall be flexible as allowed by WAC 197-11-640, provided:

(a) The fact sheet shall be the first section (WAC 197-11-430(1));

(b) A summary shall be included which meets the requirements in WAC 197-11-440(4); and

(c) Reasonable alternatives (including the no action alternative), significant impacts, mitigation measures and any unavoidable impacts are clearly identified.

(3) In some cases, the final EIS will be issued with the MTCA draft cleanup action plan. During the public comment period on the draft cleanup action plan, ecology will also accept comments on the final EIS. Ecology will review and consider all comments received prior to issuing the final cleanup action plan.

(4) In some cases, the MTCA draft cleanup action plan may be issued with the draft EIS and state remedial investigation and feasibility study. In this case, the final EIS and MTCA final cleanup action plan may be issued together, notwithstanding the requirements of WAC 197-11-460(5).

NEW SECTION

WAC 197-11-265 Early scoping. (1) The purpose of early scoping is to identify environmental issues and alternatives early in the review process, and provide early and integrated public involvement. If a determination of significance is issued later in the process, no additional SEPA scoping will be required.

(2) If, after the initial review provided in WAC 197-11-256, ecology decides there is insufficient information to determine the significance of a proposed remedial action, ecology shall invite the public to comment on the proposed study areas. This early scoping will typically be combined either with the MTCA public review process for the scope of work for the state remedial investigation and feasibility study (WAC 173-340-350(5)), or for the order, consent decree or agreed order covering the state remedial investigation and feasibility study.

(3) Ecology will evaluate the comments received during the early scoping process and take one of the following actions:

(a) If ecology determines, based on comments received, the project will have a probable significant adverse environ-

mental impact, ecology shall issue a determination of significance and begin preparation of the EIS.

(b) If ecology determines there will be no probable significant adverse environmental impacts, a determination of nonsignificance shall be issued as described in WAC 197-11-259.

(c) If ecology determines there is still insufficient information to evaluate the environmental impacts of the project, ecology will proceed with the state remedial investigation and feasibility study. Prior to issuing the remedial investigation and feasibility study for public comment, ecology will evaluate the available information and follow the provisions of WAC 197-11-259 or 197-11-262 (2) through (4) as appropriate.

NEW SECTION

WAC 197-11-268 MTCA interim actions. When an interim action (WAC 173-340-430) is conducted as part of a remedial action the following shall apply.

(1) If a DNS is issued it shall be done as provided for in WAC 197-11-259.

(2) If there are likely to be significant adverse environmental impacts and scoping has been done, ecology shall prepare an EIS or supplemental EIS as provided in WAC 197-11-262.

(3) If the interim action is likely to have significant adverse environmental impacts and scoping has not been done, issue a DS and scoping notice, allowing at least a twenty-one day comment period (WAC 197-11-408). The draft EIS and interim report may be issued together and the comment periods combined.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-305 Categorical exemptions. (1) If a proposal fits within any of the provisions in Part Nine of these rules, the proposal shall be categorically exempt from threshold determination requirements (WAC 197-11-720) *except* as follows:

(a) The proposal is not exempt under WAC 197-11-908, (~~environmentally sensitive~~) critical areas.

(b) The proposal is a segment of a proposal that includes:

(i) A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or

(ii) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction. If so, that agency shall be the lead agency, unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition the department of ecology to resolve disputes (WAC 197-11-946).

For such proposals, the agency or applicant may proceed with the exempt aspects of the proposals, prior to conducting environmental review, if the requirements of WAC 197-11-070 are met.

(2) An agency is not required to document that a proposal is categorically exempt. Agencies may note on an

application that a proposal is categorically exempt or place such a determination in agency files.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-340 Determination of nonsignificance (DNS). (1) If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a determination of nonsignificance (DNS) substantially in the form provided in WAC 197-11-970. If an agency adopts another environmental document in support of a threshold determination (Part Six), the notice of adoption (WAC 197-11-965) and the DNS shall be combined or attached to each other.

(2) When a DNS is issued for any of the proposals listed in (2)(a), the requirements in this subsection shall be met.

(a) An agency shall not act upon a proposal for fifteen days after the date of issuance of a DNS if the proposal involves:

- (i) Another agency with jurisdiction;
- (ii) Demolition of any structure or facility not exempted by WAC 197-11-800 (2)(f) or 197-11-880;
- (iii) Issuance of clearing or grading permits not exempted in Part Nine of these rules; ((~~or~~))
- (iv) A DNS under WAC 197-11-350 (2), (3) or 197-11-360(4); or

(v) A GMA action.

(b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the department of ecology, and affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under WAC 197-11-510.

(c) Any person, affected tribe, or agency may submit comments to the lead agency within fifteen days of the date of issuance of the DNS.

(d) The date of issue for the DNS is the date the DNS is sent to the department of ecology and agencies with jurisdiction and is made publicly available.

(e) An agency with jurisdiction may assume lead agency status only within this fifteen-day period (WAC 197-11-948).

(f) The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS or supporting documents. When a DNS is modified, the lead agency shall send the modified DNS to agencies with jurisdiction.

(3)(a) The lead agency shall withdraw a DNS if:

(i) There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

(ii) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or

(iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(b) Subsection (3)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (see also WAC 197-11-070).

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-680 Appeals. (1) **Introduction.** Appeals provisions in SEPA are found in RCW 43.21C.060, 43.21C.075 and 43.21C.080. These rules attempt to construe and interpret the statutory provisions. In the event a court determines that these rules are inconsistent with statutory provisions, or with the framework and policy of SEPA, the statute will control. Persons considering either administrative or judicial appeal of any decision which involves SEPA at all are advised to read the statutory sections cited above.

(2) **Appeal to local legislative body.** RCW 43.21C.060 allows an appeal to a local legislative body of any decision by a local nonelected official conditioning or denying a proposal under authority of SEPA. Agencies may establish procedures for such an appeal, or may eliminate such appeals altogether, by rule, ordinance or resolution.

(3) **Agency administrative appeal procedures.**

(a) Agencies may provide for an administrative appeal of determinations relating to SEPA in their agency SEPA procedures. If so, the procedures must comply with the following:

(i) The agency must specify by rule, ordinance, or resolution that the appeals procedure is available.

(ii) Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.

(iii) Appeals on SEPA procedures shall be limited to review of a final threshold determination and final EIS. The appeal of a final threshold determination may occur prior to an agency's final decision on a proposed action.

(iv) An agency shall provide for only one administrative appeal of a threshold determination or of the adequacy of an EIS; successive administrative appeals on these issues within the same agency are not allowed. This limitation does not apply to appeals to a local legislative body under RCW 43.21C.060 (or another state statute) or to administrative appeals before another agency.

(v) If the agency has made a decision on a proposed action, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed in agency procedures.

(vi) Agencies shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(b) Agencies providing for administrative appeals shall provide for a record as required by RCW 43.21C.075 (3)(c).

(c) If an agency provides an administrative appeal procedure, that procedure must be used before anyone may initiate judicial review of any SEPA issue that could have been reviewed under the agency procedures.

(4) Judicial appeals.

(a) SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.

(b) When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non-SEPA issues). RCW 43.21C.075 establishes time limits for raising SEPA issues, but says that existing statutes of limitations control the appeal of non-SEPA issues. The statute contemplates a single lawsuit, but allows for the SEPA and non-SEPA portions of that lawsuit to be filed at different times.

(c) If there is a time limit established by statute or ordinance for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must be filed within thirty days after the agency gives official notice (see subsection (5) of this section for content of official notice).

(d) In any instance where subsection (c) of this subsection allows the SEPA portion of an appeal to be filed after the time limit established by statute or ordinance for appealing the underlying governmental action, some judicial action must be filed within the time set by statute or ordinance. That action may be later amended to raise SEPA issues within thirty days after the agency gives official notice (see subsection (5) of this section). In addition, where SEPA issues were first raised during an administrative appeal, any person desiring to raise SEPA issues by judicial appeal must submit a notice of intent to do so with the responsible official of the acting agency within the time limit set by statute or ordinance for appealing the underlying governmental action.

(e) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be within thirty days after the agency gives official notice (see subsection (5) of this section). If the proposal requires more than one governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

(f) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the property that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

(g) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

(h) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in chapter 4.16 RCW.

~~((i) This subsection does not apply to petitions for judicial review of agency decisions in contested cases, or to petitions for a declaratory judgment on the validity of a rule, both of which are governed exclusively by the Administrative Procedure Act, chapter 34.04 RCW.))~~

(5) **Official notice of the date and place for commencing an appeal.**

(a) Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include:

(i) The time limit for commencing appeal of the underlying governmental action and the statute or ordinance establishing the time limit; and

(ii) The time for appealing SEPA issues (thirty days after notice); and

(iii) A statement that a notice of intent is required, if a notice is required under subsection (4)(d) of this section, and instructions on where to send the notice and by what date; and

(iv) Where an appeal may be filed.

(b) Notice is given by:

(i) Delivery of written notice to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal in question; and

(ii) Following the agency's normal methods of notice for the type of governmental action taken.

(c) Written notice containing the information required by subsection (5)(a) of this section may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

(d) Official notices required by this subparagraph shall not be given prior to final agency action.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-890 Petitioning DOE to change exemptions. (1) Except for the preceding section, agencies may create additional exemptions in their procedures only after receiving approval from the department of ecology under this section.

(2) An agency may petition the department to adopt additional exemptions or to delete existing exemptions by amending these rules. The petition shall be made under RCW ~~((34.04.060))~~ 34.05.330. The petition shall state the language of the requested amendment, the petitioning agency's views on the environmental impacts of the activities covered by the proposed amendment, and the approximate number of actions of this type which have come before the petitioning agency over a particular period of time. The department shall consider and decide upon a petition within thirty days of receipt. If the determination is favorable, the department shall begin rule making under chapter ~~((34.04))~~ 34.05 RCW. Any resulting amendments will apply either generally or to specified classes of agencies. Affected agencies shall amend their procedures accordingly.

(3) An agency may also petition the department for an immediate ruling upon any request to add, delete, or change an exemption. If such a petition is granted, the department will notify the petitioning agency, which may immediately include the change approved by the department in its own procedures. The department may thereafter begin rule making proceedings to amend these rules. Until these rules are amended, any change granted under this subsection shall apply only to the petitioning agency or agencies.

(4) The department will provide public notice of any proposed amendments to these rules in the manner required by the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW. A copy of all approvals by the department under the preceding subsection shall be given to any person requesting the department for advance notice of rule making.

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-904 Agency SEPA procedures. (1) Each agency is required by the act and this section to adopt its own rules and procedures for implementing SEPA. (RCW 43.21C.120.) Agencies may revise or add to their SEPA procedures at any time. Agencies may adopt these rules (chapter 197-11 WAC) by reference, and shall meet the requirements of WAC 197-11-906 concerning the content of their procedures. State and local rules for carrying out SEPA procedures are called "agency SEPA procedures."

(2) State agencies shall adopt or amend their procedures within one hundred eighty days of the effective date of this chapter or subsequent revisions, or within one hundred eighty days of the establishment of an agency, whichever shall occur later. State agencies shall adopt their procedures by rule making under the state Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW. If a state agency does not have rule making authority under chapter ~~((34.04))~~ 34.05 RCW, the agency shall adopt procedures under whatever authority it has, and public notice and opportunity for public comment shall be provided. Adoption shall be deemed to have taken place at the time the transmittal of adopted rules is filed with the code reviser. ~~((Universities, colleges, and community colleges shall use the procedures of chapter 28B.19 RCW in adopting procedures.))~~

(3) Local agencies shall adopt or amend their procedures within one hundred eighty days of the effective date of this chapter or subsequent revisions, or within one hundred eighty days of the establishment of the local governmental entity, whichever shall occur later. Local agencies shall adopt their procedures by rule, ordinance, or resolution, whichever is appropriate, to ensure that the procedures have the full force and effect of law. Public notice and opportunity for public comment shall be provided as part of the agency's process for adopting its SEPA procedures.

(4) Any agency determining that all actions it is authorized to take are exempt under Part Nine of these rules may adopt a statement to the effect that it has reviewed its authorized activities and found them all to be exempt under this chapter. Adoption of such a statement under the procedures in subsections (2) and (3) shall be deemed to be in compliance with the requirement that the agency adopt procedures under this chapter.

(5) The adoption of agency procedures is procedural and shall be categorically exempt under this chapter (WAC 197-11-800(20)).

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-908 ((Environmentally sensitive) Critical areas. (1) ~~((Each county/city may at its option designate areas within its jurisdiction that are environmentally sensitive areas, and shall adopt such designation in its agency SEPA procedures (WAC 197-11-906). Environmentally sensitive areas shall be those within which the exemptions listed in the next subsection could have a significant adverse environmental impact, including but not limited to areas with unstable soils, steep slopes, unusual or unique plants or animals, wetlands, or areas which lie within floodplains. The location and extent of all environmentally sensitive areas shall be clearly indicated on a map that shall be adopted by reference as part of the SEPA procedures of the county/city; a copy shall be sent to the department of ecology.~~

~~((2))~~ Each county/city ~~((that designates and maps an environmentally sensitive area))~~ may select certain categorical exemptions that do not apply ~~((within the area))~~ in one or more critical areas designated in a critical areas ordinance adopted under GMA. The selection of exemptions that will not apply may be made from the following subsections of WAC 197-11-800: (1), (2)(a) through (h), (3), (5), (6)(a), (14)(c), (24)(a) through (g), and (25)(d), (f), (h), (i).

The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with GMA plans and regulations (including the critical areas ordinances), SEPA and other applicable environmental review laws.

All other categorical exemptions apply whether or not the proposal will be located within ~~((an environmentally sensitive))~~ a critical area. Exemptions selected by an agency ~~((that do not apply within the various environmentally sensitive areas))~~ under this section shall be listed ~~((within))~~ in the agency's SEPA procedures ~~((of any county/city adopting such areas; a copy shall be sent to the department of ecology))~~ (WAC 197-11-906).

~~((3))~~ (2) Proposals that will be located within ~~((environmentally sensitive))~~ critical areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in ~~((an environmentally sensitive))~~ a critical area.

~~((4))~~ ~~Certain categorical exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.))~~

AMENDATORY SECTION (Amending Order DE 83-39, filed 2/10/84, effective 4/4/84)

WAC 197-11-938 Lead agencies for specific proposals. Notwithstanding the lead agency designation criteria contained in WAC 197-11-926 through 197-11-936, the lead agency for proposals within the areas listed below shall be as follows:

(1) For all governmental actions relating to energy facilities for which certification is required under chapter 80.50 RCW, the lead agency shall be the energy facility site evaluation council (EFSEC); however, for any public project requiring such certification and for which the study under RCW 80.50.175 will not be made, the lead agency shall be the agency initiating the project.

(2) For all private projects relating to the use of geothermal resources under chapter 79.76 RCW, the lead agency shall be the department of natural resources.

(3) For all private projects requiring a license or other approval from the oil and gas conservation committee under chapter 78.52 RCW, the lead agency shall be the department of natural resources; however, for projects under RCW 78.52.125, the EIS shall be prepared in accordance with that section.

(4) For ~~((aH))~~ private activity requiring a ~~((license or approval))~~ Class IV forest practice under the Forest Practices Act of 1974, chapter 76.09 RCW, the lead agency shall be either the department of natural resources~~((; however, for any proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the lead agency shall be the county/city requiring the license))~~ or the city/county where the project is located.

(a) The interagency agreements authorized by WAC 222-50-030 between the department of natural resources and other governmental agencies may be used to identify SEPA lead agency status for Class IV general forest practice applications. If used, this agreement shall meet the requirements for a lead agency agreement in WAC 197-11-942.

(b) If no interagency agreement exists, the SEPA lead agency determination shall be based on information in the environmental checklist required as part of the Class IV forest practice application (WAC 222-20-010(7)). The applicant shall, as part of the checklist, submit all information on future plans for conversion, and shall identify any known future permits requirements.

(c) Upon receipt of a Class IV, general, forest practice application and environmental checklist, natural resources shall determine lead agency for the proposal. If insufficient information is available to identify necessary permits, natural resources shall ask the applicant for additional information. If a permit is not required from the city/county, natural resources shall be lead agency. If a city/county permit is required, natural resources shall send copies of the environmental checklist and forest practice application together with the determination of the lead agency to the city/county.

(d) Upon receipt and review of the environmental checklist and forest practice application, the city/county shall within five business days:

(i) Agree that a city/county license is required, either now or at a future point, and proceed with environmental review as lead agency.

(ii) Determine that a license is not required from the city/county, and notify natural resources that the city/county is not lead agency; or

(iii) Determine there is insufficient information in the environmental checklist to identify the need for a license, and either:

(A) Assume lead agency status and conduct appropriate environmental analysis for the total proposal; or

(B) Notify natural resources of the specific additional information needed to determine permit requirements, who shall request the information from the applicant.

(5) For all private projects requiring a license or lease to use or affect state lands, the lead agency shall be the state agency managing the lands in question; however, this subsection shall not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidental to a larger project for which one or more licenses from other state or local agencies is required.

(6) For all proposals which are being processed under the Environmental Coordination Procedures Act of 1973 (ECPA), chapter 90.62 RCW, the lead agency shall be determined under the standards of these rules.

(7) For a pulp or paper mill or oil refinery not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology, when a National Pollutant Discharge Elimination System (NPDES) permit is required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(8) For proposals to construct a pipeline greater than six inches in diameter and fifty miles in length, used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

(9) For proposals that will result in an impoundment of water with a water surface in excess of forty acres, the lead agency shall be the department of ecology.

(10) For proposals to construct facilities on a single site designed for, or capable of, storing a total of one million or more gallons of any liquid fuel not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

(11) For proposals to construct any new oil refinery, or an expansion of an existing refinery that shall increase capacity by ten thousand barrels per day or more not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

(12) For ~~((proposals to construct any new metallic mineral processing plant, or to expand any such existing plant by ten percent or more of design capacity))~~ proposed metal mining and milling operations regulated by chapter 78.56 RCW, except for uranium and thorium operations regulated under Title 70 RCW, the lead agency shall be the department of ecology.

(13) For proposals to construct, operate, or expand any uranium or thorium mill, any tailings areas generated by uranium or thorium milling or any low-level radioactive waste burial facilities, the lead agency shall be the department of social and health services.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 197-11-748 Environmentally sensitive area.

WSR 94-19-084**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 92-59—Filed September 21, 1994, 8:10 a.m.]

Original Notice.

Title of Rule: Chapter 173-360 WAC.

Purpose: To respond to an opportunity to privatize the underground storage tank contractor certification program. The department intends to accomplish this by relying on a professional certification program.

Statutory Authority for Adoption: Chapter 90.76 RCW. Statute Being Implemented: Chapter 90.76 RCW.

Summary: The proposed amendment would eliminate the requirement that contractors who do underground storage tank work be licensed by ecology. The amendment would substitute a requirement that such contractors be certified by the International Fire Code Institute, or other nationally recognized organization. Under the proposed amendment, the cost to obtain certification would be \$35.00.

Reasons Supporting Proposal: Contractors would be certified through a national certification program, recognized by a growing number of states. The department would reduce direct costs and staff necessary to operate a licensing program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Emily Ray, Olympia, 407-7174.

Name of Proponent: Washington State Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To reduce costs and streamline the process for licensing underground storage tank contractors. Certifications obtained by contractors would be valid in a growing number of states. The cost to contractors would be \$35 per certification.

Proposal Changes the Following Existing Rules: The change will be from a state operated licensing program, to a national certification program, operated by a nationally recognized organization. Agency direct costs and staff required to operate the program will be decreased. Under the existing rule contractors did not pay a fee for a license. Under the proposed amendment, the fee to obtain a certification will be \$35.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. An economic impact analysis was done and it was determined that the proposed rule will not have a significant effect on any single 4-digit standard industrial classification. A small business economic impact statement is not required.

Hearing Location: Department of Ecology, Northwest Regional Office, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, on October 25, 1994, at 7:00 - 9:00; and at the

Spokane County Public Health Center, West 1101 College Avenue, Spokane, WA 98205, on October 26, 1994, at 7:00 - 9:00.

Assistance for Persons with Disabilities: Contact Joan Morris, (206) 407-7212 by October 14, 1994, TDD (206) 407-6006.

Submit Written Comments to: Emily Ray, FAX (206) 407-7154, by November 7, 1994.

Date of Intended Adoption: December 27, 1994.

September 19, 1994

Mary Riveland

Director

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-100 Purpose and authority. (1) The purpose of this chapter is to address the serious threat posed to human health and the environment by leaking underground storage systems containing petroleum and other regulated substances.

(2) The department of ecology is directed by chapter 90.76 RCW to establish an underground storage tank program designed, operated and enforced in a manner that, at a minimum, meets the requirements for delegation of the Federal Underground Storage Tank Program of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901, et seq.). The legislative intent is that state-wide requirements for underground storage tanks adopted by the department be consistent with and no less stringent than the objectives outlined in the federal regulations. Because certain areas of the state possess physical characteristics that make them especially vulnerable to threats from leaking underground storage tanks, local requirements more stringent than the state-wide requirements may apply in these environmentally sensitive areas.

(Note: All codes, standards, rules, or regulations cited in this chapter are available for inspection at the Department of Ecology, ((Mailstop PV 11)) P.O. Box 47655, Olympia, WA 98504-((8711)) 7655.)

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-110 Applicability, exemptions, and deferrals. (1) The requirements of this chapter apply to all owners and operators of an underground storage tank (UST) system as defined in WAC 173-360-120 except as otherwise provided in subsections (2) and (3) of this section. It is the responsibility of owners and operators to ensure that any UST ((system service providers and)) supervisors they employ are properly ((licensed)) certified in accordance with WAC 173-360-600 through ((173-360-690)) 173-360-630.

(2) Exemptions. The following UST systems, including any piping connected thereto, are exempt from the requirements of this chapter:

(a) Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances.

(b) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act.

PROPOSED

(c) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.

(d) Any UST system whose capacity is one hundred ten gallons or less.

(e) Any UST system that ~~((contains))~~ has never contained more than a de minimis concentration of regulated substances as defined in WAC 173-360-120.

(f) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

(g) Farm or residential UST systems of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes ~~((i.e., not for resale))~~ (see definition of "farm" and "residential");

(h) UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred gallons are subject to the release reporting requirements of WAC 173-360-372;

(i) Septic tanks;

(j) Any pipeline facility (including gathering lines) regulated under:

(i) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.); or

(ii) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.); or

(iii) Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in (j) (i) or (ii) of this subsection;

(k) Surface impoundments, pits, ponds, or lagoons;

(l) Storm water or wastewater collection systems;

(m) Flow-through process tanks;

(n) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or

(o) Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

(3) Deferrals. The following UST systems are subject only to the requirements of WAC 173-360-130, 173-360-140, 173-360-160, 173-360-170, 173-360-190, 173-360-200, 173-360-372 ~~((and))~~, 173-360-385 and 173-360-390. Any new deferred UST systems shall also be subject to the performance standards of WAC 173-360-300:

(a) Wastewater treatment tank systems not regulated under section 307(b) or 402 of the Clean Water Act;

(b) Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

(c) Any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50 Appendix A;

(d) Airport hydrant fuel distribution systems;

(e) UST systems with field-constructed tanks.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-120 Definitions. For the purposes of this chapter, the following definitions shall apply:

"Abandoned" means left unused indefinitely, without being substantially emptied or permanently altered structurally to prevent reuse.

"Aboveground release" means any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the above-ground portion of an UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from an UST system.

"Accidental release" means any sudden or nonsudden release of petroleum from an underground storage tank that results in a need for corrective action and/or compensation for bodily injury or property damage neither expected nor intended by the tank owner or operator.

"Ancillary equipment" means any devices including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an UST.

"Belowground release" means any release to the subsurface of the land and to ground water. This includes, but is not limited to, releases from the belowground portions of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank.

"Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

"Bodily injury" shall have the meaning given to this term by applicable state law; however, this term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

"Cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

~~("Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems by passing an examination and obtaining a license for supervision of cathodic protection installation and testing in compliance with WAC 173-360-600 through 173-360-690. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure to soil potential, and component electrical isolation measurements of buried metal piping and tank systems.)~~

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

"Certified UST supervisor" means a person certified by the International Fire Code Institute or another nationally recognized organization, as approved by the department.

"Closure" means to take an underground storage tank out of operation, either temporarily or permanently, in accordance with WAC 173-360-380 or 173-360-385. The term is synonymous with "decommissioning."

"Compatible" means the ability of two or more substances or materials to maintain their respective physical and chemical properties upon contact with one another such that the stored substance will not pass through the wall or lining

of the tank and connected piping for the design life of the tank system under conditions likely to be encountered in the UST.

"Connected piping" means all underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between them.

"Consumptive use" with respect to heating oil means consumed on the premises.

"Controlling interest" means direct ownership of at least fifty percent of the voting stock of another entity.

"Corrosion expert" means a person who possesses a thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, and is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Decommissioning" means to take an underground storage tank out of operation, either temporarily or permanently, in accordance with WAC 173-360-380 or 173-360-385. The term is synonymous with "closure."

"Deferral" means a category of UST systems which are subject to certain, but not all, of the requirements of this chapter as specified in WAC 173-360-110(3).

"Delegated agency" means ~~((the))~~ a state or local government agency which has been delegated responsibility by the department for administering any portion of an UST program (approved in accordance with WAC 173-360-500).

"De minimis concentration" means either less than one inch of regulated substance, or less than a reportable quantity, as defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

"Department" means the department of ecology.

"Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system (e.g., tank from piping).

"Director" means the director of the department of ecology.

"Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

"Emergency power generator" means an engine that uses fuel to produce auxiliary electrical or mechanical energy for use in emergencies.

"Emergency power generator tank" means a tank that stores fuel solely for use by an emergency power generator.

"Excavation zone" means the volume containing the UST system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Existing UST system" means an UST system used to contain an accumulation of regulated substances or for which installation had commenced on or before December 22, 1988. Installation is considered to have commenced if: The owner or operator had obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system; and if

Either a continuous on-site physical construction or installation program had begun; or

The owner or operator had entered into contractual obligations—which cannot be cancelled or modified without substantial loss—for physical construction at the site or installation of the tank system to be completed within a reasonable time.

"False alarm" means indicating that an UST system is leaking when in fact it is tight.

"Farm tank" is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property and used for farm purposes. "Farm" includes fish hatcheries, rangeland, and nurseries with growing operations. It does not include laboratories where animals are raised, land used to grow timber, pesticide aviation operations, retail stores or garden centers where nursery products are marketed but not grown, cemeteries, golf courses, or other facilities dedicated primarily to recreation or aesthetics, or other non-agricultural activities.

"Field-constructed tank" means an underground storage tank that is constructed in the field rather than factory built because of its large size.

"Financial reporting year" means the latest consecutive twelve-month period for which any of the following reports used to support a financial test is prepared: A 10-K report submitted to the SEC; an annual report of tangible net worth submitted to Dun and Bradstreet; or annual reports submitted to the Energy Information Administration or the Rural Electrification Administration. "Financial reporting year" may thus comprise a fiscal or a calendar year period.

"Firm" means any business, including but not limited to corporations, limited partnerships, and sole proprietorships, engaged in performing tank services.

"Flow-through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

"Free product" refers to a regulated substance that is present as a nonaqueous phase liquid (e.g., liquid not dissolved in water).

"Gathering lines" means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Ground water" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

"Hazardous substance UST system" means an underground storage tank system that contains a hazardous

substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under Subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

"Heating oil" means petroleum that is No. 1, No. 2, No. 4—light, No. 4—heavy, No. 5—light, No. 5—heavy, and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

"Immiscible" means largely incapable of blending or mixing.

"Installation" means the activity of placing an underground storage tank system or any part thereof in the ground and preparing it to be placed in service.

"Legal defense cost" is any expense that an owner or operator or provider of financial assurance incurs in defending against claims or actions brought: By the United States Environmental Protection Agency (EPA) or a state to require corrective action or to recover the costs of corrective action; by or on behalf of a third party for bodily injury or property damage caused by an accidental release; or by any person to enforce the terms of a financial assurance mechanism.

~~("Licensed" means a firm or a person which has been issued a license by the department under this chapter.)~~

"Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

"Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing a regulated substance.

"Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any grade of gasohol, and is typically used in the operation of a motor engine.

"New UST system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation commenced after December 22, 1988. (See also "existing tank system.")

"Noncommercial purposes" with respect to motor fuel means not for resale.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in a release from an underground storage tank.

Note: This definition is intended to assist in the understanding of WAC 173-360-400 through 173-360-499 and is not intended either to limit the meaning of "occurrence" in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of "occurrence."

"On the premises where stored" with respect to heating oil means UST systems located on the same property where the stored heating oil is used.

"Operational life" refers to the period beginning when installation of the tank system has commenced until the time the tank system is properly closed under WAC 173-360-380 through 173-360-398.

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"Overfill release" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

"Owner" means: In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use, or dispensing of regulated substances; and in the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use. In the event that the owner of an UST system cannot be physically located, the owner shall be the person who owns the property where the UST system is located, except any lien holder and any agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to a release or threatened release of a regulated substance from the UST system.

"Owner or operator," means, for the purposes of WAC 173-360-400 through 173-360-499, when the owner or operator are separate parties, the party that is responsible for obtaining or has obtained financial assurances.

"Party" means a person or group concerned or having or taking part in any affair, matter, transaction, or proceeding.

"Permanently closed" means: (1) In the case of an UST system taken out of operation before December 22, 1988, the UST system was substantially emptied of regulated substances or permanently altered structurally to prevent reuse; (2) in the case of an UST system taken out of operation after December 21, 1988, and before the effective date of this chapter, the UST system was closed in accordance with 40 CFR 280; and (3) in the case of an UST system taken out of operation on or after the effective date of this chapter, the UST system was closed in accordance with WAC 173-360-385.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation, state, municipality, commission, political subdivision of a state, or any interstate body. "Person" also includes a consortium, a joint venture, a commercial entity, and the United States government.

"Petroleum marketing facilities" include all facilities at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

"Petroleum marketing firms" are all firms owning petroleum marketing facilities. Firms owning other types of facilities with USTs as well as petroleum marketing facilities are considered to be petroleum marketing firms.

"Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of petro-

leum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

"Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of nonearthen materials.

"Pipeline facilities (including gathering lines)" are new and existing pipe rights-of-way and any associated equipment, facilities, or buildings.

"Property damage" shall have the meaning given this term by applicable state law. This term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage shall not include corrective action associated with releases from tanks which are covered by the policy.

"Provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an underground storage tank through one of the mechanisms listed in WAC 173-360-413 through 173-360-436, including a guarantor, insurer, risk retention group, surety, issuer of a letter of credit, issuer of a state-required mechanism, or a state.

"Regulated substance" means:

Any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and any other regulated substances); and

Petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit and 14.7 pounds per square inch absolute). The term "regulated substance" includes but is not limited to petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils. The term "regulated substance" does not include propane or asphalt or any other petroleum product which is not liquid at standard conditions of temperature and pressure.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an UST system to ground water, surface water or soils.

"Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

"Repair" means to restore a tank or UST system component that has caused a release of a regulated substance from the UST system.

"Residential tank" is a tank located on property used primarily for dwelling purposes; such properties do not include dormitories, convents, mobile parks, apartments, hotels and similar facilities, unless the tank is used by the owner solely for his or her own personal use, rather than to maintain the overall facility.

"Retrofitting" means the repair or upgrading of an existing underground storage tank system including, but not limited to, installation of splash, spill and overflow protection, installing or replacing monitoring systems, adding cathodic protective systems, tank repair, replacement of piping, valves, fill pipes or vents and installing tank liners.

"Septic tank" is a water-tight covered receptacle designed and used to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

"Site assessment" means investigating an UST site for the presence of a release at the time of closure or change-in-service.

"Site check" means investigating an UST site for the presence of a release when evidence indicates that a release may have occurred.

"Stormwater or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

"Structural defect" means a hole or crack in the tank portion of the UST system, which has either caused a release from the system or is being repaired to prevent a release from the system.

"Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and depends on existing economic transactions between the guarantor and the owner or operator.

"Supervisor" means a (~~licensed~~) person certified by the International Fire Code Institute, or other nationally recognized organization, operating independently or employed by a contractor, who is responsible for directing and overseeing the performance of tank services at a facility.

"Surface impoundment" is a natural topographic depression, excavation, or diked area formed primarily of earthen materials (although it may be lined with synthetic materials) that is not an injection well.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

"Tank permit" means a tank tag, as required by RCW 90.76.020(4).

"Tank services" include underground storage tank installation, decommissioning, retrofitting, and testing.

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~~("Tank services provider" is a person or firm licensed to perform tank services on regulated underground storage tanks in Washington.)~~

"Termination" under WAC 173-360-476 and 173-360-480 means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

"Testing" means applying a method to determine the integrity of an underground storage tank.

"Tightness testing" means a procedure for testing the ability of a tank system to prevent an inadvertent release of any stored substance into the environment or, ~~((in the case of an underground storage tank system,))~~ intrusion of ground water into a tank system.

"Underground area" means an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

"Underground release" means any below ground release.

"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground. This term does not include any of the exempt UST systems specified in WAC 173-360-110(2), or any piping connected thereto.

"Upgrade" means the addition or retrofit of some systems such as cathodic protection, lining, or spill and overfill controls to improve the ability of an underground storage tank system to prevent the release of regulated substances.

"UST site" or "site" means the location at which underground storage tanks are in place or will be placed. An UST site encompasses all of the property within a contiguous ownership that is associated with the use of the tanks.

"UST system" or "tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

"Wastewater treatment tank" means a tank that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-130 Tank permits and delivery of regulated substances. (1) Requirement for a permit. After July 1, 1991, no underground storage tank system, as defined in this chapter, shall be operated without a valid permit from the department. However, possession of a valid permit does not preclude enforcement against the owner or operator of the underground storage tank under this or other laws.

(2) Application for a permit. Permits for UST systems shall be obtained as follows:

(a) To apply for a permit for ~~((an))~~ a new UST system ~~((which is to be newly installed,))~~ the owner or operator shall complete ~~((a notice of intent to install an UST system,~~

~~as specified in WAC 173-360-200(1), and submit it to the department at least thirty days prior to installation of the system. An initial permit, valid for ninety days, will be provided by the department so the UST system can be tested and operation of the system can begin. If necessary, and if circumstances warrant, an additional permit valid for ninety days will be provided by the department. Upon receipt of the following items, a permit valid until the following June 30, if the UST system remains in compliance, will be provided by the department for the newly installed UST system:~~

~~(i) A properly completed))~~ an UST notification form, as specified in WAC 173-360-200(2)(c) and submit it with payment of the applicable annual fee, as specified in WAC 173-360-190, to the delegated agency. If no delegated agency exists, the application shall be submitted to the department.

~~((ii) A properly completed installation checklist, as specified in WAC 173-360-200(3).))~~

(b) To apply for a permit for an existing UST system not previously reported to the department, the owner or operator shall complete a Washington state underground storage tank notification form, as specified in WAC 173-360-200(2), and submit it to the ~~((department))~~ delegated agency with a payment of the applicable annual fee, as specified in WAC 173-360-190, including any fees which should have been paid for earlier fiscal years if the UST system had been properly registered, but which were not paid. If no delegated agency exists, the application shall be made to the department.

(c) To apply for a permit for a tank which has been temporarily out of service, the owner or operator shall notify the department of the change in status and follow the provisions of WAC 173-360-380.

(d) Each year the department will request owners and operators of reported UST systems to certify compliance with the requirements of this chapter. UST systems which are in the department's notification data base when the department requests this certification will receive permits by July 1 of each year if:

(i) Adequate documentation of compliance, as specified by the department, is submitted to the ~~((department))~~ delegated agency, or, if no delegated agency exists, to the department; and

(ii) ~~((The documentation of compliance is submitted by the deadline for submittal established by the department in its request))~~ Applicable fees have been paid.

(3) Eligibility for a permit. Tanks which are temporarily closed under WAC 173-360-380 are not eligible to receive permits. Underground storage tank systems are eligible for a permit if the following conditions are met:

(a) The owner or operator is in compliance with all requirements of this chapter, including the financial responsibility requirements, and chapter 173-340 WAC, if applicable, or the owner or operator is in conformance with a compliance schedule negotiated with and agreed to by the department;

(b) The storage tank system is not known by the owner or operator to be leaking; and

(c) All annual state tank fees and local environmentally sensitive area tank fees have been remitted.

(4) Delivery of regulated substances. Regulated substances shall not be delivered to any underground storage tank requiring a permit under this section unless a valid permit is displayed on such tank itself or the dispensing or measuring device connected thereto or, where appropriate, in the office or kiosk of the facility where the tank is located or unless otherwise authorized in writing by the department. This subsection applies only to suppliers who directly transfer regulated substances into underground storage tank systems.

(5) Waste oil tanks. Tanks used to collect and store used or waste oil regulated under this chapter shall not be pumped by a used or waste oil collector unless a valid permit is displayed on such tank itself or a device connected thereto or, where appropriate, in the office or kiosk of the facility where the tank is located. This prohibition does not apply to a one-time removal of substances from tanks which will not be used again for the storage of used or waste oil once the substances are removed; such tanks must be properly closed or undergo the procedures for a change-in-service in accordance with WAC 173-360-385. This subsection applies only to used or waste oil collectors who directly transfer regulated substances from underground storage tanks.

(6) Delivery prohibited to leaking tanks. ~~((Except as specified in subsection (10) of this section;))~~ Suppliers shall not deliver regulated substances to any underground storage tank which is known by the supplier to be leaking, or to have leaked and not been properly repaired, regardless of the permit status of the tank.

(7) Delivery of regulated substances. If a confirmed release occurs from a permitted tank, in addition to meeting the reporting requirements of WAC 173-360-372, within twenty-four hours of having knowledge of the release the owner or operator shall lock the fill pipe and remove from display the permit for the tank from which the release has occurred. At no time can the owner or operator receive regulated substances, ~~((except as specified in subsection (10) of this section;))~~ until all the applicable requirements of this chapter and chapter 173-340 WAC have been met. If the department determines that reasonable progress is not being made in meeting these requirements it may request that the owner or operator surrender the permit, as specified in subsection (8) of this section, for the tank from which the release occurred.

(8) Permit revocation. The department may request the surrender of a permit for any tank which does not remain in compliance with the requirements of this chapter, including financial responsibility requirements and payment of fees, or for any violation of the chapter by an underground storage tank owner or operator, including refusal of access to property under WAC 173-360-140. Upon request of a representative of the department or delegated agency or upon receipt of a letter from the department or delegated agency requesting surrender of the permit, the owner or operator must return the permit to the department or delegated agency within seven days.

(9) When a tank is closed, any active permit must be returned to ecology within thirty days of the completion of the closure procedures.

(10) Appeals. The revocation of a permit may be appealed to the pollution control hearings board, pursuant to chapter 43.21B RCW.

~~((11) Display of permits for tightness testing. A permit which has been removed from display in accordance with subsection (7) of this section may be redisplayed for the purpose of receiving regulated substances in order to conduct a volumetric tightness test on the storage system. If a leak is determined to exist in the uppermost level of the system, the regulated substance shall be immediately removed to a point below the source of the leak. If a leak is determined to exist below the uppermost level of the system, all regulated substances shall be immediately removed from the system. The requirements of subsection (7) of this section and the requirement for reporting of confirmed releases specified in WAC 173-360-372 shall be followed, regardless of the location of the source of the release in the storage tank system.))~~

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-190 Annual tank fees. An annual state tank fee of seventy-five dollars per tank ~~((for the fiscal year ending June 30, 1992, and each fiscal year thereafter shall be paid within thirty days of the billing date and no later than the December 31st of each fiscal year))~~ by every person who owns an underground storage tank which:

- (1) Is located in this state;
- (2) Was required to be reported to the department under the Federal Underground Storage Tank Program of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901, et seq.);
- (3) Is not permanently closed according to the requirements of this chapter ~~((on June 30 of the fiscal year preceding the fiscal year for which the fee is assessed))~~ as of the billing date; and
- (4) If required, for which corrective action has not been completed in accordance with this chapter.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-200 Notification requirements. (1) Notice of intent to install a new UST system. Except in the circumstances defined in subsection (5) of this section, any owner who intends to install a new UST system shall submit a notice of such intent to the department or delegated agency at least thirty days and not more than ninety days prior to installing the UST system. Such notice shall meet the following requirements:

- (a) The notice of intent shall be provided on the appropriate Washington state form, which is available from the department;
- (b) Each UST system to be installed which is regulated under this chapter shall be reported;
- (c) Owners may provide notice for more than one UST system using a single form, but UST systems to be installed at separate sites shall be reported on separate forms; and
- (d) The completed form shall include all of the information required on the form.

(2) Notification of new UST systems in use. Within thirty days of bringing any newly installed UST system

regulated under this chapter into use, the owner shall submit notice of such UST system to the department. This notice shall meet the following requirements:

(a) The notice shall be provided on the appropriate Washington state underground storage tank notification form, which is available from the department;

(b) Each tank regulated under this chapter shall be reported;

(c) Owners may provide notice for more than one tank using a single notification form, but owners who own tanks located at more than one site shall file a separate notification form for each site;

(d) Notification required under this section shall include all of the information required on the form for each tank for which notice must be given; and

(e) Notification for tanks installed after December 22, 1988, shall also certify compliance with the following requirements:

(i) Corrosion protection of steel tanks and piping under WAC 173-360-305 (1) and (2);

(ii) Financial responsibility under WAC 173-360-400 through 173-360-499; and

(iii) Release detection under WAC 173-360-335 and 173-360-340.

(3) Certification of installation ((~~checklist~~)). All owners and operators of new UST systems shall ensure that ((~~a licensed installation supervisor certifies that~~)) the methods used to install the tanks and piping comply with the requirements in WAC 173-360-305(4). Such certification shall be accomplished by completing ((~~an installation checklist~~)) a notification form, which is available from the department, as specified in WAC 173-360-305(5). The form must be signed by the certified UST supervisor.

(4) Notification of existing UST systems. Owners of any existing UST system regulated under this chapter which has not previously been reported to the department shall provide notification regarding such UST system immediately, following the requirements of subsection (2) (a) through (e) of this section.

Note: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out of operation on or before January 1, 1974, were required to notify the department in accordance with the Hazardous and Solid Waste Amendments of 1984, Public Law 98-616, on a form published by Washington state unless notice was given pursuant to section 103(c) of CERCLA.

(5) Emergency replacement of UST systems.

(a) An exception to the thirty-day notice requirement for new installations in subsection (1) of this section is allowed when an UST system is being replaced on an emergency basis due to a release from the system being replaced. An emergency shall be regarded as a newly discovered release from an UST system which is:

- (i) In operation at the time of the release;
- (ii) Located at an operating facility; and
- (iii) Necessary for the normal operation of the facility.

(b) Under the circumstances described in (a) of this subsection, the notice of intent to install an UST system may be provided after the installation of the new system but no more than seven days after the installation is completed. The information which must be included in the notice of intent form is the same as in subsection (1) of this section.

A site assessment meeting the requirements of WAC 173-360-390 shall be completed prior to installing a tank in the excavation pit of a tank being replaced and prior to installing new piping in the piping trench of piping being replaced.

(6) Changes to UST systems. Any changes in the information initially reported in the notification form submitted under subsection (2), (4) or (5) of this section, including temporary closure of an UST system that was initially reported as being in use, shall be reported to the department or delegated agency by submitting a new notification form within thirty days after such changes occur.

(7) Beginning October 24, 1988, any person who sells a new tank which is intended to be used as an underground storage tank, or an existing UST system or property including an existing UST system which is intended to be used as an UST system, shall notify the purchaser of such tank or UST system of the owner's notification obligations under this section.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-210 Reporting and recordkeeping requirements. Owners and operators of UST systems shall cooperate fully with inspections, monitoring, and testing conducted by the department or delegated agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to RCW 90.76.060.

(1) Reporting. Owners and operators shall submit the information specified in (a) through (e) of this subsection to the department or delegated agency:

(a) Notification for all UST systems (WAC 173-360-200), which includes certification of installation for new UST systems (WAC 173-360-305(5));

(b) Reports of all suspected releases (WAC 173-360-360), confirmed releases (WAC 173-360-372), and spills and overfills (WAC 173-360-375);

(c) Reports required for corrective actions under chapter 173-340 WAC;

(d) A notification before permanent closure or change-in-service (WAC 173-360-385); and

(e) The appropriate forms, certificates of compliance, and evidence of financial responsibility (WAC 173-360-446).

(f) Checklists required for tank service activities, site checks, and site assessments shall be ~~((submitted by tank services providers or persons registered to perform site checks and site assessments, as applicable (WAC 173-360-630(12))))~~ signed by certified UST supervisors and submitted to the department by the owner or operator.

(2) Recordkeeping. Owners and operators shall maintain the following information:

(a) Documentation of operation of corrosion protection equipment (WAC 173-360-320);

(b) Documentation of UST system repairs (WAC 173-360-325(7));

(c) Recent compliance with release detection requirements (WAC 173-360-355);

(d) Results of the site assessment conducted at permanent closure (WAC 173-360-398);

(e) Corrective action records in accordance with chapter 173-340 WAC; and

(f) Evidence of financial assurance mechanisms used to demonstrate financial responsibility (WAC 173-360-450).

(3) Availability and maintenance of records. Owners and operators shall keep the records required either:

(a) At the UST site and immediately available for inspection by the department or delegated agency; or

(b) At a readily available alternative site and be provided for inspection to the department or delegated agency upon request.

(c) In the case of permanent closure records required under WAC 173-360-398, owners and operators are also provided with the additional alternative of mailing closure records to the department or delegated agency if they cannot be kept at the site or an alternative site as indicated above.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-305 Performance standards for new UST systems. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all owners and operators of new UST systems shall meet the following requirements:

(1) Tanks. Each tank shall be properly designed and constructed with material that is compatible with and impermeable to the stored substance, and any portion underground that routinely contains regulated substances shall be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified under (a) through (d) below:

(a) The tank is constructed of fiberglass-reinforced plastic; or

Note: The following industry codes may be used to comply with subsection (1)(a) of this section: Underwriters Laboratories Standard 1316, "Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products"; Underwriter's Laboratories of Canada CAN4-S615-M83, "Standard for Reinforced Plastic Underground Tanks for Petroleum Products"; or American Society of Testing and Materials Standard D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks."

(b) The tank is constructed of steel and cathodically protected in the following manner:

(i) The tank is coated with a suitable dielectric material;

(ii) The tank is equipped with a factory-installed or field-installed cathodic protection system designed by a corrosion expert;

(iii) Cathodic protection systems are designed and installed to include provisions for testing to allow a determination of current operating status as required in WAC 173-360-320(2) and to facilitate testing by the department or delegated agency in accordance with WAC 173-360-325 (5) and (6); and

(iv) Cathodic protection systems are operated and maintained in accordance with WAC 173-360-320 or according to guidelines established by the department or delegated agency; or

Note: The following codes and standards may be used to comply with subsection (1)(b) of this section:

(A) Steel Tank Institute "Specification for STI-P3 System of External Corrosion Protection of Underground Steel Storage Tanks";

(B) Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks";

(C) Underwriters Laboratories of Canada CAN4-S603-M85, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids," and CAN4-G03.1-M85, "Standard for Galvanic Corrosion Protection Systems for Underground Tanks for Flammable and Combustible Liquids," and CAN4-S631-M84, "Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems"; or

(D) National Association of Corrosion Engineers Standard RP- 02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids."

(c) The tank is constructed of a steel-fiberglass-reinforced- plastic composite; or

Note: The following industry codes may be used to comply with subsection (1)(c) of this section: Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks," or the Association for Composite Tanks ACT-100, "Specification for the Fabrication of FRP Clad Underground Storage Tanks."

(d) The tank construction and corrosion protection are determined by the department or delegated agency to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than subsection (1)(a) through (c) of this section.

(2) Piping. The piping that routinely contains regulated substances and is in contact with the ground shall be properly designed and constructed with material that is compatible with and impermeable to the stored substance, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

(a) The piping is constructed of fiberglass-reinforced plastic; or

Note: The following codes and standards may be used to comply with subsection (2)(a) of this section:

(i) Underwriters Laboratories Subject 971, "UL Listed Non- Metal Pipe";

(ii) Underwriters Laboratories Standard 567, "Pipe Connectors for Flammable and Combustible and LP Gas";

(iii) Underwriters Laboratories of Canada Guide ULC-107, "Glass Fiber Reinforced Plastic Pipe and Fittings for Flammable Liquids"; and

(iv) Underwriters Laboratories of Canada Standard CAN 4-S633- M81, "Flexible Underground Hose Connectors."

(b) The piping is constructed of steel and cathodically protected in the following manner:

(i) The piping is coated with a suitable dielectric material;

(ii) Field-installed cathodic protection systems are designed by a corrosion expert;

(iii) Cathodic protection systems are designed and installed to include provisions for testing to allow a determination of current operating status as required in WAC 173-

360-320(2) and to facilitate testing by the department or delegated agency in accordance with WAC 173-360-325 (5) and (6); and

(iv) Cathodic protection systems are operated and maintained in accordance with WAC 173-360-320 or guidelines established by the department or delegated agency; or

Note: The following codes and standards may be used to comply with subsection (2)(b) of this section:

(A) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code";

(B) American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems";

(C) American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"; and

(D) National Association of Corrosion Engineers Standard RP- 01-69, "Control of External Corrosion on Submerged Metallic Piping Systems."

(c) The piping construction and corrosion protection are determined by the department or delegated agency to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in subsection (2)(a) and (b) of this section.

(d) Metal flexible underground hose connectors shall be cathodically protected or covered with sleeves or jackets that will provide corrosion protection over the operating life of the UST system.

(3) Spill and overfill prevention equipment.

(a) Except as provided in subsection (3)(b) of this section, to prevent spilling and overfilling associated with transfer of regulated substances to the UST system, owners and operators shall use the following spill and overfill prevention equipment:

(i) Spill prevention equipment that will prevent release of regulated substances to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and

(ii) Overfill prevention equipment that will:

(A) Automatically shut off flow into the tank when the tank is no more than ninety-five percent full;

(B) Alert the transfer operator when the tank is no more than ninety percent full by restricting the flow into the tank or triggering a high-level alarm; or

(C) Restrict flow thirty minutes prior to overfilling, alert the operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to regulated substances due to overfilling.

Note: Overflow prevention equipment that will automatically shut off or restrict flow into the tank should not be used where a pressurized fuel transfer system may be employed since an overflow may occur when the flow is suddenly shut off or restricted.

(b) Owners and operators are not required to use the spill and overfill prevention equipment specified in subsection (3)(a) of this section if:

(i) Alternative equipment is used that is determined by the department or delegated agency to be no less protective

of human health and the environment than the equipment specified in subsection (3)(a)(i) or (ii) of this section; or

(ii) The UST system is filled by transfers of no more than twenty-five gallons at one time.

(4) Installation. All tanks and piping shall be properly installed by ~~((a licensed tank services provider))~~ an UST supervisor who is certified in tank system installation in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

Note: Tank and piping system installation practices and procedures described in the following codes may be used to comply with the requirements of subsection (4) of this section:

(a) American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage System"; or

(b) Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems"; or

(c) American National Standards Institute Standard B31.3, "Petroleum Refinery Piping," and American National Standards Institute Standard B31.4 "Liquid Petroleum Transportation Piping System."

(5) Certification of installation. All owners and operators shall ensure ~~((that a licensed tank services provider certifies))~~ compliance with subsection (4) of this section by submitting a properly completed ~~((installation checklist))~~ notification form to the ~~((department on a form provided by the department as required in WAC 173-360-630(12)))~~ delegated agency, or, if no delegated agency exists, to the department. The form must be signed by a certified UST supervisor.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-310 Upgrading requirements for existing UST systems. (1) Alternatives allowed. Not later than December 22, 1998, all existing UST systems shall comply with one of the following requirements:

(a) New UST system performance standards under WAC 173-360-305;

(b) The upgrading requirements in subsections (2) through (4) of this section; or

(c) Closure requirements under WAC 173-360-380 through 173-360-398, including applicable requirements for corrective action under WAC 173-360-399.

(2) Tank upgrading requirements. Steel tanks shall be upgraded ~~((by a licensed tank services provider))~~ by a certified UST supervisor to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

(a) Interior lining. A tank may be upgraded by internal lining if:

(i) The lining is installed in accordance with the requirements of WAC 173-360-325; and

(ii) Within ten years after lining, and every five years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications, unless

cathodic protection is also installed within ten years of lining the tank, as specified in WAC 173-360-310 (2)(c).

(b) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of WAC 173-360-305 (1)(b)(ii), (iii), and (iv) and the integrity of the tank is ensured using one of the following methods:

(i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system; or

(ii) The tank has been installed or internally lined for less than ten years and is monitored monthly for releases in accordance with WAC 173-360-345 (6)(e) through ~~((6)(f))~~ (i); or

(iii) The tank has been installed or internally lined for less than ten years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of WAC 173-360-345 (6)(d). The first tightness test shall be conducted prior to installing the cathodic protection system. The second tightness test shall be conducted between three and six months following the first operation of the cathodic protection system; or

(iv) The tank is assessed for corrosion holes by a method that is determined by the department or delegated agency to prevent releases in a manner that is no less protective of human health and the environment than subsection (2)(b)(i) through (iii) of this section.

(c) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:

(i) The lining is installed in accordance with the requirements of WAC 173-360-325; and

(ii) The cathodic protection system is installed within ten years of the tank being lined and meets the requirements of WAC 173-360-305 (1)(b)(ii), (iii), and (iv).

Note: The following codes and standards may be used to comply with this section:

(A) American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks";

(B) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection";

(C) National Association of Corrosion Engineers Standard RP- 02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems";

(D) American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"; and

(E) Steel Tank Institute Publication STI F894-91 "Specifications for External Corrosion Protection FRP Composite Underground Steel Storage Tanks."

(3) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground shall be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and shall meet

the requirements of WAC 173-360-305 (2)(b)(ii), (iii), and (iv).

Note: The codes and standards listed in the note following WAC 173-360-305 (2)(b) may be used to comply with this requirement.

(4) Spill and overflow prevention equipment. To prevent spilling and overflowing associated with transfer of regulated substances to the UST system, all existing UST systems shall comply with new UST system spill and overflow prevention equipment requirements specified in WAC 173-360-305(3), except that an UST system that is filled by transfers of no more than twenty-five gallons at a time is not required to use spill and overflow prevention equipment.

(5) ~~((Tank services providers))~~ Certified UST supervisors who perform any of the tank services described in this section shall certify that such services comply with the requirements of this section by ~~((submitting))~~ signing the appropriate checklist(s) ~~((to))~~ provided by the department ~~((in accordance with WAC 173-360-630(12)))~~.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-320 Operation and maintenance of corrosion protection. All owners and operators of steel UST systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

(1) All corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.

(2) All UST systems equipped with cathodic protection systems shall be inspected for proper operation by ~~((a licensed supervisor of cathodic protection installation and testing))~~ an UST supervisor who is certified in cathodic protection in accordance with the following requirements:

(a) Frequency. All cathodic protection systems shall be tested when they are installed, and again between one and six months after installation, and at least every three years thereafter or according to another reasonable time frame established by the department or delegated agency; and

(b) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section shall be in accordance with a code of practice developed by a nationally recognized association.

Note: National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," may be used to comply with subsection (2)(b) of this section.

(3) UST systems with impressed current cathodic protection systems shall also be inspected every 60 days to ensure the equipment is running properly.

(4) For UST systems using cathodic protection, records of the operation of the cathodic protection shall be maintained to demonstrate compliance with the performance standards in this section. These records shall provide the following:

(a) The results of the last three inspections required in subsection (3) of this section; and

(b) The results of testing from the last two inspections required in subsection (2) of this section.

(5) ~~((Tank services providers))~~ Certified UST supervisors who perform any of the tank services described in this section shall certify that such services comply with the requirements of this section by ~~((submitting))~~ signing the appropriate checklist(s) ~~((to))~~ provided by the department ~~((in accordance with WAC 173-360-630(12)))~~.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-325 Repairs of UST systems. Repairs to UST systems shall be performed by a certified UST supervisor. Owners and operators of UST systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. Any UST system which is repaired to correct a structural defect must also be upgraded at the time of the repair to meet the requirements specified in WAC 173-360-310 (1)(a) or (b), and must employ a method of release detection for the tank as specified in WAC 183-360-335, 173-360-340 or 173-360-345, as applicable, and a method of release detection for the piping as specified in WAC 173-360-350. The repairs shall meet the following requirements:

(1) Repairs to UST systems shall be properly conducted ~~((by a licensed tank services provider))~~ by an UST supervisor certified in tank installation and retrofitting in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

Note: The following codes and standards may be used to comply with subsection (1) of this section: National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; American Petroleum Institute Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines"; American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks"; and National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection."

(2) Repairs to fiberglass-reinforced plastic tanks shall be made in accordance with the manufacturer's specifications or a code of practice developed by a nationally recognized association or an independent testing laboratory.

(3) Metal pipe sections and fittings that have released regulated substances as a result of corrosion or other damage shall be replaced. Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications.

(4) Repaired tanks and piping shall be tightness tested in accordance with WAC 173-360-345 (6)(d) and 173-360-350 (3)(b) within thirty days following the date of the completion of the repair except as provided in subsection (4) (a) through (c), of this section:

(a) The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory; or

(b) The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in WAC 173-360-345 (6)(e) through ~~((6)(f))~~ (j); or

(c) Another test method is used that is determined by the department or delegated agency to be no less protective of human health and the environment than those listed above.

(5) Except as specified in subsection (6) of this section, within six months following the repair of any cathodically protected UST system, the cathodic protection system shall be tested in accordance with WAC 173-360-320 (2) and (3) to ensure that it is operating properly.

(6) Any repair to a cathodic protection system shall be tested in accordance with WAC 173-360-320 (2) and (3), at the time of the repair and again between one and six months following the repair.

(7) UST system owners and operators shall maintain records of each repair for the remaining operating life of the UST site that demonstrate compliance with the requirements of this section.

(8) ~~((Tank services providers))~~ Certified UST supervisors who perform any of the tank services described in this section shall certify that such services comply with the requirements of this section by ~~((submitting))~~ signing the appropriate checklist(s) ~~((to))~~ provided by the department ~~((in accordance with WAC 173-360-630(12)))~~.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-330 Release detection compliance schedule. Owners and operators of all UST systems shall comply with the release detection requirements of WAC 173-360-330 through 173-360-355 by December 22 of the year listed in the following table:

TABLE: SCHEDULE FOR PHASE-IN OF RELEASE DETECTION

Year System was installed	Year when release detection is required (by December 22 of the year indicated)						
	1989	1990	1991	1992	1993	1994	1995
Before 1965 or date unknown.	RD	P	E				
1965-69..		P/RD		E			
1970-74..		P	RD		E		
1975-79..		P		RD		E	
1980-88..		P			RD		E

New tanks (after December 22, 1988,) immediately upon installation, except that emergency generator tanks installed between 1989 and 1990 must have release detection by 1996 and emergency generator tanks installed after December 29, 1990, must have release detection immediately upon installation.

P- Except for pressurized piping associated with emergency power generator tanks, ~~((must begin))~~ release detection required by December 22, ((1992)) 1990.

RD- Except for emergency power generator tanks, must begin release detection for tanks and suction piping in accordance with WAC 173-360-335 (2)(a), 173-360-350 (2)(b), and 173-360-340.

E- Must begin release detection for emergency power generator tanks and piping in accordance with WAC 173-360-335 (2)(a) and 173-360-350 (2)(a) or (b).

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((Note: Dates preceding the effective date of this rule correspond to federal requirements under 40 CFR 280 and are included here to reflect conformity to the federal rule.))

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-335 Release detection for petroleum UST systems. (1) Owners and operators of new and existing petroleum UST systems shall provide a method, or combination of methods, of release detection that:

(a) Can detect a release from any portion of the tank and the connected underground piping that routinely contains a regulated substance;

(b) Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and

(c) Meets the performance requirements in WAC 173-360-345 or 173-360-350.

(2) Owners and operators of petroleum UST systems shall monitor tanks and piping for releases as follows:

(a) Tanks. Tanks shall be monitored at least every thirty days for releases using one of the methods listed in WAC 173-360-345 (6)(e) through ~~((6)(i))~~ (j) except as provided in WAC 173-360-345 (2) through (5).

(b) Piping. Underground piping that routinely contains regulated substances shall be monitored for releases as required under WAC 173-360-350.

(3) Owners and operators of any existing UST system that cannot apply a method of release detection that complies with the applicable requirements of WAC 173-360-330 through 173-360-355 shall complete the closure procedures in WAC 173-360-380 through 173-360-398 by the date on which release detection is required for that UST system under WAC 173-360-330.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-340 Release detection for hazardous substance UST systems. Owners and operators of hazardous substance UST systems shall provide release detection that meets the following requirements:

(1) Release detection at existing hazardous substance UST systems shall meet the requirements for petroleum UST systems in WAC 173-360-335. By December 22, 1998, all existing hazardous substance UST systems shall meet the release detection requirements for new systems in subsection (2) of this section.

(2) Release detection at new hazardous substance UST systems shall employ some method of release containment such as secondary containment systems, double-walled tanks, or external liners (e.g., in a pit or excavation). Such methods shall meet the following requirements:

(a) Secondary containment systems shall be designed, constructed and installed to:

(i) Contain regulated substances released from the tank system until they are detected and removed;

(ii) Prevent precipitation and ground water from entering the external liner and prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

(iii) Be checked for evidence of a release at least every thirty days.

Note: The provisions of 40 CFR 265.193, Containment and Detection of Releases, may be used to comply with these requirements.

(b) Double-walled tanks shall be designed, constructed, and installed to:

(i) Contain a release from any portion of the inner tank within the outer wall; and

(ii) Detect the failure of the inner wall.

(c) External liners (including vaults) shall be designed, constructed, and installed to:

(i) Contain one hundred ten percent of the capacity of the largest tank within its boundary;

(ii) Prevent the interference of precipitation or ground-water intrusion with the ability to contain or detect a release of regulated substances; and

(iii) Surround the tank completely (i.e., it is capable of preventing lateral as well as vertical migration of regulated substances).

(d) Underground piping shall be equipped with secondary containment that satisfies the requirements of subsection (2)(a) of this section (e.g., trench liners, jacketing ~~((of))~~ double-walled pipe). In addition, underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector in accordance with WAC 173-360-350 (3)(a).

(e) Other methods of release detection may be used if owners and operators:

(i) Demonstrate to the department or delegated agency that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in WAC 173-360-345 (6)(b) through ~~((6)(i))~~ (j) can detect a release of petroleum;

(ii) Provide information to the department or delegated agency on effective corrective action technologies, health risks, and chemical and physical properties of the stored substance, and the characteristics of the UST site; and

(iii) Obtain approval from the department or delegated agency to use the alternate release detection method before the installation and operation of the new UST system.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-345 Methods of release detection for tanks. (1) Any method of release detection for tanks shall meet the performance requirements of this section. In addition, methods used after December 22, 1990, except for methods permanently installed prior to that date, shall be capable of detecting the leak rate or quantity specified for that method in subsection (6)(b), (c), (d), and (e) of this section with a probability of detection of 0.95 and a probability of false alarm of 0.05. (That is, under test conditions, a method will correctly detect at least ninety-five of one hundred actual releases, and will falsely indicate a release no more than five times in one hundred tests of nonleaking systems.)

Note: The establishment of leak indication thresholds is a means of setting a standard for the equipment or method used. It is not in any way meant to imply that actual leak rates less than these limits are allowable. No release is acceptable, and any indication that a release may have occurred should be investigated in

accordance with WAC 173-360-360. Manufacturers and ~~(tank services providers)~~ certified UST supervisors installing or utilizing leak detection equipment and/or methods ~~((are encouraged to))~~ must follow EPA's standard test procedures for evaluating leak detection methods to demonstrate compliance with the requirements of subsection (1) of this section.

(2) UST systems that meet the new tank or upgraded tank performance standards in WAC 173-360-305 or 173-360-310, and the inventory control requirements in subsection (6) (a) or (b) of this section, may use tank tightness testing (conducted in accordance with subsection (6)(d) of this section) at least every five years until December 22, 1998, or until ten years after the tank is installed or upgraded under WAC 173-360-310(2), whichever is later.

(3) UST systems that do not meet the new tank or upgraded tank performance standards in WAC 173-360-305 or 173-360-310 may use inventory controls (conducted in accordance with subsection (6) (a) or (b) of this section) and annual tank tightness testing (conducted in accordance with subsection (6)(d) of this section) until December 22, 1998, when the tank shall be upgraded under WAC 173-360-310 or permanently closed under WAC 173-360-385.

(4) Tanks with capacity of one thousand gallons or less may use weekly tank gauging conducted in accordance with subsection (6)(b) of this section.

(5) Tanks that store fuel solely for use by emergency power generators may use the following methods of release detection:

(a) Emergency power generator tanks with nominal capacity of one thousand gallons or less may use monthly tank gauging conducted in accordance with subsection (6)(c) of this section.

(b) Emergency power generator tanks with nominal capacity of ~~((five hundred fifty one))~~ one thousand one to two thousand gallons may use monthly tank gauging conducted in accordance with subsection (6)(c) of this section, in conjunction with annual tank tightness testing conducted in accordance with subsection (6)(d) of this section.

(c) Except as provided in subsection (2) of this section, emergency power generator tanks with nominal capacity greater than two thousand gallons may use weekly tank gauging conducted in accordance with subsection (6)(b) of this section, in conjunction with annual tank tightness testing conducted in accordance with subsection (6)(d) of this section.

(6) Each method of release detection for tanks used to meet the requirements of WAC 173-360-335 shall be conducted in accordance with the following:

(a) Daily inventory control. Daily inventory control (or another test of equivalent performance) shall be conducted in a manner capable of detecting a release of at least 1.0 percent of flow-through plus 130 gallons on a monthly basis in the following manner:

(i) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded each operating day;

(ii) The equipment used is capable of measuring the level of regulated substance in the tank over the full range of the tank's height to the nearest one-eighth of an inch;

(iii) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;

(iv) Deliveries are made through a drop tube that extends to within one foot of the tank bottom;

(v) Dispensing of regulated substances is metered and recorded within the local standards for meter calibration or an accuracy of at least six cubic inches for every five gallons of regulated substances which is withdrawn; and

(vi) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month.

Note: Practices described in the American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," may be used, where applicable, as guidance in meeting the requirements of this paragraph.

(b) Weekly tank gauging. Only tanks of one thousand gallons or less nominal capacity may use weekly tank gauging as the sole method of release detection. Tanks of one thousand one to two thousand gallons may use the method in place of daily inventory control in (a) of this subsection, in conjunction with tank tightness testing, as specified in (d) of this subsection. Tanks of greater than two thousand gallons nominal capacity may use this method to meet the requirements of WAC 173-360-330 through 173-360-355 only if such tanks store fuel solely for use by emergency power generators. Weekly tank gauging shall meet the following requirements:

(i) Tank liquid level measurements are taken weekly at the beginning and ending of a period of at least thirty-six hours during which no liquid is added to or removed from the tank;

(ii) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period (that is, four measurements shall be taken, two consecutive measurements at the beginning and two consecutive measurements at the end of the period during which no liquid has been added or removed from the tank);

(iii) The equipment used is capable of measuring the level of regulated substance in the tank over the full range of the tank's height to the nearest one-eighth of an inch;

(iv) If the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table, a leak may be occurring and the requirements of WAC 173-360-360 through 173-360-375 shall be followed:

Nominal Tank Capacity	Weekly Standard (one test)	Monthly Standard ((average of four tests))
550 gallons or less	10 gallons	5 gallons
551-1,000 gallons	13 gallons	7 gallons
1,001-2,000 gallons	26 gallons	13 gallons
2,001 gallons or more*	.75% of capacity	.5% of capacity

(*Emergency Power Generator Tanks only.)

(c) Monthly tank gauging. Only tanks that store fuel solely for use by emergency power generators with a nominal capacity of two thousand gallons or less may use monthly tank gauging as a method of release detection. Such tanks with nominal capacity of ~~((five hundred fifty one))~~ one thousand one to two thousand gallons ~~((shall also have an annual tank tightness test))~~ may use manual tank gauging in conjunction with tank tightness testing conducted

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in accordance with ~~((d) of)~~ this ~~((subsection))~~ section. Monthly tank gauging shall meet the following requirements:

(i) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded whenever inputs or withdrawals occur;

(ii) Tank liquid level measurements reconciled with inventory volume measurements are taken monthly at the beginning and ending of a period of at least twenty-one days, except when extreme snowfall or other travel obstructions occurring in remote locations and preventing access are specifically documented by the owner and operator;

(iii) Level measurements are based on an average of two consecutive readings at both the beginning and ending of the period (that is, four measurements shall be taken, two consecutive measurements at the beginning and two consecutive measurements at the end of the period);

(iv) The equipment used is capable of measuring the level of regulated substance in the tank over the full range of the tank's height to the nearest one-eighth of an inch or a corresponding amount of gallons;

(v) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month;

(vi) If the variation between beginning and ending measurements exceeds the monthly standards in the following table, a leak may be occurring and the requirements of WAC 173-360-360 through 173-360-375 shall be followed:

Nominal Tank Capacity	Monthly Standard ((average of four tests))
550 gallons or less	5 gallons
551-1,000 gallons	7 gallons
1,001-2000 gallons	13 gallons

(d) Tank tightness testing. Tank tightness testing (or another test of equivalent performance) shall be capable of detecting at least a 0.1 gallon per hour leak rate from any portion of the tank ~~((that routinely contains a regulated substance))~~ up to the ninety-five percent full level or up to the product level limited by an overflow prevention device while accounting for the effects of thermal expansion or contraction of the regulated substance, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. Tank tightness testing shall be conducted and the results reported in accordance with the instructions for that method.

(e) Automatic tank gauging. Equipment for automatic tank gauging that tests for the loss of regulated substance and conducts inventory control shall meet the following requirements:

(i) The automatic product level monitor test can detect at least a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains a regulated substance; ~~((and))~~

(ii) Daily inventory control (or another test of equivalent performance) is conducted in accordance with the requirements of (a) of this subsection; and

(iii) Automatic tank gauging equipment must be operated in the test mode at least once per year, and the results kept on file.

(f) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:

(i) The materials used as backfill are sufficiently porous (e.g., gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation ~~((area))~~ zone;

(ii) The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;

(iii) The measurement of vapors by the monitoring device is not rendered inoperative by the ground water, rainfall, or soil moisture or other known interferences so that a release could go undetected for more than thirty days;

(iv) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;

(v) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system;

(vi) In the UST excavation zone, the site is evaluated for its appropriateness for installation of vapor monitors to ensure compliance with the requirements of this subsection and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains a regulated substance; and

(vii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

Note: Monitoring wells must also comply with the minimum standards for construction, maintenance, and abandonment of resource protection wells specified in chapter 173-160 WAC. UST system owners and operators are encouraged to retain the services of a qualified professional who is experienced in determining the design and placement of vapor monitoring wells surrounding an UST system.

(g) Ground water monitoring. Testing or monitoring for liquids on or in the ground water shall meet the following requirements:

(i) The regulated substance stored is immiscible in water and has a specific gravity of less than one;

(ii) Ground water is never more than twenty feet from the ground surface and the hydraulic conductivity of the soil(s) between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials);

(iii) The slotted portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low ground-water conditions;

(iv) Monitoring wells shall be sealed from the ground surface to the top of the filter pack;

(v) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;

(vi) The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the ground water in the monitoring wells;

(vii) Within and immediately below the UST system excavation zone, the site is evaluated for its appropriateness

for installation of ground water monitors to ensure compliance with the requirements in (g)(i) through (v) of this subsection and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains a regulated substance; and

(viii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

Note: Monitoring wells must also comply with the minimum standards for construction, maintenance, and abandonment of wells specified in chapter 173-160 WAC. UST system owners and operators are encouraged to retain the services of a qualified professional who is experienced in determining the design and placement of ground water monitoring wells surrounding an UST system.

(h) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains a regulated substance and also meets one of the following requirements:

(i) For double-walled UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains a regulated substance;

Note: The provisions outlined in the Steel Tank Institute's "Standard for Dual Wall Underground Storage Tanks" may be used as guidance for aspects of the design and construction of underground steel double-walled tanks.

(ii) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier;

(A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (at least 10^{-6} cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;

(B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;

(C) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;

(D) The ground water, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than thirty days;

(E) The site is evaluated for its appropriateness for installation of interstitial monitors to ensure that the secondary barrier is always above the ground water and not in a twenty-five-year flood plain, unless the barrier and monitoring designs are for use under such conditions; and

(F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

(iii) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

(i) Statistical inventory reconciliation. Statistical inventory reconciliation (SIR) shall meet the following requirements:

(i) Statistical inventory reconciliation must detect at least a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains a regulated substance with a probability of detection of at least 0.95 and a probability of false alarm of no more than 0.05; and

(ii) Daily inventory control must be performed in accordance with the requirements of (a) of this subsection; and

(iii) Owners and operators must submit daily inventory records from at least the previous thirty days on a monthly basis to a SIR vendor whose statistical analysis method has been demonstrated to meet the performance standard of (i) of this subsection; and

(iv) The SIR vendor must perform an independent SIR analysis on the daily inventory records submitted and report the results to the owner or operator within fifteen days of receiving them; and

(v) If the results of a SIR analysis show a leak rate of 0.2 gallon per hour or greater in any single month, or are determined to be "inconclusive" by the SIR vendor for any reason for two consecutive months, the owner or operator shall have a tank tightness test conducted in accordance with (d) of this subsection within fifteen days of receiving the results from the SIR vendor.

(j) Other methods. Any other type of release detection method, or combination of methods, can be used if:

(i) It can detect a 0.2 gallon per hour leak rate or a release of one hundred fifty gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or

(ii) The department or delegated agency may approve another method if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in (d) through (i) of this subsection. In comparing methods, the department or delegated agency shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the department or delegated agency on its use to ensure the protection of human health and the environment.

~~((7) Tank services providers who perform any of the tank services described in this section shall certify that such services comply with the requirements of this section by submitting the appropriate checklist(s) to the department in accordance with WAC 173-360-630(12).))~~

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-350 Methods of release detection for piping. (1) Any method of release detection for piping shall meet the performance requirements of this section, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, release detection methods (~~used after December 22, 1990~~), except for those methods permanently installed prior to ~~(that date)~~ December 22, 1990, shall be capable of detecting the leak rate or quantity specified for that method in subsection (3)(a) and (b) of this section with a probability of detection of 0.95 and a probability of false alarm of 0.05. (That is, under test conditions, a method will

correctly detect at least ninety-five of one hundred actual releases, and will falsely indicate a release no more than five times in one hundred tests of nonleaking systems.)

Note: The establishment of leak indication thresholds is a means of setting a standard for the equipment or method used. It is not in any way meant to imply that actual leak rates less than these limits are allowable. No release is acceptable, and any indication that a release may have occurred should be investigated in accordance with WAC 173-360-360.

(2) Underground piping that routinely contains regulated substances shall be monitored for releases in a manner that meets one of the following requirements:

(a) Pressurized piping. Underground piping that conveys regulated substances under pressure shall:

(i) Be equipped with an automatic line leak detector conducted in accordance with subsection (3)(a) of this section; and

(ii) Have an annual line tightness test conducted by a ~~((licensed tank services provider))~~ certified UST supervisor in accordance with subsection (3)(b) of this section or have monthly monitoring conducted in accordance with subsection (3)(c) of this section.

(b) Suction piping. Underground piping that conveys regulated substances under suction shall either have a line tightness test conducted at least every three years beginning when release detection is required and in accordance with subsection (3)(b) of this section, or use a monthly monitoring method conducted in accordance with subsection (3)(c) of this section. No release detection is required for suction piping that is designed and constructed to meet the following standards:

(i) The below-grade piping operates at less than atmospheric pressure;

(ii) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

(iii) Only one check valve is included in each suction line;

(iv) The check valve is located directly below and as close as practical to the suction pump; and

(v) A method is provided that allows compliance with subsection (2)(b)(ii) through (iv) of this section to be readily determined.

(3) Each method of release detection for piping used to meet the requirements of WAC 173-360-335 shall be conducted in accordance with the following:

(a) Automatic line leak detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at ten pounds per square inch line pressure within one hour. An annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements.

(b) Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure, or if it can detect a leak rate equal to multiplying 0.1 gallon per hour by the square root of the value obtained by dividing the line pressure during testing by 1.5 times the operating pressure. Line tightness testing shall be conducted and results interpreted and reported in accordance with the

department's guidance document for tightness testing, or as otherwise directed by the department or delegated agency.

(c) Applicable tank methods. Any of the methods in WAC 173-360-345 (6)(f) through ~~((f))~~ (j) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

(4) ~~((Tank services providers))~~ Certified UST supervisors who perform any of the tank services described in this section shall certify that such services comply with the requirements of this section by ~~((submitting))~~ signing the appropriate checklist(s) ~~((to))~~ provided by the department ~~((in accordance with WAC 173-360-630(12)))~~.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-370 Release investigation and confirmation steps. Unless corrective action is initiated in accordance with WAC 173-360-399, owners and operators shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under WAC 173-360-360 within seven days of discovery, or another reasonable time period specified by the department or delegated agency, using either the following steps or another procedure approved by the department or delegated agency:

(1) System test. Owners and operators shall have ~~((a licensed tank services provider conduct))~~ tests conducted (according to the requirements for tightness testing in WAC 173-360-345 (6)(d) and 173-360-350 (3)(b)) that determine whether a leak exists in any portions of the UST system that routinely contains a regulated substance, including the tank and the attached delivery piping, and in any connected tanks and piping that may or may not be in use. All such portions shall be tested either separately or together or in combinations thereof.

(a) Owners and operators shall have ~~((a licensed tank services provider repair, replace, upgrade, or close the UST system))~~ their system repaired, replaced, upgraded or closed by a certified UST supervisor and shall begin corrective action in accordance with WAC 173-360-399 if the test results for the system, tank, or delivery piping indicate that a leak exists.

(b) Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.

(c) Owners and operators shall conduct a site check in accordance with subsection (2) of this section if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

(2) Site check. Owners and operators shall have a ~~((person registered by the department to perform site assessments))~~ certified UST supervisor, as specified in WAC 173-360-610, sample for the presence of a release. Such samples shall be taken, analyzed, and results reported to the department or delegated agency in accordance with the department's guidance document for site checks and site assessments, or as otherwise directed by the department or

delegated agency, where contamination is most likely to be present at the UST site.

(a) If the site check results indicate that a release has occurred, owners and operators shall report to the department or delegated agency in accordance with WAC 173-360-372 and begin corrective action in accordance with WAC 173-360-399.

(b) If the site check results ~~((do not))~~ indicate that a release has occurred, further investigation is not required under this chapter, but the release must be characterized and remediated in accordance with chapter 173-340 WAC.

(3) ~~((Tank services providers))~~ Certified UST supervisors who perform any of the tank services described in this section, ~~((and persons who perform site checks,))~~ shall certify that such services ~~((or site checks, as applicable,))~~ comply with the requirements of this section by ~~((submitting))~~ signing the appropriate checklist(s) ~~((to))~~ provided by the department ~~((in accordance with WAC 173-360-630(12)))~~.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-380 Temporary closure of UST systems. (1) When an UST system is temporarily closed, owners and operators shall continue operation and maintenance of corrosion protection in accordance with WAC 173-360-320, and any release detection in accordance with WAC 173-360-330 through 173-360-355. WAC 173-360-360 through 173-360-375 and 173-360-399 shall be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.

(2) When an UST system is temporarily closed for three months or more, owners and operators shall also comply with the following requirements:

(a) Leave vent lines open and functioning; and

(b) Cap and secure all other lines, pumps, entryways, and ancillary equipment.

(3) Any UST system temporarily closed for three months or more shall be tightness tested by a ~~((licensed tank services provider))~~ certified UST supervisor in accordance with WAC 173-360-345 (6)(d) and 173-360-350 (3)(b) prior to being put back into service unless the system is subject to and in compliance with the release detection requirements of WAC 173-360-330.

(4) When an UST system is temporarily closed for more than twelve months, owners and operators shall have a ~~((licensed tank services provider))~~ certified UST supervisor permanently close the UST system if it does not either meet the performance standards in WAC 173-360-305 for new UST systems or the upgrading requirements in WAC 173-360-310 (2) and (3). Such UST systems shall be permanently closed in accordance with WAC 173-360-385 through 173-360-398 at the end of the twelve-month period unless the department or delegated agency provides an extension before expiration of the twelve-month temporary closure period. Owners and operators shall have a site assessment

completed in accordance with WAC 173-360-390 before such an extension is applied for.

(5) ~~((Tank services providers who perform any of the tank services described in this section, and persons who perform site assessments, shall certify that such services and site assessments, as applicable, comply with the requirements of this chapter by submitting the appropriate checklist(s) to the department in accordance with WAC 173-360-630(12).))~~

(6) Any active permits for those systems being temporarily closed shall be returned to the department within thirty days of completion of the temporary closure activities.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-385 Permanent closure and change-in-service. Permanent closure shall be completed by a certified UST supervisor.

(1) At least thirty days before beginning either permanent closure or a change-in-service under subsections (2) and (3) of this section, or within another reasonable time period determined by the department or delegated agency, owners and operators shall notify the department or delegated agency in writing of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action. The site assessment required under WAC 173-360-390 shall be performed after notifying the department or delegated agency but before completion of the permanent closure or a change-in-service.

(2) Permanent closure shall be completed by a ~~((licensed tank services provider))~~ certified UST supervisor within sixty days after expiration of the thirty-day notice, unless a written request for an extension, explaining the reason for the request, is approved by the department or delegated agency. Any UST system not permanently closed by a compliance date that the UST system is subject to, shall be in compliance with the requirement associated with the compliance date, including the payment of fees. Any UST system not in compliance with any such requirement will be subject to the penalties described in WAC 173-360-170.

(3) To permanently close an UST system, the ~~((tank services provider))~~ certified UST supervisor shall empty and clean the tank by removing all liquids and accumulated sludges.

Note: Any sludges removed must also be designated and disposed of in accordance with chapter 173-303 WAC.

(4) All tanks taken out of service permanently shall also be either removed from the ground or filled with an inert solid material. All piping shall either be capped (except any vent lines) or removed from the ground.

(5) Continued use of an UST system to store a non-regulated substance is considered a change-in-service. Before a change-in-service, owners and operators shall have a ~~((licensed tank services provider))~~ certified UST supervisor empty and clean the tank by removing all liquid and accumulated sludge, and shall have a site assessment conducted in accordance with WAC 173-360-390.

Note: The following cleaning and closure procedures may be used to comply with this section:

(A) American Petroleum Institute Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks";

(B) American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks";

(C) American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks," may be used as guidance for compliance with this section; and

(D) The National Institute for Occupational Safety and Health "Criteria for a Recommended Standard...Working in Confined Space" may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.

~~((5) Tank services providers who perform any of the tank services described in this section, and persons who perform site assessments, shall certify that such services or site assessments, as applicable, comply with the requirements of this section by submitting the appropriate checklist(s) to the department in accordance with WAC 173-360-630(12).))~~

(6) Owners and operators are responsible for submitting checklists for any of the tank services described in this section. Any active tank permits for the systems being closed shall be returned to the department within thirty days of closure activities.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-600 Purpose of Part VI. After the effective date of these regulations, individuals who perform tank services must be certified by the International Fire Code Institute, or other nationally recognized association that the department has determined provides an examination and credentials whereby individuals can demonstrate their knowledge of various regulatory codes, standards and practices pertaining to underground storage tanks, or have passed another qualifying exam approved by the department.

The purpose of WAC 173-360-600 through ((173-360-699)) 173-360-630 is to ((regulate firms and persons that service and inspect underground storage tank systems in order to assure that underground storage tank systems are being serviced in a manner which will protect human health and the environment)) set forth standards for certification and responsibilities for certified UST supervisors.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-610 Scope. ((+)) WAC 173-360-610 through ((173-360-699)) 173-360-630 establishes requirements for:

((a) Registration and licensing of firms that)) Certification of UST supervisors who perform services on underground storage tank systems;

((b) Examination, qualification, and licensing of persons who supervise the performance of underground storage tank system service;

(c) Examination and licensing of persons conducting underground storage tank system inspections for determination of compliance with the state underground storage tank regulations; and

(d) Administration and enforcement of these rules by the department.

~~((2) Except as specified in WAC 173-360-655, 173-360-610 through 173-360-690 applies)) these rules apply to any person ((or firm)) who performs the installation, retrofitting, decommissioning, testing, site check, site assessment, ((and inspection for compliance with state regulations, by any person;)) of underground storage tanks regulated by chapter 90.76 RCW.~~

~~((3) A site assessment or site check shall only be performed by a hydrogeologist, geologist, licensed professional engineer, professional soil scientist, certified ground water professional or other person whose experience, education, and/or training meet criteria established by the department. A person performing site assessments and site checks must register with the department on a form provided by the department. No license is required for this activity.~~

~~(4) The)) These requirements ((of this licensing program)) do not apply to persons performing the activities specified in subsection (2) of this section for tanks which are exempt ((or deferred)) from the UST rule, as provided in WAC 173-360-110 (1) and (2).~~

NEW SECTION

WAC 173-360-620 Types of certifications. The department requires certifications in the following areas:

- (1) Tank installation and retrofitting;
- (2) Tank decommissioning;
- (3) Tightness testing;
- (4) Cathodic protection installation and testing; and
- (5) Site assessment associated with tank closure.

AMENDATORY SECTION (Amending Order 91-26, filed 10/29/91, effective 11/29/91)

WAC 173-360-630 ((Registration and licensing of tank service providers.)) Responsibilities of certified UST supervisors. ((1) Only firms that are licensed by the department shall perform tank services in the state of Washington.

(2) Application for a license shall be accomplished by:
(a) Completing an application form provided by the department, including submission of the following information to the department:

(i) The name, address, and telephone number of the firm;

(ii) The nature of the tank services to be offered;

(iii) A summary of the recent project history of the firm (the two-year period immediately preceding the application) including the number of projects completed by the firm in each tank services category and identification of any other industry or government licenses held by the firm related to specific tank services;

(iv) Identifying the names of employees or principals responsible for on-site project supervision; and

(b) Including a signed statement that certifies that:

"I (name), am the chief executive officer of (company) and do hereby certify that I will comply with the applicable laws, and rules, and procedures pertaining to the regulation of underground storage tanks in the state of Washington and will direct the employees and principals of this company to perform the tank services rendered by this company in a manner that is consistent with these requirements."

~~(3) Only tank services providers who have obtained a license from the department may install, retrofit, test, decommission, or inspect for the purpose of determining compliance with state regulations, an underground storage tank system in the state of Washington.~~

~~(4) An application for a tank services provider license must be submitted to the department and must include:~~

~~(a) The information required by subsection (2)(a) and (b) of this section;~~

~~(b) A list of employees licensed by the department to supervise tank services, and identification of the specific tank services for which they are licensed; the date the employee received a license from the department; and the license number of the employee.~~

~~(5) The department will review the license application for completeness. If the application is incomplete, the department shall notify the applicant of the deficiencies. The department shall deny, in writing, a license to an applicant who has not satisfied the license application requirements. The department shall issue a license to the applicant after approving the application.~~

~~(6) The department shall issue licenses for a period not to exceed two years.~~

~~(7) Renewals:~~

~~(a) License renewals must be applied for in the same manner as is required for an initial license, pursuant to subsection (4) of this section.~~

~~(b) The complete license renewal application shall be submitted to the department no later than thirty days prior to the expiration date of the current license.~~

~~(8) The department may suspend or revoke a license if the tank services provider:~~

~~(a) Fraudulently obtains or attempts to obtain a license;~~

~~(b) Fails at any time to satisfy the requirements for a license or comply with any rules or procedures adopted by the department;~~

~~(c) Fails to meet any applicable state or federal standard relating to the service performed under the license; or~~

~~(d) Fails to employ and designate a licensed supervisor for each underground storage tank project which is directly overseen by the tank services provider.~~

~~(9) A tank services provider who has a license suspended or revoked may reapply for a license after demonstrating to the department that the cause of the revocation has been resolved.~~

~~(10) In the event a tank services provider no longer employs a supervisor licensed to perform a particular tank service, the tank services provider must stop providing this service on any regulated underground storage tank system. Work involving this service shall not start until a supervisor licensed for the particular service is again employed by the provider and written notice of the hiring of a licensed supervisor is received by the department.~~

~~((11)) (1) Any ((tank services provider licensed by the department under the provisions of this chapter)) certified UST supervisor shall((:~~

~~(a)) comply with WAC 173-360-600 through ((173-360-690;~~

~~(b) Maintain a current address on file with the department; and~~

~~(e)) 173-360-630, and comply with all federal and state regulations and procedures when performing tank services.~~

~~((12)) (2)(a) A checklist must be completed for each regulated activity performed. The ((service provider)) certified UST supervisor shall ((submit)) sign the checklist ((to)) provided by the department within thirty days following the completion of an underground storage tank installation, retrofit, decommissioning, or test((, using the appropriate form provided by the department. The checklist must be signed by the owner or operator, by an executive officer of the service provider firm, or his or her designee, and by the licensed tank services supervisor)).~~

~~(b) ((A checklist must be completed for each site check or site assessment performed. The person performing the site check or site assessment shall submit the checklist to the department within thirty days following the completion of the site check or site assessment. A checklist for a site check or site assessment must be signed by the person registered to perform site assessments (rather than a licensed supervisor) and an executive officer of the firm or his or her designee, and the tank owner or operator.~~

~~(c) The firm shall submit)) An as-built site plan, showing the location of completed tank system installations or retrofitted tank system, including adjacent structures, if present shall be submitted for installations and retrofits. The as-built site plan shall be submitted on the appropriate form provided by the department, or shall be an 8 1/2 inch by 11 inch single page drawing.~~

~~((13) A licensed tank services provider, or person qualified to conduct a site assessment or site check)) (3) A certified UST supervisor shall report to the department and the tank owner or operator the existence of any confirmed release from an underground tank system that poses a threat to human health and the environment. This report shall be provided to the tank owner or operator immediately, and to the department within seventy-two hours of the discovery of the condition. If the owner or operator are not immediately available, the report should be made immediately to the department.~~

~~(4) A certified UST supervisor shall be present on site at all times tank service activities are being carried out at a tank installation, retrofit, testing, decommissioning project unless otherwise determined by the department. These tasks may include but may not be limited to:~~

~~(a) Preparing the excavation immediately prior to receiving backfill and placement of the tank into the excavation;~~

~~(b) Any movement of the tank vessel, including but not limited to transferring the vessel from the vehicle used to transport it to the project site;~~

~~(c) Setting the tank and its associated piping into the excavation, including placing any anchoring devices and strapping, if any, and backfilling to the level of the tank;~~

~~(d) Placing and connecting the piping system to the tank vessel;~~

~~(e) Installing cathodic protection systems;~~

~~(f) All pressure testing of the underground storage tank system, including associated piping, performed during the installation or retrofitting;~~

~~(g) Completing the backfill and filling of the installation;~~

~~(h) Evaluating preparation for and installing any tank lining system;~~

~~(i) Tank purging or inerting;~~

- (j) Removal of the tank, removal of sludge from the tank, and cleaning of the tank;
 - (k) Removing flammable vapors from tanks;
 - (l) Excavating around tanks for removal;
 - (m) Field installation and operational testing of cathodic protection systems;
 - (n) Inspecting of existing tank and piping systems for corrosion;
 - (o) Tank or line tightness testing;
 - (p) Inspection of existing tanks for structural integrity;
 - (q) Installation of release detection equipment; and
 - (r) Conducting a site assessment at tank closure.
- (5) If a certified UST supervisor obtains knowledge, in the course of performing regulated activities, that a regulated underground storage tank has not been registered with the department, or is otherwise out of compliance with the requirements of this chapter, the individual shall inform the tank owner or operator of the notification requirement and any other applicable requirements.
- (6) Proof of supervisor certification shall be available for inspection at any project site.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 173-360-640 Types of licenses.
- WAC 173-360-650 Examination and licensing of tank services supervisors.
- WAC 173-360-655 Examination and licensing of persons who perform inspections.
- WAC 173-360-660 Study guide fees.
- WAC 173-360-680 Reciprocity with other states.
- WAC 173-360-690 Appeals.
- WAC 173-360-695 Inactive license.

WSR 94-19-087
WITHDRAWAL OF PROPOSED RULES
OFFICE OF THE
ATTORNEY GENERAL
 (By the Code Reviser's Office)
 [Filed September 21, 1994, 8:45 a.m.]

WAC 44-06-130, proposed by the Office of the Attorney General in WSR 94-06-050, appearing in issue 94-06 of the State Register, which was distributed on March 16, 1994, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 94-19-092
PROPOSED RULES
BOARD OF HEALTH
 [Filed September 21, 1994, 11:12 a.m.]

Original Notice.

Title of Rule: Chapter 246-360 WAC, Transient accommodations.

Purpose: To implement chapter 250, Laws of 1994 and clarify and update existing rules.

Statutory Authority for Adoption: RCW 70.62.240.

Statute Being Implemented: Chapter 70.62 RCW.

Summary: These rules will implement 1994 legislation which reduces the frequency of on-site inspections, requires the department to develop and use alternate survey methods, changes the licensure period to run for one year from the effective date, and gives the department authority to assess civil fines. This rule change addresses these changes and clarifies existing language.

Reasons Supporting Proposal: Meets legislative intent.

Name of Agency Personnel Responsible for Drafting: Leslie Baldwin, P.O. Box 47852, Olympia, WA 98501, (206) 705-6788; Implementation and Enforcement: Kathy Stout, P.O. Box 47852, Olympia, WA 98501, (206) 705-6788.

Name of Proponent: Washington State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Reduces on-site inspections by the department, provides for self-inspections, makes licenses effective for one year from the effective date, addresses the department's authority to assess fines, and updates and clarifies existing rules.

Proposal Changes the Following Existing Rules: This rule action clarifies existing rules and changes to implement legislation.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Costs associated with doing self-inspections will be minimal. Corresponding fees, which are set and adopted in rule by the Department of Health, have been substantially reduced.

Hearing Location: CHEF, South Building, 22419 Pacific Highway South, Des Moines, WA 98198, on November 9, 1994, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by October 25, 1994, TDD (206) 664-0064, or (800) 525-0127 ext. 705-6788.

Submit Written Comments to: Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by October 25, 1994.

Date of Intended Adoption: November 9, 1994.

September 15, 1994
 Sylvia I. Beck
 Executive Director
 Board of Health

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

~~WAC 246-360-001 Purpose. ((Chapter 246-360 WAC establishes the Washington state board of health minimum health and sanitation requirements for transient accommodations implementing chapter 70.62 RCW, to protect and promote the health and welfare of individuals using such accommodations. Chapter 246-360 WAC establishes uniform, statewide standards for maintenance and operation, including light, heat, ventilation, cleanliness, and sanitation. Any person operating a transient accommodation, as defined~~

PROPOSED

under RCW 70.62.210, shall have a current license for such accommodation from the department.)) (1) This chapter implements chapter 70.62 RCW.

(2) This chapter applies to facilities offering three or more lodging units to guests for periods of less than one month, including but not limited to:

- (a) Hotels;
- (b) Motels;
- (c) Bed and breakfast establishments;
- (d) Resorts;
- (e) Rustic resorts;
- (f) Inns;
- (g) Condominiums;
- (h) Apartments;
- (i) Crisis shelters;
- (j) Hostels; and
- (k) Retreats.

(3) This chapter does not apply to:

(a) Overnight youth shelters regulated by chapter 388-160 WAC;

(b) Temporary-worker housing regulated by RCW 70.54.110 and chapter 246-358 WAC;

(c) Medical, psychological, drug/alcohol facilities, or related services otherwise regulated by Washington state law; or

(d) Transitional housing as defined in WAC 246-360-010.

(4) The requirements in WAC 246-360-001 through 246-360-500 are adopted by the board of health pursuant to RCW 70.62.240. WAC 246-360-990 is adopted by the department of health pursuant to RCW 43.70.110 and 43.70.250.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-010 Definitions. ((1) "Adequate" means sufficient to meet the intended purpose and consistent with accepted public health standards, principles, or practices.

(2) "Bathing facility" means a shower, bathtub, or combination bathtub shower.

(3) "Board" means the Washington state board of health established under chapter 43.20 RCW.

(4) "Compliance schedule" means a department-prepared document which lists both the violations and the time schedule the licensee shall follow in correcting the violations.

(5) "Department" means the Washington state department of health.

(6) "Dormitory" means any room, building, or part of a building containing beds, cots, pads, or other furnishings intended for sleeping and use by a number of individuals.

(7) "Exemption" means a written authorization from the department releasing a licensee from complying with a specific rule in this chapter or allowing an optional method for meeting a specific rule when the department determines the intent of chapter 70.62 RCW and this chapter is met and the health or safety of the guests will not be jeopardized.

(8) "Feasibility survey" means an on-site visit conducted by the department and the state office of fire protection to determine if a structure proposed for use as a transient

accommodation meets or could meet the board's rules concerning transient accommodations and the rules of the state office of fire protection.

(9) "Gross floor area" means the total floor area within a lodging unit.

(10) "Guest" means any individual registering to occupy a lodging unit, excluding an individual provided the use of a lodging unit under RCW 70.54.110, New housing for agricultural workers to comply with board of health regulations.

(11) "Homeless shelter" means any facility offering sleeping and/or eating areas for individuals on a short-term, as-needed basis not to exceed one month; except, a medical, psychological, drug/alcohol facility, or a related service is not included.

(12) "Hostel" means a transient accommodation offering dormitory or lodging units and limited services for guests on a daily or weekly basis.

(13) "Imminent health hazard" means a condition or situation presenting a serious or life-threatening danger to a guest's health and safety.

(14) "Kitchen" means an area designed and equipped for guests to prepare and cook food.

(15) "Laundry" means an area or room equipped for the cleaning and drying of bedding, linen, towels, and other items provided to the guests.

(16) "Licensee" means any person required under chapter 70.62 RCW to have a transient accommodation license.

(17) "Local health officer" means the legally qualified physician appointed to that position by a city, town, county, or district public health department as authorized under chapters 70.05 and 70.08 RCW or the authorized representative.

(18) "Lodging unit" means one self-contained unit designated by number, letter, or other means of identification.

(19) "New construction" means:

(a) The building of any new transient accommodation; or

(b) Any construction of, or in, a building never licensed as a transient accommodation, if seeking licensure; or

(c) An addition or major structural alteration to an existing transient accommodation built or remodeled after the effective date of this chapter. Major structural alterations include construction intended to change the functional use of a unit, room, or area.

(20) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(21) "Retreat" means a transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

(22) "Rustic resort" means a rural transient accommodation lacking many modern conveniences.

(23) "Sanitary" or "sanitize" means efforts to control or limit the presence of germs, bacteria, and dirt.

(24) "Secretary" means the secretary of the state department of health or authorized designee.

(25) "Self-contained unit" means an individual room or group of interconnected rooms intended for sleeping and/or cooking and/or eating purposes for rent or use by a guest.

(26) "Transient accommodation" means any facility, such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than one month.)) For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

(1) "Bathing fixture" means a shower, bathtub, or combination bathtub shower.

(2) "Bathroom" means a room containing a bathing fixture.

(3) "Board" means the Washington state board of health established under chapter 43.20 RCW.

(4) "Clean" means without visible or tangible soil or residues.

(5) "Compliance schedule" means a department-prepared document listing violations and a time schedule for the licensee to follow to correct the violations.

(6) "Construction" means:

(a) A new building to be used as a transient accommodation or part of a transient accommodation;

(b) An addition, modification or alteration which changes the functional use of an existing transient accommodation or portion of a transient accommodation; or

(c) An existing building or portion thereof to be converted for use as a transient accommodation.

(7) "Crisis shelter" means a transient accommodation providing emergency or planned lodging services to a specific population, for example, homeless families or relatives of individuals receiving hospital treatment, for periods of less than one month at a permanent physical location. A crisis shelter may or may not be reimbursed for services in the form of rental fee or labor.

(8) "Department" means the Washington state department of health.

(9) "Dormitory" means a lodging unit containing beds, cots, pads, or other furnishings intended for sleeping or use by a number of individuals.

(10) "Exemption" means a written authorization from the department which releases a licensee from meeting a specific requirement or requirements in this chapter.

(11) "Guest" means any individual occupying, or registered to occupy, a lodging unit.

(12) "Hostel" means a transient accommodation offering limited services, including lodging and use of a common kitchen, to guests on a daily or weekly basis in exchange for a rental fee, labor, or a combination of rental fee and labor.

(13) "Imminent health hazard" means a condition or situation presenting a serious or life-threatening danger to a guest's health and safety.

(14) "Laundry" means a central area or room with equipment to clean and dry bedding, linen, towels, and other items provided to guests.

(15) "Licensee" means the person to whom the department issues the transient accommodation license.

(16) "Local health department" means the city, town, county or district which provides public health services to individuals within the area according to the provisions of chapters 70.05 and 70.08 RCW.

(17) "Lodging unit" means one self-contained unit designated by number, letter, or other means of identification.

(18) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(19) "Retreat" means a transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

(20) "Rustic resort" means a rural transient accommodation lacking many modern conveniences.

(21) "Sanitary" means clean with a minimal presence of germs.

(22) "Sanitize" means to treat a surface or object with a chemical or physical process, such as heat, to control or limit the presence of germs.

(23) "Self-contained unit" means an individual room or group of interconnected rooms intended for sleeping, which may or may not include areas for cooking and eating, for rent or use by a guest.

(24) "Self-inspect" means the evaluation of a transient accommodation by the licensee for compliance with specific requirements in this chapter.

(25) "Toilet" means a fixture fitted with a seat and flushing device used to dispose of bodily waste.

(26) "Transient accommodation" means any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than one month.

(27) "Transitional housing" means a program offering lodging for periods exceeding one month for the purpose of helping unemployed, homeless individuals to obtain employment and housing. Transitional housing is not a transient accommodation.

(28) "Utensil" means any food contact implement used in storing, preparing, transporting, dispensing, serving, or selling food or drink.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-020 ((~~Licensing, administration, enforcement, exemption.~~) ~~Licensee.~~ ((1) Licensees or prospective licensees shall:

(a) ~~Complete and submit an application along with the appropriate fee at least thirty days before:~~

(i) ~~Opening a new transient accommodation;~~

(ii) ~~Adding new units to an existing transient accommodation; or~~

(iii) ~~Changing the license of a transient accommodation.~~

(b) ~~Request the department to complete a feasibility survey before applying for a license whenever an existing structure or property was not previously used or licensed as a transient accommodation;~~

(c) ~~Secure a valid license issued by the department before initially opening and by January 1 each year thereafter;~~

(d) ~~Submit a license renewal with the annual fee by December 10 of each year;~~

(e) ~~Conspicuously display the license in the lobby or office;~~

(f) ~~Comply with a plan of corrective action if issued by the department; and~~

(g) ~~Allow the department to inspect the transient accommodation at any reasonable time.~~

(2)(a) Licenses may request, in writing, an exemption from the department if:

(i) The health and safety of the occupant is not jeopardized;

(ii) Strict enforcement of this chapter will create undue hardship for the licensee.

(b) Exemption decisions shall be treated as licensing decisions under subsection (5) of this section.

(3) Under chapter 70.62 RCW, the department shall have the authority to:

(a) Inspect transient accommodations including unoccupied lodging units:

(i) Annually;

(ii) As needed; and

(iii) Upon request.

(b) Issue licenses annually upon receipt of the appropriate fee;

(c) Issue a license for the person and premises named in the application when the applicant or licensee is in compliance with:

(i) Chapter 70.62 RCW and this chapter;

(ii) The rules and regulations of the state director of fire protection; and

(iii) All applicable local codes and ordinances.

(d) Respond within thirty days to application requests;

(e) Respond to complaints;

(f) Charge fees, authorized under chapters 43.20B and 70.62 RCW, to recover all or a portion of the costs of administering this chapter.

(4) The department shall have the authority to:

(a) Deny, revoke, or suspend the license of a transient accommodation which fails to comply with chapter 70.62 RCW and this chapter;

(b) Take one or more of the following enforcement actions:

(i) Notify the licensee of violations;

(ii) Establish a corrective action plan and compliance schedule;

(iii) Issue a department order;

(iv) Revoke or suspend the license; and/or

(v) Initiate legal action.

(c) Issue a provisional license when a transient accommodation does not meet the standards in this chapter under the following conditions:

(i) The department has approved a written correction action plan, including a compliance schedule; or

(ii) An application for change of licensure of an existing, currently licensed transient accommodation is pending; or

(iii) The licensee is awaiting the board's decision regarding an exemption request; or

(iv) The licensee is awaiting the final order in an adjudicative proceeding under chapter 34.05 RCW.

(d) Grant an exemption under subsection (2)(a)(i) and (ii) of this section.

(5)(a) The department's notice of a denial, suspension, modification, or revocation of a license or a request for an exemption under subsection (2) of this section shall be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(b) A license applicant or holder contesting a department license or exemption decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., P.O. Box 47851, Olympia, WA 98504 7851; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(e) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-08 WAC. If a provision in this chapter conflicts with chapter 246-08 WAC, the provision in this chapter governs.) (1) A person shall have a current license issued by the department before operating or advertising a transient accommodation.

(2) An applicant for initial licensure shall submit to the department, sixty days or more before commencing business:

(a) A completed application on forms provided by the department;

(b) A completed self-inspection on forms provided by the department;

(c) The fee specified in WAC 246-360-990; and

(d) Other information as required by the department.

(3) A licensee shall apply for license renewal annually at least thirty days before the expiration date of the current license by submitting to the department:

(a) A completed application on forms provided by the department;

(b) A completed self-inspection on forms provided by the department;

(c) The fee specified in WAC 246-360-990; and

(d) Other information as required by the department.

(4) At least thirty days prior to transferring ownership of a transient accommodation:

(a) The current licensee shall submit to the department:

(i) The full name and address of the current licensee and prospective owner;

(ii) The name and address of the currently licensed transient accommodation, and the name under which the transferred transient accommodation will operate;

(iii) Date of the proposed change of ownership; and

(iv) Other information as required by the department; and

(b) The prospective new owner shall apply for licensure by submitting to the department the items required by subsection (2) of this section.

(5) A licensee shall notify the department when changing the number of lodging units or name of the transient accommodation by submitting:

(a) A letter describing the intended change;

(b) The fee specified in WAC 246-360-990 for an amended license; and

(c) Other information as required by the department.

(6) The licensee shall notify the department prior to using new construction by submitting a letter describing:

(a) The construction;

(b) How the construction will be used;

(c) Any changes in the functional use of existing construction; and

(d) Other information as required by the department.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-030 ((Supervision and responsibility.) Responsibilities and rights—Licensee and department. ((Licensees shall:

(1) Comply with the requirements under chapter 70.62 RCW, Transient Accommodations Licensing—Inspections, chapter 212-52 WAC, Transient Accommodations, Standards for Fire Protection, and this chapter;

(2) Provide supervision of the employees so the transient accommodation facility is maintained:

(a) Clean, safe, and sanitary;

(b) In good repair; and

(c) Free from insects, rodents, and other pests.

(3) Consult with the department or local health officer regarding any suspected imminent health hazard.)) (1) The licensee shall:

(a) Comply with the provisions of chapter 70.62 RCW and this chapter;

(b) Comply with chapter 212-12 WAC, Fire Marshal Standards;

(c) Conspicuously display a current transient accommodation license in the transient accommodation's lobby or office;

(d) Cooperate with the department during on-site surveys and investigations;

(e) Conduct self-inspections as requested by the department;

(f) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:

(i) A written plan of correction for each deficiency stated in the report; and

(ii) A progress report of corrections;

(g) Comply with a compliance schedule if issued by the department;

(h) Adequately supervise employees to keep the transient accommodation facility:

(i) Clean, safe, and sanitary;

(ii) In good repair; and

(iii) Free from infestation by insects, rodents, and other pests;

(i) Establish policies and procedures requiring employees to maintain good personal hygiene; and

(j) Consult with the department or local health department on any suspected imminent health hazard.

(2) An applicant or licensee may contest a department decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(3) The department shall:

(a) Conduct an on-site survey prior to issuing an initial transient accommodation license;

(b) Conduct an on-site survey prior to approving the following types of construction in a currently licensed transient accommodation:

(i) A new building;

(ii) An addition, modification or alteration which substantially changes functional use; or

(iii) The conversion of an existing building for use as part of the transient accommodation;

(c) Conduct unannounced on-site surveys and investigations at any time to determine compliance with chapter 70.62 RCW and this chapter;

(d) Issue or renew a license when the applicant or licensee and the facility meet the requirements in chapter 70.62 RCW and this chapter;

(e) Allow self-inspections to encourage compliance with chapter 70.62 RCW and this chapter;

(f) Comply with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC when denying, suspending, modifying, or revoking a transient accommodation license; and

(g) Comply with RCW 43.70.095 when assessing civil fines.

(4) The department may deny, suspend, or revoke a transient accommodation license, or assess a civil fine, if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose, a material fact to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation;

(iii) During an on-site survey; or

(iv) In a self-inspection;

(b) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(c) Fails or refuses to comply with the requirements of chapter 70.62 RCW or this chapter;

(d) Compromises the health or safety of a guest;

(e) Conducts business or advertising in a misleading or fraudulent manner;

(f) Refuses to allow the department access to facilities or records, or fails to promptly produce for inspection any book, record, document or item requested by the department, or willfully interferes with an on-site survey or investigation;

(g) Fails to pay a fine within ten days after the assessment becomes final or as agreed to by the department and the licensee; or

(h) Operates with a suspended or revoked license.

(5) The department may summarily suspend a license if the department determines a deficiency is an imminent threat to public health, safety or welfare.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-040 Water supply and temperature control. The licensee(s) shall:

(1) Provide a water supply system conforming to state board of health standards for public water systems, chapters 246-290 and 246-291 WAC;

(2) ((Regulate hot water to a temperature of at least 110 degrees Fahrenheit, but not more than 130 degrees Fahrenheit;

(3) When laundry facilities are present, maintain wash water temperature of at least 130 degrees Fahrenheit unless

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at least 110 degrees Fahrenheit water is used in combination with:

- (a) An appropriate low temperature detergent and effective use of a chemical disinfectant; or
- (b) An industrial-type washing machine with multiple rinse cycles.
- (4) Label nonpotable water supplies used for irrigation, fire protection, and/or other purposes at all accessible connections and valves.) Maintain the transient accommodation free of cross connections;
- (3) Provide hot and cold water under adequate pressure readily available to guests;
- (4) Provide sinks and bathing fixtures used by guests with hot water between 110 and 130 degrees Fahrenheit at all times;
- (5) When transient accommodation laundry is washed on site, maintain a minimum wash water temperature of:
 - (a) 130 degrees Fahrenheit; or
 - (b) 110 degrees Fahrenheit in combination with:
 - (i) An appropriate low temperature detergent and effective use of a chemical disinfectant; or
 - (ii) An industrial-type washing machine with multiple rinse cycles; and
- (6) Label nonpotable water supplies at all accessible connections and valves "unsafe for domestic use."

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-050 Sewage and liquid waste disposal. ((Licensees shall:

- (1) ~~Ensure all liquid waste is discharged to a public sewage system or a disposal system approved under chapter 246-272 WAC;~~
- (2) ~~Maintain the sewage disposal system to prevent creation of a nuisance or public health hazard; and~~
- (3) ~~Ensure alterations, repairs, or replacement of a sewage disposal system are in compliance with requirements of the board and the local health officer.)~~ The licensee shall ensure sewage and liquid waste drain into:
 - (1) A municipal sewage system if available; or
 - (2) A sewage disposal system designed, constructed, and maintained in accordance with chapters 246-272 and 173-240 WAC and local ordinances.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-060 Swimming pools, spas, hot tubs, wading pools, bathing beaches. The licensee(s) shall comply with chapter 70.90 RCW and chapter 246-260 WAC governing the safety and sanitation of ((swimming pools, spas, hot tubs, wading pools, and bathing beaches)) water recreation facilities.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-070 Refuse and solid waste. ((Licensees shall:

- (1) ~~Provide at least one washable, leakproof refuse container in each lodging unit;~~
- (2) ~~Ensure all refuse is:~~

- (a) ~~Handled in a manner preventing unsanitary or unsafe conditions and nuisances;~~
- (b) ~~Collected at least twice a week or more often as necessary to maintain a clean and sanitary environment in lodging units and areas used by guests;~~
- (c) ~~Stored following collection in washable, leakproof, and covered containers outside the lodging units until removed for disposal; and~~
- (d) ~~Removed and disposed under applicable state and local ordinances.)~~ The licensee shall:
 - (1) Provide one or more washable, leak-proof refuse containers, or containers with leak-proof disposable liners, in each lodging unit;
 - (2) Collect refuse as necessary to maintain a clean and sanitary environment in and around the facility;
 - (3) Collect refuse from lodging units:
 - (a) After each guest occupancy; and
 - (b) Twice a week when guests stay longer than three days;
 - (4) Handle refuse in a safe, clean and sanitary manner;
 - (5) Store refuse in washable, leak-proof, and covered containers to prevent the entrance of insects, rodents, birds, or other pests or nuisances outside the lodging units until removed for disposal; and
 - (6) Remove and dispose of refuse in a manner consistent with state and local sanitation codes and ordinances.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-080 Construction and maintenance. ((Licensees and prospective licensees shall ensure:

- (1) ~~All new construction meets the requirements of:~~
 - (a) ~~Chapter 70.62 RCW and this chapter as determined by the department;~~
 - (b) ~~Chapter 19.27 RCW state building code; and~~
 - (c) ~~All other applicable city and county codes and ordinances.~~
- (2) ~~All buildings, facilities, fixtures, and furnishings are structurally sound, safe, clean, and sanitary.)~~ The licensee shall:
 - (1) Ensure new construction meets the requirements of:
 - (a) Chapter 70.62 RCW and this chapter;
 - (b) Chapter 19.27 RCW state building code; and
 - (c) All other applicable city and county codes and ordinances;
 - (2) Ensure all buildings, facilities, fixtures, and furnishings are structurally sound, safe, clean and sanitary; and
 - (3) Take measures necessary to control insects, rodents and other pests in and around the facility.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-090 Lodging units. ((Licensees shall provide lodging units with:

- (1) ~~At least fifty square feet of gross floor area for each guest. The licensee shall exclude space with less than a five foot ceiling when calculating this area requirement.~~
- (2) ~~Beds or sleeping areas spaced according to the following requirements:~~
 - (a) ~~An area adequate to move easily between beds, cots, mats, or mattresses; and~~

~~(b) A minimum of three feet of clear vertical space between each bed and the ceiling;~~

~~(3) Floors and walls which are:~~

~~(a) Cleanable;~~

~~(b) Kept in good repair, and~~

~~(c) Cleaned as necessary-)) The licensee shall provide lodging units with:~~

~~(1) At least fifty square feet of total floor area, not counting areas with a ceiling height lower than five feet, for each guest;~~

~~(2) Adequate space to allow easy movement between beds, cots, mats or mattresses;~~

~~(3) Three or more feet of clear vertical space between each bed or top bunk and the ceiling; and~~

~~(4) Cleanable floors and walls kept in good repair.~~

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-100 (~~Toilet, handwashing, and bathing facilities-))~~ **Bathrooms, toilet rooms, and handwashing sinks.** (~~(1) Licensees shall provide adequate toilet, handwashing, and bathing facilities for guests.~~

~~(2) Licensees shall:~~

~~(a) Maintain clean and sanitary toilets, handwashing sinks, and bathing facilities including the floors, walls, ceilings, and fixtures;~~

~~(b) Maintain an uncarpeted area around the toilet and adjacent to a bathtub and/or shower;~~

~~(c) Ensure all fixtures, drains, and bathing facilities are safe and work properly;~~

~~(d) Provide one toilet, handwashing sink, and bathing facility for every fifteen or fewer guests who do not have such facilities in their lodging unit;~~

~~(e) Provide for privacy in toilet and bathing facilities;~~

~~(f) Provide water flush toilets unless the department or a local health officer approved an alternative device;~~

~~(g) Provide handwashing sinks or equivalent facilities with acceptable single use drying devices within, or adjacent to, each common toilet room;~~

~~(h) Provide and conveniently locate toilet tissue for each toilet;~~

~~(i) Provide soap for each handwashing and bathing facility;~~

~~(j) Provide clean towels, washcloths, and floor mats for guests between occupancies and at least twice a week for guests who stay longer than three days; and~~

~~(k) Assure clean towels, washcloths, and floor mats stored in lodging units are kept off the floor and in a clean area-))~~ The licensee shall:

(1) Provide adequate private or common-use bathrooms, toilet rooms and handwashing sinks to meet the needs of guests;

(2) Provide private and common-use bathrooms, toilet rooms, and handwashing areas with cleanable floors, walls, ceilings, fixtures and furnishings;

(3) Provide an uncarpeted, easily cleanable area around each toilet and adjacent to each bathing fixture;

(4) Maintain safe and properly working fixtures and drains;

(5) Provide a means to maintain privacy for toileting and bathing;

(6) Provide water flush toilets unless the licensee has approval from the department and local health district for alternative devices;

(7) Provide a handwashing sink or equivalent within, or adjacent to, each toilet room;

(8) Provide easy access to an acceptable single-use drying device from each common-use handwashing sink;

(9) Provide toilet tissue conveniently located by each toilet;

(10) Provide soap for each handwashing and bathing fixture;

(11) Provide clean towels, washcloths and floor mats:

(a) For guests upon arrival; and

(b) At least twice a week for guests who stay longer than three days;

(12) Assure clean towels, washcloths and floor mats stored in lodging units and common bathrooms are stored in a clean area off the floor; and

(13) Provide common-use bathrooms, toilet rooms and handwashing sinks meeting the requirements of this section in a ratio of one bathing fixture, one toilet and one handwashing sink for each fifteen or fewer guests without such fixtures in their lodging units.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-110 Lodging unit kitchens. (1) A licensee((s)) offering kitchens in lodging units shall provide each kitchen with:

(a) ((Clean)) Cleanable and durable floors and walls;

(b) ((Adequate)) Ventilation ((required under)) according to the provisions of WAC 246-360-140;

(c) A sink, other than the handwashing sink, suitable for washing dishes;

(d) Hot running water ((under)) according to the provisions of WAC 246-360-040;

(e) A refrigeration device ((capable of maintaining)) that maintains food at a temperature of 45 degrees Fahrenheit or lower;

(f) Cooking equipment acceptable to the state director of fire protection;

(g) A ((clean)) cleanable food storage area;

(h) A table((s)), counter((s)), and chairs, or equivalent; and

(i) A washable, ((leakproof)) leak-proof waste food container.

(2) ((Licensees providing eating and/or cooking utensils shall provide guests with single-use disposable or multiple-use clean and sanitized utensils in good condition and free from cracks-)) The licensee shall clean and sanitize food preparation areas between each guest occupancy.

(3) A licensee providing utensils shall comply with the provisions of WAC 246-360-160(2).

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-120 Heating and cooling. (1) The licensee((s)) shall provide a safe, adequate ((source of heat capable)) means of maintaining an ambient air temperature of at least 65 degrees Fahrenheit in each lodging unit.

(2) ~~A licensee((s)) providing a cooling system shall ((maintain a)) keep the system safe, clean((, adequate system)) and in good working condition.~~

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-130 Lighting. ~~((1)) Licensees shall provide a lighting system to maintain a minimum light intensity adequate for the guest's safety and cleaning by staff and measured in foot candles at a height of three feet above the floor as follows:~~

	<u>Lodging Unit</u> 10 Foot Candles
Toilet and Bathing Facilities	20 Foot Candles
Lodging Unit Kitchen	20 Foot Candles
Laundry Room Work Areas	30 Foot Candles
Corridors, Stairways, and Entryways	5 Foot Candles
Elevators, Walkways	5 Foot Candles
Swimming Pools	As required under chapter 248-98 WAC

~~(2) Licensees shall provide all parking lots and exterior passages with a minimum light intensity of two foot candles measured three feet above the ground.)) The licensee shall maintain light intensities adequate for safety and facility maintenance with minimum light intensities measured at a height of three feet above the floor, as follows:~~

<u>Lodging Unit</u>	<u>10 Foot Candles</u>
<u>Toilet rooms, bathrooms and handwashing areas</u>	<u>20 Foot Candles</u>
<u>Lodging Unit Kitchen</u>	<u>20 Foot Candles</u>
<u>Laundry Room Work Areas</u>	<u>30 Foot Candles</u>
<u>Corridors, Stairways, and Entryways</u>	<u>5 Foot Candles</u>
<u>Elevators, Walkways</u>	<u>5 Foot Candles</u>
<u>Swimming Pools</u>	<u>As required under chapter 246-260 WAC</u>
<u>Parking lots and exterior passages</u>	<u>5 Foot Candles measured three feet above the ground.</u>

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-140 Ventilation. (1) ~~The licensee((s)) shall provide ventilation in all lodging units, kitchen areas, bathrooms, toilet rooms((;)) and laundry rooms.~~

~~(2) ((Licensees providing only natural ventilation in lodging units shall have windows, vents, and/or ducts opening directly to the out of doors.~~

~~(3) Licensees providing only mechanical ventilation systems in lodging units shall:~~

~~(a) Install a system capable of supplying at least two air exchanges per hour to each lodging unit and all corridors; and~~

~~(b) Maintain a system circulating air to and from out of doors;~~

~~(4) Licensees providing only natural ventilation in kitchen areas, bathrooms, toilet rooms, and laundry rooms shall have windows, skylights, or ceiling vents opening~~

~~directly to the out of doors sufficient to allow five air exchanges per hour.~~

~~(5) Licensees providing only mechanical ventilation in kitchen areas, bathrooms, toilet rooms, and laundry rooms shall:~~

~~(a) Install a system capable of at least five air exchanges per hour; and~~

~~(b) Maintain a system circulating air to and from the out of doors.)) A licensee providing only natural ventilation:~~

~~(a) In lodging units shall provide operable windows, vents, or ducts opening directly to the out-of-doors; and~~

~~(b) In kitchen areas, bathrooms, toilet rooms and laundry rooms shall provide operable windows, operable skylights, or ceiling vents opening directly to the out-of-doors sufficient to allow five air exchanges per hour.~~

~~(3) A licensee providing mechanical ventilation systems shall assure the system provides:~~

~~(a) Two or more air exchanges per hour to each lodging unit and corridor;~~

~~(b) Five or more air exchanges per hour to kitchen areas, bathrooms, toilet rooms and laundry rooms; and~~

~~(c) Air circulation to and from the out-of-doors.~~

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-150 Beds and bedding. A licensee((s)) providing beds ~~((and/or bedding))~~ shall:

(1) Provide clean, sanitary bedding in good repair;

(2) Maintain clean and safe beds, cots, bunks, or other furniture for sleeping;

(3) Assure bunk beds, if used, have a clear vertical space of at least twenty-seven inches between the bottom bunk and top bunk;

(4) Not provide, or allow the use of, triple bunk beds;

(5) Supply each bed, cot, or bunk with a mattress or pad, top and bottom sheet((s)), mattress pad((s)), pillow((s)) and pillowcase((s)), and blankets unless the facility is:

(a) A rustic resort;

(b) A ((homeless)) crisis shelter; or

(c) A hostel((;));

((4)) (6) Provide clean spreads, blankets((;)) and mattress pads as needed;

((5)) (7) Provide clean pillowcases and sheets ((for guests));

(a) ((Between occupancies)) For guests upon arrival; and

(b) At least twice a week for guests staying longer than three days((;)) and

((6)) (8) Ensure clean bedding kept in the lodging units is stored ((off the floor and)) in a clean area off the floor.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-160 Food and beverage services. ~~((1)) Licensees shall ensure food provided to guests is prepared and served under:~~

~~(a) Chapter 246-215 WAC, state board of health standards for food service sanitation and local ordinances;~~

~~(b) Chapter 246-217 WAC, state board of health standards for food and beverage service workers permits; and~~

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(e) Chapter 246-217 WAC, state board of health standards for food workers.

~~(2) Between guest occupancies, licensees providing multiple use or reusable drinking glasses, cups, ice buckets, and other food utensils shall ensure the utilities are:~~

~~(a) Washed and sanitized outside the lodging unit, toilet, or bathing facilities; or~~

~~(b) Washed and sanitized in an approved lodging unit kitchen defined under WAC 246-360-110;~~

~~(c) Handled and stored in a safe and sanitary manner;~~

~~(d) Protected from contamination; and~~

~~(e) Maintained in good repair.~~

~~(3) Licensees shall:~~

~~(a) Ensure single use drinking glasses, cups, ice buckets, and other food utensils are discarded after each guest occupancy;~~

~~(b) Clean and sanitize ice machines at least twice a year and as needed;~~

~~(c) Store and dispense ice provided for guests in a sanitary manner including sanitization of the ice scoop when used;~~

~~(d) Control or eliminate the dispensing of unprotected bulk ice by January 1, 1995; and~~

~~(e) Clean, maintain, and properly adjust drinking fountains;)) (1) A licensee providing food service to guests shall meet the requirements of:~~

~~(a) Chapter 246-215 WAC, Food service;~~

~~(b) Chapter 246-217 WAC, Food worker permits; and~~

~~(c) Local ordinances.~~

~~(2) A licensee providing utensils and ice buckets for guests shall:~~

~~(a) Dispose of, and replace, single-use utensils and ice buckets between guest occupancies;~~

~~(b) Clean and sanitize multiple-use utensils and ice buckets between guest occupancies:~~

~~(i) In lodging unit kitchens meeting the requirements in WAC 246-360-110; or~~

~~(ii) In a clean and sanitary area separate from bathrooms, toilet rooms and adjoining handwash sinks;~~

~~(c) Handle and store utensils and ice buckets in a safe and sanitary manner to protect from contamination; and~~

~~(d) Maintain utensils and ice buckets in good condition, free from cracks.~~

~~(3) The licensee shall store and dispense ice in a sanitary manner, including:~~

~~(a) Cleaning and sanitizing ice machines twice a year or more often as needed; and~~

~~(b) Restricting guest access to unprotected bulk ice by:~~

~~(i) Providing self-dispensing ice machines or other "no contact" dispensing methods; or~~

~~(ii) Having employees dispense bulk ice to guests.~~

~~(4) The licensee shall clean, maintain and properly adjust the water flow in drinking fountains.~~

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-170 Travel trailers and mobile homes. A licensee((s)) providing travel trailers ((and)) or mobile homes as lodging units shall:

(1) Comply with chapters 296-150A and 296-150B WAC ((rules and regulations of the department of labor and

industries)), which include minimum standards for factory-built housing, commercial structures, mobile homes, commercial coaches((;)) and recreational vehicles; and

(2) Ensure all travel trailers and mobile homes used as lodging units are connected to approved water, sewer or approved sewage disposal system, and electrical utilities.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-360-180 Laundry. The licensee((s)) shall:

(1) Provide ((a means for cleaning and sanitizing)) clean, sanitary bedding, linens, towels, washcloths((;)) and other items intended for guest use by:

(a) Maintaining a laundry ((under WAC 246-360-040 and 246-360-180)) according to the provisions in this chapter; or

(b) ((Sending items to)) Using a commercial laundry or other laundry meeting the requirements ((under)) in WAC 246-360-040 and this section((;));

(2) Store the clean and sanitized bedding, linens, towels, washcloths((;)) and other items in an area:

(a) ((In an area)) Designated for clean items only;

(b) Off the floor;

(c) Protected from contamination; and

(d) Without access ((to)) by guests, pets((;)) or other animals((;)) and

(3) Provide a means for handling, transporting, and separating soiled bedding, linens, towels, washcloths((;)) and other items to prevent contamination of clean items.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-360-200 Safety, chemical, and physical hazards. The licensee((s)) shall:

(1) ((Ensure)) Establish and follow policies and procedures for properly storing and labeling all chemical agents, such as cleaners, solvents, disinfectants((;)) and insecticides((; except for small amounts of household cleaners stored in kitchen units, are:

~~(a) Kept isolated from guests;))~~ to assure chemical agents are:

~~(a) Inaccessible to guests other than small amounts of household cleaners stored in lodging unit kitchens;~~

(b) Stored to prevent contamination of clothing, ((toweling;)) towels, washcloths and bedding materials; and

(c) Used ((under the)) according to manufacturer's recommendations((;));

(2) Provide adequate and safe handrailing for all stairways, porches((;)) and balconies((;));

(3) Ensure ((every)) gas((fired)) and oil-fired space heaters and ((for)) water heaters ((is)) are vented to the ((exterior of the building;)) out-of-doors; and

(4) Eliminate known physical hazards.

NEW SECTION

WAC 246-360-500 Exemptions. (1) A licensee wishing to request an exemption from a requirement in this chapter shall submit a written request to the department, including:

(a) A description of the requested exemption;

- (b) Reason for the exemption; and
- (c) Impact of the exemption on public health and safety.
- (2) If the department determines the exemption will not jeopardize public health or safety, and is not contrary to the intent of chapter 70.62 RCW and this chapter, the department may:
 - (a) Exempt the licensee from meeting a specific requirement in this chapter; or
 - (b) Allow the licensee to use another method of meeting the requirement.
 - (3) The licensee shall retain a copy of each approved exemption in the transient accommodation.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-360-190 Housekeeping equipment and procedures.

WSR 94-19-093
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed September 21, 1994, 11:15 a.m.]

Original Notice.

Title of Rule: WAC 246-818-142 Temporary practice permits—Eligibility and 246-818-143 Temporary practice permits—Issuance and duration.

Purpose: Rules to provide for issuance of temporary practice permits to dentists applying for full dental licensure within Washington state.

Statutory Authority for Adoption: RCW 18.32.035.

Statute Being Implemented: RCW 18.130.075 Uniform Disciplinary Act.

Summary: Temporary practice permits will allow dentists seeking Washington licensure to practice [while] awaiting completion of documentation to support the application requirements.

Reasons Supporting Proposal: Will allow dentists the option [to] begin practice prior to completion of the application process. Allow dentists opportunity to begin practice in this state in a more expeditious manner.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue Shoblom, Executive Director, 1112 S.E. Quince, Olympia, (206) 586-6898.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Temporary practice permits could provide the dentist the ability to immediately begin working in Washington state, prior to completion of the full application process.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Lisa Anderson, Program Manger, Dental Quality Assurance Commission, 1112 S.E. Quince Street, P.O. Box 47867, Olympia, WA 98504-7867 phone (206) 586-6898, or FAX (206) 664-9077.

ISSUE - DRAFT RULES FOR ISSUANCE
 OF TEMPORARY PRACTICE PERMITS FOR
 DENTISTS - NEED FOR SMALL BUSINESS
 ECONOMIC IMPACT STATEMENT

In review with Ms. Paula Baker of the Business Assistance Center we determined that a small business economic impact statement will not be necessary to support the proposed draft rules for issuance of temporary practice permits for dentists meeting the defined criteria.

(1) This rule will impact less than 10% of the dentists in the state (only those applying for licensure from another state), and:

(2) There is no fee being proposed for the temporary practice permit. The cost for issuing temporary permits will be absorbed.

It has been determined this rule will not impact more than 10% of the current dental population (3498 practicing in state as of August 1994). We do not expect to receive applications from more than 10% of the total population practicing in the state (350) applications in a given year, and do not anticipate more than a minimal number of these applicants qualifying for or desiring to receive a temporary practice permit.

Hearing Location: Seattle Marriott, SeaTac Hotel, 3201 South 176th Street, Seattle, WA 98188, phone (206) 241-2000, on October 28, 1994, at 10:15 a.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, Department of Health, P.O. Box 7890, Olympia, WA 98504-7890, by October 20, 1994.

Date of Intended Adoption: October 28, 1994.

September 19, 1994
 Susan E. Shoblom
 Executive Director

NEW SECTION

WAC 246-818-142 Temporary practice permits - Eligibility (1) A temporary practice permit, as defined in RCW 18.130.075, shall be issued at the written request of an applicant:

(a) licensed in another state, with licensing standards substantially equivalent to Washington, who applies for the dental examination and meets the eligibility criteria for the examination as outlined in WAC 246-818-020; or

(b) currently licensed and practicing clinical dentistry in another state, who applies for dental licensure without examination and meets the eligibility criteria for the licensure without examination program as outlined in WAC 246-818-120 (1-7).

(2) In addition to the requirements outlined in (1)(a) and (b) above, the conditions of WAC 246-818-090 shall also be met for applicants who are graduates of dental schools or colleges not accredited by the American Dental Association Commission on Accreditation.

NEW SECTION

WAC 246-818-143 Temporary practice permits - Issuance and duration. (1) Unless there is a basis for denial of the license or for issuance of a conditional license, the applicant shall be issued a temporary practice permit by the Commission, upon:

PROPOSED

- (a) receipt of a completed application form on which a request for a temporary practice permit is indicated;
- (b) payment of the applicable application fee;
- (c) receipt of written verification of all dental licenses, whether active or not, attesting that the applicant has a dental license in good standing and is not the subject of any disciplinary action for unprofessional conduct or impairment;
- (d) receipt of disciplinary data bank reports
- (2) The temporary practice permit shall expire:
- (a) immediately upon issuance of a full, unrestricted dental license by the Commission;
- (b) upon notice of failure of the dental examination;
- (c) upon issuance of a Statement of Intent to Deny; or
- (d) within a maximum of 120 days.
- (3) A temporary practice permit shall not be renewed, reissued or extended.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 94-19-094
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed September 21, 1994, 11:19 a.m.]

Supplemental Notice to WSR 94-18-072.

Title of Rule: Professional education.

Purpose: To clarify procedures relating to approval of continuing education and approval of continuing education providers. A requirement has been added that eight hours of already required CE be met by training in patient consultation.

Statutory Authority for Adoption: RCW 18.64.005.

Summary: These revisions clarify procedures relating to approval of continuing education and approval of continuing education providers. Also, eight hours of the required CE must now be gained in patient counselling training.

Reasons Supporting Proposal: These changes will streamline the process for approval of CE and approval of CE providers. Patient counselling training will improve compliance and quality of required patient counselling.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, Board of Pharmacy, 1300 Quince S.E., Olympia, WA 98504-7863, 753-6834.

Name of Proponent: Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Streamlines CE approval process for approval as CE provider and for CE. Shortens length of required CE proof after audit disapproval. Also requires that eight hours of CE between January 1, 1995, and December 31, 1996, be gained in patient consultation training.

Proposal Changes the Following Existing Rules: Specifies information required to be a board-approved CE provider and extends length of time allowed to get approval of CE after attendance. Also, shortens the length of time proof of CE is required if pharmacists do not pass CE audit. Also allows pharmacists to use CE approved by other boards

of pharmacy. Also, specifies that between January 1, 1995, and December 31, 1996, eight contact hours of CE shall be met by training in patient consultation.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. A small business economic impact statement was not prepared as this rule change does not affect 10% of any industry or 20% of all industry.

Hearing Location: Red Lion Inn, 818 112th Avenue N.W., Bellevue, WA, on October 28, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi, (206) 753-6834 or 1-800-525-0127 ext 753-6834, TDD (206) 664-0064, by October 14, 1994.

Submit Written Comments to: Donald Williams, P.O. Box 47863, Olympia, WA 98504-7863, by October 20, 1994.

Date of Intended Adoption: October 28, 1994.

September 16, 1994

Donald H. Williams

Executive Director

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-010 Definitions. (1) "Accredited programs/courses" means continuing education sponsored by providers which are approved by the American Council on Pharmaceutical Education (ACPE).

(2) "Board approved programs/courses" means continuing education which has been reviewed and approved by the board office.

(3) "Approved provider" means any person, corporation, or association approved either by the board or ACPE to conduct continuing professional education programs.

(4) "Continuing education" means accredited or approved post-licensure professional pharmaceutical education designed to maintain and improve competence in the practice of pharmacy, ((~~improve~~)) pharmacy skills, and preserve pharmaceutical standards for the purpose of protecting the public health, safety, and welfare.

(5) "Continuing education unit (CEU)" means one CEU is equivalent to ten contact hours of participation in accredited or board approved continuing education programs/courses.

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-020 Renewal requirements. (1) No renewal certificate of licensure shall be issued by the board of pharmacy until the applicant submits satisfactory proof to the board that during the twelve months preceding his or her application for renewal he or she has participated in courses of continuing professional pharmaceutical education of the types and number of continuing education credits specified by the board. Such continuing education is hereby declared to be a mandatory requirement for license renewal, except that pharmacists applying for the first annual renewal of their license following graduation shall be exempt from the provisions of this regulation.

(2) Continuing education requirements must be submitted along with the license application and fee. If the continuing education requirements are not complete the license renewal application will be returned with an explana-

tory note. The license renewal will not be processed until complete.

(3) A pharmacist shall be required to retain all original certificates and other documented evidence of participation in an approved/accredited continuing education program for a period of at least two years. Upon request, such documentation shall be made available to the board for random audit and verification purposes. Since individual pharmacist audits will usually be retrospective, it is recognized that disallowed credit may work hardship on the pharmacist involved. In cases where a pharmacist is audited and some or all credit is disallowed, the continuing education requirement for the following year will be increased by the amount of hours disallowed. A pharmacist who is audited and has credit disallowed will ~~((automatically be audited for three))~~ be required to submit verification of continuing education for the next two consecutive years by including continuing education certificates with the license renewal application.

(4) Failure to satisfy the continuing education requirement as a result of disallowed credit in two consecutive years or falsification of continuing education evidence and/or documentation will be considered in violation of these rules and will be sufficient cause for imposition of disciplinary action by the board.

(5) A pharmacist who desires to reinstate his or her pharmacist license after having been unlicensed for over one year shall, as a condition for reinstatement, submit proof of fifteen hours of continuing education for each year unlicensed or complete such continuing education credits as may be specified by the board in each individual case.

(6) The board of pharmacy may accept comparable continuing education units which have been approved by other boards of pharmacy.

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-040 Applications for approval of continuing education program—Post-approval of continuing education program. (1) Applications for approval or post-approval of a continuing education program which is not an accredited program or provided by an approved provider shall be made on the form provided for this purpose by the Washington state board of pharmacy in the law book.

(2) The provider shall submit an application form ~~((sixty))~~ forty-five days prior to the date the program will be held.

(3) A pharmacist who attends a program that has not been preapproved according to this rule, must submit application for approval within ~~((fifteen))~~ twenty days following the program.

(4) All programs approved by the American Council on Pharmaceutical Education are accepted for continuing education credit and do not require that an individual provider approval be obtained in each case.

(5) The board of pharmacy may accept comparable continuing education units which have been approved by other boards of pharmacy.

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-050 Continuing education program approved providers. (1) ~~((The board shall establish the standards and specifications necessary for an organization to obtain approval. These standards and specifications shall at least be equivalent to those established for continuing education programs in pharmacy by the American Council on Pharmaceutical Education.~~

~~((a) A continuing education provider shall supply each attendee or subscriber with a written program description which lists the topic(s) covered, number of speakers or authors, time devoted to the program topic(s), and the instructional objectives of the program. The program description must also bear a statement of the number of hours of continuing education credit assigned by the provider.~~

~~((b) The provider must make available to each attendee or subscriber proof of attendance or participation suitable for verifying to the board the completion of continuing education requirements.~~

~~((c) The provider shall retain, for a period of two years, a list of persons to whom proof of attendance or participation as specified in (b) of this subsection was supplied. Providers of nonevaluated self-instruction units shall be exempt from this requirement.~~

~~((2))~~ Any ~~((organization))~~ provider may apply to the board on forms provided by the board for qualification as an approved provider. If ~~((an organization))~~ a provider is approved, the board will issue a certificate or other notification of qualification to it. The approval shall be effective for a period of two years and shall be renewable as set forth by the board. Providers who apply to the board for approved provider status must document the following:

(a) Identify the individual responsible for the providers' CE program;

(b) Provide copies of CE material and information used by the provider the previous two years with each renewal; and

(c) Develop a procedure for establishing:

(i) Educational goals and objectives for each program;

(ii) Program evaluation component for each program.

(d) A continuing education provider shall supply each attendee or subscriber with a written program description which lists the topic(s) covered, number of speakers or authors, time devoted to the program topic(s), and the instructional objectives of the program. The program description must also bear a statement of the number of hours of continuing education credit assigned by the provider.

(e) The provider must make available to each attendee or subscriber proof of attendance or participation suitable for verifying to the board the completion of continuing education requirements.

(f) The provider shall retain, for a period of two years, a list of persons to whom proof of attendance or participation as specified in (b) of this subsection was supplied. Providers of nonevaluation self-instruction units shall be exempt from this requirement.

(2) The board shall establish the standards and specifications necessary for a provider to obtain approval. These

standards and specifications shall at least be equivalent to those established for continuing education programs in pharmacy by the American Council on Pharmaceutical Education.

(3) The board may revoke or suspend an approval of a provider or refuse to renew such approval if the provider fails to maintain the necessary standards and specifications required.

NEW SECTION

WAC 246-861-055 Continuing education program.

(1) The continuing professional pharmaceutical education courses may consist of post-graduate studies, institutes, seminars, lectures, conferences, workshops, extension studies, correspondence courses and other similar methods of conveying continuing education as may be approved by the board.

(2) Such courses shall consist of subject matter pertinent to the following general areas of professional pharmaceutical education:

- (a) The legal aspects of health care;
 - (b) The properties and actions of drugs and dosage forms;
 - (c) The etiology, characteristics, therapeutics, and prevention of the disease state;
 - (d) Specialized professional pharmacy practice.
- (3) Full credit (hour for hour) shall be allowed for:
- (a) Speakers.
 - (b) Panels.
 - (c) Structured discussion, workshops, and demonstrations.
 - (d) Structured question and answer sessions.
- (4) Credit shall not be allowed for:
- (a) Welcoming remarks.
 - (b) Time spent for meals or social functions.
 - (c) Business sessions.
 - (d) Unstructured demonstrations (e.g., poster sessions).
 - (e) Unstructured question and answer sessions (e.g., after programs ends).
 - (f) Degree programs except advanced degrees in pharmacy.
- (5) Keynote speaker and topics must be submitted through the standard process.

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-060 Instructors' credit toward continuing education unit. Any pharmacist whose primary responsibility is *not* the education of health professionals, who leads, instructs or lectures to groups of nurses, physicians, pharmacists or others on pharmacy-related topics in organized continuing education shall be granted one hour of continuing education credit for each hour spent in actually presenting the initial course or program which has been approved for continuing education credit. ~~((A presenter shall not be granted multiple credit for multiple presentations of the same program of continuing education.))~~

Any pharmacist whose primary responsibility is the education of health professionals shall be granted continuing education credit only for time expended in leading, instruction or lecturing to groups of physicians, pharmacists, nurses

or others on pharmacy related topics outside his/her formal course responsibilities in a learning institution.

A presenter shall not be granted multiple credit for multiple presentations of the same program of continuing education.

AMENDATORY SECTION (Amending Order 234B, filed 1/8/92, effective 2/8/92)

WAC 246-861-090 Amount of continuing education. The equivalent of one and one-half continuing education unit (equal to fifteen contact hours) of continuing education shall be required annually of each applicant for renewal of licensure.

Between the dates of January 1, 1995, and December 31, 1996, eight contact hours of this requirement shall be met by training in patient consultation (defined in WAC 246-901-010) as set forth by the board. The training shall include patient-pharmacist verbal interactive techniques developed by role-playing so that the pharmacist in dispensing a medication to a patient can verify that:

- (1) The patient knows how to use the medication correctly;
- (2) The patient knows about the side effects and potential adverse effects of the medication; and
- (3) The patient is able to comply with the therapy.

Provided, pharmacists licensed in Washington state and practicing in other states who subsequently return to practice in Washington state after December 31, 1996, shall meet the patient consultation training requirements within ninety days of return.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-861-030 Continuing education programs.

WSR 94-19-095
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed September 21, 1994, 11:30 a.m.]

Supplemental Notice to WSR 94-08-052.

Title of Rule: WAC 246-937-010, 246-937-020, 246-937-030, 246-937-040, 246-937-050, 246-937-060, 246-937-070, 246-937-080, 246-937-090, and 246-937-100.

Purpose: To establish rules for the veterinary medication clerks.

Statutory Authority for Adoption: Chapter 34.05 RCW. Statute Being Implemented: Chapter 18.92 RCW.

Summary: To establish rules for the veterinary medication clerks license and renewal.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Traci Troutman, 1300 S.E. Quince, Olympia, WA, 6-4566.

Name of Proponent: Veterinary Board of Governors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To establish rules for the veterinary medication clerk.

Proposal Changes the Following Existing Rules: Revises previous emergency rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The economic impact is associated with the fee rules and has been filed with the establishment of WAC 246-937-990.

Hearing Location: Sea-Tac Holiday Inn, 17338 Pacific Highway South, Seattle, WA, on November 14, 1994, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Traci Troutman, 1300 Quince Street S.E., Olympia, WA, by November 7, 1994, (206) 664-8869.

Submit Written Comments to: Ann Foster, Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890.

Date of Intended Adoption: November 14, 1994.

September 21, 1994

Traci Troutman

Program Manager

Veterinary Board of Governors

Chapter 246-937

CERTIFIED VETERINARY MEDICATION CLERK

NEW SECTION

WAC 246-937-010 Definitions. (1) "Certified veterinary medication clerk" shall mean any person who has met the requirements for certification as established by the veterinary board of governors (board) and WAC 246-937-040.

(2) "Direct supervision" shall mean the supervising licensed veterinarian is on the premises and is quickly and easily available.

(3) "Indirect supervision" shall mean the supervising licensed veterinarian is not on the premises, but has given either written or oral instructions regarding policies and procedures for the handling of legend drugs.

(4) "On-the-job training program" shall mean a program following the guidelines approved by the board.

(5) "Supervising Veterinarian" means the licensed veterinarian who is responsible for closely supervising the certified veterinary medication clerk while he or she is performing daily duties.

(6) "Sponsoring Veterinarian" means the licensed veterinarian who is responsible for the training and reviewing the work of a certified veterinary medication clerk. An appropriate degree of supervision is involved.

NEW SECTION

WAC 246-937-020 Responsibility for supervision and sponsorship. Licensed veterinarians are responsible and accountable for the ordering, inventory, labeling, counting, packaging and delivery of legend drugs utilized in their practice. In accordance with chapter 18.92 RCW, certain nondiscretionary pharmaceutical tasks may be delegated by a veterinarian to a qualified nonveterinarian. The delegating veterinarian is responsible for the supervision of pharmaceutical tasks performed by certified veterinary medication clerks. Records shall be maintained that account

for the receipt and disposition of all legend drugs. A certified veterinary medication clerk may be supervised by a licensed veterinarian other than his or her sponsor subject to the sponsoring veterinarian's approval. The sponsoring veterinarian shall be primarily responsible for the performance and acts of his or her certified veterinary medication clerk.

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

NEW SECTION

WAC 246-937-030 Tasks and prohibited functions.

(1) A certified veterinary medication clerk may perform the following tasks only under the direct supervision of a licensed veterinarian: Counting, labeling, and packaging of legend drugs. A licensed veterinarian must personally inspect all packaged medication orders to ensure the accuracy of the order prior to delivery to the client. The licensed veterinarian will document the medication inspection by placing his/her initials in the patient's record.

(2) A certified veterinary medication clerk may perform the following tasks under the indirect supervision of a licensed veterinarian: Ordering, stocking, inventorying, and the delivery of legend drugs. The identity of the client shall be confirmed before the delivery of legend drugs.

(3) The following functions shall not be delegated by a licensed veterinarian to a certified veterinary medication clerk:

(a) Consultation with a client regarding the medication order and/or any information involving professional clinical judgment.

(b) Dispensing any medication. The medication must be recorded in the patient's record by the authorizing veterinarian.

(c) Extemporaneous compounding of a medication order.

(d) Interpretation of data in a patient record.

(e) Final inspection of a completed medication order as described in WAC 246-937-030(1).

(f) Any duties required by law to be performed by a licensed veterinarian.

(g) Any ordering, accountability, packaging, or delivery of controlled substances as defined in or under chapter 69.50 RCW.

NEW SECTION

WAC 246-937-040 Training and education. (1) The training of certified veterinary medication clerks shall be obtained by completion of an on-the-job training program following guidelines approved by the board.

(2) The minimum educational requirement shall be high school graduation or equivalency.

NEW SECTION

WAC 246-937-050 Applications. Applications for registration as a certified veterinary medication clerk shall be on forms prepared by the secretary of the department of health and submitted to the department. The application, in addition to the required fee, shall be accompanied by evidence of completion of an on-the-job training program

and completion of HIV/AIDS education as specified in WAC 246-937-080.

Said application shall be signed by the applicant and sworn before some person authorized to administer oaths. Additionally, the application will be signed by the sponsoring veterinarian attesting that the applicant is qualified to perform the responsibilities of a certified veterinary medication clerk and is familiar with the procedures and policies of the practice. Certification is valid only for employment at the veterinary practice identified in the application and or pursuant to WAC 246-937-020.

NEW SECTION

WAC 246-937-060 Transfer of registration. In the event that a certified veterinary medication clerk who is currently registered, desires to be sponsored by another licensed veterinarian, application for transfer of registration to a new sponsoring veterinarian shall be made on forms provided by the board and be subject to the board's approval.

NEW SECTION

WAC 246-937-070 Termination of sponsorship. Upon termination of the working relationship, the sponsoring veterinarian between the certified veterinary medication clerk and the sponsoring veterinarian, the sponsoring veterinarian shall notify the board.

NEW SECTION

WAC 246-937-080 HIV/AIDS prevention and information education requirements. (1) Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the Board of Health by rule.

(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in Chapter 70.24 RCW.

(2) Application for certification. Persons applying for certification shall submit prior to becoming certified and in addition to the other requirements for certification, evidence to show compliance with the education requirements of subsection (3) of this section.

(3) AIDS education.

(a) Acceptable education. The board shall accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.

(b) Documentation. The registrant shall:

(i) Certify, on forms provided, that the minimum education has been completed;

(ii) Keep records for two years documenting attendance or description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.

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

NEW SECTION

WAC 246-937-090 Grounds for denial, suspension, or revocation of certification. The board may suspend, revoke or deny the issuance or renewal of certification of any applicant and/or certified veterinary medication clerk if the applicant and/or certified veterinary medication clerk:

(1) Has employed fraud or misrepresentation in applying for or obtaining the certification.

(2) Has, within ten (10) years prior to the date of application, been found guilty by any court of competent jurisdiction of violation of state or federal laws relating to the practice of veterinary medicine, surgery and dentistry, including, but not limited to:

(a) State or federal laws relating to the regulation of drugs;

(b) Chronic inebriety;

(c) Cruelty to animals;

(3) Has violated or attempted to violate any provision of chapter 18.92 RCW or any rule or regulation adopted pursuant to that chapter;

(4) Has assisted, abetted or conspired with another person to violate chapter 18.92 RCW, or any rule or regulation adopted pursuant to that chapter;

(5) Has performed any animal health care service not authorized by WAC 246-937-030.

NEW SECTION

WAC 246-937-100 Renewal of certification. (1) A certified veterinary medication clerk's certification shall be renewed annually on the certified veterinary medication clerk's birth anniversary date. A certified veterinary medication clerk shall apply for renewal by submitting to the department:

(a) The renewal fee specified in WAC 246-937-990.

(b) The name and address of the sponsoring veterinarian and the veterinary practice.

(2) Failure to renew annually shall invalidate the certification

(3) A certified veterinary medication clerk may reinstate a certification that has been expired less than one year by submitting to the department:

(a) A renewal application provided by the department;

(b) The current renewal fee for the year in which the certification was expired, and the late renewal fee as specified in WAC 246-937-990;

(c) The name and address of the sponsoring veterinarian and the veterinary practice.

WSR 94-19-097
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed September 21, 1994, 11:34 a.m.]

Continuance of WSR 94-08-076.
 Title of Rule: WAC 246-937-990.
 Purpose: To establish fees for the veterinary medication clerks.
 Statutory Authority for Adoption: RCW 18.92.145.
 Statute Being Implemented: Chapter 18.92 RCW.
 Summary: To establish fees for the veterinary medication clerks license and renewal.
 Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Traci Troutman, 1300 S.E. Quince, Olympia, WA, 6-4566.
 Name of Proponent: Veterinary Board of Governors, governmental.
 Rule is not necessitated by federal law, federal or state court decision.
 Explanation of Rule, its Purpose, and Anticipated Effects: To establish fees for the veterinary medication clerk.
 Proposal does not change existing rules.
 Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No.
 Date of Intended Adoption: September 21, 1994.
 September 21, 1994
 Mimi L. Fields, MD
 for Bruce Miyahara
 Secretary

NEW SECTION

WAC 246-937-990 Fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Initial registration	\$24.00
Renewal	24.00
Late renewal penalty	11.00
Duplicate registration	10.00

WSR 94-19-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed September 21, 1994, 11:36 a.m.]

Original Notice.
 Title of Rule: WAC 388-215-1620 Assistance unit—Persons excluded due to factors not related to need.
 Purpose: Adds new cross-reference for exception to rule that children in foster care cannot be included in AFDC assistance units. Changes agency reference from "Office of Support Enforcement" to "Division of Child Support." Adds "child not living with relative" to situations where persons may be excluded from assistance units.
 Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.
 Summary: State legislature requires department to continue AFDC to families of children in temporary foster care. Changes agency name. Need for additional information on persons who are excluded from AFDC assistance units due to factors not related to need.

Reasons Supporting Proposal: See Purpose above.
 Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Everett, Division of Income Assistance, 438-8312.

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

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

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

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This will impact only a small percentage of small families and impacts AFDC eligibility only. Impacts AFDC eligibility for a small percentage of AFDC recipient families and does not relate to regulating any business entities.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on October 25, 1994, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by October 11, 1994, TDD (206) 753-4595, or SCAN 234-4595.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Franklin Street, Olympia, Washington 98504, Identify WAC Numbers, FAX (206) 586-8487, by October 18, 1994.

Date of Intended Adoption: October 26, 1994.
 September 21, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-215-1620 Assistance unit—Persons excluded due to factors not related to need. The department shall exclude from the assistance unit those persons ineligible due to factors not related to need. Exclusions include, but are not limited to:

- (1) A recipient of SSI benefits;
- (2) A child who is not deprived of parental support or care as defined under WAC 388-215-1300 through 388-215-1390;
- (3) An alien not meeting the citizenship and alienage requirements (see WAC 388-215-1200);
- (4) Adopted children receiving Title IV-E, state or local adoption assistance if inclusion of such children and their income will result in a decrease in benefits to the assistance unit;
- (5) Children who receive Title IV-E, state and local foster care maintenance payments except as provided for under WAC 388-215-1100 and 388-215-1120;
- (6) A person under sanction for noncooperation with:

PROPOSED

(a) The job opportunities and basic skills training (JOBS) program (see WAC 388-215-1520); or

(b) The department's ~~((office))~~ division of child support ((enforcement)) (see WAC 388-215-1400).

(7) A child who does not live with a relative of specified degree as defined under WAC 388-215-1060 and 388-215-1080.

WSR 94-19-101
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed September 21, 1994, 11:44 a.m.]

Original Notice.

Title of Rule: Portability of public retirement benefits.

Purpose: To implement chapter 41.54 RCW, Portability of public retirement benefits.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: Chapter 41.54 RCW.

Summary: Clarifies standards relating to the eligibility of persons to receive a retirement allowance from two or more retirement systems under chapter 41.54 RCW.

Reasons Supporting Proposal: To provide guidance to members and employers concerning the department's implementation of chapter 41.54 RCW.

Name of Agency Personnel Responsible for Drafting: Paul Neal and Marc Medeiros, 1025 East Union Avenue, Olympia, 586-3368; Implementation and Enforcement: Jerry Long, 1025 East Union Avenue, Olympia, 753-3108.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies standards relating to the eligibility of persons to receive a retirement allowance from two or more retirement systems under chapter 41.54 RCW. To provide guidance to members and employers concerning the department's implementation of chapter 41.54 RCW.

Proposal Changes the Following Existing Rules: Amending chapter 415-113 WAC, repeals former WAC 415-113-010 through 415-113-060.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Rules will not impact private business enterprises.

Hearing Location: Department of Retirement Systems, 1025 East Union Avenue, Capital Plaza Building, 2nd Floor Boardroom, Olympia, WA 98504-8380, on October 28, 1994, at 3:30 - 5:00.

Assistance for Persons with Disabilities: Contact Paul Neal, TDD (206) 586-5450, or SCAN 321-5450.

Submit Written Comments to: Paul Neal, Department of Retirement Systems, FAX (206) 753-3166, by October 21, 1994.

Date of Intended Adoption: November 4, 1994.

September 20, 1991 [1994]

Paul Neal

Rules Coordinator

AMENDATORY SECTION (Amending WSR 90-22-038, filed 11/1/90, effective 12/2/90)

WAC 415-113-030 Definitions for purposes of WAC ((415-113-010 through 415-113-050)) 415-113-035 through 415-113-100. ~~(((1) "Additional costs" means any benefits incurred by the DRS administered systems for member retirement allowances that are the direct result of portability under chapter 192, Laws of 1990 (HB 1323).~~

~~(2) "Dual member" means dual member as defined in chapter 192, Laws of 1990 (HB 1323).~~

~~(3) "Portability" means that a person can be a dual member of both a city retirement system or systems and one or more of the DRS administered retirement systems for the purpose of combining service credit for determining eligibility from each system if the person meets the requirements of dual membership as defined in chapter 192, Laws of 1990 (HB 1323).~~

~~(4) "Base salary" means the definition used in RCW 41.54.010(1).~~

~~(5) "First class cities" means the cities of Seattle, Spokane and Tacoma.~~

~~(6) "Average compensation" means respectively, final compensation as defined in RCW 41.28.010 and 41.44.030(14); average final compensation as defined in RCW 41.32.010 and 41.40.010; average earnable compensation as defined in RCW 41.32.498; and average final salary as defined in RCW 43.43.120.~~

~~(7) "City retirement system" means the retirement systems for the cities of Seattle, Spokane and Tacoma.~~

~~(8) "DRS administered systems" means the retirement systems established under chapters 41.32 (Teachers' retirement system), 41.40 (Public employees' retirement system), 41.44 (State wide city employees' retirement) and 43.43 RCW (Washington state patrol).~~

~~(9) "DRS benefits" means retirement benefits earned solely through employment with a DRS administered retirement systems.~~

~~(10) "Early retirement" means retirement at the first age when a unreduced benefit is available, absent portability, as defined in RCW 41.32.480, 41.32.765(2), 41.40.180(3), 41.40.630(2), 41.44.140, and 43.43.250(2).~~

~~(11) "Accumulated employee contributions" means all member contributions and interest to the respective DRS administered systems as defined in RCW 41.04.445(4).) All definitions in RCW 41.54.010 apply to terms used in this chapter, unless a different meaning is plainly required by the context.~~

(1) "Accumulated employee contributions" means all member contributions and interest to the respective dual member systems as defined in RCW 41.04.445(4).

(2) "Average compensation" means respectively, final compensation as defined in RCW 41.28.010 and 41.44.030(14); average final compensation as defined in RCW 41.32.010 and 41.40.010; average earnable compensation as defined in RCW 41.32.498; final average salary as defined in RCW 41.26.030 (12)(b); and average final salary as defined in RCW 43.43.120.

(3) "Department" means department of retirement systems.

(4) "Dual member" means a person as defined under RCW 41.54.010(4) regardless of whether he or she has creditable service in more than one dual member system.

(5) "Dual member system" means the state and city retirement systems admitted to participate under the portability provisions of chapter 41.54 RCW which include PERS Plans I and II, TRS Plans I and II, LEOFF Plan II, WSPRS, State-wide City Employees' Retirement System and the First Class City retirement systems.

(6) "First Class City retirement systems" means the retirement systems for the non-LEOFF member employees of the cities of Seattle, Spokane and Tacoma.

(7) "Fully eligible" means a person who is eligible to receive a retirement allowance from a dual member system without receiving a reduction for early retirement pursuant to RCW 41.40.630(2), 41.32.765(2), 41.26.430(2), 43.43.280(2) and retirement as a nonmember participant under RCW 41.40.150 (4) and (6).

(8) "Member participant" means a person who is employed for compensation in a dual member system qualifying position and is admitted into the membership of the system. For TRS Plan I, "member participant" also means a member who is not employed for compensation but has accumulated employee contributions standing to his or her credit. This definition applies only to the retirement systems listed in RCW 41.50.030.

(9) "Multiple system benefit" means a service retirement allowance from two or more dual member systems calculated under chapter 41.54 RCW.

(10) "Multiple system participant" means a person who is a participant in two or more dual member systems.

(11) "Multiple system retiree" means a person who elects to retire under the provisions of chapter 41.54 RCW.

(12) "Nonmember participant," except for TRS Plan I, means a person who is no longer employed in a dual member system qualifying position but has not withdrawn his or her accumulated employee contributions. This definition applies only to the retirement systems listed in RCW 41.50.030.

(13) "LEOFF Plan II" means Law Enforcement Officers' and Fire Fighters' Retirement System Plan II.

(14) "PERS Plan I" means Public Employees' Retirement System Plan I.

(15) "PERS Plan II" means Public Employees' Retirement System Plan II.

(16) "TRS Plan I" means Teachers' Retirement System Plan I.

(17) "TRS Plan II" means Teachers' Retirement System Plan II.

(18) "WSPRS" means Washington State Patrol Retirement System.

NEW SECTION

WAC 415-113-035 Eligibility to become a dual member—Termination of dual member status. (1) A person must be a member participant in at least one dual member system to qualify as a dual member under RCW 41.54.010 (4)(a).

Example 1: A former PERS Plan I member who becomes a member participant in TRS Plan II through

employment with a PERS employer becomes a dual member.

(2) A retirement system member who is receiving a disability retirement allowance or disability leave benefits from a system listed in RCW 41.50.030 cannot be a dual member. See RCW 41.54.010(4). A person who has received a lump sum disability benefit cashout is considered to be in receipt of a disability benefit except as provided in (a) of this subsection. A person is not receiving a disability retirement allowance or disability leave benefits if he or she:

(a) Previously received disability benefits and has had his or her disability status terminated; or

(b) Retired for disability from service as a member with the Washington state patrol.

(3)(a) If a person is no longer a member participant in any dual member system, he or she is no longer a dual member. Upon the person's reentry into membership in any such retirement system, he or she again becomes a dual member.

Example 2: Upon separation from TRS II eligible employment, the person in Example 1 above is no longer a member of TRS II nor a dual member.

(b) If a multiple system participant separates from service, he or she shall retain eligibility to receive a multiple system benefit upon the date his or her benefit accrues.

(4) Upon retirement from any or all dual member systems, a person is no longer a dual member except for the purpose of receiving a deferred retirement allowance under RCW 41.54.030(3) and WAC 415-113-070.

NEW SECTION

WAC 415-113-045 Restoration of withdrawn contributions for service credit in prior system. (1) A person has twenty-four consecutive months from the date he or she becomes a dual member to restore withdrawn contributions under RCW 41.54.020(2). The twenty-four month restore period continues to run regardless of whether the person terminates his or her dual member status. If a person terminates his or her dual member status but later becomes a dual member again, he or she has twenty-four consecutive months from the date he or she regains dual member status to restore withdrawn contributions.

Example 3: A person becomes a dual member on January 1, 1994. She has until December 31, 1995, to restore any previously withdrawn contributions for service credit in a prior system regardless of whether she separates from service.

Example 4: A person becomes a dual member on January 1, 1994, separates from service on January 1, 1995, and then reenters service on January 1, 1996. He has until December 31, 1997, twenty-four consecutive months from the date he regained dual member status, to restore withdrawn contributions in any prior system.

(2) A person who is a member participant in one or more dual member systems and has previous service in a retirement system newly admitted to participate under the

portability provisions of chapter 41.54 RCW, has twenty-four consecutive months from the date of the system's admission into portability to restore such previous service under RCW 41.54.020(2).

Example 5: A person is a member participant in PERS Plan II and has previous service in LEOFF Plan II. LEOFF Plan II was newly admitted to participate under the portability provisions of chapter 41.54 RCW on July 25, 1993. Therefore, the person has until July 24, 1995, to restore her prior LEOFF II service.

(3) If a PERS member restores withdrawn TRS Plan I contributions under RCW 41.54.020 he or she:

- (a) Reestablishes membership in TRS Plan I; and
- (b) Will participate prospectively in TRS Plan I if employed by a state agency, school district or other TRS employer.

NEW SECTION

WAC 415-113-055 Eligibility for multiple system benefit. (1) All retirement by multiple system retirees under chapter 41.54 RCW and this chapter shall be limited to retirement for service.

(2) A person is eligible for a multiple system benefit only upon retirement under RCW 41.54.030 from all dual member systems in which he or she is a participant. If a person elects to defer retirement in one dual member system under RCW 41.54.030(3), he or she may not subsequently withdraw contributions from that system.

(3)(a) A person who is eligible for a multiple system benefit may elect to retire from two or more retirement systems without the benefits or restrictions of chapter 41.54 RCW. If the person chooses to retire from each system without receiving a multiple system benefit, the person is not subject to the maximum benefit limitation under RCW 41.54.070 and WAC 415-113-090(1), but he or she may not:

- (i) Substitute his or her base salary between the retirement systems pursuant to RCW 41.54.030(2) and WAC 415-113-060; or
- (ii) Combine service from each system for purposes of determining retirement eligibility.

(b) Any person who restores previously withdrawn contributions from a prior dual member system under RCW 41.54.020 and WAC 415-113-040 may elect to retire from the prior and a subsequent system without receiving a multiple system benefit.

(c) If a person elects to retire from two dual member systems without receiving a multiple system benefit, he or she may withdraw contributions from either system in lieu of receiving a retirement allowance if such withdrawal is otherwise permissible under the systems' provisions.

(4) A person with creditable service in LEOFF Plan II and a second dual member system may not combine his or her accrued service under both systems for purposes of qualifying for:

- (a) A LEOFF Plan II indexed retirement allowance under RCW 41.26.530(2); or
- (b) A refund of one hundred fifty percent of the LEOFF Plan II member's accumulated contributions under RCW 41.26.540.

NEW SECTION

WAC 415-113-065 Substitution of base salary. (1)(a) For purposes of this chapter, "includable compensation" means:

- (i) Earnable compensation under TRS Plan I or II;
- (ii) Compensation earnable under PERS Plan I or II;
- (iii) Basic salary under LEOFF Plan II; and
- (iv) Regular salary under WSPRS.

(b) A multiple system retiree may substitute his or her base salary under one dual member system for his or her includable compensation in a second dual member system for purposes of computing a retirement allowance from the second system. See RCW 41.54.010(1) and 41.54.030(2). The department shall compute the multiple system retiree's average compensation independently under each system's own requirements.

Example 6: At retirement, a person is a member participant in PERS Plan II and has prior creditable service in TRS Plan I. Assume the multiple system retiree earned her highest compensation during her PERS II service. The retiree's PERS II retirement allowance will be based on her PERS II average compensation. For purposes of computing her TRS average compensation and retirement allowance, she may substitute her PERS II base salary earned over two consecutive fiscal years for her earnable compensation in TRS.

Example 7: At retirement, a person is a member participant in TRS Plan I and has prior creditable service in PERS Plan I. Assume the multiple system retiree earned his highest compensation during his membership in TRS I. The retiree may substitute his base salary earned while a member in TRS I for his PERS I compensation earnable. However, because he may substitute only his base salary from TRS I for his compensation earnable in PERS, his PERS average compensation may not include any cashout payments from his TRS employer.

(c) If a multiple system retiree does not have a sufficient number of service credit months in one dual member system to complete an average compensation period under that system, the department shall substitute the appropriate number of months of base salary from another system to complete the average compensation period.

Example 8: A person who has creditable service in TRS I and PERS II retires at age sixty-five having accrued twenty-four months of service in PERS II. Under PERS II, a member's average compensation period is the member's highest consecutive sixty-month period of compensation. To compute the multiple system retiree's PERS II retirement allowance, the department will substitute her highest consecutive thirty-six service credit months of TRS base salary to complete the PERS sixty-month average compensation period.

(2) A multiple system retiree's adjusted full time salary under RCW 41.32.345 shall not constitute base salary for purposes of computing the retiree's multiple system benefit.

NEW SECTION

WAC 415-113-070 Deferred retirement allowance.

(1) A multiple system participant who, by combining creditable service which he or she has accrued in two or more dual member systems, qualifies to retire in one system but not in a second system must either:

(a) Receive an actuarially reduced retirement allowance from the second system; or

(b) Defer retirement in the second system until fully eligible to receive a retirement allowance from that system. See RCW 41.54.030(3). If the multiple system participant elects to defer retirement in the second system, he or she shall retain dual member status for the sole purpose of receiving a multiple system benefit when fully eligible under chapter 41.54 RCW. If, after deferring retirement, the person enters membership in a dual member system, his or her dual member status terminates. Once the person's dual member status is terminated:

(i) He or she may only retire under the deferred system if eligible based solely upon that system's retirement eligibility criteria; and

(ii) His or her retirement allowance under the deferred system will be based solely upon service actually established in that system.

Example 9: A sixty-two year old dual member of PERS I and TRS II retires. He elects to receive PERS I benefits but defer receipt of a TRS II retirement allowance until eligible for full benefits at age sixty-five. If he becomes reemployed in a TRS II eligible position, he will reenter TRS II membership and terminate his dual member status, but he will continue to receive his PERS I retirement allowance. The member's eligibility to retire from TRS II will be based solely on his accrued service credit in TRS II and his TRS II retirement allowance will be based solely on his compensation while he was a member participant in TRS II.

Example 10: Assume the retiree in Example 9 above became reemployed in a PERS position rather than a TRS II position. The retiree would reenter PERS I membership terminating his dual member status, and the department would suspend his PERS I retirement allowance.

(2) If a person defers retirement from a system under this section and dies before receiving a retirement allowance from the deferred system:

(a) His or her surviving spouse shall elect to receive either:

(i) A joint and one hundred percent survivor option from the deferred system, in which case, the retiree's base salary under one system may be substituted for his or her includable compensation in the deferred system to compute the survivor retirement allowance from the deferred system; or

(ii) A refund of the retiree's accumulated contributions from the deferred system.

(b) If the deceased retiree does not have a surviving spouse, the department shall pay the retiree's accumulated contributions from the deferred system to:

(i) The retiree's designated beneficiary or beneficiaries; or

(ii) The retiree's estate, if there are no living beneficiaries.

NEW SECTION

WAC 415-113-080 Retroactive retirement allowance.

Retroactive retirement will only cause a person's membership in a subsequent system to be canceled under RCW 41.54.020(1) if such membership would have been prohibited under RCW 41.04.270 but for his or her status as a dual member.

(1) Upon retirement from all dual member systems, a multiple system retiree shall be entitled to a retirement allowance from a prior system effective on his or her accrual date under the prior system.

(a) A person's service in all dual member systems is combined under chapter 41.54 RCW for purposes of determining his or her accrual date.

(b) If a person retroactively retires from a prior system, he or she cannot use any salary earned after his or her accrual date for purposes of computing his or her benefit from the prior system.

Example 11: A fifty-five year old member participant in PERS II and nonmember participant in LEOFF II elects to defer retirement from LEOFF II until he is eligible to retire with full benefits from PERS II at age sixty-five. Upon retirement, he will be entitled to a LEOFF II retirement allowance effective on his accrual date under LEOFF II (i.e., age fifty-five).

(2)(a) If a person who has accrued fifteen or more years of service in a prior dual member system becomes a member of a second dual member system before attaining retirement eligibility age in the prior system, he or she may retire retroactively from the prior system, if otherwise eligible, without canceling membership and participation in the second system under RCW 41.54.020(1).

(b) If a person who has accrued fifteen or more years of service in a prior dual member system becomes a member of a second dual member system after attaining retirement eligibility age under the prior system, the person may not retire retroactively from the prior system without canceling his or her membership and participation in the second system unless he or she retires from both systems under RCW 41.54.030(2).

Example 12: A nonmember participant in LEOFF Plan II who has accrued sixteen years of service in LEOFF II became a member of PERS Plan II at age fifty-four. Because she became a member participant of PERS II at age fifty-four, prior to attaining retirement eligibility under LEOFF II (i.e., age fifty-five), she may later retire

retroactively from LEOFF II, subject to LEOFF II criteria, while continuing membership in PERS II.

Example 13: A nonmember participant in LEOFF Plan II with sixteen years of accrued service became a member of PERS Plan II at age fifty-five. If he attempts to retire from LEOFF II while continuing membership in PERS II, the department will cancel his PERS II membership and refund his PERS contributions. However, if he retires from both systems, he is entitled to retain the benefits of his PERS II membership and receive a retroactive LEOFF II retirement allowance.

Example 14: Assume either of the retirees in Examples 12 and 13 above had accrued less than fifteen years of service in LEOFF Plan II. In this case, RCW 41.04.270 would not apply to prevent the retirees from establishing PERS II membership. Either person could retire retroactively from the LEOFF II without canceling membership and participation in PERS II.

(3) Upon retirement from all dual member system eligible service, a multiple system retiree of LEOFF Plan II and a second system shall be entitled to computation of a LEOFF Plan II retirement allowance based upon either:

(a) The retiree's LEOFF Plan II final average salary substituting some or all of the retiree's base salary under the second system earned prior to the date his or her LEOFF Plan II retirement allowance began to accrue (i.e., age fifty-five); or

(b) The LEOFF Plan II indexed retirement allowance under RCW 41.26.530(2).

Example 15: A person who is a nonmember participant of LEOFF II and a member participant of PERS II retires from both systems at age sixty-five. If he had accrued twenty-one years of creditable service in LEOFF II, the multiple system retiree's LEOFF II retirement allowance may be based upon either: (i) His substituted PERS II base salary which he earned prior to attaining retirement eligibility in LEOFF at age fifty-five; or (ii) The LEOFF II indexed retirement allowance under RCW 41.26.530(2) using his LEOFF II average compensation.

NEW SECTION

WAC 415-113-090 Maximum retirement benefit.

(1)(a) A multiple system retiree's benefit may not exceed the lowest maximum benefit which would be permitted under any one of the retiree's dual member systems if the retiree had rendered his or her total career service in that system. See RCW 41.54.070.

(i) If a multiple system retiree retires from PERS Plan I, TRS Plan I, WSPRS or a First Class City system, the

department shall compute the maximum benefit permitted under the benefit limitation provisions of the relevant system as if the retiree had earned his or her total career service and compensation in that system.

(ii) In computing a multiple system retiree's maximum benefit under the relevant system or systems, the department shall:

(A) Apply the provisions of the individual dual member system or systems regarding the determination of the retiree's average compensation for each system; and

(B) Assume the multiple system retiree earned all of his or her career service with his or her last employer for purposes of determining any limitations on the inclusion of leave cashouts in average compensation.

Example 16: A multiple system retiree retires from PERS Plan I state employment with prior creditable TRS service. His state employer pays him an accrued sick leave cashout at termination. Because sick leave cashouts paid by state agency employers are not included as earnable compensation, the department will not include the sick leave cashout in the retiree's average compensation for purposes of computing either his PERS I or TRS I maximum benefit.

Example 17: Assume the retiree in Example 16 retires from a local government employer and receives a sick leave cashout. Because local government sick leave cashouts may be included as earnable compensation, the department would include the sick leave cashout to compute the retiree's maximum benefits under both PERS I and TRS I.

(b) After computing the retiree's maximum benefit, the department shall determine the full retirement allowances which the multiple system retiree is entitled to from each system under chapter 41.54 RCW prior to any reduction under RCW 41.54.070. If applicable, the department shall then reduce the amount of the retiree's full retirement allowances provided by either of the dual member systems for:

(i) Nonmember participants of PERS Plan I pursuant to RCW 41.40.150 (4) and (6), and members of WSPRS pursuant to RCW 43.43.280(2); and

(ii) Early retirement pursuant to RCW 41.40.630(2), 41.32.765(2), and 41.26.430(2).

(c) Upon computing the retiree's full retirement allowances from each system and making any applicable reductions under (b) of this subsection, the department shall add the systems' allowances to compute the retiree's total multiple system benefit.

(d) The department shall then compare the retiree's total multiple system benefit with the retiree's maximum benefit calculated in (a) of this subsection. If the retiree's total multiple system benefit exceeds his or her maximum benefit, the department shall proportionately reduce the benefits provided by each of the retiree's systems as follows:

(i) Calculate what proportion of the retiree's total multiple system benefit is provided by each system separately;

(ii) Proportionately reduce the benefit provided by each system to account for the excess of the total multiple system benefit over the maximum benefit.

Example 18: A person with twenty-nine years of prior service in TRS I and one year of subsequent service in PERS II retires from both systems at age sixty-five. The retiree's TRS I average compensation is thirty thousand dollars. The TRS I maximum benefit is sixty percent of average compensation. The retiree's maximum TRS benefit is eighteen thousand dollars or one thousand five hundred dollars per month. Because PERS II does not have a maximum benefit limit, the TRS I maximum benefit amount is the retiree's maximum benefit.

Assume the retiree's accrued service is such that her actual TRS I monthly benefit is one thousand four hundred fifty dollars and her PERS II monthly benefit is one hundred dollars. The retiree's total multiple system benefit is the sum of her TRS I and PERS II benefits, or one thousand five hundred fifty dollars. Because the retiree's total multiple system benefit exceeds her maximum benefit by fifty dollars, the department would proportionately reduce her TRS I and PERS II benefits. Her TRS I benefit is $\frac{29}{30}$ of her total service or ninety-seven percent, and her PERS II benefit is $\frac{1}{30}$ of total service, or three percent. The department would reduce her TRS I benefit by ninety-seven percent of the overage, or forty-eight dollars and fifty cents ($50 \times .97$) and her PERS II benefit by three percent of the overage, or one dollar and fifty cents ($50 \times .03$).

(2) After computing any applicable reduction to the maximum benefit under subsection (1)(d) of this section, the department shall reduce the multiple system retiree's benefit from each system for any:

- (a) Withdrawal of accumulated contributions at the time of the retiree's retirement from TRS Plan I;
- (b) Survivor option selected by the retiree; or
- (c) Cost-of-living adjustment (COLA) option selected by the retiree.

NEW SECTION

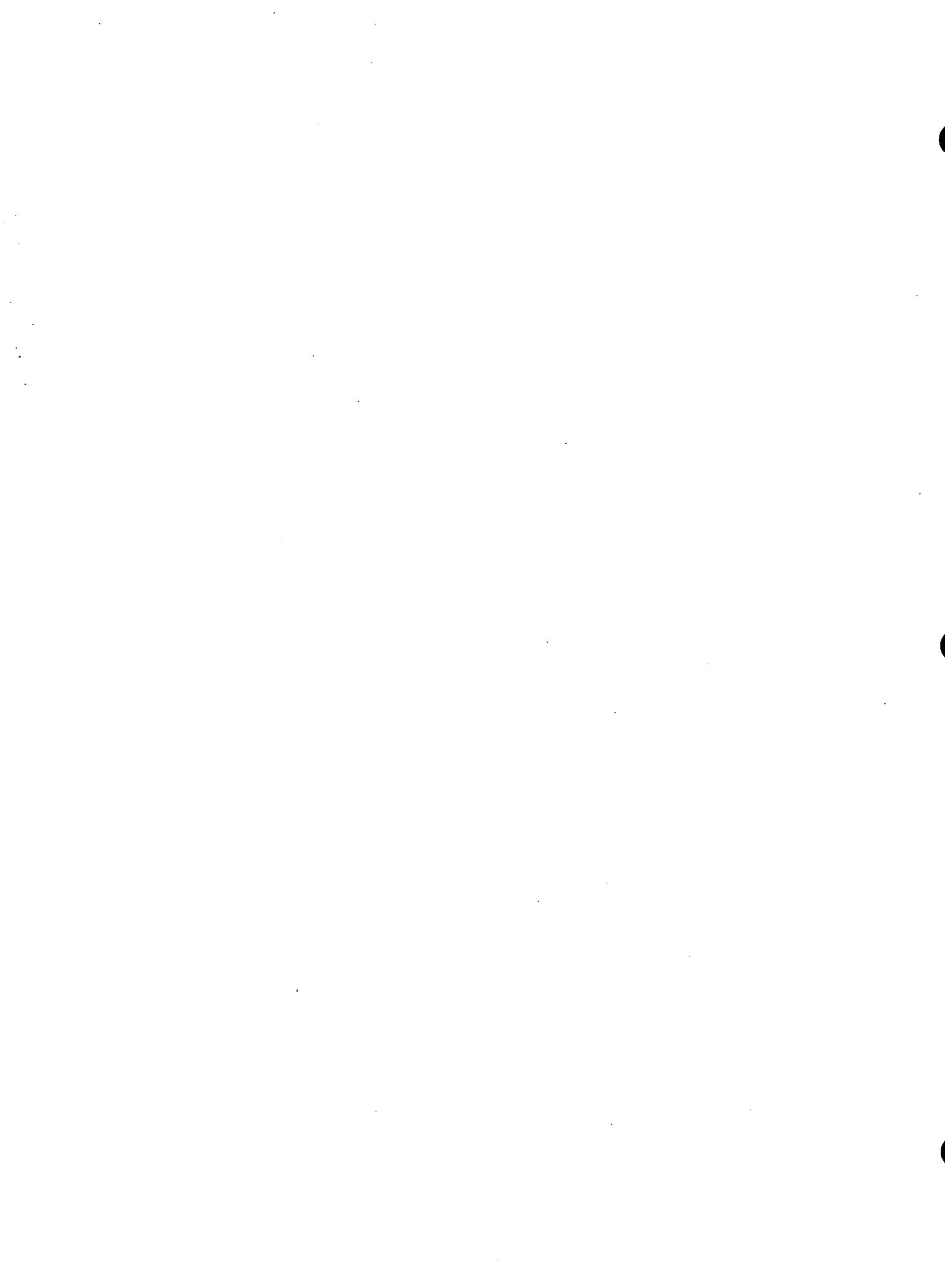
WAC 415-113-100 Eligibility for lump sum retirement allowance. In determining a multiple system retiree's eligibility for lump sum cashouts under RCW 41.54.090, the department will use the retiree's standard retirement allowance, except in TRS Plan I, the department shall use the retiree's maximum retirement allowance.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-113-010	Background and purpose.
WAC 415-113-020	Authority to assess costs of portability.
WAC 415-113-040	Additional costs.
WAC 415-113-050	Election to participate.
WAC 415-113-060	Reimbursement of additional costs.

PROPOSED



ERRATUM

Reviser's note: The following material is a part of WAC 132F-104-815, which was contained in WSR 94-18-070, filed on September 1, 1994. Due to an error in publication, this material was not underscored, even though the agency had filed it correctly as shown below.

Table with 3 columns: Item, Quantity, Unit. Includes Campus Advisory Representatives to the Board (3 ASB presidents), Campus vice presidents, SCCFT, Campus Libraries, Campus Newspapers, Editor, Northern Lights, Editor, City Collegian, Editor, Sentinel.

WSR 94-19-001
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-96—Filed September 7, 1994, 5:00 p.m.]

Date of Adoption: August 19, 1994.
Purpose: Amend commercial fishing rules.
Citation of Existing Rules Affected by this Order: Amending WAC 220-48-015 and 220-88A-080.
Statutory Authority for Adoption: RCW 75.08.080.
Pursuant to notice filed as WSR 94-13-064 on June 8, 1994.
Effective Date of Rule: Thirty-one days after filing, September 6, 1994
Judith Freeman
Deputy
for Robert Turner
Director

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-48-015 Beam trawl and bottom trawl—Seasons. (1) It is lawful to fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B, and 29 the entire year with the following exceptions:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point are closed the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank buoy are closed April 15 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are intersected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island are closed June 1 through June 30.

(d) ~~((Those waters of))~~ Areas 20A, 20B, 21A, 22A and 22B are closed to trawl fishing in waters less than 30 feet deep.

(e) Areas 23C ~~((between a line projected due north from Slip Point to a line projected due north from Kydaka Point))~~ and 29 are closed to otter trawl fishing the entire year in waters shallower than ~~((60))~~ 50 fathoms and are closed to beam trawl fishing in waters less than 60 feet deep.

~~((e))~~ (2) It is lawful to fish for and possess bottomfish taken with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year with the following exceptions:

(a) All of Area 25A is closed February 1 through April 15 of each year~~((, and))~~.

(b) Those waters of Area 25A lying southerly and westerly of a line projected from Kipot Point to Gibson Spit (Sequim Bay) are closed the entire year.

~~((2))~~ (c) Areas 23A, 25A and 25B are closed to beam trawl fishing in waters less than 60 feet deep.

(3) It is unlawful to fish for or possess bottomfish taken with otter trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 25A and 25B the entire year.

(4) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 21B, 23D, 24A, 24B, 24C, 24D, 25C, 25D, 25E, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D the entire year.

~~((3))~~ It is unlawful to operate bottom trawl or beam trawl in waters less than 60 feet in depth in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 25A, 25B, or 29, and it is unlawful to operate bottom trawl or beam trawl in waters less than 30 feet deep in all other waters of Puget Sound east of the mouth of the Sekiu River:))

AMENDATORY SECTION (Amending Order 94-14, filed 3/17/94, effective 4/17/94)

WAC 220-88A-080 Emerging commercial fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear. It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except as provided for in this section:

(1) Seasons - ~~((All waters of Puget Sound are))~~ Open ~~((to trawl gear))~~ April 16 through October 15 in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, 25B and 29 except closed in:

(a) Those waters of Area 20A east of a line projected from Point Whitehorn to Sandy Point the entire year.

(b) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and from the southwest corner of Point Roberts to Point Whitehorn to where these two lines are intersected by a line south from Kwomais Point in British Columbia and a line from Lilly Point to the north Alden Bank Buoy from April 16 through May 31.

(c) Those waters of Area 20A within an area bounded by lines from Lilly Point to Birch Point and Lilly Point to the north Alden Bank buoy to where those lines are inter-

PERMANENT

sected by a line projected approximately 230 degrees south from Birch Point to Alden Point on Patos Island from June 1 through June 30.

(d) Shrimp Districts 1, 2, 3((;)) and 4((, 5, and 6.

(b) Waters closed to trawl fishing in WAC 220 48-015)).

(2) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

WSR 94-19-003
PERMANENT RULES
SECRETARY OF STATE

[Filed September 8, 1994, 8:36 a.m.]

Date of Adoption: September 8, 1994.

Purpose: To update filing requirements for limited partnerships.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-55-030; and amending WAC 434-55-015, 434-55-016, 434-55-040, 434-55-055, 434-55-060, 434-55-065, and 434-55-066.

Statutory Authority for Adoption: Chapter 25.10 RCW.

Pursuant to notice filed as WSR 94-16-148 on August 3, 1994.

Effective Date of Rule: Thirty-one days after filing.
September 8, 1994

Ralph Munro
Secretary of State

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

WAC 434-55-015 ((Filing office location and address.)) Official address and telephone number. (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) ((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.)) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(3) ((The offices of the corporations division are located at Republic Building, 2nd Floor, 505 E. Union St., Olympia, WA.)) In-person transactions may be made at the Corporations Division, 505 E. Union, Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(4) The telephone number is (206) 753-7115 or (206) 753-7120. Callers will hear a menu system of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

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.)) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday except holidays. Over-the-counter service is available to provide same day service for individuals requests brought in before 4:30 p.m. and telephone service is available from 8:00 a.m. to 5:00 p.m.

(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 administrator of the corporations division.)) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

(3) Certain expedited or over-the-counter services are subject to the special service fees established elsewhere in these regulations.

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

WAC 434-55-040 ((Execution of documents, duplicate originals and reproduction quality.)) Original signature required. (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. If the entity provides only the original copy, the division may charge a photocopy fee to make an exact copy.

(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.

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

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.

(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 and limited liability companies filed, registered or reserved 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. However, a "refiling" limited partnership is not guaranteed the use of its pre-October 1, 1982, name.

AMENDATORY SECTION (Amending Order 87-04, filed 8/6/87)

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 limited partnership: (~~(\$175.00 with index sheet, \$225.00 without index sheet)~~) One hundred seventy-five dollars.

(2) Filing an application for registration of a foreign limited partnership: (~~(\$175.00)~~) One hundred seventy-five dollars.

(3) (~~(Filing a certificate of dissolution)~~) Dissolution or cancellation by judicial decree: No charge.

(4) Filing of a certificate of cancellation for a domestic or foreign limited partnership: No charge.

(5) Filing of a certificate of amendment for a domestic or foreign limited partnership: (~~(\$25.00)~~) Thirty dollars.

(6) Filing a certificate of restatement: (~~(\$25.00)~~) Thirty dollars.

(7) Filing an application to reserve or transfer a limited partnership name: (~~(\$10.00)~~) Thirty dollars.

(8) (~~(Filing any other statement or report required by the Limited Partnership Act: \$10.00)~~) Application for reinstatement: One hundred dollars plus all delinquent fees and a twenty-five percent penalty computed on total amount.

(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)~~) Articles of merger: Twenty dollars for each listed company.

(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)~~) Agent's consent to act as agent or agent's resignation if appointed without consent: No charge.

(11) (~~(Furnishing copies of any document, instrument, or paper relating to a limited partnership: \$1.00 first page, \$.20 each page thereafter)~~) Filing any other statement or report required by the Limited Partnership Act: Ten dollars.

(12) For each certified copy of any document the fee is ten dollars plus the copy fee.

(13) For certificates of existence fees are as follows:

(a) With complete or specific historical data, under embossed seal, thirty dollars;

(b) Computer generated, under embossed seal, twenty dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(14) For photocopies fees are as follows:

(a) Certificate of limited partnership or any single document, ten dollars;

(b) Amendments to certificates and mergers, twenty dollars;

(c) All charter documents, thirty dollars;

(d) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).

(15) Service of process on the office of the secretary of state as agent of a limited partnership: ~~(((\$25.00)) Fifty dollars.~~

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-065 In-person or expedited counter service—Special fees. ~~((1) Same-day processing of limited partnership documents is available during counter service hours (8:30—11:30 a.m., 1:00—3:30 p.m.) at the offices of the corporations division.~~

~~(2) Fees for same-day services provided in-person, over the counter at the corporations division are as follows:~~

~~(a) A copy of limited partnership records: Five dollars expedited service fee plus regular fees;~~

~~(b) Certificate or certified copies: Five dollars expedited service fee, plus regular fee~~

~~(c) Same-day processing of limited partnership charter documents: Ten dollars expedited service fee per document, plus regular fees for the form of the filing;~~

~~(d) Same-day processing of name reservation or registration requests: Ten dollars expedited service fee, plus regular filing fee for each action or document processed;~~

~~(e) Processing of service of process on the secretary of state on a same-day basis: Ten dollars expedited service fee, plus regular \$25.00 service-of-process fee, for each action or document filed;~~

~~(f) Same-day processing of any other documents or materials submitted for filing under the limited partnership laws: Ten dollars expedited service fee, plus any other applicable statutory fee, for each action or document processed;~~

~~(g) Search of pre-October 1, 1982, limited partnerships: Ten dollars expedited search fee, for each request.~~

~~(3)(a) Special service fees, as established above, will be charged when same-day, over the counter service is requested. (Allow four-hour turn-around time for same-day service.) If the office of the secretary of state is unable to complete the requested action, by approval, denial or other definite disposition of the matter, by 4:30 p.m. of the day of receipt, the documents or other work will be processed first on the following business day.~~

~~(b) If special emergency services beyond same-day or over the counter services are provided by the division, including but not limited to delivery of documents, employee overtime, special copying, certifying or approval of materials, special research, or making long-distance phone calls related to the emergency situation, a special emergency fee of \$75.00 per hour will be charged, in addition to regular fees which may be due for the form of the filing. When a request qualifying as an emergency is received by the agency, the agency will notify the requestor of the emergency service fee. The requestor must agree to the fee and any other reasonable conditions set by the agency before emergency services will be provided. Emergency requests require intensive amounts of agency effort for a short period, and will not be accepted by the agency except under exigent and compelling circumstances.~~

~~(4) Because of limited staff, the corporations division reserves the right to limit the availability of counter service~~

~~or to limit the number of service requests submitted by one person during one day.~~

~~(5) There are no fees or other expedited service charges for:~~

~~(a) In-person inspection or review of limited partnership or other public records located at the corporations division offices;~~

~~(b) Documents or other service requests left at the corporations division for regular, nonexpedited processing. Such documents will be receipt stamped only, and reviewed and processed as if otherwise received in the mail.) (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:~~

~~(a) Charter document review and filing;~~

~~(b) Name reservation review and filing;~~

~~(c) Document certification;~~

~~(d) Document copying and status certificates;~~

~~(e) Status change filings.~~

~~(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing limited partnership file. In addition, a regulatory fee for each transaction may apply.~~

~~(3) There is no expedited fee for the following transactions:~~

~~(a) Reinstatements;~~

~~(b) In-person inspection or review of limited partnership files or other public documents located in the corporations division office;~~

~~(c) Documents left at the counter for processing with mail-in documents received the same day; or~~

~~(d) A search for nonactive limited partnership files less than twenty years old.~~

~~(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.~~

~~(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.~~

~~(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.~~

~~Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.~~

AMENDATORY SECTION (Amending Order 82-7, filed 10/6/82)

WAC 434-55-066 Miscellaneous charges—Special service fees. ~~((+))~~ Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a ~~((seven-dollar reprocessing fee))~~ twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

~~((2) Error in document—Resubmission fees. If a person or limited partnership submits a limited partnership document for filing to the office of the secretary of state and the document must be returned to sender for correction of one or more of the errors identified below, a resubmission fee of three dollars to cover postage and handling will be assessed by the secretary of state when the documents are returned to sender. Reasons for document rejection which will trigger a resubmission fee are:~~

~~(a) Submission of limited partnership document(s) lacking required signature(s), required duplicate copies, information required by the limited partnership statute for the form of the filing, or required supportive documents.~~

~~(b) Submission of limited partnership filings without proper document filing fees (WAC 434-55-060) attached.)~~

NEW SECTION

WAC 434-55-070 Telephone services. The telephone numbers of the corporations information unit are (206) 753-7115 and (206) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited partnerships and on filing a new limited partnership immediately available at this number includes the following:

- (1) Exact name of limited partnership on file in the secretary of state's records;
- (2) Unified business identifier (UBI) number;
- (3) Date filed on the secretary of state's records;
- (4) Name of registered agent;
- (5) Registered office address;
- (6) Status of limited partnership;
- (7) Name of general partner(s);
- (8) State of registration;
- (9) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system.

NEW SECTION

WAC 434-55-080 Registered office address—Requirements. A post office box address may be used in conjunction with a registered geographic office address when:

- (1) The United States Postal Service cannot or will not deliver to the street address; and

(2) The post office box address is in the same Washington city or town as the registered office address; and

(3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-55-030 Filing domestic limited partnerships—Optional index sheet.

WSR 94-19-004**PERMANENT RULES****SECRETARY OF STATE**

[Filed September 8, 1994, 8:39 a.m.]

Date of Adoption: September 8, 1994.

Purpose: To update information on corporations and new trademark laws.

Citation of Existing Rules Affected by this Order: Amending WAC 434-110-010, 434-110-060, 434-110-070, 434-110-075, and 434-110-120.

Statutory Authority for Adoption: Title 23B RCW and chapter 19.77 RCW.

Pursuant to notice filed as WSR 94-16-149 on August 3, 1994.

Effective Date of Rule: Thirty-one days after filing.
September 8, 1994
Ralph Munro
Secretary of State

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-010 Purpose. These rules establish procedures and fee schedules for filings, for expedited and telephone services, and for access to public records in the corporations division of the office of the secretary of state. These rules are adopted pursuant to Titles 23, 23B, 24, and 46 RCW, and chapters 19.77 and 43.07 RCW.

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-060 In-person or expedited counter service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying or status certificates;
- (e) Status change filings; and
- (f) Trademark filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing

corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

- (a) Registered agent or address change;
- (b) Initial reports;
- (c) License renewal and required annual report;
- (d) Amended annual reports;
- (e) Reinstatements;

(f) In-person inspection or review of corporation files or other public documents located in the corporations division office;

(g) Documents left at the counter for processing with mail-in documents received the same day; or

(h) A search for nonactive corporations (~~or trademark files~~) less than twenty years old or trademark files less than six years old.

A request for search of nonactive corporation (~~or trademark~~) files more than twenty years old or trademark files more than six years old should be made directly to the archives division of the office of the secretary of state.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the Secretary in writing to request a waiver of emergency or penalty fees.

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-070 Fees. (1) For Washington registered profit domestic and foreign corporations fees are as follows:

(a) Articles of amendment, restatement, correction, or revocation of dissolution, thirty dollars;

(b) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the statutory fee of fifty dollars and the department of licensing handling fee of nine dollars.

(c) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(d) Articles of merger or exchange, twenty-dollars for each listed company;

(e) Resignation of registered agent, twenty dollars;

(f) Resignation of officer or director, an initial report or amended annual report, and the appointment or change of registered agent or change of registered address, ten dollars;

(g) Registration, reservation, or transfer of name, thirty dollars;

(h) Articles of dissolution, certificate of withdrawal, dissolution by judicial decree, or revocation of certificate of authority by either failure to renew or judicial decree, no fee;

(i) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(j) Other statement or report filed, ten dollars.

(2) For Washington registered domestic and foreign nonprofit corporations, nonprofit miscellaneous and mutual corporations, and building corporations fees, when applicable, are as follows:

(a) Articles of amendment, restatement, or correction, twenty dollars;

(b) Articles of dissolution or certificate of withdrawal, no fee;

(c) Revocation of dissolution, twenty dollars;

(d) Reinstatement following administrative dissolution, thirty dollars plus all delinquent annual fees and a five dollar penalty;

(e) Articles of merger or exchange, twenty dollars for each listed corporation;

(f) Resignation of officer or director, an initial report or amended annual report, the appointment or change of registered agent, or change of registered address, ten dollars;

(g) Resignation of registered agent, twenty dollars;

(h) Registration, reservation, or transfer of reservation of name, twenty dollars;

(i) Certificate of election adopting provisions of chapter 24.03 RCW as described in RCW 24.03.017, thirty dollars; and

(j) Other statement or report filed, ten dollars.

(3) For registering trademarks for use within the state, the fees are as follows:

(a) For a six-year registration or renewal, fifty dollars;

(b) For recording the assignment of a trademark and its registration or application for registration, ten dollars;

(c) For a new certificate with the name of the new assignee, five dollars;

(d) For reservation of a trademark for one hundred eighty days, thirty dollars;

(e) Cancellation of trademark, no fee; and

(f) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

AMENDATORY SECTION (Amending WSR 94-01-074, filed 12/9/93, effective 1/10/94)

WAC 434-110-075 Miscellaneous fees. (1) For photocopies, fees are as follows:

(a) Each annual report, five-dollars;

(b) Articles of incorporation or any single document, ten dollars;

- (c) Amendments to articles and mergers, twenty dollars;
- (d) All charter documents, thirty dollars;
- (e) All trademark registrations, assignments or cancellations, fifty cents per page;

(f) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty-dollars;

(b) Computer generated, under embossed seal, twenty-dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For verifying the signature of a notary or public official for an apostil or certification authenticating a sworn document, the fee is ten dollars in addition to the fee for the apostil or certificate under RCW 43.07.120 (1)(b).

(4) For each certified copy of any document the fee is ten-dollars plus the copy fee.

~~((4))~~ (5) For any service of process the fee is fifty dollars.

(6) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-120 Initial and annual reports—Form of content. (1) Any corporation filing under the Washington Business Corporations Act shall file its initial (annual) report on the form provided by the secretary of state or shall clearly and concisely provide the information topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation, and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. Address of principal place of business in Washington or, if a foreign corporation, the principal office address in state of original incorporation, the corporation telephone number, and a brief statement of nature of business;

(d) Section 4. A list of names and addresses of all corporate officers and directors; and

(e) Section 5. Signature of either the chair or president of the board of directors or an officer listed within the report.

~~((There is no fee for filing an initial report at the same time as filing articles of incorporation if the following conditions exist: the initial directors named in the articles are the same directors elected or appointed at the organizational meeting; the officers are named; the by laws are accepted; and the purposes of the corporation are defined. The chairman of the board or an officer listed within the report shall sign this initial report attesting to its truth. When the initial report is filed at a later date, it must be filed concurrently with the fee listed in WAC 434-110-070 (2)(f).))~~

(2) All profit and nonprofit corporations shall file their annual reports on the form prescribed by the secretary of state or clearly and concisely topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. A list of names and addresses of all corporate officers and directors; and

(d) Section 4. The signature of either the chair or president of the board of directors or an officer listed within the report.

All annual reports must be accompanied by the statutory fee in RCW 23B.01.530 or 24.03.450 (1)(b).

WSR 94-19-005

PERMANENT RULES

SECRETARY OF STATE

[Filed September 8, 1994, 8:42 a.m., effective October 1, 1994]

Date of Adoption: September 8, 1994.

Purpose: To provide information on filing a limited liability company in the state of Washington with the office of the Secretary of State.

Citation of Existing Rules Affected by this Order: New WAC 434-130-010 to 434-130-100.

Statutory Authority for Adoption: Chapter 25.15 RCW.

Other Authority: Chapter 211, Laws of 1994.

Pursuant to notice filed as WSR 94-16-147 on August 3, 1994.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: To go into effect with effective date of statute, chapter 25.15 RCW, RCW 34.05.380 (3)(a).

Effective Date of Rule: October 1, 1994.

September 8, 1994

Ralph Munro

Secretary of State

**Chapter 434-130 WAC
LIMITED LIABILITY COMPANIES**

NEW SECTION

WAC 434-130-010 Purpose and authority. These rules are adopted under authority of chapter 25.15 RCW (Limited liability companies), the Washington Limited Liability Company Act.

NEW SECTION

WAC 434-130-020 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 505 East Union, Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (206) 753-7115. Callers will hear a menu of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

NEW SECTION

WAC 434-130-030 Office hours. (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same-day service for individual requests brought in before 4:30 p.m. (see WAC 434-110-060) and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

NEW SECTION

WAC 434-130-040 Telephone services. The telephone numbers of the corporations information unit are (206) 753-7115 and (206) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability companies and on filing a document relating to a new limited liability company which is immediately available at this number includes the following:

- (1) Exact name of limited liability company on file in the secretary of state's records;
- (2) Unified business identifier (UBI) number;
- (3) Date filed on the secretary of state's records;
- (4) Expiration date of license;
- (5) Name of registered agent;
- (6) Scheduled dissolution date (if any);
- (7) Registered office address;
- (8) Status of limited liability company;
- (9) Filing date of most recent annual report;
- (10) Whether management is vested in members or managers;
- (11) Name of members or managers;

- (12) State of formation;
- (13) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system and pressing the appropriate number.

NEW SECTION

WAC 434-130-050 Original signature required. The corporations division will retain the original document when a limited liability company submits for filing an original document with original signature and an exact or conformed copy. If the organization provides only the original copy, the division may charge a photocopy fee to make an exact copy. The copy returned to the organization will be date stamped on the day it was processed and filed.

NEW SECTION

WAC 434-130-060 Registered office address—Requirements. A post office box address may be used in conjunction with a registered geographic office address when:

- (1) The United States Postal Service cannot or will not deliver to the street address; and
- (2) The post office box address is in the same Washington city or town as the registered office address; and
- (3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

NEW SECTION

WAC 434-130-070 Annual reports—Due date. Each limited liability company shall file an annual report by the last day of the month of its original registration as a limited liability company. The corporations division shall notify all limited liability companies of its annual renewal date forty-five days in advance by a mailing that includes the annual report form. Failure to receive an annual report notice is insufficient reason for failure to file the statutorily required annual report.

NEW SECTION

WAC 434-130-080 In-person or expedited counter service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:30 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
 - (b) Name reservation review and filing;
 - (c) Document certification;
 - (d) Document copying and status certificates;
 - (e) Status change filings.
- (2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing limited liability company file. In addition, a regulatory fee for each transaction may apply.
- (3) There is no expedited fee for the following transactions:

- (a) Initial reports;
- (b) License renewal and required annual report;
- (c) Amended annual reports;
- (d) Reinstatements;
- (e) In-person inspection or review of limited liability company files or other public documents located in the corporations division office;
- (f) Documents left at the counter for processing with mail-in documents received the same day; or
- (g) A search for nonactive limited company files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

NEW SECTION

WAC 434-130-090 Fees. For Washington registered domestic and foreign limited liability companies fees are as follows:

- (1) Certificate of formation or application for registration, one hundred seventy-five dollars;
- (2) Annual license renewal, fifty dollars;
- (3) Amendment, restated certificate, or amended and restated certificate, thirty dollars;
- (4) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the renewal fee of fifty dollars;
- (5) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;
- (6) Articles of merger, twenty dollars for each listed company;
- (7) Certificate of change of registered agent, registered office address, resignation of registered agent or designation of new registered agent, thirty dollars per entity name;
- (8) An initial report or amended annual report, ten dollars;
- (9) Registration, reservation, or transfer of name, thirty dollars;

(10) Certificate of cancellation, administrative dissolution or dissolution by judicial decree, or revocation of certificate of authority, no fee;

(11) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(12) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

NEW SECTION

WAC 434-130-100 Miscellaneous fees. (1) For photocopies, fees are as follows:

- (a) Each annual report, five dollars;
- (b) Certificate of formation or any single document, ten dollars;
- (c) Amendments to articles and mergers, twenty dollars;
- (d) All charter documents, thirty dollars;
- (e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).

(2) For certificates of existence fees are as follows:

- (a) With complete or specific historical data, under embossed seal, thirty dollars;
- (b) Computer generated, under embossed seal, twenty dollars;
- (c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For each certified copy of any document the fee is ten dollars plus the copy fee.

(4) For any service of process the fee is fifty dollars.

(5) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

WSR 94-19-011
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
 [Order 5055—Filed September 9, 1994, 10:40 a.m.]

Date of Adoption: September 7, 1994.

Purpose: Rule establishes expiration/renewal dates for new milk processing plant license as required under RCW 15.36.051.

Statutory Authority for Adoption: RCW 15.36.051.

Pursuant to notice filed as WSR 94-15-056 on July 18, 1994.

Effective Date of Rule: Thirty-one days after filing.

September 7, 1994
Jim Jesernig
Director

NEW SECTION

WAC 16-103-010 Purpose. These rules are promulgated under the authority of RCW 15.32.110 as recodified by chapter 143, Laws of 1994. The purpose of these rules is to establish a renewal date for the annual milk processing plant license.

NEW SECTION

WAC 16-103-020 Milk processing plant license. The licensing period for milk processing plants shall begin on July 1 and run through the following June 30. All annual milk processing plant licenses shall expire on June 30 of each year.

**WSR 94-19-015
PERMANENT RULES
INSURANCE COMMISSIONER**
[Order R 94-16—Filed September 9, 1994, 3:30 p.m.]

Date of Adoption: September 9, 1994.

Purpose: Alternative care benefits, general rules as to minimum standards, to provide coverage for substitution of less expensive or less intensive care for hospitalization or other institutional care in policies which cover institutional care.

Citation of Existing Rules Affected by this Order: Amending WAC 284-50-330.

Statutory Authority for Adoption: RCW 48.01.030, 48.02.060, 48.44.050, 48.44.020, 48.46.200, 48.46.060.

Pursuant to notice filed as WSR 94-15-103 on July 20, 1994.

Changes Other than Editing from Proposed to Adopted Version: Clarifies that long-term care, Medicare supplement and disability income protection policies are not covered by these rules; clarifies that those disability insurance policies that are guaranteed renewable and were issued prior to January 1, 1995, are not covered by these rules; clarifies that coverage may be limited to no less than the maximum benefits which would be payable under the contract; and clarifies that the rule applies to home care, hospice and health care agencies licensed under chapter 70.127 RCW.

Effective Date of Rule: Thirty-one days after filing.

September 9, 1994
Deborah Senn
Insurance Commissioner

NEW SECTION

WAC 284-44-500 Alternative care—General rules as to minimum standards. (1) As an alternative to hospitalization or institutionalization of an insured and with the intent to cover placement of the insured patient in the most appropriate and cost-effective setting, every individual or group contract of a health care service contractor issued, amended, or renewed on or after January 1, 1995, which provides coverage for hospitalization or other institutional

expenses to a resident of this state shall include substitution of home health care, provided in lieu of hospitalization or other institutional care, furnished by home health, hospice and home care agencies licensed under chapter 70.127 RCW, at equal or lesser cost.

(2) In addition, such expenses may include coverage for durable medical equipment which permits the insured to stay at home, care provided in Alzheimer's centers, adult family homes, assisted living facilities, congregate care facilities, adult day health care, home health, hospice and home care, or similar alternative care arrangements which provide necessary care in less restrictive or less expensive environments.

(3) Substitution of less expensive or less intensive services shall be made only with the consent of the insured and upon the recommendation of the insured's attending physician or licensed health care provider that such services will adequately meet the insured patient's needs. The decision to substitute less expensive or less intensive services shall be determined based on the medical needs of the individual insured patient.

(4) A health care service contractor may require that home health agencies or similar alternative care providers have written treatment plans which are approved by the insured patient's attending physician or other licensed health care provider.

(5) Coverage may be limited to no less than the maximum benefits which would be payable for hospital or other institutional expenses under the contract, and may include all deductibles and coinsurances which would be payable by the insured under the hospital or other institutional expense coverage of the insured's contract.

(6) This section shall not apply to long-term care or Medicare supplement insurance contracts. This section shall not apply to guaranteed renewable contracts issued prior to January 1, 1995.

NEW SECTION

WAC 284-46-500 Alternative care—General rules as to minimum standards. (1) As an alternative to hospitalization or institutionalization of an insured and with the intent to cover placement of the insured patient in the most appropriate and cost-effective setting, every individual or group agreement of a health maintenance organization issued, amended, or renewed on or after January 1, 1995, which provides coverage for hospitalization or other institutional expenses to a resident of this state shall include substitution of home health care, provided in lieu of hospitalization or other institutional care by home health, hospice and home care agencies licensed under chapter 70.127 RCW at equal or lesser cost, or by employees of the health maintenance organization.

(2) In addition, such expenses may include coverage for durable medical equipment which permits the insured to stay at home, care provided in Alzheimer's centers, adult family homes, assisted living facilities, congregate care facilities, adult day health care, home health, hospice, or home care, or similar alternative care arrangements which provide necessary care in less restrictive or less expensive environments.

(3) Substitution of less expensive or less intensive services shall be made only with the consent of the insured

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and upon the recommendation of the insured's attending physician or licensed health care provider that such services will adequately meet the insured patient's needs. The decision to substitute less expensive or less intensive services shall be determined based on the medical needs of the individual insured patient.

(4) A health maintenance organization may require that home health agencies or similar alternative care providers have written treatment plans which are approved by the insured patient's attending physician or other licensed health care provider.

(5) Coverage may be limited to no less than the maximum benefits which would be payable for hospital or other institutional expenses under the agreement, and may include all deductibles and coinsurances which would be payable by the insured under the hospital or other institutional expense coverage of the insured's agreement.

(6) This section shall not apply to long-term care or Medicare supplement insurance contracts. This section shall not apply to guaranteed renewable agreements issued prior to January 1, 1995.

AMENDATORY SECTION (Amending Order R-76-4, filed 10/29/76, effective 3/1/77)

WAC 284-50-330 General rules as to minimum standards. (1) A "noncancellable," "guaranteed renewable" or "noncancellable and guaranteed renewable" policy shall not provide for termination of coverage of the spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than nonpayment of premium. The policy shall provide that in the event of the insured's death the spouse of the insured, if covered under the policy, shall become the insured.

(2) The terms "noncancellable," "guaranteed renewable" or "noncancellable and guaranteed renewable" shall not be used without further explanatory language in accordance with the disclosure requirements of WAC 284-50-375(1). The terms "noncancellable" or "noncancellable and guaranteed renewable" may be used only in a policy which the insured has the right to continue in force by the timely payment of premiums set forth in the policy until the age of 65 or to eligibility for Medicare, during which period the insurer has no right to make unilaterally any change in any provision of the policy while the policy is in force: *Provided, however,* any accident and health or accident only policy which provides for periodic payments, weekly or monthly, for a specified period during the continuance of disability resulting from accident or sickness may provide that the insured has the right to continue the policy only to age 60 if, at age 60, the insured has the right to continue the policy in force at least to age 65 while actively or regularly employed. Except as provided above, the term "guaranteed renewable" may be used only in a policy which the insured has the right to continue in force by the timely payment of premiums until the age of 65 or to eligibility for Medicare, during which period the insurer has no right to make unilaterally any change in any provision of the policy while the policy is in force, except that the insurer may make changes in premium rates by classes: *Provided, however,* any accident and health or accident only policy which provides for periodic payments, weekly or monthly, for a specified period during the

continuance of disability resulting from accident or sickness may provide that the insured has the right to continue the policy only to age 60, if at age 60, the insured has the right to continue the policy in force at least to age 65 while actively and regularly employed.

(3) In a family policy covering both husband and wife the age of the younger spouse may be used as the basis for meeting the age and durational requirements of the definitions of "noncancellable" or "guaranteed renewable." However, this requirement shall not prevent termination of coverage of the older spouse upon attainment of the stated age limit (e.g., age 65) so long as the policy may be continued in force as to the younger spouse to the age or for the durational period as specified in said definition.

(4) When accidental death and dismemberment coverage is part of the insurance coverage offered under the contract, the insured shall have the option to include all insureds under such coverage and not just the principal insured.

(5) If a policy contains a status type military service exclusion or a provision which suspends coverage during military service, the policy shall provide, upon receipt of written request, for refund of premiums as applicable to such person on a pro rata basis.

(6) In the event the insurer cancels or refuses to renew, policies providing pregnancy benefits shall provide for an extension of benefits as to pregnancy commencing while the policy is in force and for which benefits would have been payable had the policy remained in force.

(7) Policies providing convalescent or extended care benefits following hospitalization shall not condition such benefits upon admission to the convalescent or extended care facility with a period of less than fourteen days after discharge from the hospital.

(8) In accord with RCW 48.20.420, coverage shall continue for any dependent child who is incapable of self-sustaining employment due to mental retardation or physical handicap, on the date that such child's coverage would otherwise terminate under the policy due to the attainment of a specified age limit for children, and who is chiefly dependent on the insured for support and maintenance. The policy may require that within 31 days of such date the company receive due proof of such incapacity and dependency in order for the insured to elect to continue the policy in force with respect to such child, or that a separate converted policy be issued at the option of the insured or policyholder.

(9) Any policy providing coverage for the recipient in a transplant operation shall also provide reimbursement of any medical expenses of a live donor to the extent that benefits remain and are available under the recipient's policy, after benefits for the recipient's own expenses have been paid.

(10) A policy may contain a provision relating to recurrent disabilities; provided, however, that no such provision shall specify that a recurrent disability be separated by a period greater than six months.

(11) Accidental death and dismemberment benefits shall be payable if the loss occurs within no less than ninety days from the date of the accident, irrespective of total disability. Disability income benefits, if provided, shall not require the loss to commence less than thirty days after the date of accident, nor shall any policy which the insurer cancels or refuses to renew require that it be in force at the time

disability commences if the accident occurred while the policy was in force.

(12) Specific dismemberment benefits shall not be in lieu of other benefits unless the specific benefit equals or exceeds the other benefits.

(13) Any accident only policy providing benefits which vary according to the type of accidental cause shall prominently set forth in the outline of coverage the circumstances under which benefits are payable which are lesser than the maximum amount payable under the policy.

(14) All Medicare supplement policies providing in-hospital benefits only shall include in their provided benefits the initial Part A Medicare deductible as established from time to time by the Social Security Administration. Premiums may be reduced or raised to correspond with changes in the covered deductible.

(15) Termination of the policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

(16) As an alternative to hospitalization or institutionalization of an insured and with the intent to cover placement of the insured patient in the most appropriate and cost-effective setting, every individual disability insurance policy or contract issued, amended, or renewed on or after January 1, 1995, which provides coverage for hospitalization or other institutional expenses to a resident of this state shall include substitution of home health care, provided in lieu of hospitalization or other institutional care, furnished by home health, hospice, or home care agencies licensed under chapter 70.127 RCW, at equal or lesser cost.

(a) In addition, such expenses may include coverage for durable medical equipment which permits the insured to stay at home, care provided in Alzheimer's centers, adult family homes, assisted living facilities, congregate care facilities, adult day health care, home health, hospice, and home care, or similar alternative care arrangements which provide necessary care in less restrictive or less expensive environments.

(b) Substitution of less expensive or less intensive services shall be made only with the consent of the insured and upon the recommendation of the insured's attending physician or licensed health care provider that such services will adequately meet the insured patient's needs. The decision to substitute less expensive or less intensive services shall be determined based on the medical needs of the individual insured patient.

(c) An insurer may require that home health agencies or similar alternative care providers have written treatment plans which are approved by the insured patient's attending physician or other licensed health care provider.

(d) Coverage may be limited to no less than the maximum benefits which would be payable for hospital or other institutional expenses under the policy or contract, and may include all deductibles and coinsurances which would be payable by the insured under the hospital or other institutional expense coverage of the insured's policy or contract.

(e) This subsection shall not apply to long-term care, Medicare supplement, or disability income protection

insurance policies or contracts. This subsection shall not apply to guaranteed renewable disability insurance policies or contracts issued prior to January 1, 1995.

NEW SECTION

WAC 284-96-500 Alternative care—General rules as to minimum standards. (1) As an alternative to hospitalization or institutionalization of an insured and with the intent to cover placement of the insured patient in the most appropriate and cost-effective setting, every group or blanket disability insurance policy, contract or certificate issued, amended, or renewed on or after January 1, 1995, which provides coverage for hospitalization or other institutional expenses to a resident of this state shall include substitution of home health care, provided in lieu of hospitalization or other institutional care, furnished by home health, hospice and home care agencies licensed under chapter 70.127 RCW, at equal or lesser cost.

(2) In addition, such expenses may include coverage for durable medical equipment which permits the insured to stay at home, care provided in Alzheimer's centers, adult family homes, assisted living facilities, congregate care facilities, adult day health care, home health, hospice and home care, or similar alternative care arrangements which provide necessary care in less restrictive or less expensive environments.

(3) Substitution of less expensive or less intensive services shall be made only with the consent of the insured and upon the recommendation of the insured's attending physician or licensed health care provider that such services will adequately meet the insured patient's needs. The decision to substitute less expensive or less intensive services shall be determined based on the medical needs of the individual insured patient.

(4) An insurer may require that home health agencies or similar alternative care providers have written treatment plans which are approved by the insured patient's attending physician or other licensed health care provider.

(5) Coverage may be limited to no less than the maximum benefits which would be payable for hospital or other institutional expenses under the policy or contract, and may include all deductibles and coinsurances which would be payable by the insured under the hospital or other institutional expense coverage of the insured's policy or contract.

(6) This section shall not apply to long-term care, Medicare supplement, or disability income protection insurance policies or contracts. This section shall not apply to guaranteed renewable disability insurance policies issued prior to January 1, 1995.

WSR 94-19-026
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed September 13, 1994, 11:13 a.m.]

Date of Adoption: September 8, 1994.

Purpose: To amend Regulation III, Appendix A: Acceptable Source Impact Levels (ASILs) to make consistent

with chapter 173-460 WAC amendments of January 14, 1994.

Pursuant to notice filed as WSR 94-15-071 on July 19, 1994.

Citation of Existing Rules Affected by this Order:
Amending Puget Sound Air Pollution Control Agency
Regulation III - Appendix A.

Effective Date of Rule: Thirty-one days after filing.
September 12, 1994
David S. Kircher
Manager - Engineering

Statutory Authority for Adoption: Chapter 70.94 RCW.

AMENDATORY SECTION

REGULATION III APPENDIX A: ACCEPTABLE SOURCE IMPACT LEVELS

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
ANTU	86-88-4	1.0	B
Acetaldehyde	75-07-0	0.45	A
Acetamide	60-35-5	TBD	((D)) B
((ANTU	86-88-4	1.0	B))
Acetic acid	64-19-7	((83.3)) 83	B
Acetic anhydride	108-24-7	((66.6)) 67	B
Acetone	67-64-1	((5927.4)) 5900	B
Acetonitrile	75-05-8	((233.1)) 220	B
Acetophenone	98-86-2	TBD	((D)) B
2-Acetylaminofluorene	53-96-3	TBD	((D)) A
Acetylene tetrabromide	79-27-6	((50.0)) 47	B
Acrolein	107-02-8	((0.8)) 0.02	B
Acrylamide	79-06-1	((0.1)) 0.00077	((B)) A
Acrylic acid	79-10-7	((99.9)) 0.30	B
Acrylonitrile	107-13-1	0.015	A
Aldrin	309-00-2	0.0002	A
Allyl alcohol	107-18-6	((16.7)) 17	B
Allyl chloride	107-05-1	((TBD)) 1.0	((D)) B
Allyl glycidyl ether (AGE)	106-92-3	((73.3)) 77	B
Allyl propyl disulfide	2179-59-1	40.0	B
Aluminum, Al alkyls	7429-90-5	6.7	B
Aluminum, as Al metal dusts	7429-90-5	((33.3)) 33	B
Aluminum, as Al pyro powders	7429-90-5	((16.7)) 17	B
Aluminum, as Al soluble salts	7429-90-5	6.7	B
Aluminum, as Al welding fumes	7429-90-5	((16.7)) 17	B
2-Aminoanthraquinone	117-79-3	TBD	A
o-Aminoazotoluene	97-56-3	TBD	A
4-Aminobiphenyl	92-67-1	TBD	A
2-Aminopyridine	504-29-0	((6.7)) 6.3	B
Amitrole	61-82-5	((0.6)) 0.06	C
Ammonia	7664-41-7	((59.9)) 100	B
Ammonium chloride fumes	12125-02-9	((33.3)) 33	B
Ammonium perfluorooctanoate	3825-26-1	((0.3)) 0.33	B
Ammonium sulfamate	7773-06-0	((33.3)) 33	B
n-Amyl acetate	628-63-7	((1764.9)) 1800	B
sec-Amyl acetate	626-38-0	((2214.5)) 2200	B
Aniline	62-53-3	6.3	A
Aniline and homologues	62-53-3	((33.3)) 1.0	B
Anisidine (o-p- isomers)	29191-52-4	1.7	B
o-Anisidine	90-04-0	1.7	C
Antimony & compounds, as Sb	7440-36-0	1.7	B
Antimony trioxide, as Sb	1309-64-4	1.7	B
Arsenic and inorganic arsenic compounds	7440-38-2	0.00023	A
Arsine	7784-42-1	((0.7)) 0.53	B
Asbestos (Note: fibers/ml)	1332-21-4	((0.0000042)) 0.0000044	A
Asphalt (petroleum) fumes	8052-42-4	((16.7)) 17	B
Atrazine	1912-24-9	((16.7)) 17	B
Auramine (technical grade)	2465-27-2	TBD	A
Azinphos-methyl	86-50-0	((0.7)) 0.67	B
Aziridine (Ethylene imine)	151-56-4	2.9	B
Barium, soluble compounds Ba	7440-39-3	1.7	B
Benomyl	17804-35-2	((33.3)) 33	B
((Benz(a)anthracene	56-55-3	TBD	A))
Benzene	71-43-2	0.12	A
Benzdine and its salts	92-87-5	0.000015	A
((Benzotrichloride	98-07-7	TBD	D))
((Benzoyl-peroxide	94-36-0	16.7	B))
Benzo(a)anthracene	56-55-3	TBD	A
Benzo(a)pyrene	50-32-8	((0.006)) 0.00048	A

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Benzo(b)fluoranthene.....	(204)205-99-2.....	TBD.....	A
Benzo(j)fluoranthene.....	205-82-3.....	TBD.....	A
Benzo(k)fluoranthene.....	(205)207-08-9.....	TBD.....	A
Benzotrichloride.....	98-07-7.....	TBD.....	B
Benzoyl peroxide.....	94-36-0.....	17.....	B
Benzyl chloride.....	100-44-7.....	((16.7)) 17.....	B
Benzyl violet 4b.....	1694-09-3.....	TBD.....	A
Beryllium and its compounds.....	7440-41-7.....	0.00042.....	A
Biphenyl.....	92-52-4.....	((5.0)) 4.3.....	B
Bis(2-chloroethyl)ether (Dichloroethyl ether).....	111-44-4.....	0.003.....	A
((Bis(2-chloroethyl)ether (Dichloroethyl ether).....	111-44-4.....	99.9.....	(B))
Bis(chloromethyl)ether.....	542-88-1.....	0.000016.....	A
Bis(2-ethylhexyl)phthalate (DEHP; Di(2-ethylhexyl)phthalate).....	117-81-7.....	((TBD)) 2.5.....	A
((Bis(2-ethylhexyl)phthalate (DEHP; Di(2-ethylhexyl)phthalate).....	117-81-7.....	16.7.....	(B))
((Bis(chloromethyl)ether and tech. grade chloromethyl methyl ether.....	542-88-1.....	0.000016.....	(A))
Bismuth telluride.....	1304-82-1.....	((33.3)) 33.....	B
Bismuth telluride Se doped.....	1304-82-1.....	((16.7)) 17.....	B
Borates, anhydrous.....	1303-96-4.....	3.3.....	B
Borates, decahydrate.....	1303-96-4.....	((16.7)) 17.....	B
Borates, pentahydrate.....	1303-96-4.....	3.3.....	B
Boron oxide.....	1303-86-2.....	((33.3)) 33.....	B
Boron tribromide.....	10294-33-4.....	((33.3)) 33.....	B
Boron trifluoride.....	((7637) 76737-07-2.....	((10.0)) 9.3.....	B
Bromacil.....	314-40-9.....	((33.3)) 33.....	B
Bromine.....	7726-95-6.....	((2.3)) 2.2.....	B
Bromine pentafluoride.....	7789-30-2.....	((2.3)) 2.4.....	B
Bromoform.....	75-25-2.....	((16.7)) 0.91.....	((B)) A
Bromomethane (Methyl bromide).....	74-83-9.....	5.0.....	B
1,3-Butadiene.....	106-99-0.....	((73.3)) 0.0036.....	((C)) A
Butane.....	106-97-8.....	((6327.0)) 6300.0.....	B
2-Butanone (Methyl ethyl ketone).....	78-93-3.....	((1964.7)) 1000.....	B
2-Butoxyethanol (Butyl cellosolve).....	111-76-2.....	((399.6)) 400.....	B
n-Butyl acetate.....	123-86-4.....	((2364.3)) 2400.....	B
sec-Butyl acetate.....	105-46-4.....	((3163.5)) 3200.....	B
tert-Butyl acetate.....	540-88-5.....	((3163.5)) 3200.....	B
Butyl acrylate.....	141-32-2.....	((183.2)) 170.....	B
n-Butyl alcohol.....	71-36-3.....	((499.5)) 500.....	B
sec-Butyl alcohol.....	78-92-2.....	((1015.7)) 1000.....	B
tert-Butyl alcohol.....	75-65-0.....	((999.0)) 1000.....	B
tert-Butyl chromate, as CrO ₃	1189-85-1.....	((0.3)) 0.33.....	B
n-Butyl glycidyl ether (BGE).....	2426-08-6.....	((449.6)) 440.....	B
n-Butyl lactate.....	138-22-7.....	((83.3)) 83.....	B
n-Butyl mercaptan.....	109-79-5.....	((5.0)) 6.0.....	B
n-Butylamine.....	109-73-9.....	50.0.....	B
1,2-Butylene oxide (1,2-Epoxybutane).....	106-88-7.....	20.....	B
o-sec-Butylphenol.....	89-72-5.....	((99.9)) 100.....	B
p-tert-Butyltoluene.....	98-51-1.....	((199.8)) 200.....	B
((B-)) β -Butyrolactone.....	3068-88-0.....	TBD.....	A
Cadmium and compounds.....	7440-43-9.....	0.00056.....	A
Calcium cyanamide.....	156-62-7.....	1.7.....	B
Calcium hydroxide.....	1305-62-0.....	((16.7)) 17.....	B
Calcium oxide.....	1305-78-8.....	6.7.....	B
Camphor, synthetic.....	76-22-2.....	((40.0)) 40.....	B
Caprolactam, dusts.....	105-60-2.....	3.3.....	B
((Caprolactam)) Caprolactam, vapors.....	105-60-2.....	((66.6)) 67.....	B
Captafol.....	2425-06-1.....	((0.3)) 0.33.....	B
Captan.....	133-06-2.....	((16.7)) 17.....	B
Carbaryl.....	63-25-2.....	((16.7)) 17.....	B
Carbofuran.....	1563-66-2.....	((0.3)) 0.33.....	B
Carbon black.....	1333-86-4.....	((11.7)) 12.....	B
Carbon disulfide.....	75-15-0.....	((99.9)) 100.....	B
Carbon tetrabromide.....	558-13-4.....	4.7.....	B
Carbon tetrachloride.....	56-23-5.....	0.067.....	A

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Carbonyl fluoride.....	353-50-4	((16.7)) 18	B
Carbonyl sulfide.....	463-58-1	TBD	((D)) B
Catechol.....	120-80-9	((66.6)) 77	B
Cellosolve (2-Ethoxyethanol).....	110-80-5	200	B
Cesium hydroxide.....	21351-79-1	6.7	B
Chloramben.....	133-90-4	TBD	((D)) B
Chlordane.....	57-74-9	0.0027	A
((Chlorinated camphene (Toxaphene)).....	8001-35-2	0.003	A)
Chlorinated camphene (Toxaphene).....	8001-35-2	((1.7)) 0.0031	((B)) A
Chlorinated diphenyl oxide (hexachlorophenyl ether).....	55720-99-5	1.7	B
Chlorine.....	7782-50-5	((10.0)) 5.0	B
Chlorine dioxide.....	10049-04-4	((1.0)) 0.2	B
Chlorine trifluoride.....	7790-91-2	1.3	B
1-Chloro-1-nitropropane.....	600-25-9	((33.3)) 33	B
Chloroacetaldehyde.....	107-20-0	((10.0)) 11	B
Chloroacetic acid.....	79-11-8	TBD	((D)) B
a-Chloroacetophenone.....	532-27-4	((1.0)) 1.1	B
Chloroacetyl chloride.....	79-04-9	((0.7)) 0.67	B
o-((Chlorobenzylidene)) Chlorobenzylidene malononitrile.....	2698-41-1	1.3	B
Chlorobenzene.....	108-90-7	((1165.5)) 150	B
Chlorobenzilate.....	510-15-6	((TBD)) 0.2	((D)) A
Chlorobromomethane.....	74-97-5	((3496.5)) 3500	B
((Chlorodibromomethane).....	74-87-3	TBD	A)
Chlorodifluoromethane.....	75-45-6	((11655.0)) 12000	B
Chloroethane (Ethyl chloride).....	75-00-3	((8658.0)) 10000	B
Chloroform.....	67-66-3	0.043	A
Chloromethane (Methyl chloride).....	74-87-3	((349.7)) 340	B
Chloromethyl methyl ether (technical grade).....	107-30-2	TBD	A
Chloropentafluoroethane.....	76-15-3	((21045.6)) 21000	B
Chlorophenols.....	108-43-0	0.18	A
Chloropicrin.....	76-06-2	((2.3)) 2.2	B
β -Chloroprene.....	126-99-8	((116.6)) 120.0	C
o-Chlorostyrene.....	((1331-28-8)) 2039-87-4	((949.1)) 940	B
o-Chlorotoluene.....	95-49-8	((832.5)) 860	B
Chlorpyrifos.....	2921-88-2	((0.7)) 0.67	B
Chromium (II) compounds, as Cr.....	7440-47-3	1.7	B
Chromium (III) compounds, as Cr.....	7440-47-3	1.7	B
Chromium (VI) compounds.....	7440-47-3	0.000083	A
Chromium (metal).....	7440-47-3	1.7	B
Chromyl chloride.....	14977-61-8	((0.5)) 0.53	B
Clopidol.....	2971-90-6	((33.3)) 33	B
Cobalt as Co, metals, dusts and fumes.....	7440-48-4	((0.2)) 0.17	B
Cobalt carbonyl as Co.....	10210-68-1	((0.3)) 0.33	B
Cobalt hydrocarbonyl.....	16842-03-8	((0.3)) 0.33	B
Coke oven emissions.....	81103*	0.0016	A
Copper as Cu, dusts and mists.....	7440-50-8	3.3	B
Copper, fumes.....	7440-50-8	((0.7)) 0.67	B
Cotton dust, raw.....	81106*	((0.7)) 0.67	B
Cresote.....	8001-58-9	TBD	A
Cresol, all isomers.....	1319-77-3	((73.3)) 73	B
Crotonaldehyde.....	4170-30-3	20.0	B
Crufomate.....	299-86-5	((16.7)) 17	B
Cumene (Isopropylbenzene).....	98-82-8	((815.9)) 820	B
Cupferron.....	135-20-6	TBD	A
Cyanamide.....	420-04-2	6.7	B
Cyanides, as CN.....	((151-50-8)) 51-12-5	((16.7)) 17	B
Cyanogen.....	460-19-5	((66.6)) 67	B
Cyanogen chloride.....	506-77-4	((2.0)) 2.5	B
1,4-Cyclohexadienedione (Quinone).....	106-51-4	1.5	B
Cyclohexane.....	110-82-7	((3496.5)) 3400	B
Cyclohexanol.....	108-93-0	((666.0)) 690	B
Cyclohexanone.....	108-94-1	((333.0)) 330	B
Cyclohexene.....	110-83-8	((3380.0)) 3400	B
Cyclohexylamine.....	108-91-8	((133.2)) 140	B

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Cyclonite.....	121-82-4.....	5.0	B
Cyclopentadiene.....	542-92-7.....	((666.0)) 680	B
Cyclopentane.....	287-92-3.....	((5727.6)) 5700	B
Cyhexatin.....	13121-70-5.....	((16.7)) 17	B
2,4-D salts and esters (2,4-Dichlorophenoxy acetic acid).....	94-75-7.....	((33.3)) 33.0	((B,)) C
DDE (p,p'-Dichlorodiphenyldichloroethylene).....	3547-04-4.....	((TBD)) 0.1	((D)) A
DDT (1,1,1-Trichloro-2,2-bis(p-chlorophenyl)ethane).....	50-29-3.....	0.01	A
Decaborane.....	17702-41-9.....	((1.0)) 0.83	B
Demeton.....	8065-48-3.....	((0.3)) 0.37	B
Di(2-ethylhexyl)phthalate (Bis(2-ethylhexyl)phthalate; DEHP).....	117-81-7.....	((TBD)) 2.5	A
((Di(2-ethylhexyl)phthalate (Bis(2-ethylhexyl)phthalate; DEHP).....	117-81-7.....	16.7	B))
Diacetone alcohol.....	123-42-2.....	((799.2)) 790	B
N,N-Diacetylbenzidine.....	613-35-4.....	TBD	A
4,4'-Diaminodiphenyl ether.....	101-80-4.....	TBD	A
Diazinon.....	333-41-5.....	((0.3)) 0.33	B
Diazomethane.....	334-88-3.....	((1.3)) 1.1	B
Dibenz(a,h)acridine.....	226-36-8.....	TBD	A
Dibenz(a,h)anthracene.....	53-70-3.....	TBD	A
Dibenz(a,j)acridine.....	224-42-0.....	TBD	A
Dibenzo(a,c)pyrene.....	192-65-4.....	TBD	A
Dibenzo(a,h)pyrene.....	189-64-0.....	TBD	A
Dibenzo(a,l)pyrene.....	191-30-0.....	TBD	A
Dibenzofurans.....	132-64-9.....	TBD	((D)) A
1,2(=),7,8-Dibenzopyrene(Dibenzo(a,i)pyrene).....	189-55-9.....	TBD	A
Diborane.....	19287-45-7.....	((0.3)) 0.37	B
1,2-Dibromo-3-chloropropane.....	96-12-8.....	((TBD)) 0.20	((D)) B
Dibutyl phosphate.....	107-66-4.....	((16.7)) 29	B
Dibutyl phthalate.....	84-74-2.....	((16.7)) 17	B
2-N-Dibutylaminoethanol.....	102-81-8.....	((46.6)) 47	B
((1,1-Dichloro-1-nitroethane.....	594-72-9.....	33.3	B))
((1,3-Dichloro-5,5-dimethyl hydantoin.....	118-52-5.....	0.7	B))
((Dichloroacetylene.....	7572-29-4.....	1.3	B))
((1,4-Dichloro-2-butene.....	764-41-0.....	0.00038	A))
((3,3'-Dichloro-4,4'-diaminodiphenyl ether.....	28434-86-8.....	TBD	A))
((1,4-Dichlorobenzene (p-Dichlorobenzene).....	106-46-7.....	1500.0	C))
((1,4-Dichlorobenzene (p-Dichlorobenzene).....	106-46-7.....	1498.5	B))
((o-Dichlorobenzene.....	95-50-1.....	999.0	B))
((3,3'-Dichlorobenzidine.....	91-94-1.....	TBD	A))
((Dichlorodifluoromethane.....	75-71-8.....	16483.5	B))
((1,1-Dichloroethane.....	75-34-3.....	2697.3	B))
((1,2-Dichloroethane (Ethylene chloride).....	107-06-2.....	0.04	A))
((Dichloroethyl ether (Bis (2-chloroethyl) ether).....	111-44-4.....	0.003	A))
((Dichloroethyl ether (Bis (2-chloroethyl) ether).....	111-44-4.....	99.9	B))
((1,1-Dichloroethylene (Vinylidene chloride).....	75-35-4.....	66.6	B))
((1,2-Dichloroethylene.....	540-59-0.....	2630.7	B))
((Dichlorofluoromethane.....	75-43-4.....	133.2	B))
((Dichloromethane (Methylene chloride).....	75-09-2.....	2.0	A))
((Dichlorophonylarsine (arsenic group).....	696-28-6.....	TBD	A))
((1,2-Dichloropropane (Propylene dichloride).....	78-87-5.....	1165.5	B))
((1,2-Dichloropropane (Propylene dichloride).....	78-87-5.....	1166.6	C))
((1,3-Dichloropropene.....	542-75-6.....	16.7	B))
((2,2-Dichloropropionic acid.....	75-99-0.....	20.0	B))
((Dichlorotetrafluoroethane.....	76-14-2.....	23310.0	B))
Dichloroacetylene.....	7572-29-4.....	1.3	B
1,4-Dichlorobenzene (p-Dichlorobenzene).....	106-46-7.....	1.5	A
o-Dichlorobenzene (1,2-Dichlorobenzene).....	95-50-1.....	1000	B
3,3'-Dichlorobenzidine.....	91-94-1.....	0.077	A
1,4-Dichloro-2-butene.....	764-41-0.....	0.00038	A
3,3'-Dichloro-4,4'-diaminodiphenyl ether.....	28434-86-8.....	TBD	A
Dichlorodifluoromethane.....	75-71-8.....	16000	B
1,3-Dichloro-5,5-dimethylhydantoin.....	118-52-5.....	0.67	B
p,p'-Dichlorodiphenyldichloroethylene (DDE).....	3547-04-4.....	0.1	A
1,1-Dichloroethane.....	75-34-3.....	2700	B

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
1,2-Dichloroethane (Ethylene chloride)	107-06-2	0.038	A
Dichloroethyl ether (Bis (2-chloroethyl) ether)	111-44-4	0.003	A
1,1-Dichloroethylene (Vinylidene chloride)	75-35-4	67	B
1,2-Dichloroethylene	540-59-0	2600	B
Dichlorofluoromethane	75-43-4	130	B
Dichloromethane (Methylene chloride)	75-09-2	0.56	A
1,1-Dichloro-1-nitroethane	594-72-9	40	B
Dichlorophenylarsine (arsenic group)	696-28-6	TBD	A
1,2-Dichloropropane (Propylene dichloride)	78-87-5	4.0	C
Dichloropropene	542-75-6	20	B
2,2-Dichloropropionic acid	75-99-0	19	B
Dichlorotetrafluoroethane	76-14-2	23000	B
Dichlorvas	62-73-7	3.3	B
Dicrotophos	141-66-2	((0.8)) 0.83	B
Dicyclopentadiene	77-73-6	((99.9)) 100	B
Dicyclopentadienyl iron	102-54-5	((33.3)) 33	B
Dieldrin	60-57-1	((0.0002)) 0.00022	A
((Dieldrin	60-57-1	0.8	B))
Diethanolamine	111-42-2	((50.0)) 43	B
Diethyl ketone	96-22-0	((2347.7)) 2300	B
Diethyl nitrosamine (DEN; N-Nitrosodiethylamine)	55-18-5	TBD	A
Diethyl phthalate	84-66-2	((16.7)) 17	B
Diethyl sulfate	64-67-5	TBD	((D)) B
Diethylamine	109-89-7	((99.9)) 100	B
Diethylaminoethanol	100-37-8	((166.5)) 170	B
Diethylene triamine	111-40-0	((13.3)) 14	B
1,2-Diethylhydrazine	1615-80-1	TBD	A
Difluorodibromomethane	75-61-6	((2863.8)) 2900	B
Diglycidyl ether	2238-07-5	1.7	B
Diglycidyl resorcinol ether	101-90-6	TBD	A
Diisobutyl ketone	108-83-8	((499.5)) 480	B
Diisopropylamine	108-18-9	((66.6)) 67	B
3,3'-Dimethoxybenzidine (ortol-dianisidine)	119-90-4	TBD	A
((Dimethylacetamide	127-19-5	116.6	B))
((Dimethylamine	124-40-3	59.9	B))
((Dimethyl aminoazobenzene	60-11-7	TBD	D))
((N,N-Dimethylaniline (N,N-Diethyl aniline)	121-69-7	83.3	B))
((3,3'-Dimethyl benzidine	119-93-7	TBD	D))
((Dimethyl carbamoyl chloride	79-44-7	TBD	D))
((Dimethylformamide	68-12-2	99.9	B))
((1,1-Dimethylhydrazine	57-14-7	3.3	B))
((1,2-Dimethylhydrazine	540-73-8	3.3	B,C))
((Dimethylnitrosoamine (N-Nitrosodimethylamine)	62-75-9	TBD	A))
((Dimethyl phthalate	131-11-3	16.7	B))
((Dimethyl sulfate	77-78-1	1.6	C))
Dimethyl aminoazobenzene	60-11-7	TBD	B
3,3'-Dimethyl benzidine	119-93-7	0.0038	A
Dimethyl carbamoyl chloride	79-44-7	TBD	B
Dimethyl phthalate	131-11-3	17	B
Dimethyl sulfate	77-78-1	1.7	C
Dimethylacetamide	127-19-5	120	B
Dimethylamine	124-40-3	60	B
Dimethylaniline (Diethyl aniline)	121-69-7	83	B
Dimethylformamide	68-12-2	30	B
1,1-Dimethylhydrazine	57-14-7	4.0	B
1,2-Dimethylhydrazine	540-73-8	4.0	C
Dimethylnitrosoamine (N-Nitrosodimethylamine)	62-75-9	TBD	A
Dinitolmide	148-01-6	((16.7)) 17	B
((4,6-)Dinitro-o-cresol ((and salts))	534-52-1	((0.7)) 0.67	B
Dinitrobenzene, all isomers	528-29-0	3.3	B
2,4-Dinitrophenol	51-28-5	TBD	((D)) B
((Dinitrotoluenes (mixed)	25321-14-6	TBD	A))
2,4-Dinitrotoluene	121-14-2	((TBD)) 5.0	((D)) B
1,4-Dioxane (1,4-Diethylene oxide)	123-91-1	((300)) 0.032	((G)) A

PERMANENT

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Dioxathion	78-34-2	((0.7)) 0.67	B
Dioxins and furans	43110*	TBD	A
Diphenylamine	122-39-4	((33.3)) 33	B
1,2-Diphenyl hydrazine	122-66-7	0.0045	A
Dipropyl ketone	123-19-3	((782.6)) 780	B
Dipropylene glycol methyl ether	34590-94-8	((1998.0)) 2000	B
Diquat	85-00-7	1.7	B
Disulfiram	97-77-8	6.7	B
Disulfuton	298-04-4	((0.3)) 0.33	B
2,6-Ditert. butyl-p-cresol	128-37-0	((33.3)) 33	B
Diuron	330-54-1	((33.3)) 33	B
Divinyl benzene	((108-57-6)) 1321-74-0	((166.5)) 180	B
EPN	2104-64-5	1.7	B
Endosulfan	115-29-7	((0.3)) 0.33	B
Endrin	72-20-8	((0.3)) 0.33	B
Enflurane	13838-16-9	((1914.8)) 1900	B
Epichlorohydrin (1-Chloro-2, 3-epoxypropane)	106-89-8	((FBD)) 0.83	((D)) A
1,2-Epoxybutane (1,2-Butylene oxide)	106-88-7	((FBD)) 20	((D)) B
Ethanolamine	141-43-5	((26.6)) 25	B
Ethion	563-12-2	1.3	B
2-Ethoxyethanol (Cellosolve)	110-80-5	((63.3)) 200	B
2-Ethoxyethyl acetate	111-15-9	((89.9)) 90	B
Ethyl acetate	141-78-6	((4662.0)) 4800	B
Ethyl acrylate	140-88-5	((66.6)) 66	B
Ethyl alcohol	64-17-5	((6327.0)) 6300	B
Ethyl amyl ketone	541-85-5	((432.9)) 440	B
Ethyl benzene	100-41-4	((1448.6)) 1000	B
Ethyl bromide	74-96-4	((2963.7)) 3000	B
Ethyl butyl ketone	106-35-4	((765.9)) 780	B
Ethyl carbamate ((Urethane)) (Urethan)	51-79-6	TBD	((D)) B
Ethyl chloride (Chloroethane)	75-00-3	((8658.0)) 10000	B
Ethyl ((E))ther	60-29-7	((3996.0)) 4000	B
Ethyl formate	109-94-4	((999.0)) 1000	B
Ethyl mercaptan	75-08-1	((3.3)) 4.3	B
Ethyl silicate	78-10-4	((283.1)) 280	B
Ethylamine	75-04-7	((59.9)) 60	B
Ethylene chloride (1,2-Dichloroethane)	107-06-2	0.038	A
Ethylene chlorohydrin	107-07-3	((10.0)) 11	B
Ethylene diamine	107-15-3	83	B
Ethylene ((Dibromide (1,2-Dibromoethane)) dibromide (dibromethane))	106-93-4	0.0045	A
((Ethylene-Dichloride (1,2-Dichloroethane))	107-06-2	0.04	A
Ethylene glycol	107-21-1	((416.3)) 420	B
Ethylene glycol dinitrate	628-96-6	1.0	B
Ethylene imine (Aziridine)	151-56-4	2.9	B
Ethylene oxide	75-21-8	0.010	A
Ethylene thiourea	96-45-7	((FBD)) 1.0	((D)) A
((Ethylenediamine	107-15-3	83.3	B))
((Ethylene-imine (Aziridine)	151-56-4	3.3	B))
Ethylidene norbornene	16219-75-3	((83.3)) 83	B
N-Ethylmorpholine	100-74-3	((76.6)) 77	B
Fenamiphos	22224-92-6	((0.3)) 0.33	B
Fensulfothion	115-90-2	((0.3)) 0.33	B
Fenthion	55-38-9	((0.7)) 0.67	B
Ferbam	14484-64-1	((33.3)) 33	B
Ferrovandium dust	12604-58-9	3.3	B
Fibrous glass dust	81111*	((33.3)) 33	B
Fine mineral fibers	81104*	((FBD)) 33	((D)) B
Fluorides, as F	((81112*)) 16984-48-8	8.3	B
Fluorine	7782-41-4	((6.7)) 5.3	B
Fonofos	944-22-9	((0.3)) 0.33	B
Formaldehyde	50-00-0	0.077	A
Formamide	75-12-7	((50.0)) 60	B

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Formic acid	64-18-6	((30.0)) 31	B
Furazolidone	67-45-8	TBD	A
Furfural	98-01-1	((26.6)) 26	B
Furfuryl alcohol	98-00-(0)1	((133.2)) 130	B
Furium (nitrofurane group)	43111*	TBD	A
Germanium tetrahydride	7782-65-2	((2.0)) 2.1	B
Glutaraldehyde	111-30-8	((2.3)) 2.5	B
Glyciadaldhyde	765-34-4	TBD	A
Glycidol	556-52-5	((249.8)) 250	B
Glycol ethers	43107*	TBD	((D)) B
Hafnium	7440-58-6	1.7	B
Halothane	151-67-7	((1332.0)) 1300	B
Heptachlor	76-44-8	0.00077	A
Heptane (n-Heptane)	142-82-5	((5328.0)) 5500	B
Hexachlorobenzene	118-74-1	((0.0020)) 0.0022	A
Hexachlorobutadiene	87-68-3	((.8)) 0.70	B
Hexachlorocyclohexane (Lindane) Alpha (BHC)	319-84-6	((FBD)) 1.7	((A)) C
Hexachlorocyclohexane (Lindane) Beta (BHC)	319-85-7	((FBD)) 1.7	((A)) C
Hexachlorocyclohexane (Lindane) Gamma (BHC)	58((0))-89-9	((FBD)) 0.0026	A
Hexachlorocyclopentadiene	77-47-4	((0.3)) 0.33	B
1,2,3,6,7,8-Hexachloro-dibenzo-o-dioxin (1:2 mixture)	34465-46-8	TBD	A
1,2,3,7,8,9-Hexachloro-dibenzo-o-dioxin (1:2 mixture)	19408-74-3	TBD	A
Hexachloroethane	67-72-1	((0.25)) 32.0	((A)) B
Hexachloronaphthalene	1335-87-1	((0.7)) 0.67	B
Hexachlorophenyl ether (Chlorinated diphenyl oxide)	55720-99-5	1.7	B
Hexafluoroacetone	684-16-2	2.3	B
Hexamethylene((-4,6-)) diisocyanate	822-06-0	((0.1)) 0.11	B
Hexamethylphosphoramide	680-31-9	TBD	((D)) A
Hexane (n-Hexane)	((110))100-54-3	((599.4)) 200	B
Hexane, ((0))other isomers	43103*	((599.4)) 5900	B
2-Hexanone (Methyl butyl ketone)	591-78-6	((66.6)) 67	B
Hexone (Methyl isobutyl ketone (MIBK))	108-10-1	680	B
sec-Hexyl acetate	108-84-9	((999.0)) 980	B
Hexylene glycol	107-41-5	((416.3)) 400	B
Hydrazine	302-01-2	((FBD)) 0.0002	((D)) A
Hydrogen bromide	10035-10-6	((33.3)) 33	B
Hydrogen chloride (Hydrochloric acid)	7647-01-0	((23.3)) 7.0	B
Hydrogen cyanide	74-90-8	((33.3)) 37	B
Hydrogen fluoride, as F (Hydrofluoric acid)	7664-39-3	((8.3)) 8.7	B
Hydrogen peroxide	7722-84-1	((5.0)) 4.7	B
Hydrogen selenide, as Se	7783-07-5	((0.7)) 0.53	B
Hydrogen sulfide	7783-06-4	((46.6)) 0.9	B
Hydroquinone	123-31-9	6.7	B
2-Hydroxypropyl acrylate	999-61-1	((10.0)) 9.3	B
Indene	95-13-6	((149.9)) 160	B
Indeno(1,2,3-cd)pyrene	193-39-5	TBD	A
Indium, & compounds as In	7440-74-6	((0.3)) 0.33	B
Iodine	7553-56-2	3.3	B
Iodoform	75-47-8	((33.3)) 33	B
Iodomethane (Methyl iodide)	74-88-4	40	B
Iron oxide fumes, Fe ₂ O ₃ as Fe	1309-37-1	((16.7)) 17	B
Iron pentacarbonyl, as Fe	13463-40-6	((2.7)) 0.83	B
Iron salts, soluble as Fe	81101*	3.3	B
Isoamyl acetate	123-92-2	((1748.3)) 1700	B
Isoamyl alcohol	123-51-3	((1198.8)) 1200	B
Isobutyl acetate	110-19-0	((2331.0)) 2400	B
Isobutyl alcohol	78-83-1	((499.5)) 510	B
Isocetyl alcohol	26952-21-6	((899.1)) 890	B
Isophorone	78-59-1	((83.3)) 93	B
Isophorone diisocyanate	4098-71-9	((0.1)) 0.15	B
Isopropoxyethanol	109-59-1	((349.7)) 350	B

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Isopropyl acetate.....	108-21-4	((3163.5)) 3500	B
Isopropyl alcohol.....	67-63-0	((3263.4)) 3300	B
Isopropyl ether.....	108-20-3	((3496.5)) 3500	B
Isopropyl glycidyl ether (IGE).....	4016-14-2	((799.2)) 790	B
Isopropyl oils.....	43112*	TBD	A
Isopropylamine.....	75-31-0	((40.0)) 40	B
N-Isopropylaniline.....	768-52-5	((33.3)) 37	B
Isopropylbenzene (Cumene).....	98-82-8	820	B
((Isopropyl oils.....	43112*	TBD	A))
Ketene.....	463-51-4	((3.0)) 2.9	B
Lead acetate.....	301-04-2	TBD	A
Lead arsenate, as $\text{Pb}_3(\text{AsO}_4)_2$	3687-31-8	((0.5)) 0.50	B
Lead chromate, as Cr.....	7758-97-6	((0.2)) 0.040	B
Lead compounds.....	7439-92-1	((TBD)) 0.5	((D)) C
Lead phosphate.....	7446-27-7	TBD	A
((Lindane (all isomers).....	58-89-9	1.6	C))
Liquified petroleum gas.....	68476-85-7	((5994.0)) 6000	B
Lithium hydride.....	7580-67-8	((0.1)) 0.080	B
Magnesium oxide fumes.....	1309-48-4	((33.3)) 33	B
Malathion.....	121-75-5	((33.3)) 33	B
Malic anhydride.....	108-31-6	3.3	B
Manganese, dusts and compounds.....	7439-96-5	((16.7)) 0.40	B
Manganese, fumes.....	7439-96-5	3.3	B
Manganese cyclopentadienyl tricarbonyl.....	12079-65-1	((0.3)) 0.33	B
((Mercury.....	7439-97-6)		
((as Hg, Alkyl compounds.....		0.03	B))
((as Aryl & inorganic compounds.....		0.3	B))
((as vapors except alkyl.....		0.2	B))
Mercury, Aryl & inorganic compounds.....	7439-97-6	0.33	B
Mercury, as Hg Alkyl compounds.....	7439-97-6	0.33	B
Mercury, vapors except alkyl.....	7439-97-6	0.17	B
Mesityl oxide.....	141-79-7	((199.8)) 200	B
Methacrylic acid.....	79-41-4	((233.1)) 230	B
Methomyl.....	16752-77-5	8.3	B
Methoxychlor.....	72-43-5	((33.3)) 33	B
2-Methoxyethanol (methyl cellosolve).....	109-86-4	((53.3)) 20	B
2-Methoxyethyl acetate.....	110-49-6	((79.9)) 80	B
4-Methoxyphenol.....	150-76-5	((16.7)) 17	B
2-Methyl-1-nitroanthraquinone.....	129-15-7	TBD	A
Methyl 2-cyanoacrylate.....	137-05-3	((26.6)) 30	B
Methyl acetate.....	79-20-9	((2031.3)) 2000	B
Methyl acetylene.....	74-99-7	((5494.5)) 5500	B
Methyl acetylene-propadiene mixture (MAPP).....	((43113*)) 59355-75-8	((5994.0)) 5500	B
Methyl acrylate.....	96-33-3	((116.6)) 120	B
Methyl alcohol (Methanol).....	67-56-1	((865.8)) 870	B
N-Methyl aniline.....	100-61-8	((6.7)) 7.3	B
2-Methyl aziridine (1,2-Propylene imine).....	75-55-8	16	B
((Methylazoxymethanol & acetate)) Methyl azoxymethyl acetate.....	592-62-1	TBD	A
Methyl bromide (Bromomethane).....	74-83-9	((66.6)) 5.0	B
Methyl cellosolve (2-Methoxyethanol).....	109-86-4	((53.3)) 20	B
Methyl chloride (Chloromethane).....	74-87-3	((349.7)) 340	B
Methyl chloroform (1,1,1-Trichloroethane).....	71-55-6	((6327.0)) 6400	B
Methyl decetone.....	8022-00-2	1.7	B
Methyl ethyl ketone (MEK; 2-Butanone).....	78-93-3	((1964.7)) 1000	B
Methyl ethyl ketone peroxide.....	1338-23-4	5.0	B
Methyl formate.....	107-31-3	((832.5)) 820	B
Methyl hydrazine.....	60-34-4	1.2	B
Methyl iodide (Iodomethane).....	74-88-4	((33.3)) 40	B
Methyl isoamyl ketone.....	110-12-3	((799.2)) 780	B
Methyl isobutyl carbinol.....	108-11-2	((333.0)) 350	B
Methyl isobutyl ketone (MIBK; Hexone).....	108-10-1	((682.7)) 680	B

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Methyl isocyanate	624-83-9	((0.2)) 0.16	B
Methyl isopropyl ketone	563-80-4	((2347.7)) 2300	B
Methyl mercaptan	74-93-1	3.3	B
Methyl methacrylate	80-62-6	((1365.3)) 1400	B
Methyl n-amyl ketone	110-43-0	((782.6)) 780	B
Methyl n-butyl ketone	591-78-6	((66.6)) 67	B
Methyl parathion	298-00-0	((0.7)) 0.67	B
Methyl propyl ketone	107-87-9	((2331.0)) 2300	B
Methyl silicate	681-84-5	((20.0)) 20	B
a-Methyl styrene	98-83-9	((799.2)) 810	B
Methyl tert-butyl ether	1634-04-4	((TBD)) 500	((D)) B
Methylacrylonitrile	126-98-7	((10.0)) 2.0	B
Methylal	109-87-5	((10323.0)) 10000	B
Methylamine	74-89-5	((40.0)) 43	B
5-Methylchrysene	3697-24-3	TBD	A
Methylcyclohexane	108-87-2	((5328.0)) 5400	B
Methylcyclohexanol	25639-42-3	((782.6)) 780	B
o-Methylcyclohexanone	583-60-8	((765.9)) 760	B
Methylcyclopentadienyl manganese tricarbonyl	12108-13-3	((0.7)) 0.67	B
Methylene bis(4-cyclo-hexylisocyanate)	5124-30-1	((0.2)) 0.18	B
4,4'-Methylene bis(2-methylaniline)	838-88-0	TBD	A
4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.7	C
((Methylene diphenyl diisocyanate (MDI); Methylene bisphenyl isocyanate)	101-68-8	0.2	B))
Methylene bis(phenyl isocyanate) (Methylene diphenyl diisocyanate, MDI)	101-68-8	0.2	B
Methylene ((C))chloride (Dichloromethane)	75-09-2	((2.0)) 0.56	A
4,4-Methylene dianiline	101-77-9	2.7	C
4,4-Methylenedianiline dihydrochloride	13552-44-8	TBD	A
((4,4-Methylene dianiline	101-77-9	2.7	B))
((4,4-Methylene dianiline	101-77-9	2.6	C))
4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone	64091-91-4	TBD	A
Metribuzin	21087-64-9	((16.7)) 17	B
Mevinphos	7786-34-7	((0.3)) 0.33	B
Mirex	2385-85-5	TBD	A
((Molybdenum, as Mo	7439-98-7		B))
((soluble compounds		16.7	B))
((insoluble compounds		33.3)	
Molybdenum, as Mo soluble compounds	7439-98-7	17	B
Molybdenum, insoluble compounds	7439-98-7	33	B
Monocrotophos	6923-22-4	((0.8)) 0.83	B
Morpholine	((1409-10-8)) 110-91-8	((233.1)) 240	B
5-(Morpholinomethyl)-3-(((5-nitrofurfurylidene)))amino)-2-oxazolidinone (furaltudone)	139-91-3	TBD	A
Naled	300-76-5	((10.0)) 10	B
Naphtha (Rubber solvent((s)))	43102*	((8030-30-6)) ((5328.0)) 5300	B
Naphthalene	91-20-3	((166.5)) 170	B
1-Naphthylamine	134-32-7	TBD	A
Nickel and compounds (as nickel subsulfide or nickel refinery dust)	7440-02-2	((3.3)) 0.0021	((C)) A
Nicotine	54-11-5	1.7	B
Nitrapyrin	1929-82-4	((33.3)) 33	B
Nitric acid	7697-37-2	((16.7)) 17	B
Nitric oxide	10102-43-9	((99.9)) 100	B
5-Nitroacenaphthene	602-87-9	TBD	A
p-Nitroaniline	100-01-6	((10.0)) 10	B
Nitrobenzene	98-95-3	((16.7)) 1.7	B
4-Nitrobiphenyl	92-93-3	TBD	((D)) B
p-Nitrochlorobenzene	100-00-5	2.0	B
Nitroethane	79-24-3	((1032.3)) 1000	B
Nitrofen	1836-75-5	TBD	A
Nitrofurans Furazolidone	43114*	TBD	A
Nitrofurazone	59-87-0	TBD	A
1-(5-Nitrofurfurylidene)amino)-2-imidazolidinone	555-84-9	TBD	A
Nitrogen mustard N-oxide	126-85-2	TBD	A
Nitrogen mustard n-oxide hydro-chloride	302-70-5	TBD	A
Nitrogen trifluoride	7783-54-2	((99.9)) 97	B

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Nitroglycerin.....	55-63-0.....	((1.7)) 1.5	B
((4-Nitrophenol.....	100-02-7.....	TBD	(D))
Nitromethane.....	75-52-5.....	((832.5)) 830	B
4-Nitrophenol.....	100-02-7.....	TBD	B
1-Nitropropane.....	108-03-2.....	((299.7)) 20	B
2-Nitropropane.....	79-46-9.....	((116.1)) 0.00037	((C)) A
N-Nitrosodichthylamine ((Diethyl-nitrosoamine) dichthylnitrosoamine) (DEN).....	55-18-5.....	((FBD)) 0.000023	A
N-Nitrosodimethylamine.....	62-75-9.....	((FBD)) 0.000071	A
N-Nitrosodi-n-butylamine.....	924-16-3.....	((FBD)) 0.00063	A
N-Nitrosodi-n-propylamine.....	621-64-(?) 1.....	TBD	A
N-Nitrosodiphenylamine.....	86-30-6.....	TBD	A
N-Nitrosomethylethylamine.....	10595-95-6.....	TBD	A
N-Nitrosomorpholine.....	59-89-2.....	TBD	A
N-Nitroso-n-ethylurea (NEU).....	759-73-9.....	TBD	A
N-Nitroso-N-methylurea (NMU).....	684-93-5.....	TBD	((D)) B
N-Nitroso-n-methylurethane.....	615-53-2.....	TBD	A
Nitrotoluene.....	88-72-2.....	((36.6)) 37	B
N-(4-(5-Nitro-2-furyl)-2-thiazolyl)acetamide.....	531-82-8.....	TBD	A
Nonane.....	111-84-2.....	((3496.5)) 3500	B
Octachloronaphthalene.....	2234-13-1.....	((0.3)) 0.33	B
Octane.....	111-65-9.....	((4828.5)) 4700	B
Oil mist, mineral.....	8012-95-1.....	((16.7)) 17	B
Oil orange SS.....	2646-17-5.....	TBD	A
Osmium tetroxide as Os.....	20816-12-0.....	((0.007)) 0.0053	B
Oxalic acid.....	144-62-7.....	3.3	B
Oxygen difluoride.....	7783-41-7.....	((0.3)) 0.37	B
Panfuran S (dihydroxymethyl-furatrizine).....	794-93-4.....	TBD	A
Parafin wax fumes.....	8002-74-2.....	6.7	B
Paraquat.....	4685-14-7.....	((0.3)) 4.5	B
Parathion.....	56-38-2.....	((0.3)) 0.33	B
Pentaborane.....	19624-22-7.....	((0.03)) 0.043	B
Pentachloronaphthalene.....	1321-64-8.....	1.7	B
Pentachloronitrobenzene ((Q)quintobenzene).....	82-68-8.....	((FBD)) 1.7	((D)) B
Pentachlorophenol.....	87-86-5.....	((1.7)) 0.33	((B)) A
Pentane.....	109-66-0.....	((5994.0)) 6000	B
Perchloroethylene (Tetrachloroethylene).....	127-18-4.....	1.1	A
Perchloromethyl mercaptan.....	594-42-3.....	((2.7)) 2.5	B
Perchloryl fluoride.....	7616-94-6.....	((46.6)) 43	B
Phenol.....	108-95-2.....	((63.3)) 63	B
Phenothiazine.....	92-84-2.....	((16.7)) 1.7	B
Phenoxybenzamine hydrochloride.....	63-92-3.....	TBD	A
Phenyl ether.....	101-84-8.....	((23.3)) 23	B
Phenyl glycidyl ether.....	122-60-1.....	((20.0)) 2000	B
Phenyl mercaptan.....	108-98-5.....	((6.7)) 7.7	B
p-Phenylenediamine.....	106-50-3.....	((0.3)) 0.33	B
Phenylhydrazine.....	100-63-0.....	((66.6)) 1.5	B
Phenylphosphine.....	638-21-1.....	((0.8)) 0.77	B
N-Phenyl-2-naphthylamine.....	135-88-6.....	TBD	A
Phorate.....	298-02-2.....	((0.2)) 0.17	B
Phosgene.....	75-44-5.....	1.3	B
Phosphine.....	7803-51-2.....	1.3	B
Phosphoric acid.....	7664-38-2.....	3.3	B
Phosphorus.....	7723-14-0.....	((0.3)) 0.33	B
Phosphorus oxychloride.....	10025-87-3.....	((2.0)) 2.1	B
Phosphorus pentachloride.....	10026-13-8.....	((3.3)) 2.8	B
Phosphorus pentasulfide.....	1314-80-3.....	3.3	B
Phosphorus trichloride.....	7719-12-2.....	((5.0)) 3.7	B
Phthalic anhydride.....	85-44-9.....	((20.0)) 20	B
m-Phthalodinitrile.....	626-17-5.....	((16.7)) 17	B
Picloram.....	1918-02-1.....	((33.3)) 33	B
Picric acid.....	88-89-1.....	((0.3)) 0.33	B
Pindone.....	83-26-1.....	((0.3)) 0.033	B

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COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Piperazine dihydrochloride	142-64-3	((16.7)) 17	B
((Platinum	7440-06-4)		
((Metals		3.3	B))
((Soluble salts as Pt		0.007	B))
Platinum, metals	7440-06-4	3.3	B
Platinum, soluble salts as Pt	7440-06-4	0.0067	B
Polyaromatic ((H))hydrocarbons (PAH)	43116*	((0.0006)) 0.00048	A
Polychlorinated Biphenyls (PCB((s)))	1336-36-3	((TBD)) 0.0045	A
Polycyclic Organic Matter	43108*	TBD	((D)) A
Poncau MX	3761-53-3	TBD	A
Potassium hydroxide	1310-58-3	6.7	B
Primary Aluminum Smelter uncontrolled roof vent PAH emissions	81113*	0.0013	A
1,3-Propane sultone	1120-71-4	TBD	((D)) A
Propargyl alcohol	107-19-7	((6.7)) 7.7	B
((beta)) β -Propiolactone	57-57-8	5.0	B
((Propoxur (Baygon))	114-26-1	1.7	B))
Propionaldehyde	123-38-6	TBD	((D)) B
Propoxur	114-26-1	1.7	B
Propionic acid	79-09-4	((99.9)) 100	B
n-Propyl acetate	109-60-4	((2797.2)) 2800	B
n-Propyl alcohol	71-23-8	((1665.0)) 1600	B
n-Propyl nitrate	627-13-4	((349.7)) 360	B
Propylene dichloride (1,2-Dichloropropane)	78-87-5	((1165.5)) 4.0	((B)) C
Propylene glycol dinitrate	6423-43-4	((1.0)) 1.1	B
Propylene glycol mono-methyl ether	107-98-2	((1198.9)) 2000	B
Propylene oxide	75-56-9	((TBD)) 0.27	((D)) A
1,2-Propylene imine (2-Methyl aziridine)	75-55-8	((16.7)) 16	B
Pyrethrum	8003-34-7	((16.7)) 1.7	B
Pyridine	110-86-1	((50.0)) 53	B
Quinoline	91-22-5	TBD	((D)) B
Quinone(1,4-Cyclohexadienedione)	106-51-4	((1.3)) 1.5	B
Quintobenzene (Pentachloronitrobenzene)	82-68-8	((TBD)) 1.7	((D)) B
Radionuclides (including radon)	81105*		
Resorcinol	108-46-3	((149.9)) 150	B
((Rhodium	7440-16-6)		
((Metal		3.3	B))
((Insoluble compounds		3.3	B))
((Soluble compounds		0.03	B))
Rhodium, insoluble compounds	7440-16-6	3.3	B
Rhodium, metals	7440-16-6	3.3	B
Rhodium, soluble compounds	7440-16-6	0.033	B
Ronnel	299-84-3	((33.3)) 33	B
Rotenone	83-79-4	((16.7)) 17	B
Rubber solvent (Naphtha)	((8030-30-6)) 43102*	((5328.0)) 5300	B
Selenium compounds, as Se	7782-49-2	((0.7)) 0.67	B
Selenium hexafluoride, as Se	7783-79-1	((0.7)) 0.53	B
Sesone	136-78-7	((33.3)) 33	B
Silicon tetrahydride	7803-62-5	((23.3)) 22	B
((Silver	7440-22-4)		
((Metal		0.3	B))
((Soluble compounds, as Ag		0.03	B))
Silver, metals	7440-22-4	0.33	B
Silver, soluble compounds, as Ag	7440-22-4	0.033	B
Sodium azide	26628-22-8	1.0	B
Sodium bisulfite	7631-90-5	((16.7)) 17	B
Sodium fluoroacetate	62-74-8	((0.2)) 0.17	B
Sodium hydroxide	1310-73-2	6.7	B
Sodium metabisulfite	7681-57-4	((16.7)) 17	B
Stibine	7803-52-3	1.7	B
Strychnine	57-24-9	0.5	B
Styrene	100-42-5	((716.0)) 1000	B

PERMANENT

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Styrene oxide	96-09-3	TBD	((D)) B
Subtilisins	1395-21-7	0.0002	B
Sulfotep	3689-24-5	((0.7)) 0.67	B
Sulfur hexafluoride	2551-62-4..((19980.0))	20000	B
Sulfur monochloride	10025-67-9	((20.0)) 18	B
Sulfur pentafluoride	5714-22-7	((0.3)) 0.33	B
Sulfur tetrafluoride	7783-60-0	((1.3)) 1.5	B
Sulfuric acid	7664-93-9	3.3	B
Sulfuryl fluoride	2699-79-8	((66.6)) 67	B
Sulprofos	35400-43-2	3.3	B
2,4,5-T	93-76-5	((33.3)) 33	B
TEPP	107-49-3	((0.2)) 0.16	B
Tantalum, metals & oxide dusts	7440-25-7	((16.7)) 17	B
Tellurium & compounds as Te	13494-80-9	((0.3)) 0.33	B
Tellurium hexafluoride, as Te	7783-80-4	((0.7)) 0.33	B
Temphos	3383-96-8	((33.3)) 33	B
Terphenyls	26140-60-3	((16.7)) 16	B
P(p)((alpha, alpha, alpha)) $\alpha\alpha\alpha$ Tetra-chlorotoluene	5216-25-1	TBD	A
2,3,7,8-Tetrachlorodibenzi-p-dioxin (2,3,7,8-TCDD)	1746-01-6	0.0000003	A
1,1,2,2-Tetrachloro-1,2-difluoroethane	76-12-0..((13886.1))	14000	B
1,1,((2))1,2-Tetrachloro-2,2-difluoroethane	76-11-9..((13886.1))	14000	B
1,1,2,2-Tetrachloroethane	79-34-5	((23.3)) 23	B
Tetrachloroethylene (Perchloroethylene)	127-18-4	1.1	A
Tetrachloronaphthalene	1335-88-2	6.7	B
Tetraethyl lead, as Pb	78-00-2	((0.3)) 0.33	B
Tetrahydrofuran	109-99-9	((1964.7)) 2000	B
Tetramethyl lead, as Pb	75-74-1	0.5	B
Tetramethyl succinonitrile	3333-52-6	((10.0)) 9.3	B
Tetranitromethane	509-14-8	((26.6)) 27	B
Tetrasodium pyrophosphate	7722-88-5	((16.7)) 17	B
Tetryl	479-45-8	5.0	B
Thallium, soluble compounds, ((Ti)) Tl	7440-28-0	((0.3)) 0.33	B
4,4'-Thiobis(6-tert, butyl-m-cresol)	96-69-5	((33.3)) 33	B
4,4'-Thiodianiline	139-65-1	TBD	A
Thioglycolic acid	68-11-1	((13.3)) 13	B
Thionyl chloride	7719-09-7	((16.7)) 16	B
Thiuram	137-26-8	((16.7)) 3.3	B
Thorium dioxide	1314-20-1	TBD	A
((Fin	7440-31-5))		
((Metal		6.7	B))
((Organic compounds, as Sn		0.3	B))
((Oxide & inorganic except SnH ₄		6.7	B))
Tin, metals	7440-31-5	6.7	B
Tin, organic compounds, as Sn	7440-31-5	0.33	B
Tin, oxide & inorganic except SnH ₄	7440-31-5	6.7	B
Titanium tetrachloride	7550-45-0	TBD	((D)) B
Toluene	108-88-3	((1248.8)) 400	B
2,4-Toluene diamine (2,4-Diamino toluene)	95-80-7	((FBD)) 0.011	((D)) A
2,4-Toluene-diisocyanate (TDI)	584-84-9	((0.1)) 0.12	((B ₁)) C
m-Toluidine	108-44-1	((30.0)) 29	B
o-Toluidine ((and its hydrochlorides))	95-53-4	((30.0)) 0.14	((C)) A
o-Toluidine hydrochloride	636-21-5	0.14	A
p-Toluidine	106-49-0	((30.0)) 29	B
Toxaphene (Chlorinated camphene)	8001-35-2	((0.003)) 0.0031	A
((Foxaphene (Chlorinated camphene)	8001-35-2	1.7	B))
Trans-2((Dimethylamino)methylimino)-5-(2-(5-nitro-2-furyl)) vinyl-1,3,4-oxadiazole	55738-54-0	TBD	A
Tributyl phosphate	126-73-8	((8.3)) 7.3	B
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1..((25308.0))	27000	B
Trichloroacetic acid	76-03-9	((23.3)) 22	B
1,2,4-Trichlorobenzene	120-82-1	((133.2)) 120	B
1,1,1-Trichloroethane (Methyl chloroform)	71-55-6	((6327.0)) 6400	B
1,1,2-Trichloroethane	79-00-5	((149.9)) 180	B
Trichloroethylene	79-01-6	((0.8)) 0.59	A

PERMANENT

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
Trichlorofluoromethane	75-69-4..((18648.0))	19000	B
Trichloronaphthalene	1321-65-9	((16.7)) 17	B
((Trichlorophenol (mixed)))	25167-82-2	0.18	A))
2,4,5-Trichlorophenol	95-95-4	TBD	B
2,4,6-Trichlorophenol	88-06-2	0.32	A
1,2,3-Trichloropropane	96-18-4	((199.8)) 200	B
Triethylamine	121-44-8	((133.2)) 7.0	B
Trifluorobromomethane	75-63-8..((20313.0))	20000	B
Trifluralin	1582-09-8	TBD	((D)) B
Trimellitic anhydride	552-30-7	((0.3)) 0.13	B
Trimethyl benzene	((25551))2551-13-7	((416.3)) 420	B
Trimethyl phosphite	121-45-9	((33.3)) 33	B
Trimethylamine	75-50-3	((79.9)) 80	B
2,2,4-Trimethylpentane	540-84-1	TBD	((D)) B
2,4,6-Trinitrotoluene	118-96-7	1.7	B
Triorthocresyl phosphate	78-30-8	((0.3)) 0.33	B
Triphenyl amine	603-34-9	((16.7)) 17	B
Triphenyl phosphate	115-86-6	((10.0)) 10	B
Tungsten, insoluble compounds	7440-33-7	((16.7)) 17	B
Tungsten, soluble compounds	7440-33-7	3.3	B
Turpentine	8006-64-2..((1864.8))	1200	B
Uranium, insoluble & soluble	7440-61-1	((0.7)) 0.67	B
Urthan((o-monomer)) (Ethyl carbamate)	51-79-6	TBD	((D)) B
VM & P Naphtha	8032-32-4..((4495.5))	4600	B
n-Valeraldehyde	110-62-3	((582.8)) 590	B
Vanadium, as V ₂ O ₅	1314-62-1	((0.2)) 0.17	B
Vinyl acetate	108-05-4	((99.9)) 200	B
Vinyl bromide	593-60-2	((66.6)) 73	B
Vinyl chloride	75-01-4	((0.023)) 0.012	A
Vinyl cyclohexene dioxide	106-87-6	((199.8)) 200	B
Vinyl toluene	25013-15-4	((799.2)) 800	B
Vinylidene ((C))chloride (1,1-Dichloroethylene)	75-35-4	((66.6)) 67	B
Warfarin	81-81-2	((0.3)) 0.33	B
Welding fumes	81108*	((16.7)) 17	B
m-Xylene a,a'-diamine	1477-55-0	((0.3)) 0.33	B
Xylenes (m-,o-,p-isomers)	1330-20-7..((1448.6))	1500	B
((m-Xylenes	108-38-3))		
((o-Xylenes	95-47-6))		
((p-Xylene	106-42-3))		
Xylidine	1300-73-8	((33.3)) 8.3	B
Yttrium, metals and ((epds)) compounds as Y	7440-65-5	3.3	B
Zinc chloride fumes	7646-85-7	3.3	B
Zinc chromates	13530-65-9	((0.03)) 0.033	B
Zinc oxide, fumes	1314-13-2	((16.7)) 17	B
Zirconium compounds, as Zr	7440-67-7	((16.7)) 17	B

Type A toxics are carcinogens. The averaging time for Type A ASILs is an annual arithmetic mean.

Type B toxics are noncarcinogens. The averaging time for Type B ASILs is a 24-hour arithmetic mean.

Type C toxics are carcinogens. The averaging time for Type C ASILs is a 24-hour arithmetic mean.

((Type D toxics are listed in the federal Clean Air Act, but not included in WAC 173-460-150 and WAC 173-460-160.))

TBD = To Be Determined

* PSAPCA assigned numbers

PERMANENT

WSR 94-19-027
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Filed September 13, 1994, 11:15 a.m.]

Date of Adoption: September 8, 1994.

Purpose: Adjust maximum civil penalty amount for inflation; adjust fees for registration and operating permits to cover program costs; update agency delegation for NSPS and NESHAP; allow for a surcharge to cover cost incurred by Washington Department of Health for operating permits; allow permitted fire training facilities to be exempt from visual standard for air contaminant emission.

Citation of Existing Rules Affected by this Order: Amending Regulation I - Sections 3.11, 5.07, 6.11, 7.07, 9.03 and Regulation III -Section 2.02.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 94-16-134 on August 3, 1994.

Changes Other than Editing from Proposed to Adopted Version: Section 5.07 (b)(5) was changed to further clarify the basis for charging that portion of the registration fees based on emissions.

Effective Date of Rule: Thirty-one days after filing,
September 12, 1994
James Nolan
Director - Compliance

AMENDATORY SECTION
REGULATION I SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed (~~(\$10,660.00)~~) \$11,000.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Air Pollution Control Agency shall be liable for a civil penalty of not more than (~~(\$10,660.00)~~) \$11,000.00 for each day of continued non-compliance.

(c) Within 15 days after receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

- (1) The name, mailing address, telephone number, and telefacsimile number (if available) of the appealing party;
- (2) A copy of the Notice and Order of Civil Penalty appealed from;
- (3) A short and plain statement showing the grounds upon which the appealing party considers such order to be unjust or unlawful;
- (4) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;
- (5) The relief sought, including the specific nature and extent; and

(6) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(d) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition on the application for relief from penalty.

(e) A civil penalty shall become due and payable on the later of:

- (1) 30 days after receipt of the notice imposing the penalty;
- (2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or
- (3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(f) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(g) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

(h) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

AMENDATORY SECTION
REGULATION I SECTION 5.07 REGISTRATION AND OPERATING PERMIT FEES

(a) The Agency shall levy annual fees as set forth in the (~~(1994)~~) 1995 Registration and Operating Permit Fee Schedule for services provided in administering the registration or operating permit programs. Fees received under the registration or operating permit programs shall not exceed the cost of administering these programs.

(b) Upon assessment by the Agency, registration or operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days, and shall be subject to an additional fee equal to 3 times the original fee.

PERMANENT

((1994)) 1995 REGISTRATION AND OPERATING PERMIT FEE SCHEDULE

(1) For all facilities, a fee of \$85.00 per facility except ~~(((\$1,200.00))~~ \$2,085.00 per facility for those subject to ~~((4))~~ below) Article 7 of Regulation I; and

(2) For all facilities:

(i) \$35.00 for each item of air contaminant generating equipment; and

(ii) \$80.00 for each item of air contaminant control equipment; and

(iii) \$500.00 for each continuous emission monitor required under Article 12 of Regulation I; and

(iv) \$500.00 for each incinerator; and

(v) \$500.00 for each landfill; and

(3) For all facilities except those subject to (4) below, a ~~(((\$20.00))~~ \$21.00 emission fee for each item of air contaminant generating equipment except for unvented dry cleaning machines; and

(4) For only those facilities which have permitted emissions or actual annual emissions of 25 tons or more of any of the following: PM₁₀, sulfur oxides, nitrogen oxides, or carbon monoxide; or annual emissions of 10 tons or more of toxic air contaminants or volatile organic compounds, including any negligibly reactive compound:

(i) ~~(((\$20.00))~~ \$21.00 per ton for PM₁₀, sulfur oxides, nitrogen oxides, or volatile organic compounds, including any negligibly reactive compound; and

(ii) \$7.00 per ton for carbon monoxide or toxic air contaminants.

(5) The fees required by this section are for the calendar year ~~((1994))~~ 1995 and shall be based on Agency files showing equipment to be used during 1995 ~~((in place or permitted as of September 1, 1993))~~; and either: ~~((permitted emissions or actual emissions during calendar year 1992, whichever is greater.))~~

(i) actual emissions during calendar year 1993 if the source is not subject to a facility-wide limit on permitted emissions; or

(ii) if the source is subject to a facility-wide limit on permitted emissions, the lesser of actual emissions during calendar year 1993 or permitted emissions; or

(iii) permitted emissions if no actual emissions were reported during calendar year 1993.

AMENDATORY SECTION
REGULATION I SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 60, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ~~((1993))~~ 1994 herein incorporated by reference.

AMENDATORY SECTION
REGULATION I SECTION 7.07 FEES

(a) The Agency shall levy annual operating permit fees as set forth in Article 5 of Regulation I to cover the cost of administering the operating permit program.

(b) The agency may, on a source-by-source basis, levy a surcharge to cover the cost of public involvement under WAC 173-401-800 or to cover the cost incurred by the

Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and Chapter 246-247 WAC.

(c) The Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under WAC 173-401 to cover the Department of Ecology's program development and oversight costs.

AMENDATORY SECTION
REGULATION I SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

(1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03 (a)(1).

(b) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.

(c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(d) This section shall not apply to solid fuel burning devices, permitted fire training facilities, motor vehicles when operated on public roads, or aircraft.

(e) Section 9.03(a) shall not apply to any source which meets the requirements of Section 9.09(c).

AMENDATORY SECTION
REGULATION III SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ~~((1993))~~ 1994 herein incorporated by reference.

WSR 94-19-041
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3782--Filed September 15, 1994, 4:07 p.m.]

Date of Adoption: September 15, 1994.

Purpose: Replaces two rule chapters with a single new chapter to simplify and clarify state regulations and ensures rules are consistent with federal requirements; allows deeming Medicaid-certified facilities which meet federal requirements to meet designated state requirements. New construction requirements have been strengthened to provide and enhance resident quality of life, allows more flexibility for alterations benefiting residents.

Citation of Existing Rules Affected by this Order: New chapter 388-97 WAC, Nursing homes.

Statutory Authority for Adoption: RCW 18.51.070 and 74.42.620.

Pursuant to notice filed as WSR 94-18-010 on August 25, 1994.

Changes Other than Editing from Proposed to Adopted Version: No substantive changes; only technical changes.

Effective Date of Rule: Thirty-one days after filing.

September 15, 1994

Dewey Brock, Chief
Office of Vendor Services

Chapter 388-97 WAC NURSING HOMES

KEY:

Deemed sections are indicated by a statement at the beginning of the section and by the use of small capitalized print within the section. Deeming means the state requirement is similar to the cited federal requirement and if the federal requirement is met, the facility is deemed to meet the state requirement.

SUBCHAPTER I LICENSE AND OPERATIONS DEFINITIONS

NEW SECTION

WAC 388-97-005 Definitions. (1) "Advanced registered nurse practitioner (ARNP)" means a registered nurse currently licensed in Washington under RCW 18.88.175, as now or hereafter amended.

(2) "ASHRAE" means the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.

(3) "Attending physician" means the doctor responsible for a particular person's total medical care.

(4) "Authenticated" means the authorization of a written entry in a record by signature, including the first initial and last name and title, or a unique identifier allowing identification of the responsible person.

(5) "Berm" means a bank of earth piled against a wall.

(6) "Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

(7) "Dementia care" means a therapeutic modality or modalities designed specifically for the care of persons with dementia.

(8) "Department" means the state department of social and health services.

(9) "Dietitian" means a qualified dietitian. A qualified dietitian is one who is registered by the American Dietetic Association or certified by the state of Washington.

(10) "Directly supervising" means the supervising person is on the premises and is quickly and easily available to provide necessary:

- (a) Assessments and other direct care of residents; and
- (b) Oversight of supervised staff.

(11) "Disclosure statement" means a signed statement by a person indicating whether or not the person was found by any court, state licensing board, disciplinary board, or

protection proceeding to have neglected, sexually abused, financially exploited, or physically abused any minor or adult person.

(12) "Drug" means a substance:

(a) Recognized as a drug in the official *United States Pharmacopoeia*, *Official Homeopathic Pharmacopoeia of the United States*, *Official National Formulary*, or any supplement to any of them; or

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

(13) "Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

(14) "Habilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to teach a person previously undeveloped skills.

(15) "Intermediate care facility for the mentally retarded (ICF/MR)" means an institution certified under chapter 42 C.F.R., Part 483, Subpart I.

(16) "Lavatory" means a handwashing sink.

(17) "Licensed practical nurse" means a person licensed under chapter 18.78 RCW;

(18) "NFPA" means National Fire Protection Association, Inc.

(19) "Nursing assistant" means a nursing assistant as defined under RCW 18.88A.020 as now or hereafter amended.

(20) "Nursing facility (NF)" or "Medicaid-certified nursing facility" means a nursing facility as defined in Section 1919(a) of the Federal Social Security Act and regulations promulgated thereunder, as now or hereafter amended.

(21) "Nursing home" means any facility licensed to operate under chapter 18.51 RCW.

(22) "Pharmacist" means a person licensed by the Washington state board of pharmacy under chapter 18.64 RCW.

(23) "Pharmacy" means a place licensed under chapter 18.64 RCW where the practice of pharmacy is conducted.

(24) "Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, and which restricts freedom of movement or access to the resident's body.

(25) "Physician's assistant (PA)" means a physician's assistant as defined under chapter 18.57A or 18.71A RCW, as now or hereafter amended.

(26) "Registered nurse" means a person licensed under chapter 18.88 RCW, as now or hereafter amended.

(27) "Rehabilitative services" means the planned interventions and procedures which constitute a continuing and comprehensive effort to restore a person to the person's former functional and environmental status, or alternatively, to maintain or maximize remaining function.

(28) "Resident" means a person residing in a nursing home. The term resident excludes outpatients and persons receiving adult day or night care, or respite care.

(29) "Resident care unit" means a functionally separate unit including resident rooms, toilets, bathing facilities, and basic service facilities.

(30) "Respiratory isolation" is a technique or techniques instituted to prevent the transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

(31) "Siphon jet clinic service sink" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inches in diameter.

(32) "Skilled nursing facility (SNF)" or "Medicare-certified skilled nursing facility" means a skilled nursing facility as defined in Section 1819(a) of the Federal Social Security Act and regulations promulgated thereunder, as now or hereafter amended.

(33) "Social/therapeutic leave" means leave which is for the resident's social, emotional, or psychological well being; it does not include medical leave.

(34) "Staff work station" means a location at which nursing and other staff perform charting and related activities throughout the day.

(35) "Surrogate decision maker" means a resident representative or representatives as outlined in WAC 388-97-055, Resident representative and decision making, and as established by law.

(36) "Toilet room" means a room containing at least one toilet fixture.

(37) "Volunteer" means a person who is a regularly scheduled person not receiving payment for services and having unsupervised access to a nursing home resident.

NURSING HOME LICENSE

NEW SECTION

WAC 388-97-010 License—Application. (1) All applications for nursing home licensure are subject to review under this chapter.

(2) An application for a nursing home license must be submitted at least sixty days prior to the effective date of that license. The license must be renewed annually. The date of renewal is not changed by a change of ownership. License renewals must be submitted at least thirty days prior to the license's expiration date. Nursing home license applications and requests for renewal shall be made on forms designated by the department.

(3) The nursing home license applicant shall be the person or entity responsible for the daily operation of the nursing home. The license applicant or the applicant's authorized representative shall sign the nursing home license application or renewal thereof, and swear to that application before a notary public.

(4) The department shall not commence review of an incomplete license application.

(5) The department shall deny a nursing home applicant a license if the applicant fails to:

(a) Provide any authorization, documentation, or information the department requires in order to verify information contained in the application; or

(b) Verify additional information the department deems relevant to the application.

(6) When the department determines that additional information is needed to process the application, the appli-

cant shall respond to the department's request for information in a timely fashion.

(7) The nursing home license application shall include, but not be limited to the following information:

(a) The name and address of the applicant and any partner, officer, director, managerial employee, or owner of five percent or more of the applicant;

(b) The name of the persons under whose management or supervision the home will be operated;

(c) The specific location and the mailing address of the facility for which a license is sought;

(d) The number of persons for which nursing home care is to be provided;

(e) The name and address of all nursing homes that the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated with in the past ten years; and

(f) Such other information as the department may reasonably require for proper administration of these standards.

NEW SECTION

WAC 388-97-015 License—Qualification. (1) The department shall consider separately and jointly as applicants each person and entity named in an application for a nursing home license. If the department finds any person or entity unqualified, the department shall deny the license.

(2) In making a determination whether to grant a nursing home license, the department shall review:

(a) The information contained in the application; and

(b) Other documents the department deems relevant, including survey and complaint investigation findings in each facility the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated with during the past ten years.

(3) The applicant and the facility for which the license is sought shall comply with all requirements established by chapters 18.51 and 74.42 RCW and rules adopted thereunder. The department may deny a license for noncompliance with any such requirements.

(4) The department may deny a license if the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has a history of significant noncompliance with federal or state regulations in providing nursing home care. In determining whether there is a history of significant noncompliance with federal or state regulations, the department at a minimum may consider:

(a) Whether the violation resulted in a significant harm or a serious and immediate threat to the health, safety, or welfare of any resident;

(b) Whether the applicant promptly investigated the circumstances surrounding any violation and took steps to correct and prevent a recurrence of a violation;

(c) The history of surveys and complaint investigation findings and any resulting enforcement actions;

(d) Repeated failure to comply with regulations;

(e) Inability to attain compliance with cited deficiencies within a reasonable period of time; and

(f) The number of violations relative to the number of facilities the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated with in the past ten years.

(5) The department may deny a license if an applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has:

(a) A poor credit history;

(b) Engaged in the illegal use of drugs or the excessive use of alcohol;

(c) Unlawfully operated without a license; or

(d) Had revoked or suspended a license to operate a hospital or facility for the care of children, or adults who are developmentally disabled, aged, ill, or infirm.

(6) The department may deny, suspend, revoke, or refuse to renew a license if the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has:

(a) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(b) Permitted, aided, or abetted the commission of any illegal act on the nursing home premises;

(c) Failed to meet financial obligations as the obligations fall due in the normal course of business;

(d) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to own or operate a nursing home, and who, the department determines, is not sufficiently rehabilitated to warrant public trust; or

(e) Misappropriated property of residents.

(7) The department shall deny, suspend, revoke, or refuse to renew a license if the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830;

(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830;

(c) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or a person with a developmental disability or to have abused or financially exploited any vulnerable adult;

(e) Found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

NEW SECTION

WAC 388-97-020 Nursing home fees. (1) The nursing home license fee is one hundred twenty-seven dollars per bed per year. The fee shall be nonrefundable.

(2)(a) The licensee shall submit the annual license fee to the department at the time of renewal.

(b) A change of nursing home ownership does not change the date of license renewal and fee payment.

(c) For the initial licensure of a new nursing home, the license applicant shall submit the annual license fee with the license application.

NEW SECTION

WAC 388-97-025 License capacity. (1) A nursing home shall not be licensed for a capacity that exceeds the number of beds:

(a) Permitted under these regulations;

(b) Permitted under chapter 70.38 RCW and regulations thereunder;

(c) Permitted under applicable local zoning, building or other such regulations; or

(d) Actually available for resident use, except when the space is used for a temporary change, e.g., remodeling.

NEW SECTION

WAC 388-97-030 Change of ownership. (1) A change of ownership occurs when there is a substitution of the individual operator or operating entity ultimately responsible for the daily operational decisions of the nursing home; or a substitution of control of such operating entity.

(a) Events which constitute a change of ownership include but are not limited to the following:

(i) The form of legal organization of the operator is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Ownership of the nursing home business enterprise is transferred by the operator to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

(iii) If the operator is a partnership, any event occurs which dissolves the partnership;

(iv) If the operator is a corporation, and corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation;

(v) If the operator is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock is transferred to one or more:

(A) New or former stockholders; or

(B) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(vi) Any other event or combination of events which results in a substitution or substitution of control of the individual operator or the operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the operator to manage the nursing home enterprise as the operator's agent, i.e., subject to the operator's general approval of daily operating and management decisions; or

(ii) The real property or personal property assets of the nursing home change ownership or are leased, or a lease of the real property or personal property assets is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity.

(2) When a change of ownership is contemplated, the current operator shall notify the department and all residents

at least sixty days prior to the proposed date of transfer. The notice shall be in writing and shall contain the following information:

- (a) Name of the present operator and prospective operator;
 - (b) Name and address of the nursing home being transferred; and
 - (c) Date of proposed transfer.
- (3) The operation or ownership of a nursing home shall not be transferred until the new operator has been issued a license to operate the nursing home. The new operator shall comply with license application requirements.

NEW SECTION

WAC 388-97-035 Change in administrator or director of nursing services. The nursing home shall notify the department and each resident of a change in the nursing home's administrator or director of nursing services at the time any such change occurs.

NEW SECTION

WAC 388-97-040 Name of nursing home. The nursing home licensee shall notify the department in writing of any change in the name of the licensee at the time the change occurs.

NEW SECTION

WAC 388-97-045 License relinquishment upon closure. (1) A nursing home licensee shall relinquish its license when the nursing home ceases to do business.

(2) If a nursing home licensee fails to voluntarily relinquish its license when it ceases to do business, the department may revoke the license.

NEW SECTION

WAC 388-97-050 License denial, modification, nonrenewal, revocation. (1) The department may deny, suspend, modify, refuse to renew, or revoke a nursing home license as governed by chapter 18.51 RCW, RCW 43.20A.205, chapter 388-98 WAC, and this chapter.

(2) A license applicant or licensee contesting a department license decision shall file a written application for an adjudicative proceeding within twenty days of receipt of the decision.

(3) Adjudicative proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 18.51.065, RCW 43.20A.205, this chapter, WAC 388-98-750, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision of this chapter shall govern.

RESIDENT RIGHTS

WAC sections 388-97-055, 388-97-060, and 388-97-065 implement the federal Patient Self-Determination Act and clarify requirements under chapter 11.94 RCW, Power of attorney; chapter 7.70 RCW, Actions for injuries resulting from health care; and chapter 70.122 RCW, Natural death act; chapter 11.88 RCW, Guardianship-appointment, qualification, removal of guardians and limited guardians; chapter

11.92 RCW, Guardianship-powers and duties of guardian or limited guardian.

NEW SECTION

WAC 388-97-055 Resident representative and decision making. (1) At the time of admission, or not later than the completion of the initial comprehensive resident assessment, the nursing home shall determine:

(a) Whether the resident has appointed another person to make health care, financial, or other decisions for the resident;

(b) Whether the resident has created any advance directive or other legal documents that will establish a surrogate decision maker in the future; and

(c) If a resident is not making the resident's own decisions, who has the authority for surrogate decision making, and the scope of the surrogate decision maker's authority.

(2) In fulfilling its duty to determine who, if anyone, is authorized to make decisions for the resident, the nursing home shall:

(a) Seek copies of the legal documents that establish the surrogate decision maker's authority to act; and

(b) Document in the resident's clinical record:

(i) The name, address, and telephone number of the person who has legal authority for substitute decision making;

(ii) The type of decision making authority such person has; and

(iii) Where copies of the legal documents are located at the facility.

(3) In this chapter, the term "resident" includes the resident's surrogate decision maker in accordance with state law or at the request of the resident.

(a) In the case of a capacitated resident, the surrogate decision maker is the person authorized by the resident to make decisions on the resident's behalf;

(b) In the case of a resident adjudicated by a court of law to be incapacitated, the surrogate decision maker is the court appointed guardian; and

(c) In the case of a resident who has been determined to be incapacitated, but is not adjudicated incapacitated, the surrogate decision maker is established through:

(i) A legal document, such as a durable power of attorney for health care; or

(ii) Authority for substitute decision making granted by state law, including RCW 7.70.065.

(4) Determination of a person's incapacity shall be a legal, not medical decision based on:

(a) Demonstrated inability in decision making over time that creates a significant risk of personal harm;

(b) A court order; or

(c) The criteria contained in a legal document, such as durable power of attorney for health care.

(5) The nursing home shall:

(a) Regularly review any determination of incapacity based on subsections (3)(b) and (c) of this section; and

(b) If an incapacitated resident regains capacity, cease to rely upon the surrogate decision maker to exercise the resident's rights, unless so designated by the resident or by court order.

(6) The nursing home shall promote the resident's right to exercise decision making and self-determination to the fullest extent possible. Therefore, the nursing home shall presume that the resident is the resident's own decision maker unless:

- (a) A court has established a guardianship;
 - (b) The resident has clearly and voluntarily appointed a surrogate decision maker;
 - (c) A surrogate is established by a legal document; or
 - (d) A resident has become legally incapacitated.
- (7) The nursing home shall honor the exercise of the resident's rights by the surrogate decision maker as long as the surrogate acts in accordance with state and federal law which govern his or her appointment, and with this section.

(8) If a surrogate decision maker exercises a resident's rights, the nursing home shall:

- (a) Inform the resident that a surrogate decision maker has been consulted;
- (b) Provide the resident with the information and opportunity to participate in all decision making to the maximum extent possible; and
- (c) Recognize that involvement of a surrogate decision maker does not lessen the nursing home's duty to:
 - (i) Protect the resident's rights; and
 - (ii) Comply with state and federal laws.

NEW SECTION

WAC 388-97-060 Informed consent. (1) The nursing home as a health care provider as defined in chapter 7.70 RCW, Actions for injuries resulting from health care, shall follow the informed consent process as required in chapter 7.70 RCW in the development of the resident's comprehensive care plan. Refer to WAC 388-97-090, Comprehensive care planning.

(2) The nursing home shall follow this informed consent process with:

- (a) The resident to the maximum extent possible;
- (b) Any other person the resident has directed be consulted; and
- (c) The surrogate decision maker when the resident is determined to be incapacitated as established through the provision of a legal document such as durable power of attorney for health care, a court proceeding, or as authorized by state law, including RCW 7.70.065.

(3) To ensure informed consent or refusal by a resident regarding care plan options, the nursing home shall:

- (a) Provide the informed consent process to the resident in a neutral manner and in a language and manner the resident can understand;
- (b) Inform the resident of the right to consent to or refuse care and service options at the time of resident assessment and care plan development (see WAC 388-97-085 and 388-97-090) and as necessary to ensure the resident's wishes are known;
- (c) Inform the resident at the time of initial care plan decisions and periodically of the right to change his or her mind about an earlier consent or refusal decision;
- (d) Ensure that evidence of informed consent or refusal is consistent with WAC 388-97-085, Resident assessment and WAC 388-97-090, Comprehensive care planning; and

(e) Where appropriate, include evidence of resident's choice not to be informed as required in subsections (1) and (3) of this section.

(4) The nursing home shall take into account that if a resident's rights are being exercised by a surrogate decision maker, the surrogate decision maker shall:

- (a) First determine if the resident would consent or refuse the proposed or alternative treatment;
- (b) Discuss determination of consent or refusal with the resident whenever possible; and
- (c) When a determination of the resident's consent or refusal of treatment cannot be made, make the decision in the best interest of the resident.

NEW SECTION

WAC 388-97-065 Advance directives. (1) "Advance directive" as used in this chapter means any document indicating a resident's choice with regard to a specific service, treatment, medication or medical procedure option that may be implemented in the future such as power of attorney, health care directive, limited or restricted treatment order, code/no code order, and anatomical gifts.

(2) The nursing home shall carry out the provisions of this section in accordance with WAC 388-97-055, Resident representative and decision making, and WAC 388-97-060, Informed consent, and with state law.

(3) The nursing home shall:

- (a) Document in the clinical record whether or not the resident has an advance directive;
- (b) Not require the resident to have any advance directives and not condition the provision of care or otherwise discriminate against a resident on the basis of whether or not the resident has executed an advance directive;
- (c) In a language the resident understands, inform the resident in writing and orally at the time of admission, and thereafter as necessary to ensure the resident's right to make informed choices, about:
 - (i) The right to make health care decisions;
 - (ii) Nursing home policies and procedures concerning implementation of advance directives, including how the nursing home implements emergency responses; and
 - (iii) Review resident advance directive information:
 - (i) At the resident's request;
 - (ii) When the resident's condition warrants review; and
 - (iii) When there is a significant change in the resident's condition.

(e) If needed, based on the outcome of the review in subsection (3)(d) of this section, update advance directive information.

(4) When the nursing home becomes aware that a resident's health care directive is in conflict with facility practices and policies which are consistent with state and federal law, the nursing home shall:

- (a) Inform the resident of the existence of any nursing home practice or policy which would preclude implementing the health care directive;
- (b) Provide the resident with written policies and procedures that explain under what circumstances a resident's health care directive will or will not be implemented by the nursing home;
- (c) Meet with the resident to discuss the conflict;

(d) Determine, in light of the conflicting practice or policy, whether the resident chooses to remain at the nursing home; and

(e) Develop a plan in accordance with subsection (5) of this section; and

(f) Attach the plan to the resident's directive in the clinical record.

(5) If the resident chooses to remain in the nursing home, develop with the resident a plan in accordance with chapter 70.122 RCW to implement the resident's wishes. The nursing home may need to actively participate in ensuring the execution of the plan, including moving the resident at the time of implementation to a care setting that will implement the resident's wishes.

(6) If, after recognizing the conflict between the resident's wishes and nursing home practice or policy as determined in subsection (4)(b) of this section, the resident chooses to seek other long-term care services, or another physician who will implement the directive, the nursing home shall assist the resident in locating other appropriate services.

(7) If a terminally ill resident, in accordance with state law, wishes to die at home, the nursing home shall:

(a) Use the informed consent process as described in WAC 388-97-120, Informed consent, and explain to the resident the risks associated with discharge; and

(b) Discharge the resident as soon as reasonably possible.

NEW SECTION

WAC 388-97-070 Resident rights. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.10 will be deemed to meet subsections (2) through (18), except for (3)(c), (4)(g), (10)(a), (14), (15)(b) and (c), and (16)(b), (c), and (d).

(2) THE RESIDENT HAS A RIGHT TO A DIGNIFIED EXISTENCE, SELF-DETERMINATION, AND COMMUNICATION WITH AND ACCESS TO PERSONS AND SERVICES INSIDE AND OUTSIDE THE NURSING HOME. A NURSING HOME SHALL PROMOTE AND PROTECT THE RIGHTS OF EACH RESIDENT, INCLUDING THOSE WITH LIMITED COGNITION OR OTHER BARRIERS THAT LIMIT THE EXERCISE OF RIGHTS.

(3) EXERCISE OF RIGHTS.

(A) THE RESIDENT HAS THE RIGHT TO EXERCISE HIS OR HER RIGHTS AS A RESIDENT OF THE NURSING HOME AND AS A CITIZEN OR RESIDENT OF THE UNITED STATES. REFER TO WAC 388-97-055, RESIDENT REPRESENTATIVE AND DECISION MAKING.

(B) THE RESIDENT HAS THE RIGHT TO BE FREE OF INTERFERENCE, COERCION, DISCRIMINATION, AND REPRISAL FROM THE NURSING HOME IN EXERCISING HIS OR HER RIGHTS.

(c) The nursing home shall not require the resident to sign any contract or agreement that purports to waive any right of the resident.

(4) NOTICE OF RIGHTS AND SERVICES.

(a) THE NURSING HOME MUST INFORM THE RESIDENT BOTH ORALLY AND IN WRITING IN A LANGUAGE THAT THE RESIDENT UNDERSTANDS OF HIS OR HER RIGHTS AND ALL RULES AND REGULATIONS GOVERNING RESIDENT CONDUCT AND RESPONSIBILITIES DURING THE STAY IN THE NURSING HOME. SUCH NOTIFICATION MUST BE MADE PRIOR TO OR UPON ADMISSION AND DURING THE RESIDENT'S STAY. RECEIPT OF SUCH INFORMATION, AND ANY AMENDMENTS TO IT, MUST BE ACKNOWLEDGED IN WRITING;

(b) THE RESIDENT OR HIS OR HER SURROGATE DECISION MAKER HAS THE RIGHT:

(i) UPON AN ORAL OR WRITTEN REQUEST, TO ACCESS ALL RECORDS PERTAINING TO THE RESIDENT INCLUDING CLINICAL RECORDS WITHIN TWENTY-FOUR HOURS FOR SKILLED NURSING FACILITY AND NURSING FACILITY, AND ACCORDING TO CHAPTER 70.02 RCW, HEALTH CARE INFORMATION ACCESS AND DISCLOSURE, FOR NURSING HOMES; AND

(ii) AFTER RECEIPT OF HIS OR HER RECORDS FOR INSPECTION, TO PURCHASE AT A COST NOT TO EXCEED THE COMMUNITY STANDARD PHOTOCOPIES OF THE RECORDS OR ANY PORTIONS OF THEM UPON REQUEST AND TWO WORKING DAYS ADVANCE NOTICE TO THE NURSING HOME.

(c) THE RESIDENT HAS THE RIGHT TO BE FULLY INFORMED IN LANGUAGE THAT HE OR SHE CAN UNDERSTAND OF HIS OR HER TOTAL HEALTH STATUS, INCLUDING, BUT NOT LIMITED TO, HIS OR HER MEDICAL CONDITION;

(d) THE RESIDENT HAS THE RIGHT TO REFUSE TREATMENT AND TO REFUSE TO PARTICIPATE IN EXPERIMENTAL RESEARCH; AND

(e) THE SKILLED NURSING FACILITY AND NURSING FACILITY SHALL ACCORDING TO 42 C.F.R. § 483.10 (c)(8):

(i) INFORM EACH RESIDENT WHO IS ENTITLED TO MEDICAID BENEFITS, IN WRITING, AT THE TIME OF ADMISSION TO THE NURSING FACILITY OR, WHEN THE RESIDENT BECOMES ELIGIBLE FOR MEDICAID OF:

(A) THE ITEMS AND SERVICES THAT ARE INCLUDED IN NURSING FACILITY SERVICES UNDER THE STATE PLAN AND FOR WHICH THE RESIDENT MAY NOT BE CHARGED;

(B) THOSE OTHER ITEMS AND SERVICES THAT THE FACILITY OFFERS AND FOR WHICH THE RESIDENT MAY BE CHARGED, AND THE AMOUNT OF CHARGES FOR THOSE SERVICES; AND

(ii) INFORM EACH RESIDENT WHEN CHANGES ARE MADE TO THE ITEMS AND SERVICES SPECIFIED IN PARAGRAPHS (e)(i)(A)(B);

(f) THE NURSING HOME SHALL INFORM EACH RESIDENT BEFORE, OR AT THE TIME OF ADMISSION, AND PERIODICALLY DURING THE RESIDENT'S STAY, OF SERVICES AVAILABLE IN THE FACILITY AND OF CHARGES FOR THOSE SERVICES, INCLUDING ANY CHARGES FOR SERVICES NOT COVERED UNDER MEDICARE OR BY THE FACILITY'S PER DIEM RATE.

(g) Fee disclosure-deposits.

(i) Prior to admission, a nursing home that requires payment of an admission fee, deposit, or a minimum stay fee, by or on behalf of a person seeking admission to the facility, shall provide the resident:

(A) Full disclosure in writing of the nursing home's schedule of charges for items and services provided by the facility;

(B) The amount of any admission fees, deposits, or minimum stay fees; and

(C) Full disclosure in writing prior to admission of what portion of the deposits, admissions fees, or minimum stay fee will be refunded to the resident if the resident leaves the facility.

(ii) If a resident, during the first thirty days of residence, dies or is hospitalized and does not return to the facility, the nursing home shall refund any deposit already paid less the facility's per diem rate for the days the resident actually resided or reserved a bed in the facility, notwithstanding any minimum stay policy;

(iii) The nursing home shall refund any and all refunds due the resident within thirty days from the resident's date of discharge from the facility; and

(iv) Where the nursing home requires the execution of an admission contract by or on behalf of an individual seeking admission to the facility, the terms of the contract shall be consistent with the requirements of this section.

(h) THE NURSING HOME SHALL FURNISH A WRITTEN DESCRIPTION OF LEGAL RIGHTS WHICH INCLUDES:

(i) A DESCRIPTION OF THE MANNER OF PROTECTING PERSONAL FUNDS, UNDER PARAGRAPH (6) OF THIS SECTION;

(ii) IN THE CASE OF A NURSING FACILITY ONLY, A DESCRIPTION OF THE REQUIREMENTS AND PROCEDURES FOR ESTABLISHING ELIGIBILITY FOR MEDICAID, INCLUDING THE RIGHT TO REQUEST AN ASSESSMENT UNDER SECTION 1924(C) WHICH DETERMINES THE EXTENT OF A COUPLE'S NONEXEMPT RESOURCES AT THE TIME OF INSTITUTIONALIZATION AND ATTRIBUTES TO THE COMMUNITY SPOUSE AN EQUITABLE SHARE OF RESOURCES WHICH CANNOT BE CONSIDERED AVAILABLE FOR PAYMENT TOWARD THE COST OF THE INSTITUTIONALIZED SPOUSE'S MEDICAL CARE IN HIS OR HER PROCESS OF SPENDING DOWN TO MEDICAID ELIGIBILITY LEVELS;

(iii) A POSTING OF NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ALL PERTINENT STATE CLIENT ADVOCACY GROUPS SUCH AS THE STATE SURVEY AND CERTIFICATION AGENCY, THE STATE LICENSURE OFFICE, THE STATE OMBUDSMAN PROGRAM, THE PROTECTION AND ADVOCACY NETWORK, AND THE MEDICAID FRAUD CONTROL UNIT; AND

(iv) A STATEMENT THAT THE RESIDENT MAY FILE A COMPLAINT WITH THE STATE SURVEY AND CERTIFICATION AGENCY CONCERNING RESIDENT ABUSE, NEGLIGENCE, AND MISAPPROPRIATION OF RESIDENT PROPERTY IN THE FACILITY.

(i) THE NURSING HOME MUST INFORM EACH RESIDENT OF THE NAME, SPECIALTY AND WAY OF CONTACTING THE PHYSICIAN RESPONSIBLE FOR HIS OR HER CARE.

(j) THE SKILLED NURSING FACILITY AND NURSING FACILITY MUST PROMINENTLY DISPLAY IN THE FACILITY WRITTEN INFORMATION, AND PROVIDE TO RESIDENTS AND APPLICANTS FOR ADMISSION ORAL AND WRITTEN INFORMATION ABOUT HOW TO APPLY FOR AND USE MEDICARE AND MEDICAID BENEFITS, AND HOW TO RECEIVE REFUNDS FOR PREVIOUS PAYMENTS COVERED BY SUCH BENEFITS.

(5) NOTIFICATION OF CHANGES.

(a) A NURSING HOME MUST IMMEDIATELY INFORM THE RESIDENT; CONSULT WITH THE RESIDENT'S PHYSICIAN; AND IF KNOWN, NOTIFY THE RESIDENT'S SURROGATE DECISION MAKER AND WHEN APPROPRIATE, WITH RESIDENT CONSENT AN INTERESTED FAMILY MEMBER WHEN THERE IS:

(i) AN ACCIDENT INVOLVING THE RESIDENT WHICH RESULTS IN INJURY AND HAS THE POTENTIAL FOR REQUIRING PHYSICIAN INTERVENTION;

(ii) A SIGNIFICANT CHANGE IN THE RESIDENT'S PHYSICAL, MENTAL, OR PSYCHOSOCIAL STATUS (I.E., A DETERIORATION IN HEALTH, MENTAL, OR PSYCHOLOGICAL STATUS IN EITHER LIFE-THREATENING CONDITIONS OR CLINICAL COMPLICATIONS); REFER TO WAC 388-97-055, RESIDENT REPRESENTATIVE AND DECISION MAKING;

(iii) A NEED TO ALTER TREATMENT SIGNIFICANTLY (I.E., A NEED TO DISCONTINUE AN EXISTING FORM OF TREATMENT DUE TO ADVERSE CONSEQUENCES, OR TO COMMENCE A NEW FORM OF TREATMENT); OR

(iv) A DECISION TO TRANSFER OR DISCHARGE THE RESIDENT FROM THE FACILITY.

(b) THE NURSING HOME MUST ALSO PROMPTLY NOTIFY THE RESIDENT AND, IF KNOWN, THE RESIDENT'S SURROGATE DECISION MAKER AND WHEN APPROPRIATE, WITH THE RESIDENT'S CONSENT INTERESTED FAMILY MEMBER WHEN THERE IS:

(i) A CHANGE IN ROOM OR ROOMMATE ASSIGNMENT; OR

(ii) A CHANGE IN RESIDENT RIGHTS UNDER FEDERAL OR STATE LAW OR REGULATIONS AS SPECIFIED IN PARAGRAPH (4)(A) OF THIS SECTION.

(c) THE NURSING HOME MUST RECORD AND PERIODICALLY UPDATE THE ADDRESS AND PHONE NUMBER OF THE RESIDENT'S LEGAL SURROGATE DECISION MAKER AND INTERESTED FAMILY MEMBER.

(6) PROTECTION OF RESIDENT FUNDS.

(a) THE RESIDENT HAS THE RIGHT TO MANAGE HIS OR HER FINANCIAL AFFAIRS AND THE NURSING HOME MAY NOT REQUIRE RESIDENTS TO DEPOSIT THEIR PERSONAL FUNDS WITH THE FACILITY.

(b) MANAGEMENT OF PERSONAL FUNDS. UPON WRITTEN AUTHORIZATION OF A RESIDENT, THE NURSING HOME MUST HOLD, SAFEGUARD, MANAGE AND ACCOUNT FOR THE PERSONAL FUNDS OF THE RESIDENT DEPOSITED WITH THE FACILITY.

(c) ACCOUNTING AND RECORDS. THE NURSING HOME MUST ESTABLISH AND MAINTAIN A SYSTEM THAT ASSURES A

FULL AND COMPLETE AND SEPARATE ACCOUNTING, ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, OF EACH RESIDENT'S PERSONAL FUNDS ENTRUSTED TO THE FACILITY ON THE RESIDENT'S BEHALF.

(i) THE SYSTEM MUST PRECLUDE ANY COMMINGLING OF RESIDENT FUNDS WITH FACILITY FUNDS OR WITH THE FUNDS OF ANY PERSON OTHER THAN ANOTHER RESIDENT.

(ii) THE INDIVIDUAL FINANCIAL RECORD MUST BE AVAILABLE THROUGH QUARTERLY STATEMENTS ON REQUEST TO THE RESIDENT OR HIS OR HER LEGAL REPRESENTATIVE.

(d) NOTICE OF CERTAIN BALANCES. THE SKILLED NURSING FACILITY AND NURSING FACILITY MUST NOTIFY EACH RESIDENT THAT RECEIVES MEDICAID BENEFITS:

(i) WHEN THE AMOUNT IN THE RESIDENT'S ACCOUNT REACHES TWO HUNDRED DOLLARS LESS THAN THE SSI RESOURCE LIMIT FOR ONE PERSON; AND

(ii) THAT IF THE AMOUNT IN THE ACCOUNT, IN ADDITION TO THE VALUE OF THE RESIDENT'S OTHER NONEXEMPT RESOURCES, REACHES THE SSI RESOURCE LIMIT FOR ONE PERSON, THE RESIDENT MAY LOSE ELIGIBILITY FOR MEDICAID OR SSI.

(e) CONVEYANCE UPON DEATH. UPON THE DEATH OF A RESIDENT WITH A PERSONAL FUND DEPOSITED WITH THE NURSING HOME, THE FACILITY MUST CONVEY WITHIN THIRTY DAYS THE RESIDENT'S FUNDS, AND A FINAL ACCOUNTING OF THOSE FUNDS, TO THE INDIVIDUAL OR JURISDICTION ADMINISTERING THE RESIDENT'S ESTATE.

(f) ASSURANCE OF FINANCIAL SECURITY. THE SKILLED NURSING FACILITY AND NURSING FACILITY MUST PURCHASE A SURETY BOND, OR OTHERWISE PROVIDE ASSURANCE, TO ASSURE SECURITY OF PERSONAL FUNDS OF RESIDENTS DEPOSITED WITH THE FACILITY.

(g) LIMITATION ON CHARGES TO PERSONAL FUNDS. THE SKILLED NURSING FACILITY AND NURSING FACILITY MAY NOT IMPOSE A CHARGE AGAINST THE PERSONAL FUNDS OF A RESIDENT FOR ANY ITEM OR SERVICE FOR WHICH PAYMENT IS MADE UNDER MEDICAID OR MEDICARE AS DESCRIBED IN 42 C.F.R. §483.10 (c)(8).

(h) THE SKILLED NURSING FACILITY AND NURSING FACILITY SHALL:

(i) NOT CHARGE A RESIDENT (OR THE RESIDENT'S REPRESENTATIVE) FOR ANY ITEM OR SERVICE NOT REQUESTED BY THE RESIDENT.

(ii) NOT REQUIRE A RESIDENT (OR THE RESIDENT'S REPRESENTATIVE) TO REQUEST ANY ITEM OR SERVICE AS A CONDITION OF ADMISSION OR CONTINUED STAY; AND

(iii) INFORM THE RESIDENT (OR THE RESIDENT'S REPRESENTATIVE) REQUESTING AN ITEM OR SERVICES FOR WHICH A CHARGE WILL BE MADE THAT THERE WILL BE A CHARGE FOR THE ITEM OR SERVICE AND WHAT THE CHARGE WILL BE.

(7) **FREE CHOICE.** THE RESIDENT HAS THE RIGHT TO:

(a) CHOOSE A PERSONAL ATTENDING PHYSICIAN;

(b) BE FULLY INFORMED IN ADVANCE ABOUT CARE AND TREATMENT AND OF ANY CHANGES IN THAT CARE OR TREATMENT THAT MAY AFFECT THE RESIDENT'S WELL-BEING; AND

(c) UNLESS ADJUDGED INCOMPETENT OR OTHERWISE FOUND TO BE INCAPACITATED UNDER THE LAWS OF THE STATE, PARTICIPATE IN PLANNING CARE AND TREATMENT OR CHANGES IN CARE AND TREATMENT.

(8) **PRIVACY AND CONFIDENTIALITY.** THE RESIDENT HAS THE RIGHT TO PERSONAL PRIVACY AND CONFIDENTIALITY OF HIS OR HER PERSONAL AND CLINICAL RECORDS.

(a) PERSONAL PRIVACY INCLUDES ACCOMMODATIONS, MEDICAL TREATMENT, WRITTEN AND TELEPHONE COMMUNICATIONS, PERSONAL CARE, VISITS, AND MEETINGS OF FAMILY AND RESIDENT GROUPS, BUT THIS DOES NOT REQUIRE THE NURSING HOME TO PROVIDE A PRIVATE ROOM FOR EACH RESIDENT.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (7)(c) OF THIS SECTION, THE RESIDENT MAY APPROVE OR REFUSE THE RELEASE OF PERSONAL AND CLINICAL RECORDS TO ANY INDIVIDUAL OUTSIDE THE NURSING HOME;

(c) THE RESIDENT'S RIGHT TO REFUSE RELEASE OF PERSONAL AND CLINICAL RECORDS DOES NOT APPLY WHEN:

(i) THE RESIDENT IS TRANSFERRED TO ANOTHER HEALTH CARE INSTITUTION; OR

(ii) RECORD RELEASE IS REQUIRED BY LAW.

(9) **GRIEVANCES.** A RESIDENT HAS THE RIGHT TO:

(a) VOICE GRIEVANCES WITHOUT DISCRIMINATION OR REPRISAL. SUCH GRIEVANCES INCLUDE THOSE WITH RESPECT TO TREATMENT WHICH HAS BEEN FURNISHED AS WELL AS THAT WHICH HAS NOT BEEN FURNISHED; AND

(b) PROMPT EFFORTS BY THE NURSING HOME TO RESOLVE GRIEVANCES THE RESIDENT MAY HAVE, INCLUDING THOSE WITH RESPECT TO THE BEHAVIOR OF OTHER RESIDENTS.

(10) **EXAMINATION OF SURVEY RESULTS.** A resident has the right to:

(a) Examine the results of the most recent survey or complaint investigation of the nursing home conducted by federal and state surveyors or inspectors and plans of correction in effect with respect to the facility. The nursing home shall:

(i) Publicly post a copy of the most recent survey and complaint investigation until the violation is corrected to the satisfaction of the department up to a maximum of one hundred twenty days;

(ii) Make a copy of the survey results available for examination in a place readily accessible to residents;

(iii) Post a notice that the results of the survey or investigation are available and the location of the surveys when not posted; and

(iv) Post surveys and notices in a place or places in plain view of the residents in the nursing home, persons visiting those residents, and persons who inquire about placement in the facility; and

(b) RECEIVE INFORMATION FROM AGENCIES ACTING AS CLIENT ADVOCATES, AND BE AFFORDED THE OPPORTUNITY TO CONTACT THESE AGENCIES.

(11) **WORK.** THE RESIDENT HAS THE RIGHT TO:

(a) REFUSE TO PERFORM SERVICES FOR THE NURSING HOME;

(b) PERFORM SERVICES FOR THE NURSING HOME, IF HE OR SHE CHOOSES, WHEN:

(i) THE FACILITY HAS DOCUMENTED THE NEED OR DESIRE FOR WORK IN THE PLAN OF CARE;

(ii) THE PLAN SPECIFIES THE NATURE OF THE SERVICES PERFORMED AND WHETHER THE SERVICES ARE VOLUNTARY OR PAID;

(iii) COMPENSATION FOR PAID SERVICES IS AT OR ABOVE PREVAILING RATES; AND

(iv) THE RESIDENT AGREES TO THE WORK ARRANGEMENT DESCRIBED IN THE PLAN OF CARE.

(12) **MAIL.** THE RESIDENT HAS THE RIGHT TO PRIVACY IN WRITTEN COMMUNICATIONS, INCLUDING THE RIGHT TO:

(a) SEND AND PROMPTLY RECEIVE MAIL THAT IS UNOPENED; AND

(b) HAVE ACCESS TO STATIONERY, POSTAGE AND WRITING IMPLEMENTS AT THE RESIDENT'S OWN EXPENSE.

(13) **ACCESS AND VISITATION RIGHTS.**

(a) THE RESIDENT HAS THE RIGHT AND THE NURSING HOME MUST PROVIDE IMMEDIATE ACCESS TO ANY RESIDENT BY THE FOLLOWING:

(i) ANY REPRESENTATIVE OF THE SECRETARY;

(ii) ANY REPRESENTATIVE OF THE STATE;

(iii) THE RESIDENT'S INDIVIDUAL PHYSICIAN;

(iv) ANY REPRESENTATIVE OF THE STATE LONG TERM CARE OMBUDSMAN (ESTABLISHED UNDER SECTION 307(A)(12) OF THE OLDER AMERICAN'S ACT OF 1965);

(v) THE AGENCY RESPONSIBLE FOR THE PROTECTION AND ADVOCACY SYSTEM FOR DEVELOPMENTALLY DISABLED INDIVIDUALS (ESTABLISHED UNDER PART C OF THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT);

(vi) THE AGENCY RESPONSIBLE FOR THE PROTECTION AND ADVOCACY SYSTEM FOR MENTALLY ILL INDIVIDUALS (ESTABLISHED UNDER THE PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT);

(vii) SUBJECT TO THE RESIDENT'S RIGHT TO DENY OR WITHDRAW CONSENT AT ANY TIME, IMMEDIATE FAMILY OR OTHER RELATIVES OF THE RESIDENT; AND

(viii) SUBJECT TO REASONABLE RESTRICTIONS AND THE RESIDENT'S RIGHT TO DENY OR WITHDRAW CONSENT AT ANY TIME, OTHERS WHO ARE VISITING WITH THE CONSENT OF THE RESIDENT.

(b) THE NURSING HOME MUST PROVIDE REASONABLE ACCESS TO ANY RESIDENT BY ANY ENTITY OR INDIVIDUAL THAT PROVIDES HEALTH, SOCIAL, LEGAL, OR OTHER SERVICES TO THE RESIDENT, SUBJECT TO THE RESIDENT'S RIGHT TO DENY OR WITHDRAW CONSENT AT ANY TIME.

(c) THE NURSING HOME MUST ALLOW REPRESENTATIVES OF THE STATE OMBUDSMAN, DESCRIBED IN PARAGRAPH (13) (A)(IV) OF THIS SECTION, TO EXAMINE A RESIDENT'S CLINICAL RECORDS WITH THE PERMISSION OF THE RESIDENT OR THE RESIDENT'S SURROGATE DECISION MAKER, AND CONSISTENT WITH STATE LAW.

(14) **TELEPHONE.** The resident has the right to have twenty-four hour access to a telephone which:

(a) Provides auditory privacy; and

(b) Is accessible to a person with a disability and accommodates a person with sensory impairment.

(15) **PERSONAL PROPERTY.**

(a) THE RESIDENT HAS THE RIGHT TO RETAIN AND USE PERSONAL POSSESSIONS, INCLUDING SOME FURNISHINGS, AND APPROPRIATE CLOTHING, AS SPACE PERMITS, UNLESS TO DO SO WOULD INFRINGE UPON THE RIGHTS OR HEALTH AND SAFETY OF OTHER RESIDENTS.

(b) The nursing home shall allow the resident to provide his or her own bed and other furniture, if desired and space permits, unless to do so would infringe on the rights or health and safety of other residents.

(c) No nursing home shall require residents to sign waivers of potential liability for losses of personal property.

(d) The nursing home shall have a system in place to safeguard personal property within the nursing home.

(16) **ROOMMATES/ROOMS.**

(a) A RESIDENT SHALL HAVE THE RIGHT TO SHARE A ROOM WITH HIS OR HER SPOUSE WHEN MARRIED RESIDENTS LIVE IN THE SAME FACILITY AND BOTH SPOUSES CONSENT TO THE ARRANGEMENT; AND

(b) A resident shall have the right to receive three days notice of change in room or roommate except where the move is at the resident's request, a longer or shorter notice is required to protect the health or safety of the person or other resident, or an admission is necessary.

(c) The nursing home shall make reasonable efforts to accommodate residents wanting to share the same room;

(17) **SELF-ADMINISTRATION OF DRUGS.** AN INDIVIDUAL RESIDENT MAY SELF-ADMINISTER DRUGS IF THE INTERDISCIPLINARY TEAM HAS DETERMINED THAT THIS PRACTICE IS SAFE.

(18) **REFUSAL OF CERTAIN TRANSFERS.**

(a) AN INDIVIDUAL RESIDENT HAS THE RIGHT TO REFUSE A TRANSFER TO ANOTHER ROOM WITHIN THE INSTITUTION, IF THE PURPOSE OF THE TRANSFER IS TO RELOCATE:

(i) A RESIDENT OF A SNF FROM THE DISTINCT PART OF THE INSTITUTION THAT IS A SNF TO A PART OF THE INSTITUTION THAT IS NOT A SNF, OR

(ii) A RESIDENT OF A NF FROM THE DISTINCT PART OF THE INSTITUTION THAT IS A NF TO A DISTINCT PART OF THE INSTITUTION THAT IS A SNF.

(b) A RESIDENT'S EXERCISE OF THE RIGHT TO REFUSE TRANSFER UNDER PARAGRAPH (18)(a) OF THIS SECTION DOES NOT AFFECT THE INDIVIDUAL'S ELIGIBILITY OR ENTITLEMENT TO MEDICARE OR MEDICAID BENEFITS.

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

NEW SECTION

WAC 388-97-075 Nursing home practices—Resident restraint and prevention of abuse. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.13 will be deemed to meet subsections (2)(a) and (7) through (12) of this section.

(2) The resident has the right to be free from any physical or chemical restraints imposed for purposes of:

(a) DISCIPLINE OR CONVENIENCE, AND NOT REQUIRED TO TREAT THE RESIDENT'S MEDICAL SYMPTOMS; OR

(b) Preventing or limiting independent mobility or activity, except that a restraint may be used in a bona fide emergency situation when necessary to prevent a person from inflicting injury upon self or others. The nursing home shall obtain within seventy-two hours a physician's order for proper treatment resolving the emergency situation and eliminating the cause for the restraint. Intermediate care facilities for the mentally retarded (ICF/MR) are not required to obtain a physician's order for emergency restraints.

(3) The nursing home shall have written policies and procedures in place governing:

(a) Use of chemical and physical restraints;

(b) The personnel authorized to administer restraints in an emergency; and

(c) Monitoring and controlling the use of restraints.

(4) In certain situations, physical restraints may be necessary for persons with acute or chronic physical impairments. In these situations, the nursing home shall ensure the use of physical restraints is related to a specific need or problem identified in the comprehensive care plan.

(5) In any situation where chemical or physical restraint is used for a resident, the nursing home shall ensure:

(a) The informed consent process is followed as described under WAC 388-97-060; and

(b) The resident's care plan provides approaches to diminish or eliminate the use of the restraint, where possible.

(6) The nursing home shall ensure that any resident physically restricted is released:

(a) At intervals not to exceed two hours; and

(b) For periods long enough to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

(7) THE RESIDENT HAS THE RIGHT TO BE FREE FROM VERBAL, SEXUAL, PHYSICAL AND MENTAL ABUSE, CORPORAL PUNISHMENT; AND INVOLUNTARY SECLUSION.

(8) THE NURSING HOME SHALL DEVELOP AND IMPLEMENT WRITTEN POLICIES AND PROCEDURES THAT PROHIBIT MISTREATMENT, NEGLIGENCE AND ABUSE OF RESIDENTS AND MISAPPROPRIATION OF RESIDENT PROPERTY.

(9) THE NURSING HOME SHALL:

(a) NOT USE VERBAL, MENTAL, SEXUAL, OR PHYSICAL ABUSE, CORPORAL PUNISHMENT OR INVOLUNTARY SECLUSION;

(b) NOT EMPLOY PERSONS WHO HAVE BEEN:

(i) FOUND GUILTY OF ABUSING, NEGLECTING OR MISTREATING RESIDENTS; BY A COURT OF LAW; OR

(ii) HAVE HAD A FINDING ENTERED INTO THE STATE NURSE AIDE REGISTRY CONCERNING ABUSE, NEGLIGENCE, MISTREATMENT OF RESIDENTS, AND MISAPPROPRIATION OF THEIR PROPERTY; AND

(c) REPORT ANY KNOWLEDGE IT HAS OF ACTIONS BY A COURT OF LAW AGAINST AN EMPLOYEE, WHICH WOULD INDICATE UNFITNESS FOR SERVICES AS A NURSE AIDE OR OTHER FACILITY STAFF TO THE STATE NURSE AID REGISTRY OR LICENSING AUTHORITIES.

(10) THE NURSING HOME SHALL ENSURE THAT ALL ALLEGED VIOLATIONS INVOLVING MISTREATMENT, NEGLIGENCE

OR ABUSE INCLUDING INJURIES OF UNKNOWN SOURCE, AND MISAPPROPRIATION OF RESIDENT PROPERTY ARE REPORTED IMMEDIATELY TO THE ADMINISTRATOR OF THE FACILITY AND TO OTHER OFFICIALS IN ACCORDANCE WITH STATE LAW THROUGH ESTABLISHED PROCEDURES (INCLUDING TO THE STATE SURVEY AND CERTIFICATION AGENCY).

(11) THE NURSING HOME SHALL:

(a) HAVE EVIDENCE THAT ALL ALLEGED VIOLATIONS ARE THOROUGHLY INVESTIGATED, AND

(b) PREVENT FURTHER POTENTIAL ABUSE WHILE THE INVESTIGATION IS IN PROGRESS.

(12) THE RESULTS OF ALL INVESTIGATIONS SHALL BE REPORTED TO THE ADMINISTRATOR OR HIS DESIGNATED REPRESENTATIVE AND TO OTHER OFFICIALS IN ACCORDANCE WITH STATE LAW (INCLUDING TO THE STATE SURVEY AND CERTIFICATION AGENCY) WITHIN FIVE WORKING DAYS OF THE INCIDENT, AND IF THE ALLEGED VIOLATION IS VERIFIED APPROPRIATE CORRECTIVE ACTION MUST BE TAKEN.

(13) Nothing in this section precludes intermediate care facilities for the mentally retarded from using involuntary seclusion in accordance with the requirements of 42 C.F.R., Part 483, Subpart I.

QUALITY OF LIFENEW SECTION

WAC 388-97-080 Quality of life. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.15 will be deemed to meet subsections (2) through (10), except (7)(b), (9)(b) and (c) and (10).

THE NURSING HOME SHALL CARE FOR ITS RESIDENTS IN A MANNER AND IN AN ENVIRONMENT THAT PROMOTES MAINTENANCE OR ENHANCEMENT OF EACH RESIDENT'S QUALITY OF LIFE.

(2) **DIGNITY.**

(a) THE NURSING HOME SHALL PROMOTE CARE FOR RESIDENTS IN A MANNER AND IN AN ENVIRONMENT THAT MAINTAINS OR ENHANCES EACH RESIDENT'S DIGNITY AND RESPECT IN FULL RECOGNITION OF HIS OR HER INDIVIDUALITY; AND

(b) THE NURSING HOME SHALL PROVIDE TREATMENT AND CARE OF EACH RESIDENT'S PERSONAL CARE NEEDS IN A PRIVATE AREA FREE FROM EXPOSURE TO PERSONS NOT INVOLVED IN PROVIDING THE CARE.

(3) **SELF-DETERMINATION AND PARTICIPATION.**

THE RESIDENT HAS THE RIGHT TO:

(a) CHOOSE ACTIVITIES, SCHEDULES, AND HEALTH CARE CONSISTENT WITH HIS OR HER INTERESTS, ASSESSMENTS, AND PLANS OF CARE;

(b) INTERACT WITH MEMBERS OF THE COMMUNITY BOTH INSIDE AND OUTSIDE THE NURSING HOME; AND

(c) MAKE CHOICES ABOUT ASPECTS OF HIS OR HER LIFE IN THE FACILITY THAT ARE SIGNIFICANT TO THE RESIDENT.

(4) **PARTICIPATION IN RESIDENT AND FAMILY GROUPS.**

(a) A RESIDENT HAS THE RIGHT TO ORGANIZE AND PARTICIPATE IN RESIDENT GROUPS IN THE NURSING HOME;

(b) A RESIDENT'S FAMILY HAS THE RIGHT TO MEET IN THE NURSING HOME WITH THE FAMILIES OF OTHER RESIDENTS IN THE FACILITY;

(c) THE NURSING HOME SHALL PROVIDE A RESIDENT OR FAMILY GROUP, IF ONE EXISTS, WITH PRIVATE SPACE;

(d) STAFF OR VISITORS MAY ATTEND MEETINGS AT THE GROUP'S INVITATION;

(e) THE NURSING HOME SHALL PROVIDE A DESIGNATED STAFF PERSON RESPONSIBLE FOR PROVIDING ASSISTANCE AND RESPONDING TO WRITTEN REQUESTS THAT RESULT FROM GROUP MEETINGS; AND

(f) WHEN A RESIDENT OR FAMILY GROUP EXISTS, THE NURSING HOME SHALL LISTEN TO THE VIEWS AND ACT UPON THE GRIEVANCES AND RECOMMENDATIONS OF RESIDENTS AND

FAMILIES CONCERNING PROPOSED POLICY AND OPERATIONAL DECISIONS AFFECTING RESIDENT CARE AND LIFE IN THE NURSING HOME.

(5) PARTICIPATION IN OTHER ACTIVITIES.

A RESIDENT HAS THE RIGHT TO PARTICIPATE IN SOCIAL, RELIGIOUS, AND COMMUNITY ACTIVITIES THAT DO NOT INTERFERE WITH THE RIGHTS OF OTHER RESIDENTS IN THE NURSING HOME.

(6) ACCOMMODATION OF NEEDS. A RESIDENT HAS THE RIGHT TO RESIDE AND RECEIVE SERVICES IN THE NURSING HOME WITH REASONABLE ACCOMMODATION OF INDIVIDUAL NEEDS AND PREFERENCES, EXCEPT WHEN THE HEALTH OR SAFETY OF THE INDIVIDUAL OR OTHER RESIDENTS WOULD BE ENDANGERED;

(7) ACTIVITIES.

THE NURSING HOME SHALL:

(a) PROVIDE FOR AN ONGOING PROGRAM OF ACTIVITIES DESIGNED TO MEET, IN ACCORDANCE WITH THE COMPREHENSIVE ASSESSMENT, THE INTERESTS AND THE PHYSICAL, MENTAL, AND PSYCHOSOCIAL WELL-BEING OF EACH RESIDENT;

(b) Provide activities meaningful to the residents seven days a week at various times throughout the day and evening based on individual resident's need and preference;

(c) THE ACTIVITIES PROGRAM MUST BE DIRECTED BY A QUALIFIED PROFESSIONAL WHO:

(i) IS A QUALIFIED THERAPEUTIC RECREATION SPECIALIST OR AN ACTIVITIES PROFESSIONAL WHO:

(A) IS LICENSED OR REGISTERED, IF APPLICABLE, BY WASHINGTON STATE; AND

(B) IS ELIGIBLE FOR CERTIFICATION AS A THERAPEUTIC RECREATION SPECIALIST OR AS AN ACTIVITIES PROFESSIONAL BY A RECOGNIZED ACCREDITING BODY ON OR AFTER OCTOBER 1, 1990; OR

(ii) HAS TWO YEARS OF EXPERIENCE IN A SOCIAL OR RECREATIONAL PROGRAM WITHIN THE LAST FIVE YEARS, ONE OF WHICH WAS FULL-TIME IN A PATIENT ACTIVITIES PROGRAM IN A HEALTH CARE SETTING; OR

(iii) HAS COMPLETED A TRAINING COURSE APPROVED BY THE STATE.

(8) SOCIAL SERVICES.

(a) THE NURSING HOME SHALL PROVIDE MEDICALLY-RELATED SOCIAL SERVICES TO ATTAIN OR MAINTAIN THE HIGHEST PRACTICABLE PHYSICAL, MENTAL, AND PSYCHOSOCIAL WELL-BEING OF EACH RESIDENT.

(b) A NURSING HOME WITH MORE THAN ONE HUNDRED TWENTY BEDS SHALL EMPLOY A QUALIFIED SOCIAL WORKER ON A FULL-TIME BASIS.

(c) A QUALIFIED SOCIAL WORKER IS AN INDIVIDUAL WITH:

(i) A BACHELOR'S DEGREE IN SOCIAL WORK OR A BACHELOR'S DEGREE IN A HUMAN SERVICES FIELD INCLUDING BUT NOT LIMITED TO SOCIOLOGY, SPECIAL EDUCATION, REHABILITATION COUNSELING, AND PSYCHOLOGY; AND

(ii) ONE YEAR OF SUPERVISED SOCIAL WORK EXPERIENCE IN A HEALTH CARE SETTING WORKING DIRECTLY WITH INDIVIDUALS.

(9) ENVIRONMENT. The nursing home shall:

(a) PROVIDE A SAFE, CLEAN, COMFORTABLE, AND HOME-LIKE ENVIRONMENT, ALLOWING THE RESIDENT TO USE HIS OR HER PERSONAL BELONGINGS TO THE EXTENT POSSIBLE;

(b) Provide housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior; and

(c) Maintain comfortable sound levels, to include:

(i) Minimizing the use of the public address system to ensure each use is in the best interest of the residents; and

(ii) Taking reasonable precautions with noisy services so as not to disturb residents, particularly during their sleeping time.

(10) PETS.

(a) Each resident shall have a reasonable opportunity to have regular contact with animals.

(b) The nursing home shall consider the recommendations of nursing home residents, resident councils, and staff, and shall:

(i) Determine the method or methods of providing residents access to animals;

(ii) Determine the type and number of animals available in the facility. Such animals may include those customarily considered domestic pets. Wild or exotic animals prohibited as pets under state law are not allowed;

(iii) Ensure the rights, preferences, and medical needs of an individual resident is not compromised by the presence of an animal; and

(iv) Ensure any animal visiting or living on the premises has a suitable temperament, is healthy, and otherwise poses no significant health or safety risks to residents, staff, or visitors.

(c) Animals living on the nursing home premises shall:

(i) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state; and

(ii) Be veterinarian certified to be free of diseases transmittable to humans.

(d) Pets shall be restricted from areas where food is prepared, treatments are being performed, or when residents object to the presence of pets.

ASSESSMENT AND PLANS OF CARE

NEW SECTION

WAC 388-97-085 Resident assessment (1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.20 will be deemed to meet this section.

(2) THE NURSING HOME SHALL PROVIDE RESIDENT CARE BASED ON A SYSTEMATIC, COMPREHENSIVE, INTERDISCIPLINARY ASSESSMENT, AND CARE PLANNING PROCESS IN WHICH THE RESIDENT ACTIVELY PARTICIPATES.

(3) THE NURSING HOME SHALL:

(a) CONDUCT INITIALLY AND PERIODICALLY A COMPREHENSIVE, ACCURATE, STANDARDIZED, REPRODUCIBLE ASSESSMENT OF EACH RESIDENT'S FUNCTIONAL CAPACITY.

(b) AT THE TIME EACH RESIDENT IS ADMITTED, HAVE PHYSICIAN ORDERS FOR THE RESIDENT'S IMMEDIATE CARE; AND

(c) ENSURE THAT THE COMPREHENSIVE ASSESSMENT OF A RESIDENT'S NEEDS DESCRIBES THE RESIDENT'S CAPABILITY TO PERFORM DAILY LIFE FUNCTIONS AND SIGNIFICANT IMPAIRMENTS IN FUNCTIONAL CAPACITY.

(4) THE COMPREHENSIVE ASSESSMENT SHALL INCLUDE AT LEAST THE FOLLOWING INFORMATION:

(a) MEDICALLY DEFINED CONDITIONS AND PRIOR MEDICAL HISTORY;

(b) MEDICAL STATUS MEASUREMENT;

(c) PHYSICAL AND MENTAL FUNCTIONAL STATUS;

(d) SENSORY AND PHYSICAL IMPAIRMENTS;

(e) NUTRITIONAL STATUS AND REQUIREMENTS;

(f) SPECIAL TREATMENTS OR PROCEDURES;

(g) MENTAL AND PSYCHOSOCIAL STATUS;

(h) DISCHARGE POTENTIAL;

(i) DENTAL CONDITION;

(j) ACTIVITIES POTENTIAL;

(k) REHABILITATION POTENTIAL;

(l) COGNITIVE STATUS; AND

(m) DRUG THERAPY.

(5) THE NURSING HOME SHALL CONDUCT COMPREHENSIVE ASSESSMENTS:

(a) NO LATER THAN FOURTEEN DAYS AFTER THE DATE OF ADMISSION;

(b) PROMPTLY AFTER A SIGNIFICANT CHANGE IN THE RESIDENT'S PHYSICAL OR MENTAL CONDITION; AND

(c) IN NO CASE LESS OFTEN THAN ONCE EVERY TWELVE MONTHS.

(6) THE NURSING HOME SHALL ENSURE:

(a) EACH RESIDENT IS EXAMINED NO LESS THAN ONCE EVERY THREE MONTHS, AND AS APPROPRIATE, THE RESIDENT'S ASSESSMENT IS REVISED TO ASSURE THE CONTINUED ACCURACY OF THE ASSESSMENT; AND

(b) THE RESULTS OF THE ASSESSMENT ARE USED TO DEVELOP, REVIEW AND REVISE THE RESIDENT'S COMPREHENSIVE PLAN OF CARE UNDER WAC 388-97-150, COMPREHENSIVE CARE PLANNING.

NEW SECTION

WAC 388-97-090 Comprehensive care planning. (1) Medicaid-certified nursing facilities in compliance with federal regulations at 42 C.F.R. §483.20 will be deemed to meet subsections (2) and (3) of this section.

(2) THE NURSING HOME SHALL DEVELOP A COMPREHENSIVE CARE PLAN FOR EACH RESIDENT THAT INCLUDES MEASURABLE OBJECTIVES AND TIMETABLES TO MEET A RESIDENT'S MEDICAL, NURSING AND MENTAL AND PSYCHOSOCIAL NEEDS THAT ARE IDENTIFIED IN THE COMPREHENSIVE ASSESSMENT.

(3) THE COMPREHENSIVE CARE PLAN SHALL:

(a) DESCRIBE THE SERVICES THAT ARE TO BE FURNISHED TO ATTAIN OR MAINTAIN THE RESIDENT'S HIGHEST PRACTICABLE PHYSICAL, MENTAL, AND PSYCHOSOCIAL WELL-BEING AS REQUIRED UNDER WAC 388-97-110, QUALITY OF CARE;

(b) DESCRIBE ANY SERVICES THAT WOULD OTHERWISE BE REQUIRED, BUT ARE NOT PROVIDED DUE TO THE RESIDENT'S EXERCISE OF RIGHTS, INCLUDING THE RIGHT TO REFUSE TREATMENT (REFER TO WAC 388-97-070, RESIDENT RIGHTS, AND WAC 388-97-060, INFORMED CONSENT);

(c) BE DEVELOPED WITHIN SEVEN DAYS AFTER COMPLETION OF THE COMPREHENSIVE ASSESSMENT;

(d) BE PREPARED BY AN INTERDISCIPLINARY TEAM THAT INCLUDES THE ATTENDING PHYSICIAN, A REGISTERED NURSE WITH RESPONSIBILITY FOR THE RESIDENT, AND OTHER APPROPRIATE STAFF IN DISCIPLINES AS DETERMINED BY THE RESIDENTS NEEDS; AND

(e) INCLUDE THE PARTICIPATION OF THE RESIDENT, THE RESIDENT'S FAMILY OR THE RESIDENT'S LEGAL REPRESENTATIVE.

(4) The nursing home shall:

(a) Follow the informed consent process with the resident as specified in WAC 388-97-060, Informed consent, regarding the interdisciplinary team's care plan recommendations;

(b) Respect the resident's right to decide care plan goals and treatment choices, including acceptance or refusal of care plan recommendations;

(c) Include in the interdisciplinary care planning process:

(i) Staff members requested by the resident; and

(ii) Direct care staff who work most closely with the resident;

(d) Respect the resident's wishes regarding which persons, if any, the resident wants to take part in resident care planning functions;

(e) Provide reasonable advance notice to and reasonably accommodate the resident, the resident's surrogate decision maker, family members or other persons the resident wishes to have attend, when scheduling care planning meeting time; and

(f) Where for practical reasons any persons significant to the care planning process are unable to attend care

planning meetings, provide a method for such persons to give timely input and recommendations.

(5) The nursing home shall ensure that resident care plans include:

(a) Designation of persons responsible for carrying out the program; and

(b) Review of the comprehensive care plan at least quarterly by qualified staff.

NEW SECTION

WAC 388-97-095 Dementia care unit. (1) The nursing home with a dementia care unit shall ensure that the unit provides residents with an optimal environment to attain or maintain the highest practicable physical, mental, and psychosocial well-being. Therefore, the nursing home shall:

(a) Follow the process of informed consent/refusal before resident admission to or discharge from the unit;

(b) Base the determination of resident's admission to or transfer from the unit on the comprehensive assessment and care plan;

(c) Provide notification of additional charges, if any, for services and items in the unit; and

(d) Train unit staff in the special needs and care approaches applicable to residents with dementia. Such training shall be consistent with requirements under WAC 388-97-170 (2)(b).

(2) In the case of a person admitted directly to the special care unit from outside the nursing home, the nursing home may complete comprehensive assessment after the person's admission to the unit, provided that the facility must comply with required time frames for completion of resident assessment under WAC 388-97-085, and where applicable, completion of the resident assessment instrument as described under WAC 388-97-275.

(3) In addition to the requirements in this section, the nursing home shall ensure that dementia care units comply with requirements in WAC 388-97-350(1) for existing facilities and 388-97-460(1) for new construction.

NEW SECTION

WAC 388-97-100 Discharge planning. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.20(e) will be deemed to meet subsection (8) of this section.

(2) A resident shall have the right to attain or maintain the highest practicable physical, mental, and psychosocial well-being, and to reside in the most independent setting. Therefore, the nursing home shall:

(a) Utilize a formal resident discharge planning system with identical policies and practices for all residents regardless of source of payment;

(b) Inform the resident or resident's representative in writing of the nursing home's discharge planning system when the resident is admitted or as soon as practical after the resident's admission, including:

(i) Specific resources available to assist the resident in locating a lesser care setting;

(ii) The name of the nursing home's discharge coordinator;

(iii) In the case of a Medicaid-certified nursing facility, the address and telephone number for the local aging and adult home and community services office; and

(iv) In the case of a resident identified through PASARR as having a developmental disability, the address and telephone number for the division of developmental disabilities.

(3) The nursing home shall prepare a detailed, written transfer or discharge plan for each resident determined to have potential for transfer or discharge within the next three months. The nursing home shall:

(a) Develop and implement the plan with the active participation of the resident and, where appropriate, the resident's surrogate decision maker or representative;

(b) In the case of a Medicaid resident, coordinate the plan with aging and adult home and community services staff;

(c) In the case of a resident identified through PASARR as having a developmental disability, coordinate the plan with the division of developmental disabilities;

(d) Ensure the plan is an integral part of the resident's comprehensive plan of care and, as such, includes measurable objectives and timetables for completion;

(e) Incorporate in the plan relevant factors to include, but not be limited to:

(i) The resident's preferences;

(ii) Support system;

(iii) Assessments and plan of care; and

(iv) Availability of appropriate resources to match the resident's preferences and needs.

(f) Identify in the plan specific options for more independent placement; and

(g) Provide in the plan for the resident's continuity of care and mitigation of potential transfer trauma, including, but not limited to, pretransfer visit to the new location whenever possible.

(4) For a resident whose transfer or discharge is not anticipated in the next three months, the nursing home shall:

(a) Document the specific reasons transfer or discharge is not anticipated in that timeframe;

(b) Review the resident's potential for transfer or discharge at the time of the quarterly comprehensive care plan review. If the reasons documented under subsection (4)(a) of this section are unchanged, no additional documentation of reasons is necessary at the time of care plan review.

(5) The nursing home shall initiate discharge planning on residents described in subsection (4) of this section:

(a) At the request of the resident or the resident's representative; and

(b) When the resident's situation or status indicates transfer or discharge potential within the next three months.

(6) Each resident shall have the right to request transfer or discharge and to choose a new location. If the resident chooses to leave, the nursing home shall assist with and coordinate the resident's transfer or discharge. The resident, resident's representative, or nursing facility may request assistance from aging and adult home and community services or, where applicable, the division of developmental disabilities in the transfer or discharge planning and implementation process.

(7) The nursing home shall coordinate all resident transfers and discharges with the parties involved.

(8) WHEN A NURSING HOME ANTICIPATES DISCHARGE, A RESIDENT MUST HAVE A DISCHARGE SUMMARY THAT INCLUDES:

(a) A RECAPITULATION OF THE RESIDENT'S STAY;

(b) A FINAL SUMMARY OF THE RESIDENT'S STATUS TO INCLUDE ITEMS IN WAC 388-97-085(2), RESIDENT ASSESSMENT, AT THE TIME OF DISCHARGE THAT IS AVAILABLE FOR RELEASE TO AUTHORIZED PERSONS AND AGENCIES, WITH THE CONSENT OF THE RESIDENT OR LEGAL REPRESENTATIVE; AND

(c) A POST-DISCHARGE PLAN OF CARE THAT IS DEVELOPED WITH THE PARTICIPATION OF THE RESIDENT AND HIS OR HER FAMILY, WHICH WILL ASSIST THE RESIDENT TO ADJUST TO HIS OR HER NEW LIVING ENVIRONMENT.

NEW SECTION

WAC 388-97-105 Relocation due to decertification, license revocation closure, evacuation. (1) When the department or the federal Health Care Financing Administration terminates or does not renew a nursing home's Medicaid certification, or the department revokes or suspends the nursing home's license or orders emergency closure of a nursing home, the department shall:

(a) Notify residents and, when appropriate, resident representatives of the action; and

(b) Assist with residents' relocation and specify the location of possible alternative locations.

(2) When a resident's relocation occurs due to a nursing home's voluntary closure, or voluntary termination of its Medicaid contract:

(a) The nursing home shall:

(i) Send written notification, sixty days before closure or contract termination, to the appropriate nursing home services district manager and to all residents; and

(ii) Provide appropriate discharge planning and coordination for all residents.

(b) The department may provide a resident assistance with relocation.

(3) The nursing home shall immediately report to the department's aging and adult services administration:

(a) Any event, actual or potential, requiring the evacuation of all or part of the nursing home's residents to another address; and

(b) Circumstances which threaten the nursing home's ability to ensure continuation of services to residents.

QUALITY OF CARE

NEW SECTION

WAC 388-97-110 Quality of care. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.25 will be deemed to meet subsections (2) through (4) of this section, except for (4)(m) and (4)(n).

(2) EACH RESIDENT SHALL RECEIVE AND THE NURSING HOME SHALL PROVIDE THE NECESSARY CARE AND SERVICES TO ATTAIN OR MAINTAIN THE HIGHEST PRACTICABLE PHYSICAL, MENTAL AND PSYCHOSOCIAL WELL-BEING, SELF-CARE AND INDEPENDENCE IN ACCORDANCE WITH COMPREHENSIVE ASSESSMENT AND PLAN OF CARE.

(3) BASED ON THE COMPREHENSIVE ASSESSMENT OF A RESIDENT, THE NURSING HOME SHALL ENSURE THAT:

(a) A RESIDENT'S ABILITIES IN ACTIVITIES OF DAILY LIVING DO NOT DIMINISH UNLESS CIRCUMSTANCES OF THE RESIDENT'S CLINICAL CONDITION DEMONSTRATE THAT DIMINUTION WAS UNAVOIDABLE. THIS INCLUDES THE RESIDENT'S ABILITY TO:

- (i) BATHE, DRESS, AND GROOM;
- (ii) TRANSFER AND AMBULATE;
- (iii) TOILET;
- (iv) EAT; AND
- (v) USE SPEECH, LANGUAGE, OR OTHER FUNCTIONAL COMMUNICATION SYSTEMS.

(vi) A RESIDENT WHO IS UNABLE TO CARRY OUT ACTIVITIES OF DAILY LIVING RECEIVES THE NECESSARY SERVICES TO MAINTAIN GOOD NUTRITION, GROOMING, AND PERSONAL AND ORAL HYGIENE.

(b) A RESIDENT IS GIVEN THE APPROPRIATE TREATMENT AND SERVICES TO MAINTAIN OR IMPROVE THE RESIDENT'S ABILITIES SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION; AND

(c) A RESIDENT WHO IS UNABLE TO CARRY OUT ACTIVITIES OF DAILY LIVING RECEIVES THE NECESSARY SERVICES TO MAINTAIN GOOD NUTRITION, GROOMING, AND PERSONAL AND ORAL HYGIENE.

(4) THE NURSING HOME SHALL ENSURE APPROPRIATE CARE AND SERVICES ARE PROVIDED TO THE RESIDENT IN THE FOLLOWING AREAS, AS APPLICABLE IN ACCORDANCE WITH THE RESIDENT'S INDIVIDUALIZED ASSESSMENTS AND CARE PLAN:

- (a) VISION AND HEARING;
- (b) SKIN;
- (c) CONTINENCE;
- (d) RANGE OF MOTION;
- (e) MENTAL AND PSYCHOSOCIAL FUNCTIONING AND ADJUSTMENT;
- (f) NASOGASTRIC TUBES;
- (h) ACCIDENT PREVENTION;
- (i) NUTRITION;
- (j) HYDRATION;
- (k) SPECIAL NEEDS, INCLUDING:
 - (i) INJECTIONS;
 - (ii) PARENTERAL AND ENTERAL FLUIDS;
 - (iii) COLOSTOMY, URETEROSTOMY, OR ILEOSTOMY CARE;
 - (iv) TRACHEOSTOMY CARE;
 - (v) TRACHEAL SUCTION;
 - (vi) RESPIRATORY CARE;
 - (vii) FOOT CARE; AND
 - (viii) PROSTHESES.
- (l) MEDICATIONS, INCLUDING FREEDOM FROM:
 - (i) UNNECESSARY DRUGS;
 - (ii) NURSING HOME ERROR RATE OF FIVE PERCENT OR GREATER; AND
 - (iii) SIGNIFICANT MEDICATION ERRORS.
- (m) Self-administration of medication; and
- (n) Independent living skills.

(5) The nursing home shall ensure each resident is monitored for desired responses and undesirable side effects of prescribed drugs.

NURSING SERVICES

NEW SECTION

WAC 388-97-115 Nursing services. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.30 will be deemed to meet subsections (2) and (3) of this section.

(2) THE NURSING HOME SHALL ENSURE A SUFFICIENT NUMBER OF QUALIFIED NURSING PERSONNEL ARE AVAILABLE ON A TWENTY-FOUR HOUR BASIS SEVEN DAYS PER WEEK TO PROVIDE NURSING AND RELATED SERVICES TO ATTAIN OR MAINTAIN THE HIGHEST PRACTICABLE PHYSICAL, MENTAL AND PSYCHOSOCIAL WELL-BEING OF EACH RESIDENT AS DETERMINED BY RESIDENT ASSESSMENTS AND INDIVIDUAL PLANS OF CARE.

(3) THE NURSING HOME SHALL:

- (a) DESIGNATE A REGISTERED NURSE OR LICENSED PRACTICAL NURSE TO SERVE AS CHARGE NURSE ACCOUNTABLE FOR NURSING SERVICES ON EACH TOUR OF DUTY; AND

(b) HAVE A FULL TIME DIRECTOR OF NURSING SERVICE WHO SHALL BE A REGISTERED NURSE.

(4) The nursing home shall have:

(a) A registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week; and

(b) A registered nurse or licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week.

(c) In intermediate care facilities for the mentally retarded (ICF/MR), there shall be at least one registered nurse or licensed practical nurse on duty eight hours per day, and additional licensed staff on any shifts if indicated. Subsections (3)(a) and (4)(a) and (b) of this section do not apply to intermediate care facilities for the mentally retarded.

(5) The nursing home shall ensure that staff respond to each resident's requests for assistance in a manner which promptly meets the quality of life and quality of care needs of all the residents.

(6) The director of nursing services shall be responsible for:

- (a) Coordinating the plan of care for each resident;
- (b) Ensuring registered nurses comply with chapter 18.88 RCW, and licensed practical nurses comply with chapter 18.78 RCW; and

(c) Ensuring nursing care is based on the nursing process in accordance with nationally recognized and accepted standards of professional nursing practice.

DIETARY SERVICES

NEW SECTION

WAC 388-97-120 Dietary services. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.35 will be deemed to meet subsections (2), (3), (8), (9), (10), (12)(a) and (13) of this section.

(2) THE NURSING HOME SHALL PROVIDE EACH RESIDENT WITH A NOURISHING, PALATABLE, WELL-BALANCED DIET THAT MEETS THE DAILY NUTRITIONAL AND SPECIAL DIETARY NEEDS OF EACH RESIDENT. THE FOOD SHALL BE SERVED IN SUCH A MANNER TO BE ATTRACTIVE AND AT TEMPERATURES SAFE AND ACCEPTABLE TO THE RESIDENT.

(3) THE NURSING HOME SHALL PROVIDE A MINIMUM OF THREE MEALS IN EACH TWENTY-FOUR HOUR PERIOD, AT REGULAR TIMES COMPARABLE TO NORMAL MEAL TIMES IN THE COMMUNITY.

(4) The nursing home shall make available to residents on a daily basis fresh fruits and vegetables in season.

(5) The nursing home shall make reasonable efforts to:

(a) Accommodate individual mealtime preferences and portion sizes, as well as preferences for between meal and evening snacks when not medically contraindicated;

(b) Offer breakfast served later or an alternative to the regular breakfast for late risers; and

(c) Provide food consistent with the cultural and religious needs of the residents.

(6) The nursing home shall obtain input from residents and/or resident councils in meal planning, scheduling, and the menu selection process.

(7) The nursing home shall:

(a) Encourage residents to continue eating independently;

(b) Provide effective adaptive utensils as needed to promote independence;

(c) Allow sufficient time for eating in a relaxed manner;

(d) Provide individualized assistance as needed; and

(e) Provide table service, in a dining area/room, located outside of the resident's room, to all residents capable of eating at a table.

(8) THE NURSING HOME SHALL HAVE SUFFICIENT SUPPORT PERSONNEL COMPETENT TO CARRY OUT THE FUNCTIONS OF DIETARY SERVICE.

(9) THE FACILITY SHALL EMPLOY A REGISTERED AND CERTIFIED OR LICENSED DIETITIAN EITHER FULL-TIME, PART-TIME OR ON A CONSULTANT BASIS.

(10) IF A QUALIFIED DIETITIAN IS NOT EMPLOYED FULL-TIME, THE FACILITY SHALL EMPLOY A FOOD SERVICE MANAGER TO SERVE AS THE DIRECTOR OF FOOD SERVICE.

(11) The food service manager means a person who:

(a) Has completed a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association/Dietary Manager Association; or

(b) Has completed a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution; and

(c) Receives regularly scheduled consultation from a qualified dietitian. Consultation services include:

(i) Nutrition assessment;

(ii) Liaison with medical and nursing staff and administrator;

(iii) Inservice training;

(iv) Guidance to the director of food service and food service staff; and

(v) Approval of regular and therapeutic menus.

(12) THE DIETITIAN SHALL:

(a) APPROVE MENUS WHICH MEET THE DIETARY ALLOWANCES OF THE FOOD AND NUTRITION BOARD OF THE NATIONAL RESEARCH COUNCIL, NATIONAL ACADEMY OF SCIENCES; AND

(b) Prepare dated menus for general and modified diets at least three weeks in advance; and

(c) Retain dated menus, dated records of foods received, a record of the number of meals served, and standardized recipes for at least three months for department review as necessary.

(13) WHEN A RESIDENT REFUSES FOOD SERVED, THE FACILITY SHALL OFFER A SUBSTITUTE OF A SIMILAR NUTRITIVE VALUE.

(14) The nursing home shall:

(a) Ensure menus are followed;

(b) Post the current dated general menu, including substitutions, in the food service area and in a place accessible and conspicuous to residents and visitors; and

(c) Note any variations, to the regular menu on the menu.

(15) The nursing home shall:

(a) Ensure residents' diets are provided as prescribed by the physician. Diet modifications for texture only may be used as an interim measure when ordered by a registered nurse; and

(b) Provide supplementary fluids and nourishments in accordance with the resident's individual needs as determined by the assessment process.

(16) The nursing home shall review a resident's modified diet to ensure the food form and texture are consistent with the resident's current needs and functional level:

(a) At the request of the resident;

(b) When the resident's condition warrants; and

(c) At the time of the care plan review.

(17) The nursing home shall ensure:

(a) A resident's tube feedings are of uniform consistency and quality; and

(b) Tube feedings are prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.

(18) The nursing home shall ensure food service is in compliance with chapter 246-215 WAC, rules and regulations of the state board of health governing food services sanitation.

PHYSICIAN SERVICES

NEW SECTION

WAC 388-97-125 Physician services. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.40 will be deemed to meet subsections (2) through (9) of this section.

(2) EXCEPT AS SPECIFIED IN RCW 74.42.200, A PHYSICIAN SHALL PERSONALLY APPROVE IN WRITING A RECOMMENDATION THAT A PERSON BE ADMITTED TO A NURSING HOME.

(3) THE NURSING HOME SHALL ENSURE THAT:

(a) EXCEPT AS SPECIFIED IN RCW 74.42.200, THE MEDICAL CARE OF EACH RESIDENT IS SUPERVISED BY A PHYSICIAN; AND
(b) ANOTHER PHYSICIAN SUPERVISES THE MEDICAL CARE OF RESIDENTS WHEN THEIR ATTENDING PHYSICIAN IS UNAVAILABLE.

(4) THE NURSING HOME SHALL PROVIDE, OR ARRANGE FOR THE PROVISION, OF PHYSICIAN SERVICES TWENTY-FOUR HOURS PER DAY, IN CASE OF EMERGENCY.

(5) THE PHYSICIAN SHALL:

(a) REVIEW THE RESIDENT'S TOTAL PROGRAM OF CARE, INCLUDING MEDICATIONS AND TREATMENTS, AT EACH FEDERALLY REQUIRED VISIT;

(b) WRITE, SIGN AND DATE PROGRESS NOTES AT EACH VISIT; AND

(c) SIGN AND DATE ALL ORDERS.

(6) EXCEPT AS SPECIFIED IN SUBSECTIONS (7) AND (8) OF THIS SECTION, A PHYSICIAN MAY DELEGATE TASKS TO A PHYSICIAN'S ASSISTANT OR ADVANCED REGISTERED NURSE PRACTITIONER WHO IS:

(a) LICENSED BY THE STATE;

(b) ACTING WITHIN THE SCOPE OF PRACTICE AS DEFINED BY STATE LAW; AND

(c) UNDER THE SUPERVISION OF THE PHYSICIAN.

(7) THE PHYSICIAN MAY NOT DELEGATE A TASK WHEN THE DELEGATION IS PROHIBITED UNDER STATE LAW OR BY THE FACILITY'S OWN POLICIES.

(8) IN THE MEDICARE-CERTIFIED PORTION OF THE FACILITY, THE PHYSICIAN MAY:

(a) ALTERNATE FEDERALLY REQUIRED PHYSICIAN VISITS BETWEEN PERSONAL VISITS BY:

(i) THE PHYSICIAN; AND

(ii) AN ADVANCED REGISTERED NURSE PRACTITIONER OR PHYSICIAN'S ASSISTANT; AND

(b) NOT DELEGATE RESPONSIBILITY FOR THE INITIAL REQUIRED PHYSICIAN VISIT.

(9) IN MEDICAID-CERTIFIED NURSING FACILITIES THE PHYSICIAN MAY DELEGATE ANY FEDERALLY REQUIRED PHYSICIAN TASK, INCLUDING TASKS WHICH THE REGULATIONS SPECIFY MUST BE PERFORMED PERSONALLY BY THE PHYSICIAN, TO A PHYSICIAN'S ASSISTANT OR ADVANCED REGISTERED NURSE PRACTITIONER WHO IS NOT AN EMPLOYEE OF THE FACILITY BUT WHO IS WORKING IN COLLABORATION WITH A PHYSICIAN.

(10) The attending physician, or the physician-designated advanced registered nurse practitioner or physician's assistant shall:

(a) Participate in the interdisciplinary care planning process as described in WAC 388-97-090;

(b) Provide to the resident, or where applicable the resident's surrogate decision maker, information so the resident can make an informed consent to or refusal of care (see WAC 388-97-060, Informed consent); and

(c) Order resident self-medication when appropriate.

(11) The nursing home shall have the following medical information before or at the time of the resident's admission:

(a) A summary or summaries of the resident's current health status, including history and physical findings reflecting review of systems;

(b) Orders, as necessary for medications, treatments, diagnostic studies, specialized rehabilitative services, diet, and any restrictions related to physical mobility; and

(c) Plans for continuing care and discharge.

SPECIALIZED HABILITATIVE AND REHABILITATIVE SERVICES

NEW SECTION

WAC 388-97-130 Specialized habilitative and rehabilitative services. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.45 will be deemed to meet subsection (2) of this section.

(2) IF SPECIALIZED HABILITATIVE AND REHABILITATIVE SERVICES SUCH AS, BUT NOT LIMITED TO, PHYSICAL THERAPY, SPEECH-LANGUAGE PATHOLOGY, OCCUPATIONAL THERAPY, AND HEALTH REHABILITATIVE SERVICES FOR MENTAL ILLNESS AND MENTAL RETARDATION, ARE REQUIRED IN THE RESIDENT'S COMPREHENSIVE PLAN OF CARE, THE FACILITY SHALL:

(a) PROVIDE THE REQUIRED SERVICES; OR

(b) OBTAIN THE REQUIRED SERVICES FROM AN OUTSIDE PROVIDER OF SPECIALIZED REHABILITATIVE SERVICES.

(3) As determined by the resident's individualized comprehensive care plan, qualified therapists, as defined in WAC 388-96-010, shall provide specialized habilitative or rehabilitative services under the written order of the physician. At the qualified therapist's discretion, certain services may be delegated to and provided by support personnel under appropriate supervision.

(4) The nursing home may provide specialized rehabilitative and habilitative services to outpatients on the facility premises.

PHARMACY SERVICES

NEW SECTION

WAC 388-97-135 Pharmacy services. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.60 will be deemed to meet subsections (2) and (3) of this section.

(2) THE NURSING HOME SHALL:

(a) OBTAIN ROUTINE AND EMERGENCY DRUGS AND BIOLOGICALS FOR ITS RESIDENTS UNDER AN AGREEMENT WITH A LICENSED PHARMACY;

(b) ENSURE THAT PHARMACEUTICAL SERVICES:

(i) MEET THE NEEDS OF EACH RESIDENT;

(ii) ESTABLISH AND MONITOR SYSTEMS FOR THE ACCURATE ACQUIRING, RECEIVING, DISPENSING, AND ADMINISTERING OF ALL DRUGS AND BIOLOGICALS; AND

(c) EMPLOY OR OBTAIN THE SERVICES OF A LICENSED PHARMACIST WHO SHALL:

(i) PROVIDE CONSULTATION ON ALL ASPECTS OF THE PROVISION OF PHARMACY SERVICES IN THE NURSING HOME;

(ii) DETERMINE THAT NURSING HOME DRUG RECORDS ARE IN ORDER;

(iii) PERFORM REGULAR REVIEWS AT LEAST ONCE EACH MONTH OF EACH RESIDENT'S DRUG THERAPY; AND

(iv) DOCUMENT AND REPORT DRUG IRREGULARITIES TO THE ATTENDING PHYSICIAN AND THE DIRECTOR OF NURSING.

(3) DRUGS AND BIOLOGICALS USED IN THE NURSING HOME SHALL BE LABELED AND STORED IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAWS.

(4) The nursing home shall provide pharmaceutical services that:

(a) Meet recognized and accepted standards of pharmacy practice; and

(b) Comply with chapter 246-865 WAC, Pharmaceutical services—extended care facility, except nursing home staff administering drugs to residents may document administration at the time of pouring the drug or immediately after administration.

(5) The nursing home shall ensure:

(a) Education and training for nursing home staff by the licensed pharmacist on drug-related subjects including, but not limited to:

(i) Recognized and accepted standards of pharmacy practice and applicable pharmacy laws and rules;

(ii) Appropriate monitoring of residents by staff to determine desired effect and undesirable side effects of drug regimens; and (iii) Use of psychotropic drugs.

(b) Pharmacist monthly drug review reports are acted on in a timely and effective manner;

(c) Accurate detection, documentation, reporting and resolution of drug errors and adverse drug reactions;

(d) Only persons authorized by state law to do so shall receive drug orders and administer drugs;

(6) The resident shall have the choice of pharmacies when purchasing prescription and nonprescription drugs as long as the

following conditions are met to ensure the resident is protected from medication errors:

(a) The medications are delivered in a unit of use compatible with the established system of the facility for dispensing drugs; and

(b) The medications are delivered in a timely manner to prevent interruption of dose schedule.

INFECTION CONTROL

NEW SECTION

WAC 388-97-140 Infection control. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.65 will be deemed to meet the requirements of subsections (2), (3), and (4).

(2) THE NURSING HOME SHALL:

(a) ESTABLISH AND MAINTAIN AN EFFECTIVE INFECTION CONTROL PROGRAM DESIGNED TO PROVIDE A SAFE, SANITARY, AND COMFORTABLE ENVIRONMENT AND TO HELP PREVENT THE DEVELOPMENT AND TRANSMISSION OF DISEASE AND INFECTION;

(b) PROHIBIT ANY EMPLOYEE WITH A COMMUNICABLE DISEASE OR INFECTED SKIN LESION FROM DIRECT CONTACT

WITH RESIDENTS OR THEIR FOOD, IF DIRECT CONTACT COULD TRANSMIT THE DISEASE; AND

(c) REQUIRE STAFF TO WASH THEIR HANDS AFTER EACH DIRECT RESIDENT CONTACT FOR WHICH HANDWASHING IS INDICATED BY ACCEPTED PROFESSIONAL PRACTICE.

(3) UNDER THE INFECTION CONTROL PROGRAM, THE NURSING HOME SHALL:

(a) INVESTIGATE, CONTROL AND PREVENT INFECTIONS IN THE FACILITY;

(b) DECIDE WHAT PROCEDURES SHOULD BE APPLIED IN INDIVIDUAL CIRCUMSTANCES; AND

(c) MAINTAIN A RECORD OF INCIDENCE OF INFECTION AND CORRECTIVE ACTION TAKEN.

(4) NURSING HOME PERSONNEL MUST HANDLE, STORE, PROCESS, AND TRANSPORT LINENS SO AS TO PREVENT THE SPREAD OF INFECTION.

(5) The nursing home shall report any case or suspected case of a reportable disease to the appropriate department of health officer.

(6) The nursing home shall develop and implement effective methods for the safe storage, transport and disposal of garbage, refuse and infectious waste, consistent with all applicable local, state, and federal requirements for such disposal.

(7) The nursing home shall provide areas, equipment, and supplies to implement an effective infection control program. The nursing home shall ensure:

(a) Ready availability of hand cleaning supplies and appropriate drying equipment or material at each sink;

(b) Safe use of disposable and single service supplies and equipment;

(c) Effective procedures for cleaning, disinfecting or sterilizing according to equipment use;

(d) Chemicals and equipment used for cleaning, disinfecting, and sterilizing, including chemicals used to launder personal clothing, are used in accordance with manufacturer's directions and recommendations; and

(e) Safe and effective procedures for disinfecting:

(i) All bathing and therapy tubs between each resident use; and

(ii) Swimming pools, spas and hot tubs.

NEW SECTION

WAC 388-97-145 Early identification of persons with active tuberculosis. The nursing home shall take steps to identify in a timely manner and follow-up residents and personnel who have active tuberculosis.

(1) The nursing home shall administer and interpret initial and follow-up tuberculin skin tests by the Mantoux method according to guidelines from the Centers on Disease Control. The nursing home shall ensure:

(a) Skin test results are recorded in millimeters of induration; and

(b) A reaction of ten millimeters or more induration is read as a positive reaction. The exception to this ruling is that a reaction of five millimeters or more induration is read as a positive reaction for:

(i) Immunosuppressed persons; that is, persons with acquired immune deficiency syndrome (AIDS) or persons on high doses or immunosuppressive drugs;

(ii) Persons with recent contact with suspected or confirmed tuberculosis cases; and

(iii) Persons with abnormal chest radiographs consistent with tuberculosis.

(2) RESIDENTS. The nursing home shall:

(a) Conduct resident tuberculin skin tests within three days of admission. No skin testing is necessary on admission when there is documentation of:

(i) A positive reaction, as defined in subsection (1) of this section, to a previous Mantoux skin test;

(ii) Adequate therapy for active disease; or

(iii) Adequate preventive therapy.

(b) In the case of a resident thirty-five years of age or older with a negative reaction to the tuberculin skin test, conduct a second skin test within one to three weeks after the first test, unless there is documentation of a skin test within the preceding six months;

(c) Ensure that staff evaluate each resident who has a positive reaction to the tuberculin skin test for signs and symptoms of tuberculosis (productive cough, coughing up blood, weight loss, loss of appetite, lethargy/weakness, night sweats, or fever);

(d) Ensure that a resident who shows positive symptoms of tuberculosis has a chest radiograph within five days of detection of the symptoms; and

(e) Retain in the resident's clinical record:

(i) Tuberculin skin test results, or waiver from skin testing as described in subsection (6) of this section; and

(ii) Other relevant findings.

(3) A resident who is admitted or re-admitted from a continuous stay in a hospital or other nursing home and who has evidence of tuberculosis skin testing shall be exempt from re-testing on re-admission.

(4) PERSONNEL. The nursing home shall:

(a) Conduct personnel tuberculin skin tests within three days of employment. No skin testing is necessary upon employment when there is documentation of:

(i) A positive reaction, as defined in subsection (1) of this section, to a previous Mantoux skin test;

(ii) Adequate therapy for active disease; or

(iii) Adequate preventive therapy.

(b) In the case of personnel thirty-five years of age or older with a negative reaction to the tuberculin skin test, conduct a second test within one to three weeks after the first test, unless there is documentation of a skin test in the preceding six months;

(c) Ensure that personnel with a positive reaction after either test have a chest radiograph within five days;

(d) Ensure re-testing of personnel with negative reactions are conducted annually to identify a person whose tuberculin skin tests converts to positive;

(e) Retain in the employee's record for the duration of employment:

(i) Tuberculin skin test results, or waiver from skin testing as described in subsection (6) of this section; and

(ii) Other relevant findings.

(f) Provide the employee a copy of the records referred to in subsection (4)(e) of this section.

(5) The local health department may require additional tuberculin testing of residents or personnel as necessary for contact investigation.

(6) WAIVERS. A resident or an employee may request a waiver from the required tuberculin skin tests. The department of health will decide whether the waiver shall be granted and will notify the requesting person. Requests for waivers shall:

- (a) Be directed to the tuberculosis control program, department of health; and
- (b) Include supporting medical data, or other compelling reasons for the request.

NEW SECTION**WAC 388-97-150 Surveillance and management of tuberculosis.** (1) The nursing home shall:

- (a) Ensure compliance with nationally recognized tuberculosis standards, and applicable state law; and
 - (b) Evaluate any resident or employee with symptoms suggestive of tuberculosis regardless of whether tuberculin skin test results are positive or negative.
- (2) In the case where tuberculosis is suspected or diagnosed, the nursing home shall:
- (a) Notify the local public health officer so that appropriate contact investigation can be performed;
 - (b) Institute appropriate measures for control of the transmission of droplet nuclei; and
 - (c) Apply appropriate work restrictions where personnel are, or may be, infectious and pose a risk to residents and other personnel.

NEW SECTION**WAC 388-97-155 Care of residents with active tuberculosis.** (1) Where the nursing home accepts the care of a resident with suspected or confirmed tuberculosis, the nursing home shall:

- (a) Coordinate the resident's admission, nursing home care, discharge planning, and discharge with the local health officer or officer designee; and
 - (b) Provide necessary education about tuberculosis for staff, visitors, and residents.
- (2) For a resident who requires respiratory isolation for tuberculosis, the nursing home shall:
- (a) Provide a private or semiprivate isolation room:
 - (i) In accordance with WAC 388-97-330(2), Resident rooms;
 - (ii) In which room air is maintained under negative pressure; and appropriately exhausted, either directly to the outside away from intake vents or through properly designed, installed, and maintained high efficiency particulate air (HEPA) filters;
 - (b) Provide supplemental environment approaches, such as ultraviolet lights, where deemed to be necessary;
 - (c) Provide appropriate protective equipment for staff and visitors; and
 - (d) Have measures in place for the decontamination of equipment and other items used by the resident.
- (3) When a semiprivate isolation room is utilized, the nursing home shall ensure that only residents requiring respiratory isolation for confirmed or suspected tuberculosis are placed together.

ADMINISTRATIONNEW SECTION

WAC 388-97-160 General administration. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75 will be deemed to meet subsections (2) through (6) of this section.

(2) THE NURSING HOME SHALL BE ADMINISTERED IN A MANNER THAT ENABLES IT TO USE ITS RESOURCES EFFECTIVELY AND EFFICIENTLY TO ATTAIN OR MAINTAIN THE HIGHEST PRACTICABLE PHYSICAL, MENTAL, AND PSYCHOSOCIAL WELL BEING OF EACH RESIDENT.

(3) THE NURSING HOME MUST:

- (a) BE LICENSED UNDER CHAPTER 18.51 RCW;
- (b) OPERATE AND PROVIDE SERVICES IN COMPLIANCE WITH:
 - (i) ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND CODES;
 - (ii) ACCEPTED PROFESSIONAL STANDARDS AND PRINCIPLES THAT APPLY TO PROFESSIONALS PROVIDING SERVICES IN NURSING HOMES; AND
 - (c) HAVE A GOVERNING BODY OR DESIGNATED PERSONS FUNCTIONING AS A GOVERNING BODY, THAT IS LEGALLY RESPONSIBLE FOR ESTABLISHING AND IMPLEMENTING POLICIES REGARDING THE MANAGEMENT AND OPERATION OF THE NURSING HOME.

(4) THE GOVERNING BODY OF THE NURSING HOME SHALL APPOINT THE ADMINISTRATOR WHO IS:

- (a) LICENSED BY THE STATE; AND
- (b) RESPONSIBLE FOR MANAGEMENT OF THE FACILITY.

(5) THE NURSING HOME SHALL EMPLOY ON A FULL TIME, PART TIME OR CONSULTANT BASIS THOSE PROFESSIONALS NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS CHAPTER.

(6) IF THE NURSING HOME DOES NOT EMPLOY A QUALIFIED PROFESSIONAL PERSON TO FURNISH A SPECIFIC SERVICE TO BE PROVIDED BY THE NURSING HOME, THE NURSING HOME SHALL:

- (a) HAVE THAT SERVICE FURNISHED TO RESIDENTS BY A PERSON OR AGENCY OUTSIDE THE NURSING HOME UNDER A WRITTEN ARRANGEMENT OR AGREEMENT; AND
- (b) ENSURE THE ARRANGEMENT OR AGREEMENT REFERRED TO IN SUBSECTION (6)(a) OF THIS SECTION SPECIFIES IN WRITING THAT THE NURSING HOME ASSUMES RESPONSIBILITY FOR:
 - (i) OBTAINING SERVICES THAT MEET PROFESSIONAL STANDARDS AND PRINCIPLES THAT APPLY TO PROFESSIONALS PROVIDING SERVICES IN NURSING HOMES; AND
 - (ii) THE TIMELINESS OF SERVICES.

(7) The nursing home administrator shall comply with all requirements of chapter 18.52 RCW and all regulations promulgated thereunder.

(8) The nursing home shall report to the local law enforcement agency any person threatening bodily harm or causing a disturbance of such magnitude as to threaten any person's welfare and safety.

NEW SECTION

WAC 388-97-165 Staff and equipment. (1) The nursing home shall ensure:

- (a) Sufficient numbers of appropriately qualified and trained staff are available to provide necessary care and services safely under routine conditions, as well as fire, emergency, and disaster situations;
- (b) Adequate equipment, supplies and space are available to carry out all functions and responsibilities of the nursing home; and
- (c) All staff, including management, provide care and services consistent with:

(i) Empowering each resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being, self-care and independence;

(ii) Respecting resident rights; and

(iii) Enhancing each resident's quality of life.

(2) The nursing home shall ensure that any employee giving direct resident care:

(a) Has successfully completed or is a student in a DSHS-approved nursing assistant training program; and

(b) Meets other requirements applicable to persons performing nursing related duties in a nursing home, including those which apply to minors.

(3) The nursing home shall ensure:

(a) Students in an DSHS-approved nursing assistant training program:

(i) Complete training and competency evaluation within four months of beginning work as a nursing assistant;

(ii) Complete at least sixteen hours of training in communication and interpersonal skills, infection control, safety/emergency procedures including the Heimlich maneuver, promoting residents' independence, and respecting residents' rights before any direct contact with a resident; and

(iii) Wear name tags which clearly identify student or trainee status at all times in all interactions with residents and visitors in all nursing homes, including the nursing homes in which the student completes clinical training requirements and in which the student is employed;

(b) Residents and visitors have sufficient information to distinguish between the varying qualifications of nursing assistants; and

(c) Each employee hired as a nursing assistant applies for registration with the department of health within three days of employment in accordance with chapter 18.88A RCW.

NEW SECTION

WAC 388-97-170 Staff development. (1) The nursing home shall have a staff development program that is under the direction of a designated registered nurse or licensed practical nurse.

(2) The nursing home shall:

(a) Ensure each employee receives initial orientation to the facility and its policies and is initially assigned only to duties for which the employee has demonstrated competence;

(b) Ensure all employees receive appropriate inservice education to maintain a level of knowledge appropriate to, and demonstrated competence in, the performance of ongoing job duties consistent with the principle of assisting the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being. To this end, the nursing home shall:

(i) Assess the specific training needs of each employee and address those needs; and

(ii) Determine the special needs of the nursing home's resident population which may require training emphasis.

(c) Comply with other applicable training requirements, such as, but not limited to, the bloodborne pathogen standard.

NEW SECTION

WAC 388-97-175 Medical director. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(i) will be deemed to meet this section.

(2) EXCEPT FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED (ICF/MR), THE NURSING HOME SHALL DESIGNATE A PHYSICIAN TO SERVE AS MEDICAL DIRECTOR.

(3) THE MEDICAL DIRECTOR IS RESPONSIBLE FOR:

(a) IMPLEMENTATION OF RESIDENT CARE POLICIES; AND

(b) THE COORDINATION OF MEDICAL CARE IN THE FACILITY.

NEW SECTION

WAC 388-97-180 Clinical records. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(l) will be deemed to meet subsection (2) of this section.

(2) THE NURSING HOME SHALL:

(a) MAINTAIN CLINICAL RECORDS ON EACH RESIDENT IN ACCORDANCE WITH ACCEPTED PROFESSIONAL STANDARDS AND PRACTICES THAT ARE:

(i) COMPLETE;

(ii) ACCURATELY DOCUMENTED;

(iii) READILY ACCESSIBLE; AND

(iv) SYSTEMATICALLY ORGANIZED.

(b) SAFEGUARD CLINICAL RECORD INFORMATION AGAINST ALTERATION, LOSS, DESTRUCTION, AND UNAUTHORIZED USE; AND

(c) KEEP CONFIDENTIAL ALL INFORMATION CONTAINED IN THE RESIDENT'S RECORDS, REGARDLESS OF THE FORM OR STORAGE METHOD OF THE RECORDS, EXCEPT WHEN RELEASE IS REQUIRED BY:

(i) TRANSFER TO ANOTHER HEALTH CARE INSTITUTION;

(ii) LAW;

(iii) THIRD PARTY PAYMENT CONTRACT; OR

(iv) THE RESIDENT.

(3) The nursing home shall ensure the clinical record of each resident includes at least the following:

(a) Resident identification and sociological data, including the name and address of the person or persons the resident designates as significant;

(b) Medical information required under WAC 388-97-125, Physician services,

(c) Physician's orders;

(d) Assessments;

(e) Plans of care;

(f) Services provided;

(g) In the case of the Medicaid-certified nursing facility, records related to preadmission screening and annual resident review;

(h) Progress notes;

(i) Medications administered;

(j) Consents, authorizations, releases;

(k) Allergic responses;

(l) Laboratory, X-ray, and other findings; and

(m) Other records as appropriate.

(4) The nursing home shall:

(a) Designate a person responsible for the record system who:

(i) Has appropriate training and experience in clinical record management; or

(ii) Receives consultation from a qualified clinical record practitioner, such as an registered record administrator or accredited record technician.

(b) Make all records available to authorized representatives of the department for review and duplication as necessary; and

(c) Maintain the following:

(i) A master resident index having a reference for each resident including the health record number, if applicable; full name; date of birth; admission dates; and discharge dates; and

(ii) A chronological census register, including all admissions, discharge, deaths and transfers, and noting the receiving facility. The nursing home shall ensure the register includes discharges for social leave and transfers to other treatment facilities in excess of twenty-four hours.

(5) The nursing home shall ensure the clinical record of each resident:

(a) Is documented and authenticated accurately, promptly and legibly by persons giving the order, making the observation, performing the examination, assessment, treatment or providing the care and services, and:

(i) Documents from other health care facilities that are clearly identified as being authenticated at that facility shall be considered authenticated at the receiving facility; and

(ii) The original or a durable, legible, direct copy of each document shall be accepted.

(b) Contains appropriate information for a deceased resident including:

(i) The time and date of death;

(ii) Apparent cause of death;

(iii) Notification of the physician and appropriate resident representative; and

(iv) The disposition of the body and personal effects.

(6) In cases where the nursing home maintains records by computer rather than hard copy, the nursing home shall:

(a) Have in place safeguards to prevent unauthorized access; and

(b) Provide for reconstruction of information.

(7) The nursing home shall:

(a) Retain health records for the time period required in RCW 18.51.300;

(b) In the event of a change of ownership, provide for the orderly transfer of health records to the new licensee; and

(c) In the event a nursing home ceases operation, make arrangements prior to cessation, as approved by the department, for preservation of the health records.

NEW SECTION

WAC 388-97-185 Disaster and emergency preparedness. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(m) will be deemed to meet subsection (2) of this section.

(2) THE NURSING HOME SHALL TRAIN ALL EMPLOYEES IN EMERGENCY PROCEDURES WHEN THEY BEGIN TO WORK IN THE NURSING HOME, PERIODICALLY REVIEW EMERGENCY PROCEDURES WITH EXISTING STAFF, AND CARRY OUT UNANNOUNCED STAFF DRILLS USING THOSE PROCEDURES.

(3) The nursing home shall have detailed written plans and procedures to meet potential emergencies and disasters. At a minimum the nursing home shall ensure these plans provide for:

(a) Fire;

(b) Severe weather;

(c) Loss of power;

(d) Earthquake;

(e) Explosion;

(f) Missing resident;

(g) Loss of water;

(h) Bomb threats; and

(i) Armed persons.

(4) The nursing home shall ensure emergency plans:

(a) Are developed and maintained with the assistance of qualified fire, safety, and other appropriate experts as necessary;

(b) Are reviewed annually; and

(c) Include evacuation routes prominently posted on each unit.

NEW SECTION

WAC 388-97-190 Quality assessment and assurance.

(1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.75(o) will be deemed to meet subsection (2) of this section.

(2) THE NURSING HOME SHALL MAINTAIN A PROCESS FOR QUALITY ASSESSMENT AND ASSURANCE. THE DEPARTMENT MAY NOT REQUIRE DISCLOSURE OF THE RECORDS OF THE QUALITY ASSESSMENT AND ASSURANCE COMMITTEE EXCEPT IN SO FAR AS SUCH DISCLOSURE IS RELATED TO ENSURING COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

(3) The nursing home shall ensure the nursing home's quality assessment and assurance process:

(a) Seeks out and incorporates input from the resident and family councils, if any, or individual residents and support groups; and

(b) Reviews expressed concerns and grievances.

NEW SECTION

WAC 388-97-195 Policies and procedures.

(1) The nursing home shall develop and implement written policies and procedures in accordance with RCW 74.42.430, and other state and federal laws applicable to resident rights and nursing home operations.

(2) The nursing home shall ensure the written policies and procedures referred to in subsection (1) of this section:

(a) Promote and protect each resident's:

(i) Rights, including health care decision making;

(ii) Personal interests; and

(iii) Financial and property interests.

(b) Are made available to staff, residents, members of residents' families, the public, and representatives of the department;

(c) In the case of policies and procedures related to health care decision making and resident representation, are provided to the resident in accordance with federal requirements, where applicable; and

(d) Are current, and continued without interruption in the event of staff changes.

NEW SECTION

WAC 388-97-200 Criminal history disclosure and background inquiries.

(1) Except as provided in this section, a nursing home shall not employ any person, directly or by contract, or accept as a volunteer or student

any person who may have unsupervised access to residents if the person:

(a) Discloses or the background inquiry discloses that the person was:

(i) Convicted of a crime against persons as defined under RCW 43.43.830;

(ii) Convicted of crimes relating to financial exploitation as defined under RCW 43.43.830; or

(iii) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

(b) The person discloses or the appropriate licensing agency determines that the person:

(i) Was subject to an order of protection under chapter 74.34 RCW for abuse or financial exploitation of a vulnerable adult;

(ii) Was found in a final decision issued by a disciplinary board to have;

(iii) Sexually or physically abused or exploited any minor or developmentally disabled person;

(iv) Abused or financially exploited any vulnerable adult; or

(v) Was found in any dependency action under RCW 13.34.030 (2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor.

(2) A nursing home may choose to employ a person with a conviction of a crime against persons only if the conviction is one of the five crimes listed below and the required number of years has passed:

(a) Simple assault, assault in the fourth degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) Prostitution, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) Theft in the second degree, or the same offense as it may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(d) Theft in the third degree, or the same offense as it may hereafter be renamed, and three or more years have passed between the most recent conviction and the date of application for employment; or

(e) Forgery, or the same offense as forgery may hereafter be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

(3) A nursing home may conditionally employ a person pending a background inquiry provided the nursing home requests the inquiry within seventy-two hours of the conditional employment.

(4) A nursing home licensed under chapter 18.51 RCW shall make a background inquiry request to one of the following:

(a) The Washington state patrol;

(b) The department;

(c) The most recent employer licensed under chapter 18.51 RCW, provided termination of that employment was within twelve months of the current employment application

and provided the inquiry was completed by the department or completed by the Washington state patrol within the two years before the current date of application; or

(d) A nurse pool agency licensed under chapter 18.52C RCW, or hereafter renamed, provided the background inquiry was completed by the Washington state patrol within two years before the current date of employment in the nursing home.

(5) Before a nursing home employs, directly or by contract, or accepts any person as a volunteer or student, a nursing home shall:

(a) Inform the person the Washington state patrol shall complete a background inquiry; or

(b) Inform the person that the person may make a request for a copy of a completed background inquiry as provided for under subsection (4) of this section; and

(c) Require the person to sign a disclosure statement;

(d) Require the person to sign a statement authorizing the nursing home, the department, and the Washington state patrol to make a background inquiry request; and

(e) Verbally inform the person of the background inquiry results within seventy-two hours of receipt.

(6) Nursing homes:

(a) Shall require all current direct or contract employees, volunteers, and students to sign disclosure statements;

(b) Shall request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student on or after July 23, 1989;

(c) May request a background inquiry of any person employed, directly or by contract, or accepted as a volunteer or student before July 23, 1989; and

(d) Shall notify appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

(7) The nursing home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry responses and all copies are maintained in a confidential and secure manner;

(b) Disclosure statements and background inquiry responses are used for employment purposes only;

(c) Disclosure statements and background inquiry responses are not disclosed to any person except:

(i) The person about whom the nursing home made the disclosure or background inquiry;

(ii) Authorized state and federal employees;

(iii) The Washington state patrol auditor; and

(iv) Potential employers licensed under chapter 18.51 RCW

who are making a request as provided for under subsection (4) of this section.

(d) A record of findings shall be retained by the facility for twelve months beyond the date of employment termination.

MISCELLANEOUS SERVICES

NEW SECTION

WAC 388-97-205 Laundry services. (1) The nursing home shall ensure sufficient washing and drying facilities to meet the residents' care and comfort needs without delay. To that end the nursing home shall:

- (a) Launder facility linens on the premises; or
- (b) Contract with a laundry capable of meeting quality standards, infection control, and turn-around time requirements; and
- (c) Make provision for laundering of residents' personal clothing.

(2) The nursing home shall ensure the temperature and time of the hot water cycle to disinfect nursing home linen is:

- (a) One hundred sixty degrees Fahrenheit during a five minute minimum wash cycle or one hundred forty degrees Fahrenheit during a fifteen minute minimum wash cycle; or
- (b) Equivalent disinfection method which conforms to generally accepted standards of infection control for health care facility linen.
- (3) For residents' personal clothing, the nursing home shall:
 - (a) Have a system in place to ensure that personal clothing is not damaged or lost during handling and laundering; and
 - (b) May use chemical disinfection in lieu of the hot water disinfection.

NEW SECTION

WAC 388-97-210 Respite services. (1) "Respite services" means relief care for families or other caregivers of persons with disabilities.

- (2) Respite services shall:
 - (a) Provide temporary care and supervision in substitution for the caregiver;
 - (b) Be for short-term stays up to a maximum of thirty-one days; and
 - (c) Not be used to hold a resident waiting regular admission to the nursing home.
- (3) The nursing home providing respite services shall develop and implement policies and procedures consistent with this section.
- (4) In providing respite services, the nursing home shall:
 - (a) Have appropriate and adequate staff, space, and equipment to meet the person's needs without jeopardy to the care of regular residents;
 - (b) Ensure respite residents have assessments performed, where needed, by qualified staff to meet the resident's needs;
 - (c) Before or at the time of admission of a person for respite services, obtain sufficient information to meet the person's anticipated needs. At a minimum, such information includes:
 - (i) Name, address, and telephone number of the person's physician and alternate physician, if any;
 - (ii) Medical and social history, mental and physical assessment data; and
 - (iii) Physician's orders for diet, medication and routine care consistent with the person's status on admission.

(d) With the participation of the respite resident and, where appropriate, the person's representative, develop a plan of care to maintain or improve the respite resident's health and functional status during the respite stay;

(e) Provide for the respite resident to:

- (i) Bring medications from home in accordance with nursing home policy; and
- (ii) Self-medicate where determined safe.
- (f) Promptly report injury, illness, or other adverse change in the respite resident's health condition to the attending physician;
- (g) Where assessment of the respite resident reveals symptoms of tuberculosis, follow tuberculosis testing requirements under WAC 388-97-145, Early identification of persons with active tuberculosis; and

(h) At the request of the respite resident, or where appropriate, the person's representative, make provision for securing the respite resident's cash and other valuables brought to the nursing home during the respite stay.

(5) A nursing home may use a respite care assessment and service plan performed by a case manager designated by an area agency on aging under contract with the department to obtain the medical and social history information required by this subsection.

(6) Records.

(a) In lieu of opening a new record, the nursing home may reopen a respite resident's health record with each period of a respite resident's care up to one year from the previous respite stay, provided the nursing home reviews and updates the recorded information with each new period of care; and

(b) Medicaid-certified nursing facilities shall complete the state-specified resident assessment instrument for any person whose respite stay exceeds fourteen days.

NEW SECTION

WAC 388-97-215 Adult day or night care. (1) "Adult day or night care" means temporary care not to exceed sixteen continuous hours per day. Such care may be on a regular or intermittent basis.

(2) The nursing home providing adult day or night care shall develop and implement policies and procedures consistent with this section.

(3) In providing adult day or night care, the nursing home shall:

- (a) Have appropriate and adequate staff, space, and equipment to provide care without jeopardy to the care of regular residents;
- (b) Ensure assessments are performed, where needed, by qualified staff;
- (c) Before or at the time services are started, obtain sufficient information to meet anticipated needs. Such information shall include:
 - (i) Name, address, and telephone number of the person's physician and alternate physician, if any;
 - (ii) Medical and social history, mental and physical assessment data; and
 - (iii) Physician's orders for dietary, medication, and routine care consistent with current status.
- (d) Provide for the person to:

- (i) Bring medications from home in accordance with nursing home policy; and
 - (ii) Self-medicate where determined safe.
 - (e) With the participation of the adult day or night care person and, where appropriate, the person's representative, develop a plan of care to maintain or improve the health and functional status during the period of care;
 - (f) Promptly report injury, illness, or other adverse change in health condition to the physician;
 - (g) Where assessment reveals symptoms of tuberculosis, follow tuberculosis testing requirements under WAC 388-97-145, Early identification of persons with active tuberculosis; and
 - (h) At the request of the person or, where appropriate, the person's representative, make provision for securing the cash and other valuables brought to the nursing home during day or night care.
- (4) Records. In lieu of opening a new record, the nursing home may reopen an adult day or night care person's health records with each period of adult day or night care up to one year from the previous day or night care stay, provided the nursing home reviews and updates the recorded information with each new period of care.

NEW SECTION

WAC 388-97-220 Dialysis services. (1) "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.

(2) "Dialysis helper" means a person who has:

(a) Completed an inservice class approved by the kidney center; and

(b) Been hired by the resident to provide to the resident care related only to dialysis treatment.

(3) "Kidney center" means those facilities as defined and certified by the federal government to provide end stage renal disease (ESRD) services and which provide services specified in WAC 246-520-020.

(4) Dialysis for acute renal failure shall not be administered in a nursing home.

(5) A nursing home may only administer maintenance dialysis in the nursing home after the:

(a) Analysis of other options and elimination of these options based on the resident's best interest; and

(b) Decision is made jointly by a team of persons representing the kidney center, the resident, the resident's nephrologist, and the nursing home.

(6) The nursing home shall ensure:

(a) A current written agreement is in effect with each kidney center responsible for the management and care of each patient undergoing dialysis in the nursing home; and

(b) Such agreement delineates the functions, responsibilities, and services of both the kidney center and the nursing home.

(6) The nursing home shall ensure appropriate care, treatment, and services to each resident receiving dialysis in the nursing home.

(7) The kidney center shall assist the nursing home in ensuring appropriate care, treatment, and services related to

dialysis in the nursing home. Responsibilities of the kidney center shall include, but not be limited to:

(a) Provision of clinical and chemical laboratory services;

(b) Services of a qualified dietitian;

(c) Social services;

(d) Preventative maintenance and emergency servicing of dialysis and water purification equipment;

(e) Certification and continuing education of dialysis helpers and periodic review and updating of dialysis helpers' competencies;

(f) An in-hospital dialysis program for the care and treatment of a dialysis resident with a complication or acute condition necessitating hospital care;

(g) A continuing in-service education program for nursing home staff working with a dialysis resident;

(h) A program for periodic, on-site review of the nursing home's dialysis rooms;

(i) Selection, procurement, and installation of dialysis equipment;

(j) Selection and procurement of dialysis supplies;

(k) Proper storage of dialysis supplies; and

(l) Specification, procurement, and installation of the purification process for treatment of water used as a diluent in the dialyzing fluid.

(8) Only a registered nurse from the kidney center or a dialysis helper may administer dialysis in the nursing home.

(a) A dialysis helper may be a registered nurse;

(b) When a dialysis helper is not a registered nurse, the nursing home shall have a registered nurse who has completed an in-service class approved by the kidney center, on the premises during dialysis.

(9) A physician, designated or approved by the kidney center, shall be on call at all times dialysis is being administered in the nursing home.

(10) The resident's attending physician and the kidney center shall provide, or direct and supervise, the continuing medical management and surveillance of the care of each dialysis resident in a nursing home.

(11) The nursing home shall:

(a) Ensure the kidney center develops a dialysis treatment plan; and

(b) Incorporate this treatment plan into the resident's comprehensive plan of care and include specific medical orders for medications, treatment, and diet.

(12) The dialysis room in the nursing home shall be in compliance with standards established under 42 C.F.R. §405.2140, for ESRD facilities. This includes:

(a) Storage space available for equipment and supplies;

(b) A telephone at the bedside of each dialysis resident; and

(c) A mechanical means of summoning additional staff to the dialysis area in the event of a dialysis emergency.

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

**MEDICAID-CERTIFIED
NURSING FACILITIES**

NEW SECTION

WAC 388-97-225 Nursing facility care. A nursing facility shall provide items, care, and services in accordance with this chapter and with federal regulations under 42 C.F.R. §483.1 through 483.206, as now or hereafter amended, and other applicable federal requirements.

NEW SECTION

WAC 388-97-230 Discrimination prohibited. (1) Medicaid-certified nursing facilities in compliance with federal requirements under 42 C.F.R. §483.12 (c) and (d), will be deemed to meet subsections (2) and (3) of this section.

(2) A NURSING FACILITY SHALL ESTABLISH AND MAINTAIN IDENTICAL POLICIES AND PRACTICES REGARDING TRANSFER, DISCHARGE, AND THE PROVISION OF SERVICES UNDER THE STATE PLAN FOR ALL PERSONS REGARDLESS OF SOURCE OF PAYMENT.

(3) A NURSING FACILITY MUST NOT REQUIRE:

(a) RESIDENTS OR POTENTIAL RESIDENTS TO WAIVE THEIR RIGHTS TO MEDICARE OR MEDICAID;

(b) ORAL OR WRITTEN ASSURANCE THAT RESIDENTS OR POTENTIAL RESIDENTS ARE NOT ELIGIBLE FOR, OR WILL NOT APPLY FOR MEDICARE OR MEDICAID BENEFITS; AND

(c) A THIRD PARTY GUARANTEE OF PAYMENT TO THE FACILITY AS A CONDITION OF ADMISSION OR EXPEDITED ADMISSION, OR CONTINUED STAY IN THE FACILITY. HOWEVER, THE FACILITY MAY REQUIRE A PERSON WHO HAS LEGAL ACCESS TO A RESIDENT'S INCOME OR RESOURCES AVAILABLE TO PAY FOR FACILITY CARE TO SIGN A CONTRACT, WITHOUT INCURRING PERSONAL FINANCIAL LIABILITY, TO PROVIDE FACILITY PAYMENT FROM THE RESIDENT'S INCOME OR RESOURCES.

(4) A nursing facility shall inform, in writing, a prospective resident, and where applicable, the resident's representative, before or at the time of admission, that a third party may not be required to personally guarantee payment to the nursing home, as specified in subsection (3)(c) of this section.

(5) A nursing facility shall not:

(a) Deny or delay admission or readmission of a person to the facility because of the person's status as a Medicaid recipient;

(b) Transfer a resident, except from a private room to another room within the facility, because of the resident's status as a Medicaid recipient;

(c) Discharge a resident from a facility because of the resident's status as a Medicaid recipient; or

(d) Charge any amounts in excess of the Medicaid rate from the date of eligibility, except for any supplementation permitted by the department pursuant to RCW 18.51.070.

(6) A nursing facility shall maintain one list of names of persons seeking admission to the facility, which is ordered by the date of request for admission. The facility shall retain the list of persons seeking admission for one year from the month admission was requested.

(7) A nursing facility shall develop and implement written policies and procedures to ensure nondiscrimination in accordance with this section and RCW 74.42.055.

NEW SECTION

WAC 388-97-235 Medical eligibility for nursing facility care. A person medically eligible for nursing facility care is one whose functional level requires services that must be provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis. Nursing facility care includes therapeutic services directed toward rehabilitation/discharge or toward maintaining the resident's highest practicable level of independence. These services involve more than just supervision, protection, and assistance with personal care.

NEW SECTION

WAC 388-97-240 Nursing facility placement. (1) A nursing facility shall not admit any person unless an identification screen is completed as required under WAC 388-97-245, Preadmission screening.

(2) A person identified as having a serious mental illness or a developmental disability, as defined under 42 C.F.R. §483.102, as now or hereafter amended, shall be assessed under WAC 388-97-245, Preadmission screening, before the person's admission to a nursing facility.

(3) A Medicaid applicant or recipient shall not be admitted to a nursing facility unless the department has assessed and determined the person is medically eligible for nursing facility care as defined under WAC 388-97-235, Medical eligibility for nursing facility care.

(4) The department shall not:

(a) Pay for nursing facility services for a Medicaid applicant or recipient until the department has authorized such services; and

(b) Authorize retroactive payment for any Medicaid applicant or recipient admitted to a nursing facility in violation of this section.

NEW SECTION

WAC 388-97-245 Pre-admission screening. (1) The referring hospital, physician, or other referral source or the nursing facility shall:

(a) Screen a person requesting admission to a nursing facility before admission to identify whether the person may have a serious mental illness or a developmental disability as defined under 42 C.F.R. §483.102, as now or hereafter amended; and

(b) Perform the identification screen using a standardized department-specified form.

(2) A nursing facility shall ensure that a person identified through the identification screen as likely to have a serious mental illness or a developmental disability is not admitted to a Medicaid-certified nursing facility unless the person has been:

(a) Assessed under the preadmission screening and annual resident review (PASARR) as described under WAC 388-97-255;

(b) Transferred from one nursing facility to another nursing facility; or

(c) Exempted by the department from PASARR because the person:

(i) Has been admitted to the nursing facility for respite care under WAC 388-97-210, Respite services;

- (ii) Cannot accurately be diagnosed because of delirium;
or
(iii) Has been readmitted to a nursing facility from an acute care hospital.

NEW SECTION

WAC 388-97-250 Identification screening for current residents. (1) A nursing facility shall have a completed identification screen for each resident, to identify a resident's likelihood of having a serious mental illness or a developmental disability as defined under 42 C.F.R. §483.102, as now or hereafter amended. The nursing facility shall record this identification screening information on a department-designated form.

(2) The nursing facility shall:

(a) Record the identification screen information or subsequent changes on the resident assessment instrument according to the schedule required under 42 C.F.R. §483.20;

(b) Maintain the identification screen form and applicable PASARR assessment information in the resident's clinical record; and

(c) Refer each resident to the department or department's designee when the resident requires a PASARR assessment under WAC 388-97-255, Preadmission screening and annual resident review (PASARR).

(3) The department shall deny payment to a nursing facility for any resident for whom an identification screen has not been completed as required under this section.

NEW SECTION

WAC 388-97-255 Pre-admission screening and annual resident review (PASARR). (1) "Specialized services" for a person with mental retardation or related conditions is defined under 42 C.F.R. §483.120 (a)(2), §483.120(2), and §483.440 (a)(1). These specialized services do not include services to maintain a generally independent person able to function with little supervision or in the absence of a treatment program.

(2) "Specialized services" for a person with a serious mental illness is defined under 42 C.F.R. §483.120 (a)(1). These services are generally considered acute psychiatric inpatient care, emergency respite care, or stabilization and crisis services.

(3) The department shall assess a nursing facility applicant or resident having a serious mental illness or developmental disability according to the PASARR requirements under 42 C.F.R. §431 and §483;

(4) Under PASARR, through a designee, the department shall determine whether a nursing facility applicant or resident having a serious mental illness or developmental disability needs:

(a) Specialized services under 42 C.F.R. §483.106; and

(b) Nursing facility care using the definition under WAC 388-97-235, Medical eligibility for nursing facility care.

(5) Need for specialized services shall be determined as follows:

(a) For a nursing facility applicant or resident likely to have a serious mental illness, a qualified mental health professional, under chapter 275-56 WAC, shall verify whether the person has a serious mental illness and, if so,

shall recommend whether the applicant needs specialized services;

(b) For a nursing facility applicant or resident likely to have a developmental disability, a licensed psychologist shall verify whether the person has a developmental disability. For a nursing facility applicant or resident verified by a psychologist as having a developmental disability, staff of the division of developmental disabilities shall assess and make a final determination as to whether the person requires specialized services.

(6) The department's designee may exempt a nursing facility applicant or resident from PASARR if the person:

(a) Is admitted directly from an acute care hospital after receiving acute inpatient care, and certified by a physician as likely to require less than thirty days care in a nursing facility;

(b) Is certified by a physician to be terminally ill as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(c) Has a severe physical illness such as coma, ventilator dependence, functioning at a brain stem level, or diagnoses which result in level of impairment so severe that the person could not be expected to benefit from specialized services. These diagnoses may include:

(i) Chronic obstructive pulmonary disease;

(ii) Parkinson's disease;

(iii) Huntington's disease;

(iv) Amyotrophic lateral sclerosis; or

(v) Congestive heart failure.

(d) Has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder.

(7) If a resident has continuously resided in a nursing facility for at least thirty months, and is determined by the department not to require nursing facility services, but to require specialized services for a serious mental illness or developmental disability, the department shall:

(a) Offer the resident the choice of remaining in the facility or of receiving services in an alternative appropriate setting;

(b) Inform the resident of the institutional and noninstitutional alternatives covered under the state Medicaid plan for the resident;

(c) Clarify the effect on eligibility for Medicaid services under the state plan if the resident chooses to leave the facility, including its effect on readmission to the facility.

(8) The department or department designee shall conduct an annual resident review for all residents identified as having a serious mental illness or a developmental disability.

NEW SECTION

WAC 388-97-260 PASARR determination and appeal rights. (1) A nursing facility applicant or resident who has been adversely impacted by a PASARR determination may appeal the department's determination of:

(a) Not in need of nursing facility care as defined under WAC 388-97-235, Medical eligibility for nursing facility care, and 42 C.F.R. §483.130 (m)(2), (5), or (6);

(b) Not in need of specialized services as defined under WAC 388-97-255, Preadmission screening and annual

resident review (PASARR), and 42 C.F.R. §483.130 (m)(1), (2), (3), or (6); or

(c) Need for specialized services as defined under WAC 388-97-255, Preadmission screening and annual resident review (PASARR), 42 C.F.R. §483.130 (4) and (5), and 42 C.F.R. §483.132 (a)(4).

(2) The nursing facility shall assist the nursing facility applicant or resident, as needed, in requesting a hearing to appeal the department's PASARR determination.

(3) If the department's PASARR determination requires that a resident be transferred or discharged, the department shall:

(a) Provide the required notice of transfer or discharge to the resident, the resident's surrogate decision maker, and if appropriate, a family member or the resident's representative thirty days or more before the date of transfer or discharge;

(b) Attach a hearing request form to the transfer or discharge notice;

(c) Inform the resident, in writing in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge;

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice; and

(iii) The resident shall be ineligible for Medicaid nursing facility payment:

(A) Thirty days after the receipt of written notice of transfer or discharge; or

(B) If the resident appeals under subsection (1)(a) of this section, thirty days after the final order is entered upholding the department's decision to transfer or discharge a resident.

(4) Aging and adult home and community services may grant extension of a resident's Medicaid nursing facility payment after the time specified in subsection (3)(c)(iii) of this section, when the department determines a location appropriate to the resident's medical and other needs is not available.

(5) The department shall:

(a) Send a copy of the transfer/discharge notice to the resident's attending physician, the nursing facility and, where appropriate, a family member or the resident's representative;

(b) Suspend transfer or discharge pending the outcome of the appeal when the resident's appeal request is received by the office of appeals on or before the date of transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged; and

(c) Provide assistance to the resident for relocation necessitated by the department's PASARR determination.

(6) Resident appeals of PASARR determinations shall be in accordance with 42 C.F.R. §431 Subpart E, chapter 388-08 WAC, and the procedures defined in this section. In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter shall prevail.

NEW SECTION

WAC 388-97-265 Utilization review. (1) To assure appropriate use of Medicaid services, the nursing facility shall determine whether each resident's health has improved sufficiently so the resident no longer needs nursing facility care.

(a) The nursing facility shall base its determination on:

(i) An accurate, comprehensive assessment process; and

(ii) Documentation by the resident's physician.

(b) The nursing facility shall not make this determination for residents the department is responsible to assess under WAC 388-97-255, Preadmission screening and annual resident review (PASARR).

(2) When the nursing facility determines a resident no longer needs nursing facility care under subsection (1) of this section, the nursing facility shall initiate transfer or discharge in accordance with WAC 388-97-270, Individual transfer and discharge rights, procedures, appeals, and 42 C.F.R. §483.12, as now or hereafter amended, unless the resident voluntarily chooses to transfer or discharge.

(3) When a nursing facility initiates a transfer or discharge of a Medicaid recipient under subsection (2) of this section:

(a) The resident shall be ineligible for Medicaid nursing facility payment:

(i) Thirty days after the receipt of written notice of transfer or discharge; or

(ii) If the resident appeals the facility determination, thirty days after the final order is entered upholding the nursing home's decision to transfer or discharge a resident.

(b) Aging and adult home and community services may grant extension of a resident's Medicaid nursing facility payment after the time specified in subsection (3)(a) of this section, when aging and adult home and community services staff determine:

(i) The nursing facility is making a good faith effort to relocate the resident; and

(ii) A location appropriate to the resident's medical and other needs is not available.

(4) Department designees may review any assessment or determination made by a nursing facility of a resident's need for nursing facility care.

NEW SECTION

WAC 388-97-270 Individual transfer and discharge rights, procedures, appeals. (1) Medicaid-certified nursing facilities in compliance with federal requirements at 42 C.F.R. §483.12 (a)(7) and (b) will be deemed to meet subsections (5) through (8) of this section.

(2) The Medicare-certified skilled nursing facility and the Medicaid-certified nursing facility shall comply with all applicable federal requirements under 42 C.F.R. §483.10 and §483.12, as now or hereafter amended, regarding resident transfer and discharge rights.

(3) A skilled nursing facility and a nursing facility that initiates transfer or discharge shall:

(a) Provide the required notice of transfer or discharge to the resident, the resident's surrogate decision maker and, if appropriate, a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing, in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of appeals on or before the date of the transfer or discharge set forth in the written transfer or discharge notice; and

(d) Assist the resident, as needed, in requesting a hearing to appeal the transfer or discharge decision.

(4) A skilled nursing facility or a nursing facility shall suspend transfer or discharge pending the outcome of the appeal when the resident's appeal is received by the office of appeals on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(5) A NURSING FACILITY SHALL PROVIDE SUFFICIENT PREPARATION AND ORIENTATION TO THE RESIDENT TO ENSURE SAFE AND ORDERLY TRANSFER OR DISCHARGE FROM THE FACILITY.

(6) BEFORE A NURSING FACILITY TRANSFERS A RESIDENT TO A HOSPITAL OR ALLOWS A RESIDENT TO GO ON THERAPEUTIC LEAVE, THE NURSING FACILITY SHALL PROVIDE WRITTEN INFORMATION TO THE RESIDENT, AND A FAMILY MEMBER OR LEGAL REPRESENTATION THAT SPECIFIES:

(a) THE DURATION OF THE BED HOLD POLICY UNDER THE STATE PLAN, IF ANY, DURING WHICH THE RESIDENT IS PERMITTED TO RETURN AND RESUME RESIDENCE IN THE NURSING FACILITY; AND

(b) THE NURSING FACILITY'S POLICIES REGARDING BED-HOLD PERIODS, WHICH MUST BE CONSISTENT WITH SECTION (7) OF THIS SECTION, PERMITTING THE RESIDENT TO RETURN.

(7) AT THE TIME OF TRANSFER OF A RESIDENT FOR HOSPITALIZATION OR THERAPEUTIC LEAVE, A NURSING FACILITY SHALL PROVIDE TO THE RESIDENT AND A FAMILY MEMBER OR LEGAL REPRESENTATIVE, WRITTEN NOTICE WHICH SPECIFIES THE DURATION OF THE BED-HOLD POLICY DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION.

(8) A NURSING FACILITY SHALL ESTABLISH AND FOLLOW A WRITTEN POLICY UNDER WHICH A RESIDENT WHOSE HOSPITALIZATION OR THERAPEUTIC LEAVE EXCEEDS THE BED-HOLD PERIOD UNDER THE STATE PLAN, IS READMITTED TO THE FACILITY IMMEDIATELY UPON THE FIRST AVAILABILITY OF A BED IN A SEMI-PRIVATE ROOM IF THE RESIDENT:

(a) REQUIRES THE SERVICES PROVIDED BY THE FACILITY; AND

(b) IS ELIGIBLE FOR MEDICAID NURSING FACILITY SERVICES.

(9) The nursing facility shall send a copy of the federally required transfer or discharge notice to:

(a) Aging and adult home and community services when the nursing facility has determined under WAC 388-97-265(1), that the resident's health has improved sufficiently so that the resident no longer needs the services provided by the facility; and

(b) The appropriate nursing home services district manager when the transfer or discharge is for any of the following reasons:

(i) The resident's needs cannot be met in the facility;

(ii) The health or safety of individuals in the facility is endangered; or

(iii) The resident has failed to pay for, or to have paid under Medicare or Medicaid, a stay at the facility.

(10) The state appeals process for facility transfers and discharges mandated by sections 1819 (e)(3) and 1919 (e)(3)

of the federal Social Security Act and federal regulations promulgated thereunder, is set forth in chapter 388-08 WAC and in this chapter. In such appeals, the following shall apply:

(a) In the event of a conflict between a provision in this chapter and a provision in chapter 388-08 WAC, the provision in this chapter shall prevail;

(b) The resident shall be the appellant and the skilled nursing facility or the nursing facility shall be the respondent;

(c) The department shall be notified of the appeal and may choose whether to participate in the proceedings. The role of the department is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) When a Medicaid-certified nursing facility's and Medicare-certified skilled nursing facility's decision to transfer or discharge a resident is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by the nursing facility or skilled nursing facility.

NEW SECTION

WAC 388-97-275 Resident assessment instrument.

(1) Medicaid-certified nursing facilities and Medicare-certified skilled nursing facilities shall:

(a) Complete the state-approved resident assessment instrument for each resident in accordance with federal requirements under 42 C.F.R. §483.20 (b)(4);

(b) Place copies of the completed state-approved resident assessment instrument in each resident's clinical record; and

(c) Review each resident not less than every three months, using a state-specified assessment instrument.

(2) Nursing facilities shall transmit all state-required resident assessment information for each resident to the department:

(a) In a manner approved by the department;

(b) Within ten days of completion of any assessment instrument required under this subsection; and

(c) Within ten days of discharging a resident.

NEW SECTION

WAC 388-97-280 Discharge or leave of a nursing facility resident.

(1) A nursing facility or hospital shall send immediate written notification of the date of discharge or death of a Medicaid resident to the economic and medical field services community service office (CSO).

(2) The nursing facility shall:

(a) Ensure that the department is notified of nursing facility discharge and readmission for all Medicaid recipients admitted as hospital inpatients.

(b) Document in the resident's clinical record all social/therapeutic leave exceeding twenty-four hours.

(3) The department will reimburse a nursing facility for a Medicaid resident's social/therapeutic leave not to exceed a total of eighteen days per calendar year per resident.

(4) Aging and adult home and community services may authorize social/therapeutic leave exceeding eighteen days per calendar year per resident when requested by the nursing facility or by the resident. In the absence of prior authorization from aging and adult home and community services, the department shall not reimburse a nursing facility for leave days exceeding eighteen per calendar year per resident.

(5) Staff from the division of developmental disabilities will approve social leave for persons who reside in intermediate care facilities for the mentally retarded (ICF/MR) and state institutions certified as nursing facilities.

(6) A person who is on social/therapeutic leave retains the status of a nursing facility resident.

SUBCHAPTER II PHYSICAL ENVIRONMENT ALL FACILITIES

NEW SECTION

WAC 388-97-295 General. The nursing home shall be designed, equipped, and maintained to:

- (1) Protect the health and safety of residents, personnel, and the public; and
- (2) Provide a safe, clean, comfortable and homelike environment allowing the resident to use his or her personal belongings to the extent possible.

NEW SECTION

WAC 388-97-300 Fire standards and approval. All nursing homes shall conform to minimum standards for the prevention of fire, and for the protection of life and property against fire, as set forth in chapter 212-12 WAC.

NEW SECTION

WAC 388-97-305 Other standards. The nursing home shall comply with all other applicable requirements of state and federal law.

NEW SECTION

WAC 388-97-310 IMR exceptions to physical plant requirements. The following regulations do not apply to nursing homes certified exclusively under 42 C.F.R. §483, Subpart I, Conditions of participation for intermediate care facilities for the mentally retarded as now or hereafter amended.

(1) WAC 388-97-330 (1)(d), Resident rooms. Number of square feet per bed.

(2) WAC 388-97-335(9), Resident room equipment. Cubicle curtains.

NEW SECTION

WAC 388-97-315 Emergency power. (1) The nursing home shall have an alternate source of power and automatic transfer equipment to connect the alternate source within ten seconds of the failure of the normal source.

(a) The nursing home shall ensure the alternate source is a generator driven by a prime mover with on-site fuel supply, unit equipment permanently fixed in place, and approved for emergency service.

(b) When life support systems are used, the nursing home shall provide emergency electrical power with an emergency generator, as defined in NFPA 99, Health care facilities, that is located on the premises.

(2) The nursing home shall ensure the emergency power supply provides a minimum of four hours of effective power for lighting for night lights, exit signs, exit corridors, stairways, dining and recreation areas, work stations, medication preparation areas, boiler rooms, electrical service room and emergency generator locations.

(3) A nursing home first licensed on or after October 1, 1981, shall have:

(a) Uninterrupted function of communication systems, all alarm systems, an elevator that reaches every resident floor including the ground floor, equipment to provide heating for resident rooms or a room to which all residents can be moved when the outside design temperature is plus twenty degrees Fahrenheit or lower based on the median extremes as shown in the ASHRAE HANDBOOK OF FUNDAMENTALS; and

(b) Uninterrupted function of selected specially marked receptacles in medication preparation areas, pharmacy dispensing areas, staff work stations, and resident corridors.

NEW SECTION

WAC 388-97-320 Space and equipment. (1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70(c) will be deemed to meet this section.

(2) THE NURSING HOME SHALL:

(a) PROVIDE SUFFICIENT SPACE AND EQUIPMENT IN DINING, HEALTH SERVICES, RECREATION AND PROGRAM AREAS TO ENABLE STAFF TO PROVIDE RESIDENTS WITH NEEDED SERVICES AS IDENTIFIED IN EACH RESIDENT'S CARE PLAN; AND

(b) MAINTAIN ALL ESSENTIAL MECHANICAL, ELECTRICAL AND PATIENT CARE EQUIPMENT IN SAFE AND OPERATING CONDITION.

NEW SECTION

WAC 388-97-325 Resident care unit. (1) **LOCATION.** The nursing home shall locate:

(a) Each resident care unit to minimize through traffic to any general service, diagnostic, treatment, or administrative area; and

(b) All rooms or areas within the unit on the same floor level.

(2) **REQUIRED SERVICES.**

(a) The nursing home shall ensure each resident care unit has at least the following basic services:

(i) A staff work station;

(ii) A medicine storage and preparation area;

(iii) Utility rooms which maintain separated clean and soiled functions;

(iv) Storage space for linen, other supplies, and equipment;

(v) Housekeeping services; and

(vi) Janitor's closet.

(b) Resident care units may share basic services if the units are in close proximity to each other and the combined units serve a total of not more than sixty residents; except the nursing home shall have a separate staff work station on a secured dementia care unit.

(3) **STAFF WORK STATION.** On each unit, the nursing home shall have a staff work station appropriate to the needs of staff using the space. At a minimum, the nursing home shall equip the area with:

- (a) A charting surface;
- (b) A rack or other storage for current health records;
- (c) Storage for record and clerical supplies;
- (d) A telephone;
- (e) A resident call system; and
- (f) A clock.

(4) **CALL SYSTEMS.** The nursing home shall provide the following or an equivalent system which meets these standards:

(a) An electrical communication system which registers a call by distinctive light at the room door and by distinctive light and audible tone at the staff work station. The system shall be equipped to receive resident calls from:

- (i) The bedside of each resident;
- (ii) Each day room or other area used by residents;
- (iii) Resident toilet, bath and shower rooms.

(b) An emergency signal device activated by a nonconductive pull cord, or adapted to meet the needs of the resident. The nursing home shall locate the signal device for easy reach by the resident.

(5) **TELEPHONES.** A nursing home resident shall have twenty-four hour access to a telephone which:

- (a) Provides auditory privacy; and
- (b) Is accessible to a person with a disability and accommodates a person with sensory impairment.

(6) **UTILITY SERVICE ROOMS.** The nursing home shall provide a utility room designed, equipped, and maintained to ensure separation of clean and sterile supplies and equipment from those which are contaminated. The nursing home shall ensure:

(a) Each clean utility area has a work counter, a sink, and closed storage units for supplies and small equipment.

(b) Each soiled utility area has:

- (i) A work counter and a sink large enough to totally submerge the items being cleaned and disinfected;
- (ii) Storage for cleaning supplies and other items;
- (iii) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;
- (iv) Adequate space for waste containers, linen hampers, and other large equipment; and
- (v) Adequate ventilation to remove odors and moisture.

(7) **DRUG FACILITIES.** The nursing home shall ensure an area is designed and equipped for drug preparation and locked storage near each work station. The nursing home shall ensure:

(a) The drug facilities are well illuminated, ventilated, and equipped with a work counter, sink with hot and cold running water, and drug storage units.

(b) The drug storage units provide:

- (i) Locked storage for all drugs;
- (ii) Separately keyed storage for Schedule II and III controlled substances; and
- (iii) Segregated storage of different resident's drugs.

(c) There is a refrigerator for storage of thermolabile drugs in the drug facility; and

(d) Locks and keys for drug facilities are different from other locks and keys within the nursing home.

(8) **LINEN STORAGE.** The nursing home shall provide:

(a) A clean area for storage of clean linen and other bedding. This may be an area within the clean utility room.

(b) A soiled linen space for collection and temporary storage of soiled linen. This may be in an area of the soiled utility room.

(9) **EQUIPMENT STORAGE.** The nursing home shall provide adequate storage space for wheelchairs and other ambulation equipment. The nursing home shall ensure equipment does not impinge upon the required corridor space.

(10) **JANITORS' CLOSET.** The nursing home shall have a janitors' closet with a service sink and adequate storage space for housekeeping equipment and supplies near each resident care unit.

NEW SECTION

WAC 388-97-330 Resident rooms. (1) Medicaid-certified nursing facilities in compliance with federal requirements of C.F.R. §483.70(d) will be deemed to meet subsections (2)(a), (b), (d), (e), and (4), except (2)(c) and (3).

(2) EACH RESIDENT ROOM SHALL MEET THE FOLLOWING REQUIREMENTS:

(a) EACH RESIDENT ROOM SHALL HAVE DIRECT ACCESS TO AN EXIT CORRIDOR AND SHALL BE LOCATED TO PREVENT THROUGH TRAFFIC;

(b) THE MAXIMUM CAPACITY OF ANY RESIDENT BEDROOM SHALL BE FOUR BEDS;

(c) There shall be no more than two beds between any resident bed and exterior window wall;

(d) MINIMUM ROOM AREAS FOR EXISTING FACILITIES EXCLUSIVE OF TOILET ROOMS, CLOSETS, LOCKERS OR WARDROBES SHALL BE AT LEAST EIGHTY SQUARE FEET PER BED IN EACH MULTI-BED ROOM AND AT LEAST ONE HUNDRED SQUARE FEET FOR EACH SINGLE BED ROOM;

(e) EACH RESIDENT ROOM SHALL BE DESIGNED OR EQUIPPED TO ENSURE FULL VISUAL PRIVACY FOR EACH RESIDENT.

(3) If a nursing home provides an isolation room, the nursing home shall ensure the room is uncarpeted and contains:

(a) A lavatory with water supplied through a mixing valve; and

(b) It's own adjoining toilet room containing a bathing facility.

(4) EXCEPTIONS. THE DIRECTOR OF NURSING HOME SERVICES, AGING AND ADULT SERVICES ADMINISTRATION, MAY PERMIT EXCEPTIONS TO (2)(c) AND (d) FOR NURSING HOMES WHEN THE NURSING HOME DEMONSTRATES IN WRITING THAT THE EXCEPTION:

(a) IS IN ACCORDANCE WITH THE SPECIAL NEEDS OF THE RESIDENT; AND

(b) WILL NOT ADVERSELY AFFECT ANY RESIDENTS' HEALTH OR SAFETY.

NEW SECTION

WAC 388-97-335 Resident room equipment. The nursing home shall determine a resident's furniture and equipment needs at the time of admission and routinely thereafter to ensure resident comfort. The nursing home shall provide each resident with the following, except as specified in WAC 388-97-070(15), Personal property:

(1) A comfortable bed of size and height to maximize a resident's independent functioning. Beds may be arranged to satisfy the needs and desires of the individual resident provided the arrangement does not negatively impact the health or safety of other residents;

(2) Appropriate bedding;

(3) A bedside cabinet that allows for storage of small personal articles and a separate drawer or enclosed compartment for storage of resident care utensils/equipment;

(4) A lockable storage space accessible to each resident for storage of small personal items, upon request;

(5) A separated, enclosed wardrobe or closet for resident's clothing and belongings accessible to the resident;

(6) Comfortable seating to provide for proper body alignment and support;

(7) A wall-mounted or equivalent reading light, to accommodate the needs of the resident;

(8) A resident call signal device for each bed adapted to accommodate the needs of the resident, except as required in the dementia care unit; and

(9) Flame-retardant cubicle curtains in multi-bed rooms which provide full visual privacy for each resident.

NEW SECTION

WAC 388-97-340 Resident toilet and bathing facilities. (1) Each resident room shall be equipped with or located near toilet and bathing facilities.

(2) The nursing home shall ensure:

(a) A toilet room is directly accessible from each resident room and from each bathing facility without going through a general corridor;

(b) One toilet room serves two bedrooms or less.

(3) The nursing home shall ensure:

(a) All lockable toilets and bathrooms have readily available a means of unlocking from the outside; and

(b) Locks are operable from the inside with a single effort.

(4) The nursing home shall ensure there is at least one bathing unit for every twenty residents or fraction thereof which is not in a room served by an adjoining bathroom.

(5) The nursing home shall ensure for each resident care unit there is at least one bathing device designed for bathing by immersion.

(6) The nursing home shall ensure there is at least one roll-in shower or equivalent on each resident care unit:

(a) Designed and equipped for unobstructed ease of shower chair entry and use; and

(b) With a spray attachment equipped with a backflow prevention device.

(7) The nursing home shall ensure resident bathing equipment is smooth, cleanable, and able to be disinfected after each use.

NEW SECTION

WAC 388-97-345 Dining and resident activities. (1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70(g) will be deemed to meet this section.

(2) THE NURSING HOME SHALL PROVIDE ONE OR MORE ROOMS DESIGNATED FOR RESIDENT DINING AND ACTIVITIES. THESE ROOMS SHALL:

- (a) BE WELL LIGHTED;
- (b) BE WELL VENTILATED;
- (c) BE ADEQUATELY FURNISHED; AND
- (d) HAVE SUFFICIENT SPACE TO ACCOMMODATE ALL ACTIVITIES.

NEW SECTION

WAC 388-97-350 Optional rooms and areas. (1) **DEMENTIA CARE UNIT.** A nursing home that began operating a dementia care unit at any time after November 13, 1989, must meet all requirements of this section. A new building or addition to an existing nursing home shall also meet the requirements of WAC 388-97-460(1). Refer to WAC 388-97-095 for program requirements. The dementia care unit shall:

(a) Provide dining areas which may also serve as day areas for the unit;

(b) Provide secured outdoor space and walkways including:

(i) Ambulation area. Walking surfaces shall be firm, stable, and free from abrupt changes. Walking surfaces subject to wet conditions shall have slip-resistant surfaces;

(ii) Outdoor furniture; and

(iii) Nontoxic plants.

(c) Staff toilet room with lavatory;

(d) Provide indoor ambulation areas meeting the needs of the residents, and maintained free of equipment;

(e) Ensure floors, walls, and ceiling surfaces display contrasting color for identification. Surfaces may have a disguise design to obscure or conceal areas that residents should not enter. Exterior exit doors shall be marked so that they are readily distinguishable from adjacent construction and the way of exit travel is obvious and direct;

(f) Ensure door thresholds are one-half inch high or less;

(g) Provide an electrical signaling system at each bedside, designed primarily for staff and visitor use in emergent situations, which registers by a distinctive light at the resident room door and light and tone at the staff work station. The facility shall accommodate the needs of residents able to utilize a call system;

(h) Not use a public address system except for emergencies;

(i) Ensure required approvals are obtained from the state fire marshal, department of social and health services and the local official enforcing the uniform building code and uniform fire code when automatic door locks are used.

(j) Always have staff present in the unit to protect all residents in the event of fire and for residents' evacuation to areas of refuge and from the building when necessary.

(2) **SPECIALIZED REHABILITATION.** Nursing homes initially licensed after October 1, 1981, shall ensure inpatient services:

(a) Are located for easy access in general service areas;

(b) Include exercise, treatment, and supportive equipment as required by the narrative program in the construction documents;

(c) Have adequate space for exercise equipment and treatment tables with sufficient work space on each side;

(d) Provide privacy cubicle curtains on tracks or the equivalent around treatment areas;

(e) Provide a lavatory in the treatment area and a toilet nearby;

- (f) Provide space and a desk or equivalent for administrative, clerical, interviewing, and consultive functions;
- (g) Provide adequate enclosed storage cabinets for clean linen and supplies and locked storage for cleaning chemicals in the rehabilitation room or nearby janitor's closet;
- (h) Provide adequate storage space for large equipment;
- (i) Provide a janitor's closet close to the area;
- (j) Provide for soiled linen storage; and
- (k) Provide a separate room or area for hydrotherapy tanks, or the equivalent, if tanks are used.

(3) **OUTPATIENT REHABILITATION.** The nursing home shall ensure facilities with outpatient programs provide:

- (a) A designated reception and waiting room or area and space for interviewing or counseling individual outpatients and their families;
- (b) Adequate space for the program to minimize disruption to designated resident care units;
- (c) Accessible toilet and shower facilities nearby;
- (d) Lockers or a safe place to store outpatient personal belongings; and
- (e) A separate room or area for hydrotherapy tanks, or the equivalent.

NEW SECTION

WAC 388-97-355 Food service areas. The nursing home shall ensure food service areas are in compliance with chapter 246-215 WAC, state board of health rules governing food service sanitation. The nursing home shall:

- (1) Ensure food service areas are provided for the purpose of preparing, serving, and storing food and drink unless food service is provided from another licensed food service facility;
- (2) Ensure food service areas are located to facilitate receiving of food stores, disposal of kitchen waste, and transportation of food to dining and resident care areas;
- (3) Locate and arrange the kitchen to avoid contamination of food, to prevent heat and noise entering resident care areas, and to prevent through traffic;
- (4) Locate the receiving area for ready access to storage and refrigeration areas;
- (5) Conveniently locate handwashing facilities to the food preparation and dishwashing area, and include a lavatory, a waste receptacle, and dispensers stocked with soap and paper towels;
- (6) Adequately ventilate, light, and equip the dishwashing room or area for sanitary processing of dishes;
- (7) Locate the garbage storage area in a well-ventilated room or an outside area;
- (8) When a can-wash area is provided, have hot and cold water and a floor drain connected to the sanitary sewage system;
- (9) Provide space for an office or a desk and files for food service management located central to deliveries and kitchen operations; and
- (10) Include housekeeping facilities or a janitor's closet for the exclusive use of food service with a service sink and storage of housekeeping equipment and supplies.

NEW SECTION

WAC 388-97-360 Lighting. The nursing home shall ensure:

- (1) Lighting is adequate and comfortable for the functions being conducted in each area of the nursing home;
- (2) Lighting levels are appropriate to the task, support the independent functioning of the resident, provide a homelike environment, and minimize glare;
- (3) Adequate natural or artificial light for inside illumination is provided in every useable room area, including storerooms, attic and basement rooms, hallways, stairways, inclines, and ramps;
- (4) Lighting levels in parking lots and approaches to buildings are appropriate for resident and visitor convenience and safety;
- (5) All outside areas where nursing home equipment and machinery are stored have proper lighting; and
- (6) Light shields are provided in kitchens and related food serving areas, utility rooms, medication rooms, exam rooms, pool enclosures, and resident rooms when ceiling-mounted florescent lights are used.

NEW SECTION

WAC 388-97-365 Safety. The nursing home shall provide the following:

- (1) A safe, functional, sanitary, and comfortable environment for the residents, staff, and the public;
- (2) Signs to designate areas of hazard;
- (3) Reference material regarding medication administration, adverse reactions, toxicology, and poison control center information readily available to nursing home staff at all times;
- (4) Poisons and other nonmedicinal chemical agents in containers identified with a warning label stored:
 - (a) In a separate locked storage when not in use by staff; and
 - (b) Separate from drugs used for medicinal purposes.
- (5) Equipment and supplies stored in a manner to not jeopardize the safety of residents, staff, or the public;
- (6) Handrails on each side of all corridors and stairwells accessible to residents;
- (7) Electrical outlets available for the number of electrical appliances in use.

NEW SECTION

WAC 388-97-370 Water supply. (1) The nursing home shall comply with the requirements of the Public Water Supply, chapter 246-290 WAC.

- (2) The nursing home shall establish procedures to ensure that water is available to essential areas when there is a loss in normal water supply.
- (3) The nursing home shall ensure the hot water system maintains water temperatures at one hundred ten degrees Fahrenheit, plus or minus ten degrees Fahrenheit, at fixtures used by residents and staff.
- (4) The nursing home shall prohibit all cross connections between potable and nonpotable water.

NEW SECTION

WAC 388-97-375 Pest control. (1) Medicaid-certified nursing facilities in compliance with federal requirements at C.F.R. §483.70 (h)(4)) will be deemed to meet this section.

(2) THE NURSING HOME SHALL MAINTAIN AN EFFECTIVE PEST CONTROL PROGRAM SO THAT THE FACILITY IS FREE OF PESTS SUCH AS RODENTS AND INSECTS.

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

NEW SECTION

WAC 388-97-380 Maintenance and repair. (1) The nursing home shall maintain electrical, mechanical, and patient care equipment in safe operating condition.

(2) The nursing home shall ensure floors, walls, ceilings, and equipment surfaces are maintained in clean condition and in good repair.

NEW SECTION

WAC 388-97-385 Sewage and liquid waste disposal. The nursing home shall ensure:

(1) All sewage and liquid wastes are discharged into an approved public sewage system where such system is available; or

(2) Sewage and liquid wastes are collected, treated, and disposed of in an on-site sewage system in accordance with chapter 246-272 WAC and meets with the approval of the local health department and/or the state department of health.

NEW CONSTRUCTIONNEW SECTION

WAC 388-97-390 General. The nursing home shall ensure:

(1) New construction complies with the requirements of subchapter II, Physical environment, as well as with all other requirements of this chapter. New construction approved by the department of health before the effective date of the rules of this chapter shall comply with the rules in effect at the time of the plan approval.

(2) New construction includes:

(a) A new building used as a nursing home;

(b) An addition to a building used as a nursing home;

(c) Conversion of another building to a nursing home, or in the use of space within an existing nursing home; and

(d) Alterations including physical, mechanical, or electrical changes made to an existing nursing home, except for painting and repairs.

(3) The project sponsor shall submit plans for all the foregoing to the department of health and plans must be approved before the work begins. The nursing home may request exemptions for alterations as described in WAC 388-97-405.

(4) If the proposed project is not extensive enough to require professional architectural or engineering services, the project sponsor shall submit a written description to the department of health for a determination of the applicability of WAC 388-97-400 (2)(a), Approval of plans.

NEW SECTION

WAC 388-97-395 Design requirements. (1) **HOME-LIKE.** The nursing home shall be designed to provide a safe, clean, comfortable, and homelike environment, that allows the resident to use his or her personal belongings to the greatest extent possible.

(2) **NOISE.** The nursing home shall:

(a) Be constructed with materials that provide comfortable sound levels in all resident areas; and

(b) Utilize an alternative to the public address system for nonemergency communication which best serves the residents' needs.

NEW SECTION

WAC 388-97-400 Approval of plans. (1) **PRELIMINARY PLANS.**

(a) Narrative program. The sponsor for each construction project shall provide a narrative as part of the preliminary plans to the department of health with a copy to aging and adult services administration which identifies:

(i) How the design promotes a homelike environment and facilitates resident-centered care and services;

(ii) Functional space requirements;

(iii) Staffing patterns;

(iv) Traffic patterns;

(v) Each function to be performed;

(vi) Types of equipment required; and

(vii) Services which will not be provided directly, but will instead be provided through contract.

(b) The plans and specifications for new construction shall be prepared by or under the direction of a Washington licensed architect or engineer, and be submitted in duplicate to the department of health. The plans shall be reviewed and approved as preliminaries by the department of health in coordination with aging and adult services administration prior to preparation of final plans. Refer to WAC 388-97-390(4), General, if the proposed project is not extensive enough to require professional architectural or engineering services.

(c) Preliminary plans shall be drawn to scale and shall include:

(i) Plot plan showing streets, entrance ways, driveways, parking, design statements for adequate water supply, sewage and disposal systems, space for the storage of recycled materials, and the arrangement of buildings on the site noting handicapped accessible parking and entrances;

(ii) Floor plans showing existing and proposed arrangements within the building, including the fixed and major movable equipment; and

(iii) Each room, space, and corridor identified by function and number.

(d) Preliminary specifications shall include a general description of construction and materials, including interior finishes.

(2) **FINAL CONSTRUCTION DOCUMENTS.**

(a) Construction shall not commence until three sets of final plans drawn to scale with complete specifications have been submitted to and approved by the department of health in coordination with aging and adult services administration.

(b) Final construction documents shall be prepared, stamped, signed and dated by a licensed architect or engineer.

(c) These plans and specifications shall show complete details to be furnished to contractors for construction of the buildings, including:

- (i) Plot plan;
- (ii) Plans of each floor of the building, including fixed equipment;
- (iii) Elevations, sections, and construction details;
- (iv) Schedule of floor, wall, and ceiling finishes, door and window sizes and types;
- (v) Mechanical and electrical systems; and
- (vi) Provision for noise, dust and draft control, fire protection, safety and comfort of the residents if construction work takes place in or near occupied areas.

(d) For buildings over four thousand square feet, a copy of the lead agency declaration of nonsignificance of environmental impact shall be submitted to the department of health as specified in chapter 248-06 WAC.

(3) **PREINSTALLATION SUBMISSIONS** shall be submitted to the department of health and approved prior to installation. Submissions shall include:

- (a) Stamped shop drawings for fire sprinkler system;
- (b) Shop drawings for fire detection and alarm systems; and

- (c) If carpets are to be installed:
 - (i) A floor plan or finish schedule denoting areas to be carpeted;
 - (ii) Function of areas to be carpeted;
 - (iii) Coding with a key for carpet types;
 - (iv) A copy of a testing laboratory report of the floor radiant panel and smoke density tests; and

(v) A copy of the manufacturer's carpet specifications.

(4) **CONSTRUCTION TIMELINES.** All construction shall take place in accordance with the approved final plans and specifications. Changes to plans must be reviewed and approved by the department of health in coordination with aging and adult services administration prior to incorporation into the construction project.

(a) If construction has not begun within one year from the date of approval, the plans must be resubmitted for review in accordance with current requirements.

(b) If construction is not completed within two years from the date of approval, the plans shall be resubmitted for approval of the remaining construction consistent with current requirements.

(c) To obtain an extension beyond two years, a written request shall be submitted and approved thirty days prior to the end of the two-year period.

NEW SECTION

WAC 388-97-405 Exemptions. (1) The director of nursing home services, aging and adult services administration, may grant exemptions to new construction requirements:

- (a) For alterations when the applicant demonstrates the proposed alterations will serve to correct deficiencies or will upgrade the nursing home in order to better serve residents; and

(b) For substitution of procedures, materials, or equipment for requirements specified in this chapter when such procedures, materials, or equipment have been demonstrated to the director's satisfaction to better serve residents.

(2) The nursing home shall ensure requests for exemptions are in writing and include any necessary approvals from the local code enforcement authority and the state fire marshal.

(3) The nursing home shall ensure all exemptions granted under the foregoing provisions are kept on file at the nursing home.

NEW SECTION

WAC 388-97-410 State building code. The nursing home shall through its design, construction and necessary permits demonstrate compliance with the following codes:

(1) The Uniform Building Code, and Uniform Building Code Standards, as published by the International Conference of Building Officials as amended and adopted by the Washington state building code council and published as chapters 51-20 and 51-21 WAC, or as hereafter amended;

(2) The Uniform Mechanical Code, including chapter 22, Fuel Gas Piping, Appendix B, as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as amended and adopted by the Washington state building code council and published as chapter 51-22 WAC, or as hereafter amended;

(3) The Uniform Fire Code, and Uniform Fire Code Standards, as published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended and adopted by the Washington state building code council and published as chapters 51-24 and 51-25 WAC, or as hereafter amended;

(4) The Uniform Plumbing Code, and Uniform Plumbing Code Standards, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the Washington state building code council and published as chapters 51-26 and 51-27 WAC, or as hereafter amended;

(5) The Washington state ventilation and indoor air quality code, as adopted by the Washington state building code council and filed as chapter 51-13 WAC, or as hereafter amended; and

(6) The Washington state energy code, as amended and adopted by the Washington state building code council and filed as chapter 51-11 WAC, or as hereafter amended.

NEW SECTION

WAC 388-97-415 Electrical codes and standards. The nursing home shall ensure:

All electrical wiring complies with state and local electrical codes including chapter 296-46 WAC, "Rules and regulations for installing electrical wires and equipment and administrative rules," and the National Electric Code of the National Fire Protection Association (NFPA-70) as adopted by the Washington state department of labor and industry.

NEW SECTION

WAC 388-97-420 Elevator codes. The nursing home shall ensure elevators are installed in accordance with chapter 296-81 WAC.

NEW SECTION

WAC 388-97-425 Local codes and ordinances. The nursing home shall:

- (1) Follow all local ordinances relating to zoning, building, and environmental standards; and
- (2) Obtain all local permits before construction and keep permits on file at the nursing home.

NEW SECTION

WAC 388-97-430 Administration and public areas.

(1) **ENTRANCES AND EXITS.** The nursing home shall have the main entrances and exits sheltered from the weather and accessible in accordance with chapter 51-20 WAC.

(2) **LOBBY.** The nursing home shall have a lobby or area in close proximity to the main entrance which is accessible and which includes:

- (a) Waiting space with seating accommodations;
- (b) Reception and information area;
- (c) Space to accommodate persons in wheelchairs;
- (d) Public restroom;
- (e) Drinking fountain; and
- (f) Public telephone.

(3) **INTERVIEW SPACE.** The nursing home shall have interview spaces for private interviews relating to social service and admission.

(4) **OFFICES.** The nursing home shall provide:

- (a) Office space convenient to the work area for the administrator, the director of nursing services, medical records staff, social services staff, activities director, and other personnel as appropriate;
- (b) Work space for physicians and outside consultants;
- (c) Space for locked storage of health records which provides for fire and water protection; and
- (d) Space for the safe storage and handling of financial and business records.

(5) **INSERVICE EDUCATION.** The nursing home shall provide space for employee inservice education that will not infringe upon resident space.

(6) **STAFF.** The nursing home shall ensure a lounge, lockers, and toilets are provided convenient to the work areas for employees and volunteers.

NEW SECTION

WAC 388-97-435 Resident care unit. (1) **REQUIRED SERVICES.** In a new building, the nursing home shall provide the array of required services referred to in WAC 388-97-325, Resident care unit, to support resident care and nursing needs and designed to serve a maximum of sixty beds on the same floor.

(2) **UTILITY SERVICE ROOMS.** In a new building, a resident room shall be not more than ninety feet from either a clean utility room or a soiled utility room. Utility rooms shall be designed and equipped to ensure separation of clean and sterile supplies and equipment from contaminated supplies and equipment.

(a) Each clean utility room shall have a work counter, a sink, and closed storage units for the supplies and small equipment.

(b) Each soiled utility room shall have:

(i) A double-compartment sink with the inside dimensions of each compartment deep enough to totally submerge items being cleaned and disinfected;

(ii) A three-foot long work surface adjacent to the sink which may be moveable;

(iii) Drying/draining racks for wet equipment;

(iv) Storage cabinets sufficient to store cleaning supplies and other items;

(v) Locked storage for cleaning agents, disinfectants and other caustic or toxic agents;

(vi) Adequate space for waste containers, linen hampers, and other large equipment;

(vii) Work counters, sinks, and other fixed equipment arranged to prevent intermingling of clean and contaminated items during the cleaning process; and

(viii) A siphon jet type clinic service sink or equivalent.

(3) **DRUG FACILITIES.** The nursing home shall have a room designed and equipped for drug preparation and locked storage near each work station.

(4) **LINEN STORAGE.** The nursing home shall provide:

(a) A clean room for storage of clean linen and other bedding. This may be in an area within the clean utility room;

(b) A soiled linen room for the collection and temporary storage of soiled linen. This may be in an area within the soiled utility room; and

(c) Storage for linen barrels and clean linen carts.

(5) **EQUIPMENT STORAGE.** The nursing home shall have four square feet or more of storage space per bed for wheelchairs and other ambulation equipment which does not impinge upon the required corridor space.

NEW SECTION

WAC 388-97-440 Resident rooms. The nursing home shall ensure each resident room meets the following requirements:

(1) Designed to provide a safe, clean, comfortable, and homelike environment, allowing the resident to use his or her belongings to the greatest extent possible;

(2) The floor level is above grade level except for earth berms. "Grade" means the level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building;

(3) Each resident room is located to prevent through traffic;

(4) Every resident room has an outside room, and has a clear glass window located on an outside wall and has an area equal to not less than one-tenth of the usable floor space;

(a) Each resident room window is located twenty-four feet or more from another building or the opposite wall of a court or ten feet or more away from a property line, except

on street sides. The outside window wall is eight feet or more from an outside public walkway; and

(b) Window sills are three feet or less above the floor.

(5) In a new building or addition, minimum room areas exclusive of toilet rooms, closets, lockers or wardrobes, alcoves, or vestibules are one-hundred and ten square feet per bed in multi-bed rooms, and one-hundred square feet in single bed rooms; and

(6) A new building or addition which submit plans for review after September 1, 1995, shall have a maximum capacity of two beds per resident room.

NEW SECTION

WAC 388-97-445 Resident room equipment. In a new building or addition, except for alterations, the nursing home shall ensure the provision of:

(1) Cubicle curtain or screen which provides a minimum of eight feet by eight feet of full visual, and auditory privacy per bed in each multi-bed room. Design for privacy shall not restrict the exit/access of other residents from/to the resident room, window, lavatory, toilet, or closet. "Full visual privacy" in a multi-bed room means curtains which prevent staff, visitors and other residents from seeing a resident in bed, but which allow staff, visitors, and other residents access to the toilet room, lavatory, and the entrance;

(2) A lavatory in each multi-bed room and a lavatory in each single room which does not have an adjoining toilet room containing a lavatory;

(3) Separate, enclosed wardrobe or closet for each bed in each room accessible to the resident. The inside dimensions are a minimum of twenty-two inches deep by thirty inches wide by sixty inches high. The space includes a rod, at least fifteen inches long, and allows for fifty-four inches of hanging space adjustable to meet the needs of the resident;

(4) Lockable shelf space or drawer for storage of personal belongings for each resident bed in addition to the bedside cabinet;

(5) Separate storage for extra pillows and blankets for each bed. This may be in a location convenient to the resident room or combined with the wardrobe or closet if it does not impinge upon the required space for clothing.

(6) A phone jack for each bed in each room.

NEW SECTION

WAC 388-97-450 Resident toilet and bathing facilities. (1) **RESIDENT TOILETS.** The nursing home shall:

(a) Provide a toilet room directly accessible from each resident room and from each bathing facility without going through a general corridor. One toilet room may serve two bedrooms;

(b) Provide at least one lavatory in each toilet room except when it opens into a single-bed room which has a lavatory;

(c) Design each resident toilet room to accommodate a person in a wheelchair; and

(d) Provide a properly located and securely mounted grab bar at each side of a toilet fixture in all toilet rooms and stalls.

(2) **RESIDENT BATHING.** The nursing home shall ensure:

(a) In each bathroom containing more than one bathing facility, each bathtub or shower or equivalent is in a separate room or compartment. The area for each bathtub and shower shall be sufficient to accommodate a shower chair and attendant and provide visual privacy;

(b) Shower and tub bottom surfaces are slip-resistant;

(c) Mobile and attached shower seats are constructed and maintained with a nonporous finish; and

(d) Grab bars are installed in accordance with the Uniform Building Code.

NEW SECTION

WAC 388-97-455 Required miscellaneous rooms and areas. (1) **DINING ROOMS, DAYROOMS, ACTIVITY AREAS.** In a new building or addition, the nursing home shall design dining rooms, dayrooms, and activity areas for resident convenience and comfort and provide a homelike environment. The nursing home shall:

(a) Ensure these rooms or areas are exterior rooms with windows;

(b) Provide space for dining, day, and activity areas at a minimum of thirty square feet per bed for the first one hundred beds and twenty-seven square feet per bed in excess of one hundred;

(c) Locate a day room adjacent to each resident care unit;

(d) Provide designated dining and activity spaces separate from each other and designed to prevent program interference with each other;

(e) Provide storage spaces for all activity and recreational equipment and supplies, adjoining or adjacent to the facilities provided; and

(f) Conveniently locate a common use toilet facility with lavatory near each dining, day, and activity room.

(2) **VISITING AND PRIVATE SPACE.** In a new building or addition, the nursing home shall design a separate room or areas for residents to have family and friends visit and for residents to spend time alone. The nursing home shall ensure these areas provide:

(a) Space which facilitates conversation and privacy; and

(b) Access to a common-use toilet facility.

(3) **OUTDOOR RECREATION SPACE AND WALKWAYS.** In a new building or addition, a nursing home shall provide a safe, protected outdoor area for resident use. The nursing home shall ensure the outdoor area has:

(a) Sufficient shaded and sheltered areas to meet the resident's needs;

(b) Accessible walking surfaces which are firm, stable, and free from cracks and abrupt changes;

(c) Sufficient space and outdoor furniture provided with flexibility in arrangement of the furniture to accommodate residents who use wheelchairs and mobility aids; and

(d) Plants.

(4) **LAUNDRY STORAGE.** The nursing home shall ensure:

(a) Soiled linens and soiled clothing are stored and sorted in a separate well-ventilated, lighted enclosed room

apart from washing and drying facilities that has self-closing doors. There shall be a handwashing facility and a floor drain in the room; and

(b) Clean linen is stored in a separate well-ventilated enclosed room apart from washing and drying facilities.

(5) **GENERAL STORAGE AREA.** A nursing home shall have general storage space of not less than five square feet per bed in addition to the closets and storage required in WAC 388-97-445, Resident room.

NEW SECTION

WAC 388-97-460 Optional rooms and areas. (1) **DEMENTIA CARE UNIT.** See WAC 388-97-350(1) and 388-97-095. In a new building or addition, the nursing home shall ensure a dementia care unit has:

(a) Dining areas which provides a minimum of twenty square feet per resident;

(b) A continuous ambulation route allowing the resident to return to the resident's starting point without reversing direction;

(c) Egress door control devices only when the security locking is approved by the state fire marshal and conform to the following requirements:

(i) A security locking system which meets the fire and life safety requirements of the Uniform Building Code and the state building code such as, but not limited to, an approved automatic fire alarm system and an approved supervised automatic sprinkler system which is electrically interconnected with the fire alarm system;

(ii) Exits from the dementia care unit and building shall release automatically with activation of the building fire alarm system. Exits shall include secured outdoor space and walkways, walls, or fences and/or ambulation areas;

(iii) Keyed locks are prohibited in any egress path;

(iv) Releasing devices of security locking systems shall be labeled with directions at the egress path doors;

(v) An override switch shall be installed at each staff work station or at a constantly attended location within the building to override all other mechanisms and unlock exit doors in the event of an emergency;

(vi) If primary power to the building is lost, all security locking systems shall automatically release;

(vii) A copy of the written approval of the security locking system from the local officials enforcing the Uniform building Code, Uniform Fire Code, and the state building code shall be on file at the nursing home.

(2) **POOLS.** The nursing home shall ensure swimming pools, spas, and tubs which remain filled between uses meet the requirements in chapter 246-260 WAC.

(3) **PHARMACY.** The nursing home shall ensure an on-site pharmacy meets the requirements of the Washington state board of pharmacy per chapter 246-857 WAC.

NEW SECTION

WAC 388-97-465 General design requirements. (1) **ACCESSIBLE.** The nursing home shall be readily accessible to a person with disability.

(2) **VECTOR CONTROL.** The nursing home shall:

(a) Construct and maintain buildings to prevent the entrance of pests such as rodents and insects; and

(b) Provide mesh screens or equivalent with a minimum mesh of one-sixteenth inch on all windows and other openings which can be left open.

(3) **ELEVATORS.** The nursing home shall:

(a) Ensure all buildings having residential use areas or service areas located on other than the main entrance floor with an elevator.

(b) Locate at least one elevator sized to accommodate a resident bed and attendant for each sixty beds on floors other than the main entrance floor.

(4) **STAIRWAYS, RAMPS, AND CORRIDORS.** The nursing home shall ensure stairways, ramps and corridors conform with the Uniform Building Code.

(5) **HANDRAILS.** The nursing home shall provide handrails along both sides of all resident use corridors. The nursing home shall ensure:

(a) Ends of handrails are returned to the walls;

(b) Handrails are mounted thirty-four to thirty-eight inches above the floor and project not more than three and one-half inches from the wall; and

(c) Handrails terminate not more than six inches from a door.

(6) **DOORS.** The nursing home shall ensure:

(a) Doors to resident rooms provide a minimum of forty-four inches clear width;

(b) Doors to resident bathrooms and toilet rooms are a minimum of thirty-two inches clear width for wheelchair access;

(c) All doors to resident toilet rooms and bathing facilities open outward except if doors open directly into a resident occupied corridor;

(d) Doors to toilet rooms and bathrooms have locks, and a means of unlocking doors from the outside;

(e) Doors to occupied areas not swing into corridors; and

(f) All passage doors are arranged so that doors do not open onto or obstruct other doors.

(7) **FLOOR FINISHES.** The nursing home shall ensure:

(a) Floors at all entrances have slip resistant finishes even when wet;

(b) All uncarpeted floors are smooth, nonabsorbent and easily cleanable;

(c) Coving. The nursing home shall ensure:

(i) Kitchens, restrooms, laundry, utility rooms, and bathing areas have integral coves of continuous commercial grade sheet vinyl, bullnose ceramic tile or sealed bullnose quarry tile at least four inches in height; and

(ii) All other wall junctions have either integral coving or top set base with toe.

(d) Carpets may be used in all areas except: toilet rooms, bathrooms, kitchen, laundry, utility rooms, medication rooms, maintenance, isolation rooms if provided, and areas subject to high moisture or flooding;

(e) Specifications for acceptable carpeting are:

(i) Pile yarn fibers are easily cleanable and meet the standards of NFPA 101, Life Safety Code;

(ii) Pile is looped texture in all resident use areas. Cut pile may be used in nonresident use areas;

(iii) Average pile density of five thousand ounces per cubic yard in resident use areas and four thousand ounces per cubic yard in nonresident areas;

(iv) A maximum pile height of .255 inches in resident use areas and .312 inches in nonresident use areas;

(v) Cemented to the floor; and

(vi) Edges covered and top set base with toe at all wall junctures.

(f) When recarpeting, the safety of residents shall be assured during and after recarpeting installation within room or area. The nursing home shall ensure the room or area is:

(i) Well ventilated;

(ii) Unoccupied; and

(iii) Unavailable for use until room is free of volatile fumes and odors.

(8) **WALLS.** The nursing home shall ensure:

(a) Wall finishes are easily cleanable; and

(b) A water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray, such as, bathing facilities, toilet rooms, janitors' closets, and can-wash areas.

(9) **ACCESSORIES.** The nursing home shall provide the following accessories with the necessary backing for mounting:

(a) Suitable shelf or equivalent and mirror at each lavatory in toilet rooms, resident rooms and locker rooms;

(b) Towel bars and/or hooks at each lavatory in resident rooms and at each bathing facility. Towel bars shall meet grab bar standards;

(c) A robe hook at each bathing facility, toilet room and in examination room or therapy area;

(d) A securely mounted toilet paper holder properly located within easy reach of the user at each toilet fixture;

(e) Sanitary seat covers, except where toilet seats are open front type;

(f) Dispensers for single use towels mounted to avoid contamination from splash and spray and located within reach of a person in a wheelchair;

(g) Suitable provision for dispensed handwashing soap at each lavatory, sink, and bathing facility;

(h) Sanitary napkin dispensers and disposers in public and employee women's toilet rooms; and

(i) Grab bars easily cleanable and resistant to corrosion.

(10) **MISCELLANEOUS.** The nursing home shall ensure:

(a) Rooms and service areas are identified by visible and tactile signs; and

(b) Equipment and casework is designed, manufactured and installed for ease of proper cleaning and maintenance, and suitable for the functions of each area.

NEW SECTION

WAC 388-97-470 Heating, ventilation, and air conditioning system. (1) **HEATING SYSTEM.** The nursing home shall ensure:

(a) The heating system is capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents and seventy degrees Fahrenheit for nonresident areas;

(b) Resident rooms have individual temperature control;

(c) The following is insulated within the building:

(i) Pipes conducting hot water which are exposed to resident contact; and

(ii) Air ducts and casings with outside surface temperatures below ambient dew point.

(d) Insulation on cold surfaces includes an exterior vapor barrier; and

(e) Electric resistant wall heat units are prohibited in new construction.

(2) **COOLING SYSTEM.** The nursing home shall have:

(a) A mechanical cooling system capable of maintaining a temperature of seventy-five degrees Fahrenheit for areas occupied by residents; and

(b) A cooling system that has mechanical refrigeration equipment to provide summer air conditioning to resident areas, food preparation areas, laundry, medication rooms, and therapy areas by either a central system with distribution ducts or piping, or packaged room or zonal air conditioners.

(3) **VENTILATION SYSTEM.** The nursing home shall ensure:

(a) Ventilation of all rooms is designed to prevent objectionable odors, condensation, and direct drafts on the residents.

(b) All inside habitable space is mechanically ventilated including:

(i) All air-supply and air-exhaust systems;

(ii) Installation of air-handling duct systems which meet the requirements of the Uniform Mechanical Code and chapter 51-22 WAC;

(iii) Corridors are not used to supply air to, or exhaust air from, any room except that infiltration air from corridors may be used to ventilate bathrooms, toilet rooms, janitors' closets, and small electrical or telephone closets opening directly on corridors;

(iv) Room supply air inlets, recirculation, and exhaust air outlets are located not less than three inches above the floor. Exhaust outlets shall be near the ceiling; and

(v) Outdoor air intakes are located as far as practical, but a minimum of twenty-five feet, from the exhausts from any ventilating system, combustion equipment, or plumbing vent, or areas which may collect vehicular exhaust and other noxious fumes. The nursing home shall locate the bottom of outdoor air intakes serving central systems as high as practical but a minimum of three feet above grade level or, if installed through the roof, three feet above the roof level.

**TABLE A
PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN AREAS**

AREA DESIGNATION	Pressure Relationship To Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total ¹ Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Recirculated Within Area
Activities/Dining	E or P	2	4	Optional	Optional
Bathroom	N	Optional	10	Yes	No
Clean linen storage	P	Optional	2	Optional	Optional
Clean workroom and clean holding	P	2	4	Optional	Optional
Dietary day storage	E or P	Optional	2		
Food prep center	E	2	8(10)	Yes	No
Isolation anteroom	NN	2	10	Yes	No
Isolation resident room	NN	2	2	Yes	No
Janitors' closet	N	Optional	10	Yes	No
Laundry, general	V	2	10	Yes	No
Linen and trash chute room	N	Optional	10	Yes	No
Medicine prep room	P	2	4	Optional	Optional
Occupational therapy	N	2	6	Optional	Optional
Personal care room	N	2	8	Optional	Yes
Physical therapy and hydrotherapy	N	2	6	Optional	Optional
Resident area corridor	P	2	2	Optional	Optional
Resident room	E or N	2	2	Optional	Optional
Soiled linen sorting and storage	N	Optional	10	Yes	No
Soiled workroom and soiled holding	N	2	10	Yes	No
Speech and hearing unit	E or P	2	2	Optional	Optional
Sterilizer equipment room	N	Optional	10	Yes	No
TB isolation resident room	NN	2	12 ²	Yes	No
TB isolation room anteroom	NN	2	12 ³	Yes	No
Toilet room and locker rooms	N	Optional	10	Yes	No
Treatment room	E or N	2	6	Optional	Optional
Warewashing room	N	Optional	8(10)	Yes	No

P=Positive N=Negative E=Equal V=May vary ()=Recommended NN=Very negative

^{1/} The outdoor air quantities for central systems employing recirculating and serving more than a single area designation may be determined by summing the individual area quantity requirements rather than by providing the maximum listed ratio of outdoor air to total air. Maximum noise level caused by toilet room exhaust fans shall be fifty decibels on the A sound level as per ASHRAE Table 7.

^{2/} Temporary imbalance at resident rooms as caused by intermittent toilet room or bathroom exhaust fans is permissible.

^{3/} TB isolation room: a minimum of six air changes may be permitted with a properly installed and maintained ultraviolet generator irradiation system. Fixture installation shall conform to the recommendation of the *Illuminating Engineering Society Handbook*, 5th edition, Section 25, "Ultraviolet Energy."

(c) Minimum ventilation requirements. Meet the pressure relationship and ventilation rates shown in Table A

as minimum acceptable balanced rates when these areas/rooms are a part of the nursing home. The nursing home shall ensure:

(i) Exhaust hoods in food preparation centers and dishwashing areas have an exhaust rate not less than fifty cubic feet per minute per square feet of face area. "Face area" means the open area from the exposed perimeter of the hood to the average perimeter of the cooking surfaces;

(ii) All hoods over commercial type cooking ranges are equipped with fire extinguishing systems and heat actuated fan controls;

(iii) Cleanout openings are provided every twenty feet in horizontal exhaust duct systems serving hoods;

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(iv) Installation of equipment for removal of smoke and grease-laden vapors from cooking equipment comply with the Uniform Mechanical Code and chapter 51-22 WAC;

(v) Kitchen ventilation are adequate to provide comfortable working temperatures;

(vi) Boiler rooms, elevator equipment rooms, laundry rooms, and any other heat-producing spaces are provided with sufficient outdoor air to maintain combustion rates of equipment and to limit temperatures at the ceiling to ninety-seven degrees Fahrenheit; and

(vii) Individual toilet rooms and bathrooms are ventilated either by individual mechanical exhaust systems or by a central mechanical exhaust system.

(d) Individual exhaust systems.

(i) Where individual mechanical exhaust systems are used to exhaust individual toilet rooms or bathrooms, the individual ventilation fans are interconnected with room lighting to ensure a ventilation while room is occupied. The ventilation fan shall be provided with a time delay shutoff to ensure that the exhaust continues for a minimum of five minutes after the light switch is turned off;

(ii) Air discharge openings through roofs or exterior walls are protected against entry of weather elements and foreign objects. Automatic louvers or backdraft dampers are installed; and

(iii) The volume of air removed from the space by exhaust ventilation are replaced directly or indirectly by an equal amount of tempered/conditioned air.

(e) Central exhaust systems. The nursing home shall ensure:

(i) All fans serving central exhaust systems are located to prevent a positive pressure in the duct passing through an occupied area;

(ii) Fire and smoke dampers are located and installed in accordance with the Uniform Building Code chapter 51-20 WAC.

(f) Air filters. All central ventilation or air-conditioning systems are equipped with filters having efficiencies of at least eighty percent if the system supplies air to resident rooms, therapy areas, food preparation areas, or laundry areas. Filter efficiency is warranted by the manufacturer and is based on atmospheric dust spot efficiency per ASHRAE Standard 52-76. The filter bed is located upstream of the air-conditioning equipment, unless a prefilter is employed. In which case, the prefilter is upstream of the equipment and the main filter bed may be located downstream.

(i) Filter frames are durable and provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work are gasketed or sealed.

(ii) All central air systems have a manometer installed across each filter bed with an alarm to signal high pressure differential.

(iii) Humidifiers, if provided, are a steam type.

NEW SECTION

WAC 388-97-475 Electrical. (1) EMERGENCY POWER. The nursing home shall ensure emergency power equipment referred to in WAC 388-97-315, Emergency power, meets earthquake standards.

(2) **LIGHTING.** The nursing homes shall ensure facility lighting provides the best visual acuity possible for residents.

(3) **NATURAL LIGHT.** In new buildings and additions, the nursing home shall utilize:

(a) Windows and skylights to minimize the need for artificial light and to allow a resident to experience the natural daylight cycle; and

(b) The use of windows and skylights near entrances/exits in order to avoid difficulty in adjusting to light levels when entering or leaving the facility.

(4) **ILLUMINATION LEVELS.** The nursing home shall ensure:

(a) Lighting fixtures and circuitry provide at least the illumination levels shown within Table B; and

(b) Design takes into consideration that lighting systems normally decrease in output with age and dirt accumulation. Light fixture locations and switching arrangements shall be appropriate for the needs of the occupants of the spaces and following Illuminating Engineering Society (IES) recommendations for health care facilities.

TABLE B

Average Maintained Footcandles

Area	Ambient Light ¹	Task Light ₂
Activity	30	50
Adm and lobby, day	30	NA
Adm and lobby, night	20	NA
Barber, beautician	50	NA
Chapel, quiet area	30	NA
Corridors, interior ramps	30	NA
Dining areas	50	NA
Doorways, exterior	20	NA
Exam, treatment table	NA	100
Exam, treatment room	30	50
Exit stairways and landings	30	NA
Food preparation areas	50	75
Janitor's closet	30	NA
Laundry	30	50
Medicine prep area	30	100
Nurses' desk	30	70
Nurses' station, day	30	50
Nurses' station, night	20	50
Physical therapy	30	50
Resident room	30	50
Resident reading light	NA	75
Recreation area	30	50
Toilet, bathing facilities at lavatories, and mirrors	30	50
Toilet and bathing facilities, general	30	NA
Utility room, general	30	
Utility room, work counter	NA	50
Worktable, course work	30	70
Worktable, fine work	50	100

^{1/} Ambient light measurements are taken two and one-half feet from the floor (plus or minus six inches). Minimum footcandles are based upon average measurement. A minimum of three measurements should be taken,

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including a measurement at the center of each area, near the outer perimeter, and at a point equidistant from the center and the perimeter measurement.
 2/ Task light measurements are taken at the work surface. Minimum footcandles for task light are based upon average measurement. A minimum of three measurements should be taken, including a measurement at the center of each work surface, near the outer perimeter of the work surface, and at a point equidistant from the center and the perimeter measurement.

(5) **RECEPTACLE OUTLETS.** The nursing home shall ensure:

(a) There are a minimum at least four electrical outlets located convenient to each resident's bed and placed at least forty inches above the floor. The nursing home shall ensure a minimum of:

(i) Two additional electrical outlets at separate, convenient locations in each resident room;

(ii) One duplex receptacle outlet located adjacent to each lavatory intended for resident use.

(b) All receptacle outlets located within five feet of a sink, lavatory, toilet, bath, or shower are protected by a ground fault circuit interrupter.

(6) **NIGHT LIGHTS.** The nursing home shall ensure a dim night light to provide pathway lighting is:

(a) Flush mounted on the wall;

(b) Centered about fourteen inches above the floor; and

(c) Controlled by a switch at the entrance door in each resident room or by a master switch.

(7) **SWITCHES.** The nursing home shall install quiet operating switches for general illumination adjacent to doors in all areas and accessible to residents in resident rooms.

NEW SECTION

WAC 388-97-480 Plumbing, fixtures. (1) **LAVATORIES.** The nursing home shall provide lavatories in each toilet room except where provided in an adjoining single resident room, dressing room, or locker room.

(2) **DRINKING FOUNTAINS.** Where drinking fountains are installed, the nursing home shall ensure the fountains are of the inclined jet, sanitary type.

(3) **MIXING VALVES.** The nursing home shall provide each fixture, except toilet fixtures and special use fixtures, with hot and cold water through a mixing valve.

(4) **SPOUTS.** The nursing home shall ensure all lavatories and sinks in resident rooms, resident toilet rooms, and utility and medication areas have gooseneck spouts.

(5) **WRIST BLADES.** The nursing home shall provide four inch wrist blade controlled faucets or their equivalent at all sinks and lavatories. The nursing home shall:

(a) Install the wrist blades to provide four inches clear in full open and closed position; and

(b) Color-code and label faucet handles to indicate "hot" and "cold."

(6) **BACKFLOW PREVENTION DEVICES.** The nursing home shall:

(a) Provide backflow prevention devices on the water supply to fixtures or group of fixtures where extension hoses are installed or are anticipated to be installed; and

(b) Prohibit all cross connections.

WSR 94-19-049
PERMANENT RULES
YAKIMA COUNTY
CLEAN AIR AUTHORITY
 [Filed September 19, 1994, 11:30 a.m.]

Date of Adoption: September 14, 1994.

Purpose: Amendments to Restated Regulation I of Yakima County Clean Air Authority. Deletion of Sections 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, and 6.08. In addition, wording was changed in Sections 2.01, 12.01 and 12.02.

Citation of Existing Rules Affected by this Order: Amending Restated Regulation I of the Yakima County Clean Air Authority.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 94-15-086 on July 20, 1994.

Effective Date of Rule: Thirty-one days after filing.
 September 16, 1994
 Tom T. Silva, Director
 Air Pollution Control Officer

ARTICLE VI

OPERATING PERMITS

SECTION 6.01 - POLICY

The Yakima County Clean Air Authority shall administer an air operating permit program upon approval of its delegation request, pursuant to Chapter 173-401 WAC. Under this program any air contaminant source subject to section 6.02 Chapter 173-401-300 WAC shall be required to have an air operating permit.

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

~~**SECTION 6.02 - APPLICABILITY**~~

~~Operating permits shall be required for all sources where:~~

~~A. Required by the Federal Clean Air Act, and~~

~~B. For any source that may cause or contribute to air pollution in such quantity as to create a threat to public health and welfare. This subsection shall not apply to small businesses except when both of the following limitations are satisfied:~~

~~1. That source is in an area exceeding or threatening to exceed federal or state air quality standards, and~~

~~2. The Authority provides reasonable justification that requiring a source to have a permit is necessary in order to meet federal or state air quality standards.~~

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

~~**SECTION 6.03 - PROGRAM DELEGATION**~~

~~The delegation order authorizing the Yakima County Clean Air Authority to administer its Air Operating Permit Program shall become effective ninety (90) days after approval by the United States Environmental Protection Agency (EPA).~~

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

SECTION 6.04 - PERMIT APPLICATION

~~Within one hundred eighty (180) days after EPA approval of the Authority's permitting program any source required to have a permit shall submit to the Authority a compliance plan and a permit application, signed by a responsible official, certifying the accuracy of the information submitted. Until permits are issued, existing sources shall be allowed to operate under presently applicable standards and conditions provided such sources submit complete and timely permit applications.~~

~~New Sources which commence operation after EPA approval of the Authority's permitting program and which are required to have a permit shall file a complete permit application within twelve (12) months after commencing operation.~~

~~Unless the Authority determines that an application is not complete within sixty (60) days of receipt of the application, such application shall be deemed to be complete.~~

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

SECTION 6.05 - PERMIT CONTENT

~~Each air operating permit shall state the origin of and the specific legal authority for each requirement included therein. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:~~

~~A. The Federal Clean Air Act and rules implementing that act, including provisions of the approved SIP; and~~

~~B. Chapter 70.94 RCW and Chapter 173-401 WAC; and~~

~~C. The requirements of any order or regulation adopted by the Authority; and~~

~~D. Chapter 70.98 RCW and rules adopted thereunder; and~~

~~E. Chapter 80.50 RCW and rules adopted thereunder.~~

~~The Authority shall issue permits for a fixed term of five years.~~

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

SECTION 6.06 - PERMIT ISSUANCE, RENEWAL, REOPENINGS, AND REVISIONS

~~A proposed permit must be reviewed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Yakima County Clean Air Authority or the Department of Ecology.~~

~~The Authority shall take final action on each permit application within eighteen months of receiving a complete application except during a transition period (not to exceed three years) that will begin the effective date of the permit program. During the transition period the Authority shall take final action on at least one-third of all operating permit applications annually.~~

~~A source shall submit an application for permit renewal no later than six (6) months prior to the expiration date of the permit.~~

~~A permit may be modified or amended during its term at the request of the permittee, or for any reason allowed by the Federal Clean Air Act.~~

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

SECTION 6.07 - PUBLIC INVOLVEMENT

~~All proposed permits shall be subject to public notice and comment. The Authority shall respond to comments received from interested parties prior to the time that the proposed permit is submitted to the EPA for review pursuant to section 505(a) of the Federal Clean Air Act. In the event that the EPA objects to a proposed permit pursuant to section 505(b) of the Federal Clean Air Act, the Authority shall not issue the permit, unless the permittee consents to the changes required by the EPA.~~

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

SECTION 6.08 - VIOLATION

~~After the effective date of the permit program, it shall be unlawful for any person to operate a permitted source in violation of any requirement of a permit issued under this article or fail to submit a permit application as outlined in Section 6.04.~~

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

SECTION 6.09 6.02 - FEE ASSESSMENT

Pursuant to RCW 70.94.161(14), the Authority shall allocate its fiscal 1994 air operating permit program development costs among the sources under its jurisdiction emitting one hundred tons or more per year of a regulated pollutant during calendar year 1992 and shall collect interim fees from these sources. Interim air operating permit fees collected by the Authority on behalf of the Department of Ecology shall be remitted to the Department by March 1, 1994.

Pursuant to RCW 70.94, (Bill 1089), the Authority shall determine, assess, and collect annual fees sufficient to cover the Authority's direct and indirect costs of implementing its air operating permit program.

Upon receiving delegation authority per Section 6.03 of this article, air operating permit fees collected by the Authority on behalf of the Department of Ecology shall be collected from each source in two equal payments and shall be remitted to the Department by March 1 and June 30, respectively, of each year.

All air operating permit fees collected by the Authority on its own behalf shall be deposited into an air operating permit account dedicated exclusively to the support of its Air Operating Permit Program. The payment schedule for all air operating permit fees collected by the Authority on its own behalf shall be four equal payments with each payment due at the beginning of the respective fiscal quarter. The fiscal year for the Authority begins July First.

All air operating permit fees collected by the Authority on behalf of itself shall be calculated according to Article XIII, Section 13.05 of this regulation.

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

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

ARTICLE XII

ADOPTION OF STATE AND FEDERAL REGULATIONS

SECTION 12.01 - STATE REGULATIONS

Except as the same may be inconsistent with the provisions of this Regulation of the Yakima County Clean Air Authority as now adopted or hereafter amended, the Yakima County Clean Air Authority does hereby adopt by reference and incorporates herein, as if specifically set forth herein, all of the terms and provisions of the Washington State Administrative Code as identified below, except as the same may be less stringent than the provisions of this Regulation of the Yakima County Clean Air Authority:

- WAC 173-400 General Regulations for Air Pollution Sources;
WAC 173-401 Operating Permit Regulation;
WAC 173-425 Open Burning;
WAC 173-430 Burning of Field and Turf Grasses Grown for Seed;
WAC 173-433 Solid Fuel Burning Device Standards;
WAC 173-434 Solid Waste Incineration Facilities;
WAC 173-435 Emergency Episode Plans;
WAC 173-470 Suspended Particulate (Ambient Standards);
WAC 173-474 Sulphur Oxide Standards;
WAC 173-475 Photochemical Oxidant, Hydrocarbons, Nitrogen Dioxide (Ambient Standards);
WAC 173-460 Controls for New Sources of Toxic Air Pollutants;
WAC 173-490 Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC);
WAC 173-491 Emission Standards and Controls for Sources Emitting Gasoline Vapors.

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

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

SECTION 12.02 - FEDERAL REGULATIONS

Except as the same may be inconsistent with the provisions of this Regulation of the Yakima County Clean Air Authority as now adopted or hereafter amended, the Yakima County Clean Air Authority does hereby adopt by reference and incorporates herein, as if specifically set forth herein, all of the terms and provisions of the Code of Federal Regulations as identified below:

Title 40 CFR Part 60, New Source Performance Standards (NSPS);

Title 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

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

SECTION 2.01 - CAUSING OR PERMITTING AIR POLLUTION UNLAWFUL - EXCEPTION

Except where specified in a variance permit, as provided herein, it shall be unlawful for any person knowingly to cause air pollution or knowingly permit it to be caused in violation of these rules and Regulations.

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

WSR 94-19-062
PERMANENT RULES
LOTTERY COMMISSION
[Filed September 20, 1994, 1:07 p.m.]

Date of Adoption: September 9, 1994.
Purpose: To amend WAC 315-06-120 and 315-06-130.
Citation of Existing Rules Affected by this Order: Amending WAC 315-06-120 and 315-06-130.
Statutory Authority for Adoption: RCW 67.70.040.
Pursuant to notice filed as WSR 94-16-122 on August 2, 1994.
Effective Date of Rule: Thirty-one days after filing, September 14, 1994
Evelyn P. Yenson
Director

AMENDATORY SECTION (Amending WSR 93-04-004, filed 1/21/93, effective 2/21/93)

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 one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. 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 claimant: Provided, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal

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entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. 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 natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) Prohibit assignment of any right or interest in the claimant and its assets;

(b) Prohibit deletion, amendment, or addition of terms without the director's approval;

(c) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

(d) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

(e) Provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated in subsection (4) of this section.

(6) 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 players' 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 and, upon written permission, photograph for publicity purposes by the lottery.

(7) 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 game drawing for which that on-line ticket was purchased.

(8) 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.

(9) No natural person or legal entity entitled to a prize may assign the right to payment 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 purposes of paying federal, state or local tax).~~

(10) 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.

(11) 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.

(12) 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 made 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 made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(13) The director may, at any time, delay any payment in order to review a change of 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.

(14) If any prize is payable for the life of the winner, only a natural person may claim such a prize.

(15) 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.

(16) 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.

(17) 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.

AMENDATORY SECTION (Amending WSR 93-04-004, filed 1/21/93, effective 2/21/93)

WAC 315-06-130 Prizes payable after death or disability of individual winner. (1) All prizes or a portion thereof which remain unpaid at the time of an individual prize winner's death shall be payable to the court appointed representative of the prize winner's estate once satisfactory evidence of said representative appointment has been presented to the director, claim forms have been properly filled out, and the director is satisfied that such payment is lawful and proper: Provided, however, That where the prize winner and spouse had entered into any agreement valid under the law of this state or another state which establishes the prize as property to pass to the surviving spouse without probate upon the death of the prize winner, then the prize shall be made payable to the surviving spouse, without the probating of an estate of the deceased.

(2) Prize moneys will be paid according to the law of descent and distribution, chapter 11.04 RCW, of the state of Washington if the winner thereof dies intestate regardless of whether the prize winner was domiciled at the time of the prize winner's death in the state of Washington.

(3) The director may rely wholly on the presentment of certified copies of a court's appointment of an administrator or executor, guardian, conservator or on any other evidence that a person is entitled to the payment of any prize winnings then due.

(4) The payment to the estate of the deceased winner of any prize winnings by the director shall absolve the director, the commission and employees of the commission of any further liability for payment of said prize winnings. The director need not look to the payment of the prize winnings beyond the payee thereof.

(5)(a) Where the party who claimed a prize from the lottery was an individual, and the individual has died, the estate of ((*) the deceased individual prize winner may ((elect)) petition the lottery director to have the payment of an installment prize accelerated and paid to the estate at the installment prize's present cash value in lieu of receiving continued payments. The director may grant the petition if, in the director's sole discretion, payment of the remaining installments in a single, present cash value payment is in the best interests of the state lottery.

(b) The estate of an individual which has a community property interest in a prize, may petition the lottery director to have the payment of its interest in an installment prize accelerated and paid to the estate at the installment prize's present cash value in lieu of receiving continued payments. The director may grant the petition if, in the director's sole discretion, payment of the remaining installments in a single, present cash value payment is in the best interests of the state lottery. Payment to the surviving spouse of the

remaining community property interest shall continue in installments.

(6) The director may petition any court of competent jurisdiction to request a determination for the payments of any prize winnings which are or may become due the estate of a deceased winner or a winner under a disability because of, but not limited to, underage, mental deficiency, or physical or mental incapacity.

(7) If the legatee(s) or heir(s) of a deceased winner entitled to prize winnings obtains an order from a court of competent jurisdiction directing payments due and to become due from the director to be paid directly to said legatee(s) or heir(s) or otherwise directs the director to make payments to another in the event of a winner's disability or otherwise, the director shall pay the prize winnings accordingly after application of that process mandated by RCW 67.70.255 and WAC 315-06-125.

(8) A deceased winner's estate shall be considered to be a winner, and payments thereto shall be governed by WAC 315-06-120.

WSR 94-19-063

PERMANENT RULES

LOTTERY COMMISSION

[Filed September 20, 1994, 1:11 p.m.]

Date of Adoption: September 9, 1994.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 131 (Spin 'n Win) and 132 (Treasure Chest); and to amend WAC 315-11A-122.

Citation of Existing Rules Affected by this Order: Amending WAC 315-11A-122.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 94-16-121 on August 2, 1994.

Effective Date of Rule: Thirty-one days after filing.

September 14, 1994

Evelyn P. Yenson

Director

NEW SECTION

WAC 315-11A-131 Instant Game Number 131 ("Spin 'n Win"). (1) **Definitions for Instant Game Number 131.**

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," and "7." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 131, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$6.00," "\$10.00," "\$12.00," "\$20.00," and "\$4,000." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 131, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 6.00	SIX DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 20.00	TWY DOL
\$ 4,000	FORTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 13100001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 131 constitute the "pack number" which starts at 13100001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 131, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00 (\$2; \$1 AND \$1)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1; \$2 AND \$2)
EGT	\$ 8.00 (\$2, \$2, \$2 AND \$2; \$4, \$2 AND \$2)

TTF	\$ 24.00 (\$6, \$6, \$6 AND \$6; \$12 AND \$12)
FRY	\$ 40.00 (\$10, \$10, \$10 AND \$10; \$20 AND \$20)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 131.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 131 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 131; and/or

(ii) Vary the number of tickets sold in Instant Game Number 131 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 131.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 131 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) 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	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

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(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-132 Instant Game Number 132 ("Treasure Chest"). (1) Definitions for Instant Game Number 132.

(a) Play symbols: The following are the "play symbols": "2," "3," "4," "5," "6," "9," "10," and "Ⓞ." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 132, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN
10	TEN
Ⓞ	DLR

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$5.00," "\$10.00," "\$12.00," "\$50.00," and "\$500." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 132, the prize symbol captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL

\$ 5.00	FIV DOL
\$ 10.00	TEN DOL
\$ 12.00	TLV DOL
\$ 50.00	\$FIFTY\$
\$ 500	FIVHUND

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 13200001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 132 constitute the "pack number" which starts at 13200001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 132, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
THR	\$ 3.00 (\$1, \$1 AND \$1)
SIX	\$ 6.00 (\$2, \$2 AND \$2; \$3 AND \$3)
TLV	\$ 12.00 (\$3, \$3, \$3 AND \$3; \$12)
TWY	\$ 20.00 (\$5, \$5, \$5 AND \$5; \$10 AND \$10)
FTY	\$ 50.00

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 132.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has a "Ⓞ" play symbol shall be entitled to the prize shown below the "Ⓞ" play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) 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 132 set forth in subsection (3) of this section, to the confidential

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validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 132; and/or

(ii) Vary the number of tickets sold in Instant Game Number 132 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 132.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 132 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) 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	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending WSR 94-11-027, filed 5/6/94, effective 6/6/94)

WAC 315-11A-122 Instant Game Number 122 ("High Card"). (1) Definitions for Instant Game Number 122.

(a) Play symbols: The following are the "play symbols": "7"; "8"; "9"; "10"; "J"; "Q"; (~~"K";~~) and (~~"A";~~) "K." One of these play symbols appears in each of the three play spots in the "your card" column and in each of the three play spots in the "dealer's card" column in the playfield on the front of the ticket.

(b) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond 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. The number 1, 2 or 3 precedes each play symbol caption to indicate the location of the play symbol in Game (row) 1, Game 2 or Game 3. For Instant Game Number 122, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
7	SVN
8	EGT
9	NIN
10	TEN
J	((JAE)) JCK
Q	QUE
K	KNG
((A	ACE))

(c) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$6.00"; "\$9.00"; "\$40.00"; and "\$4,000." One of these prize symbols appears for each game in the prize column on the front of the ticket.

(d) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under each prize symbol. The number 1, 2 or 3 precedes each prize symbol caption to indicate the location of the prize symbol in Game 1, Game 2 or Game 3. For Instant Game Number 122, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 6.00	SIX DOL
\$ 9.00	NIN DOL
\$ 40.00	\$FORTY\$
\$ 4,000	FORTHOU

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered with latex.

(f) Pack-ticket number: The twelve-digit number of the form 12200001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 122 constitute the "pack number" which starts at 12200001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) 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 of \$600.00 and less. For Instant Game Number 122, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

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VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1)
SIX	\$ 6.00 (\$2, \$2 AND \$2; \$6)
TLV	\$ 12.00 (\$6 AND \$6; \$9, \$2 AND \$1)
EGN	\$ 18.00 (\$6, \$6 AND \$6; \$9 AND \$9)
FRY	\$ 40.00
ETY	\$ 80.00 (\$40 AND \$40)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 122.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your card" column that is superior to the play symbol in the "dealer's card" column in the same game shall win the prize shown in the prize column for that game. The bearer of a ticket having winning play symbols in more than one game shall win the sum of the prizes in each winning game. Play symbols in different games may not be combined to win a prize.

(c) For purposes of this game, the ("~~A~~") "K" shall be the play symbol with the highest superiority followed by ("~~K~~") "Q," "J," "10," (~~and~~) "9," "8," and "7" in that order.

(d) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(e) 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 122 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(f) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 122; and/or

(ii) Vary the number of tickets sold in Instant Game Number 122 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 122.

(a) In addition to meeting all other requirements in these rules and regulations, a valid instant game ticket for Instant Game Number 122 shall comply with all of the following validation requirements.

(i) Exactly one play symbol must appear in each of the three play spots in the "your card" column and in each of the three play spots in the "dealer's card" column under the latex covering on the front of the ticket.

(ii) Each of the six play symbols must have a caption below and each must agree with its caption.

(iii) Exactly one prize symbol for each of the three games must appear under the latex covering in the prize column on the front of the ticket.

(iv) Each of the three prize symbols must have a caption below it and each must agree with its caption.

(v) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(vi) Each of the play symbols and its caption, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(vii) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section, each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and (a) of this subsection is invalid and ineligible for any prize.

WSR 94-19-098

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed September 21, 1994, 11:35 a.m., effective September 21, 1994]

Date of Adoption: September 21, 1994.

Purpose: To establish fees for veterinary medication clerks.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Pursuant to notice filed as WSR 94-08-076 on April 5, 1994.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The reason for immediate permanent rule adoption is that the existing emergency rule will expire. The veterinary profession receives fees for the veterinary medication clerk application [on] a daily basis and the fees need to remain established in an existing rule.

Effective Date of Rule: September 21, 1994.

September 21, 1994

Mimi L. Fields, MD

for Bruce Miyahara

Secretary

NEW SECTION

WAC 246-937-990 Fees. The following fees shall be charged by the professional licensing division of the department of health:

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Title of Fee
Initial registration
Renewal
Late renewal penalty
Duplicate registration

Fee
\$24.00
24.00
11.00
10.00

PERMANENT



WSR 94-19-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-98—Filed September 7, 1994, 5:00 p.m.]

Date of Adoption: September 7, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05100F; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of fall chinook are available in the area between Bonneville Dam and McNary Dam. This rule is consistent with the decision of the September 6, 1994, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

September 7, 1994

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-32-05100G Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-151 and 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: 6 a.m. September 8, 1994 to 6 p.m. September 10, 1994.

Sturgeon may be retained only for subsistence purposes.

(b) Open area: SMCRA 1F, 1G, and 1H

(c) Mesh: no mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed areas at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of

the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream t light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1-1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1-1/8 miles down stream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline of the hatchery fishway to one and one-half miles downstream from the western shoreline of the hatchery fishway.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100F Columbia River salmon seasons above Bonneville (94-86)

**WSR 94-19-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-97—Filed September 8, 1994, 4:50 p.m., effective September 15, 1994]

Date of Adoption: September 7, 1994.

Purpose: Commercial use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Shrimp abundance in principal fishing areas has declined to very low levels. An early closure is necessary to protect the remaining spawning population and prevent overharvest.

Effective Date of Rule: September 15, 1994.

September 7, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-52-05100R Shrimp fishery - Puget Sound. Notwithstanding the provisions of WAC 220-52-051, effective September 15, 1994, until further notice it is unlawful to fish for or possess shrimp taken for commercial purposes:

(1) Using shellfish pot gear in Marine Fish/Shellfish Management and Catch Reporting Areas 20B, 22A, 24A, 24B, 24C, 24D, 26A, and 26B.

(2) Using beam trawl gear in Marine Fish/Shellfish Management and Catch Reporting Areas 20B, and those waters of San Juan Channel north of Shrimp District 2 and west of a line projected northerly from Neck Point on Shaw Island to Steep Point of Orcas Island, and those waters of Upright Channel west of a line projected due north from Flat Point on Lopez Island to Shaw Island.

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

**WSR 94-19-014
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 626—Filed September 9, 1994, 1:08 p.m.]

Date of Adoption: August 26, 1994.

Purpose: Suspending rule burn privileges on department protected land.

Citation of Existing Rules Affected by this Order:
Repealing WAC 332-26-901.

Statutory Authority for Adoption: RCW 76.04.315.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Weather conditions continue to create high fire danger across Eastern Washington but in Western Washington counties[,] precipitation and higher humidity has resulted in a reduced fire hazard.

Effective Date of Rule: Immediately.

September 9, 1994
Kaleen Cottingham
Supervisor

NEW SECTION

WAC 332-26-902 Outdoor burning restriction. Effective midnight Friday, September 9, 1994, to midnight Monday, October 31, 1994, privileges to have an outdoor fire without a written burning permit as allowed by WAC 332-24-211, on lands protected by the Department in Chelan, Kittitas, Yakima, Klickitat, Walla Walla, Garfield, Columbia, Asotin, Okanogan, Ferry, Stevens, Pend Oreille, Spokane, and Lincoln counties, continue suspended.

REPEALER

Effective midnight Friday, September 9, 1994, the following section of the Washington Administrative Code is repealed:

WAC 332-26-901

**WSR 94-19-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-88—Filed September 9, 1994, 4:55 p.m.]

Date of Adoption: April [August] 31, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-140, 220-57-230, 220-57-280, 220-57-285, 220-57-300, 220-57-520, 220-57-525, and 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a

rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of chinook salmon are present in Grays Harbor tributaries and harvestable coho salmon are present in the Westport Boat Basin.

Effective Date of Rule: Immediately.

August 31, 1994
Robert Turner
Director

NEW SECTION

WAC 220-57-14000M Chehalis River. Notwithstanding the provisions of WAC 220-57-140, effective immediately through October 31, 1994, downstream from the Mellon Street Bridge in Centralia to the Union Pacific Railroad Bridge in Aberdeen. Special daily bag limit of six chinook salmon not less than 12 inches in length, not more than two of which may be over 24 inches in length. Coho and chum salmon must be released immediately. It is unlawful to use barbed hooks while angling for salmon in the Chehalis River.

NEW SECTION

WAC 220-57-23000F Elk River. Notwithstanding the provisions of WAC 220-57-230, effective immediately through October 31, 1994, downstream from the confluence of the west and middle forks to the Highway 105 Bridge. Special daily bag limit of six chinook salmon not less than 12 inches in length, not more than two of which may be over 24 inches in length. Coho and chum salmon must be released immediately. It is unlawful to use barbed hooks while angling for salmon in Elk River.

NEW SECTION

WAC 220-57-28000J Hoquiam River. Notwithstanding the provisions of WAC 220-57-280, effective immediately through October 31, 1994, downstream from the bridge on the Dekay Road and east fork of Hoquiam River downstream from the abandoned flat car bridge below the mouth of Berryman Creek. Special daily bag limit of six chinook salmon not less than 12 inches in length, not more than two of which may be over 24 inches in length. Coho and chum salmon must be released immediately. It is unlawful to use barbed hooks while angling for salmon in the Hoquiam River.

NEW SECTION

WAC 220-57-28500N Humptulips River. Notwithstanding the provisions of WAC 220-57-285, effective immediately through October 31, 1994, (1) downstream from the confluence of the east and west forks to the Highway 101 Bridge. Special daily bag limit of six chinook salmon not less than 12 inches or more than 24 inches in length. Coho and chum salmon must be released immediately.

(2) downstream from the Highway 101 Bridge. Special daily bag limit of six chinook salmon not less than 12 inches

in length, not more than two of which may be over 24 inches in length. Coho and chum salmon must be released immediately.

(3) It is unlawful to use barbed hooks while angling for salmon in the Humptulips River.

NEW SECTION

WAC 220-57-30000G Johns River. Notwithstanding the provisions of WAC 220-57-300, effective immediately through October 31, 1994, downstream from the Old M&B Logging Camp Bridge at the upper boundary of the Johns River Habitat Management Area to the Highway 105 Bridge. Special daily bag limit of six chinook salmon not less than 12 inches in length, not more than two of which may be over 24 inches in length. Coho and chum salmon must be released immediately. It is unlawful to use barbed hooks while angling for salmon in Johns River.

NEW SECTION

WAC 220-57-52000J Wishkah River. Notwithstanding the provisions of WAC 220-57-520, effective immediately through October 31, 1994, downstream from the mouth of the west fork. Special daily bag limit of six chinook salmon not less than 12 inches in length, not more than two of which may be over 24 inches in length. Coho and chum salmon must be released immediately. It is unlawful to use barbed hooks while angling for salmon in the Wishkah River.

NEW SECTION

WAC 220-57-52500J Wynoochee River. Notwithstanding the provisions of WAC 220-57-525, effective immediately through October 31, 1994, downstream from the mouth of Schafer Creek. Special daily bag limit of six chinook salmon not less than 12 inches in length, not more than two of which may be over 24 inches in length. Coho and chum salmon must be released immediately. It is unlawful to use barbed hooks while angling for salmon in the Wynoochee River.

NEW SECTION

WAC 220-56-19000Y Saltwater seasons and bag limits—Salmon. Notwithstanding the provisions of WAC 220-56-190(4) for Grays Harbor (Catch Record Card Area 2-2), effective immediately until further notice, it is unlawful to fish for personal use in those waters of Catch Record Card Area 2-2 or to possess fish taken from those waters, except Bag limit A in the waters of the Westport Boat Basin.

**WSR 94-19-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-99—Filed September 9, 1994, 4:55 p.m.]

Date of Adoption: September 9, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-514.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Opening in Area 7B provides opportunity to harvest the non-Indian allocation of coho salmon destined for the Nooksack-Samish region of origin. The gillnet mesh size restriction and purse seine chinook release requirement, and in-season area and schedule restrictions, are necessary to reduce chinook impacts relative to regional chinook run size estimate 32% below preseason forecast. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

September 9, 1994

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-515 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 11th, 1994 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Areas 7B - Gill nets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday September 12 to 4:00 p.m. Friday September 16. Purse seines are required to release all chinook. In addition to the exclusion zones described in WAC 220-47-307, Area 7B is closed south of a line projected from Governors Point to the most northerly point of Vendovi Island.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 13D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday September 11, 1994.

WAC 220-47-514 Puget Sound all citizen commercial salmon fishery. (94-92)

WSR 94-19-021

EMERGENCY RULES

DEPARTMENT OF

NATURAL RESOURCES

[Order 627—Filed September 12, 1994, 3:15 p.m.]

Date of Adoption: September 12, 1994.

Purpose: Repeal outdoor burning restrictions on department protected lands.

Citation of Existing Rules Affected by this Order: Repealing WAC 332-26-902.

Statutory Authority for Adoption: RCW 76.04.315.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Precipitation and higher humidity has resulted in a reduced fire hazard in Eastern Washington.

Effective Date of Rule: Immediately.

September 12, 1994

Kaleen Cottingham

Supervisor

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 332-26-902 Outdoor burning restriction

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

WSR 94-19-025

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 94-100—Filed September 12, 1994, 4:47 p.m.]

Date of Adoption: September 12, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-36-02300M.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of chinook salmon are available in Grays Harbor.

Effective Date of Rule: Immediately.

September 12, 1994
Judith Freeman
Deputy
for Robert Turner
Director

WSR 94-19-029
EMERGENCY RULES
DEPARTMENT OF HEALTH
[Filed September 14, 1994, 1:29 p.m., effective September 15, 1994]

Date of Adoption: September 8, 1994.

Purpose: Clarifies notification and reporting requirements for radiation incidents and achieves compatibility with federal requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 246-221-250 and 246-221-260.

Statutory Authority for Adoption: RCW 70.98.050.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Clarifying the notification and reporting requirements helps to ensure that significant radiation occurrences are promptly reported to the department so that an evaluation can be made to determine whether appropriate action has been taken to protect the public health and safety. The information will also help the department determine whether further action by the department is necessary to address generic safety concerns. The United States Nuclear Regulatory Commission has determined that this rule is a matter of compatibility and requires that the state rule be in effect by October 15, 1994.

Effective Date of Rule: September 15, 1994.

September 8, 1994
Mimi L. Fields, MD, MPH
for Bruce Miyahara
Secretary

WSR 94-19-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-101—Filed September 13, 1994, 4:54 p.m.]

Date of Adoption: September 12, 1994.

Purpose: Recreational fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-116.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Westport Boat Basin coho fishery is on nonreproducing pen raised salmon for which there is no planned escapement and no conservation requirement. Additional harvest opportunity with barbed hooks provides for maximum recreational opportunity.

Effective Date of Rule: Immediately.

September 12, 1994
Robert Turner
Director

NEW SECTION

WAC 220-56-11600A Salmon—Barbed hooks—Westport Boat Basin Notwithstanding the provisions of WAC 220-56-116, effective immediately until further notice it is lawful to use barbed hooks to fish for salmon in the waters of the Westport Boat Basin.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-250 Notification of incidents. (1) **Immediate notification.** Notwithstanding other requirements for notification, each licensee and/or registrant shall immediately (as soon as possible but no later than four hours after discovery of an incident) notify the State Department of Health, Division of Radiation Protection, P.O. Box 47827, Olympia, Washington 98504-7827, by telephone (206/682-5327) and confirming letter, telegram, mailgram, or facsimile of any incident involving any radiation source which may have caused or threatens to cause:

- (a) An individual to receive:
 - (i) A total effective dose equivalent of 0.25 Sv (25 rem) or more; or
 - (ii) An eye dose equivalent of 0.75 Sv (75 rem) or more; or
 - (iii) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 2.5 Sv (250 rem) or more; or
- (b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for twenty-four hours, the individual could have received an intake five times the occupational ALI. This provision does

not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures; or

(c) The loss of ability to take immediate protective actions necessary to avoid exposure to sources of radiation or releases of radioactive material that could exceed regulatory limits. Events which could cause such a loss of ability include fires, explosions, toxic gas releases, etc.

(2) **Twenty-four hour notification.** Each licensee and/or registrant shall within twenty-four hours of discovery of the event, notify the State Department of Health, Division of Radiation Protection, P.O. Box 47827, Olympia, Washington 98504-7827, by telephone (206/682-5327) and confirming letter, telegram, mailgram, or facsimile of any incident involving any radiation source possessed which may have caused or threatens to cause:

(a) An individual to receive, in a period of twenty-four hours:

(i) A total effective dose equivalent exceeding 0.05 Sv (5 rem); or

(ii) An eye dose equivalent exceeding 0.15 Sv (15 rem); or

(iii) A shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 0.5 Sv (50 rem); or

(b) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for twenty-four hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures; or

(c) An unplanned contamination incident that:

(i) Requires access to the contaminated area, by workers or the general public, to be restricted for more than twenty-four hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) Involves a quantity of material greater than five times the lowest annual limit on intake specified in WAC 246-221-290; and

(iii) Has access to the area restricted for a reason other than to allow radionuclides with a half-life of less than twenty-four hours to decay prior to decontamination; or

(d) Equipment failure or inability to function as designed when:

(i) The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive material exceeding regulatory limits or to mitigate the consequences of an accident;

(ii) The equipment is required to be available and operable when it is disabled or fails to function; and

(iii) No redundant equipment is available and operable to perform the required safety functions; or

(e) An unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

(f) An unplanned fire or explosion damaging any radioactive material or any device, container or equipment containing radioactive material when:

(i) The quantity of radioactive material involved is greater than five times the lowest annual limit or intake specified in WAC 246-221-290; and

(ii) The damage affects the integrity of the radioactive material or its container.

(3) For each occurrence, requiring notification pursuant to this section, a prompt investigation of the situation shall be initiated by the licensee/registrant. A written report of the findings of the investigation shall be sent to the department within thirty days.

(4) The licensee or registrant shall prepare each report filed with the department pursuant to this section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

Any report filed with the department pursuant to this section shall contain the information described in WAC 246-221-260 (2) and (3).

(5) The provisions of this section do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to WAC 246-221-265.

(6) Telephone notifications that do not involve immediate or twenty-four hour notification shall not be made to the emergency number (Seattle 206/682-5327). Routine calls should be made to the Olympia office (206/753-3468).

(7) Telephone notification required under this section shall include, to the extent that the information is available at the time of notification:

(a) The caller's name and call-back telephone number;

(b) A description of the incident including date and time;

(c) The exact location of the incident;

(d) The radionuclides, quantities, and chemical and physical forms of the radioactive materials involved; and

(e) Any personnel radiation exposure data available.

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-260 Reports of overexposures and excessive levels and concentrations. (1) In addition to any notification required by WAC 246-221-250, each licensee or registrant shall submit a written report to the department within thirty days after learning of any of the following occurrences:

(a) Incidents for which notification is required by WAC 246-221-250; or

(b) Doses in excess of any of the following:

(i) The occupational dose limits for adults in WAC 246-221-010; or

(ii) The occupational dose limits for a minor in WAC 246-221-050; or

(iii) The limits for an embryo/fetus of a declared pregnant woman in WAC 246-221-055; or

(iv) The limits for an individual member of the public in WAC 246-221-060; or

(v) Any applicable limit in the license; or

(c) Levels of radiation or concentrations of radioactive material in:

(i) A restricted area in excess of applicable limits in the license; or

(ii) An unrestricted area in excess of ten times the applicable limit set forth in this chapter or in the license or registration, whether or not involving exposure of any individual in excess of the limits in WAC 246-221-060; or

(d) For source materials milling licensees and nuclear power plants subject to the provisions of United States Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

(2) Each report required by subsection (1) of this section shall describe:

(a) The incident and its exact location, time and date;

(b) The extent of exposure of individuals to radiation or to radioactive material, including estimates of each individual's dose as required by subsection (3) of this section;

~~((b))~~ (c) Levels of radiation and concentrations of radioactive material involved including the radionuclides, quantities, and chemical and physical form;

~~((e))~~ (d) The cause or probable cause of the exposure, levels of radiation or concentrations;

(e) The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

(f) The results of any evaluations or assessments; and

~~((d))~~ (g) Corrective steps taken or planned to assure against a recurrence, including the schedule for achieving conformance with applicable limits, generally applicable environmental standards, and associated license conditions.

(3) Each report filed with the department pursuant to this section shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's dose. With respect to the limit for the embryo/fetus in WAC 246-221-055, the identifiers should be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable part of the report.

(4) Individuals shall be notified of reports in accordance with the requirements of WAC 246-222-040.

**WSR 94-19-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-104—Filed September 14, 1994, 4:47 p.m., effective September 14, 1994, 8:00 p.m.]

Date of Adoption: September 14, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-36-02300N.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The management quota of chinook salmon has been reached.

Effective Date of Rule: September 14, 1994, 8:00 p.m.

September 14, 1994

Judith Freeman

Deputy

for Robert Turner

Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 p.m. September 14, 1994.

WAC 220-36-02300N Grays Harbor salmon—
Fall fishery. (94-100)

**WSR 94-19-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-103—Filed September 15, 1994, 4:53 p.m., effective September 16, 1994]

Date of Adoption: September 15, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57A-180.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable coho salmon are available for a recreational fishery.

Effective Date of Rule: September 16, 1994.

September 15, 1994

Robert Turner

Director

NEW SECTION

WAC 220-57A-18000C. Washington Ship Canal, lake Notwithstanding the provisions of WAC 220-57A-180, effective September 16, 1994 until further notice, Bag Limit A - in those waters west of the University Bridge to a north-south line located 400 feet east of the eastern end of the north wingwall of the Chittendon Locks. Chinook and sockeye salmon must be released immediately. Waters between the University Bridge and the concrete abutment ends east of the Montlake Bridge are closed to salmon angling at all times.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective September 16, 1994:

WAC 220-57A-18000B Washington Ship Canal, lake.

**WSR 94-19-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-102—Filed September 16, 1994, 4:20 p.m., effective September 17, 1994]

Date of Adoption: September 16, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-16000X; and amending WAC 220-57-160.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable coho salmon are available for a recreational fishery.

Effective Date of Rule: September 17, 1994.

September 16, 1994

Loren J. Stern
for Robert Turner
Director

NEW SECTION

WAC 220-57-16000Y Columbia River. Notwithstanding the provisions of WAC 220-57-160, it is unlawful to fish for salmon in the waters of the Columbia River downstream from the Highway 395 Bridge at Pasco except as provided for in this section:

(1) Effective immediately until further notice in those waters downstream from the Highway 395 Bridge to the I-5 Bridge at Vancouver - Bag Limit A except release all sockeye salmon and chinook salmon.

(2) Effective immediately until further notice in those waters of the Columbia River downstream from the I-5 Bridge at Vancouver to a line between Grays Point and Tongue Point - Bag Limit A except release all sockeye salmon and chinook salmon.

(3) Effective September 17, 1994 until further notice in those waters downstream from the line between Grays Point and Tongue Point to the Megler-Astoria Bridge - Bag Limit A except release all sockeye salmon and chinook salmon.

(4) Effective September 17, 1994 until further notice in those waters downstream from the Megler-Astoria Bridge to Buoy 10 - Special daily bag limit of three coho salmon not less than 16 inches in length. Release all sockeye and chinook salmon.

(5) Lawful to use barbed hooks.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 17, 1994:

WAC 220-57-16000X Columbia River. (94-80)

**WSR 94-19-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-105—Filed September 16, 1994, 4:21 p.m., effective September 18, 1994, 12:01 a.m.]

Date of Adoption: September 16, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-515.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Opening in Area 7B provides opportunity to harvest the non-Indian allocation of coho salmon destined for the Nooksack-Samish region of origin. The gillnet mesh size restriction and purse seine chinook release requirement, and in-season area restriction, are necessary to reduce chinook impacts relative to regional chinook run size estimate 32% below preseason forecast. Opening in Area 9A provides opportunity to harvest the non-Indian share of Hood Canal hatchery-origin coho according to the preseason schedule. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: September 18, 1994, 12:01 a.m.

September 16, 1994

Loren J. Stern
for Robert Turner
Director

NEW SECTION

WAC 220-47-516 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 18th, 1994 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * Area 7B - Gill nets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Sunday September 18 to 11:59 p.m. Saturday October 29. Purse seines are required to release all chinook. In addition to the exclusion zones described in WAC 220-47-307, Area 7B is closed south of a line projected from Governors Point to the most northerly point of Vendovi Island.

- * Area 9A - Gill nets using 5-inch minimum mesh may fish from 6:00 a.m. Monday September 19 to 4:00 p.m. Friday September 23.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 18, 1994:

WAC 220-47-515 Puget Sound all-citizen commercial salmon fishery. (94-99)

WSR 94-19-064 EMERGENCY RULES WASHINGTON STATE PATROL

[Filed September 20, 1994, 2:07 p.m.]

Date of Adoption: September 20, 1994.

Purpose: Revise chaining requirements for commercial vehicles.

Citation of Existing Rules Affected by this Order: Amending WAC 204-24-050.

Statutory Authority for Adoption: RCW 46.37.005.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Clarify chaining requirements for commercial vehicles over mountain passes during inclement weather. Simplify requirements, lessening number of chains required on specific commercial vehicles.

Effective Date of Rule: Immediately.

September 20, 1994

Roger W. Bruett

Chief

[AMENDATORY SECTION (Amending WSR 94-08-069, filed 4/4/94)]

WAC 204-24-050 Use of tire chains or other traction devices. (1) Vehicles under 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "approved traction tires required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires at least one of the traction devices meeting the requirements of WAC 204-24-040.

(b) When traffic control signs marked "chains required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without

having mounted on its drive tires, tire chains meeting the standards in chapter 204-22 WAC.

(i) Exception for all wheel drive vehicles. When "chains required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive tires are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

When traffic control signs marked "approved traction tires required" or "chains required" are posted by the department of transportation it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its tires, tire chains as follows: *Provided*, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from the following requirements if such vehicle has sanding capability in front of the drive tires.

(a) (~~(Single vehicles,))~~ Vehicle combinations with two to four axles including but not limited to trucks, truck-tractors, buses and school buses: For vehicles with a single drive axle, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, (~~all tires on~~) one tire on each side of one of the drive axles shall be chained.

(b) Automobile transporters. Automobile transporters are any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. For vehicles with single drive axles, one tire on each side of the drive axles shall be chained. For vehicles with dual drive axles, one tire on each side of the drive axles shall be chained. For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(~~(b) Two vehicle combinations,))~~ (c) Vehicle combination with five axles, including but not limited to truck and trailer, or truck tractor and semi-trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained. (~~In addition, one tire on each side of the additional drive axle shall be chained.~~) For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(~~(e) Three v~~)) (d) Vehicle combinations with six or more axles, including but not limited to truck tractor, semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, where traffic control signs marked "approved traction tires required" are posted, all tires on one of the drive axles shall be chained. For vehicles with dual drive axles, where traffic control signs marked "chains required, are posted, all tires on one of the drive axles shall be chained. In addition, one tire on each side of the additional drive axle shall be chained. For vehicles with trailers, one tire on the last axle of the last trailer shall be chained.

On single axle semi-trailers, one tire on the axle shall be chained. If the trailer has tandem rear axles, the chained wheel may be on either of the last two axles.

~~((d))~~ (e) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains or in the event that chains in use are broken or otherwise made useless.

~~((e))~~ (f) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The state patrol may approve other devices as chains if the devices are equivalent to regular chains in performance.

~~((f))~~ (g) On the following routes all vehicles and combinations of vehicles over 10,000 pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

(i) I-90 - between North Bend (MP 32) and Ellensburg (MP 101).

(ii) SR-97 - between (MP 145) and Junction SR-2.

(iii) SR-2 - between Dryden (MP 108) and Index (MP 36).

(iv) SR-12 - between Packwood (MP 135) and Naches (MP 187).

(v) SR-97 - between the junction of SR-14 (MP 4) Columbia River and Toppenish (MP 59).

(vi) SR-410 - from Enumclaw to Naches.

(vii) SR-20 - between Tonasket (MP 262) and Kettle Falls (MP 342).

(viii) SR-155 - between Omak (MP 79) and Nespelem (MP 45).

(ix) SR-970 - between (MP 0) and (MP 10).

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington state department of transportation or Washington state patrol may prohibit any vehicle from entering a chain/approved traction tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

**WSR 94-19-075
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-80—Filed September 20, 1994, 4:50 p.m.]

Note: Order 94-80 was filed with the Washington State Patrol on August 19, 1994, at 5:15 p.m.

Date of Adoption: August 19, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-160.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Delayed opening protects coho and chinook breeding stocks.

Effective Date of Rule: Immediately.

August 19, 1994
Edward P. Manary
Assistant Director
for Robert Turner
Director

NEW SECTION

WAC 220-57-16000X Columbia River. Notwithstanding the provisions of WAC 220-57-160, it is unlawful to fish for salmon in the waters of the Columbia River downstream from the Highway 395 Bridge at Pasco except as provided for in this section:

(1) Effective immediately until further notice in those waters downstream from the Highway 395 Bridge to the I-5 Bridge at Vancouver - Bag Limit A except release all sockeye salmon and chinook salmon.

(2) Effective immediately until further notice in those waters of the Columbia River downstream from the I-5 Bridge at Vancouver to the Megler-Astoria Bridge - Bag Limit A except release all sockeye salmon and chinook salmon. The following waters are closed to all salmon fishing during the periods shown:

(a) Those waters downstream of a line from Grays Point to Tongue Point are closed through September 30.

(b) Those waters at the mouth of Abernathy Creek from a point on the shore perpendicular to the thread of the river opposite the Abernathy Point Light through the Abernathy Point Light to the mid-point of the river, then to a point at mid-point of the river opposite a boundary marker east of the mouth of Abernathy Creek, then to the boundary marker on the shore are closed during the month of September.

(3) Effective October 1 until further notice - In those waters of the Columbia River downstream from the Megler-Astoria Bridge to the buoy 10 line - Bag Limit A except release all sockeye salmon.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-16000W Columbia River. (94-68)

WSR 94-19-076
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-106—Filed September 20, 1994, 4:55 p.m.]

Date of Adoption: September 20, 1994.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of chinook salmon and shad are present. This regulation is adopted pursuant to Yakama Nation and Tribal Council Resolution T-90-66.

Effective Date of Rule: Immediately.

September 20, 1994

Robert Turner
 Director

NEW SECTION

WAC 220-32-05100H Columbia River salmon seasons above Bonneville. Notwithstanding the provisions of WAC 220-32-051, effective 12:00 noon September 19, to 6:00 p.m. September 24, 1994, treaty Indian fishers of the Yakama Nation may fish for and possess chinook salmon and shad taken from those waters of the Columbia River from a point 1/2 mile above Priest Rapids Dam to the boat restriction markers below Wanapum Dam. In addition those waters east of a line between Goose Island and the rock wall of Priest Rapids Dam are open to fishing, except it is unlawful to fish within 500 feet of the eastbank fishladder exit, and it is unlawful to land boats or nets on Goose Island Wildlife Sanctuary. Maximum net length is 400 feet and minimum mesh size is 8 inches. It is unlawful to retain any sturgeon taken incidental to the fishery provided herein. Chinook salmon and shad taken in this fishery must be sold within a 5-mile radius of Priest Rapids Reservoir.

WSR 94-19-096
EMERGENCY RULES
DEPARTMENT OF HEALTH
 [Filed September 21, 1994, 11:32 a.m.]

Date of Adoption: September 21, 1994.

Purpose: To establish rules for regulation of certified veterinary medication clerks.

Citation of Existing Rules Affected by this Order:
 Amending emergency rules filed on March 29, 1994, chapter 246-937 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health,

safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Veterinary Board of Governors adopted emergency rules for the regulation of veterinary medication clerks on March 29, 1994. The board elected to revise this emergency rule prior to scheduling a public hearing. The board desired to make substantial changes to the previous rules. The revised emergency rules shown below will be scheduled for a public hearing at the October or November board meeting.

Effective Date of Rule: Immediately.

September 21, 1994

E. Doyle Montgomery, Chair
 Veterinary Board of Governors

Chapter 246-937

CERTIFIED VETERINARY MEDICATION CLERK

NEW SECTION

WAC 246-937-010 Definitions. (1) "Certified veterinary medication clerk" shall mean any person who has met the requirements for certification as established by the veterinary board of governors (board) and WAC 246-937-040.

(2) "Direct supervision" shall mean the supervising licensed veterinarian is on the premises and is quickly and easily available.

(3) "Indirect supervision" shall mean the supervising licensed veterinarian is not on the premises, but has given either written or oral instructions regarding policies and procedures for the handling of legend drugs.

(4) "On-the-job training program" shall mean a program following the guidelines approved by the board.

(5) "Supervising Veterinarian" means the licensed veterinarian who is responsible for closely supervising the certified veterinary medication clerk while he or she is performing daily duties.

(6) "Sponsoring Veterinarian" means the licensed veterinarian who is responsible for the training and reviewing the work of a certified veterinary medication clerk. An appropriate degree of supervision is involved.

NEW SECTION

WAC 246-937-020 Responsibility for supervision and sponsorship. Licensed veterinarians are responsible and accountable for the ordering, inventory, labeling, counting, packaging and delivery of legend drugs utilized in their practice. In accordance with chapter 18.92 RCW, certain nondiscretionary pharmaceutical tasks may be delegated by a veterinarian to a qualified nonveterinarian. The delegating veterinarian is responsible for the supervision of pharmaceutical tasks performed by certified veterinary medication clerks. Records shall be maintained that account for the receipt and disposition of all legend drugs. A certified veterinary medication clerk may be supervised by a licensed veterinarian other than his or her sponsor subject to the sponsoring veterinarians approval. The sponsoring veterinarian shall be primarily responsible for the perfor-

mance and acts of his or her certified veterinary medication clerk.

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

NEW SECTION

WAC 246-937-030 Tasks and prohibited functions.

(1) A certified veterinary medication clerk may perform the following tasks only under the direct supervision of a licensed veterinarian: Counting, labeling, and packaging of legend drugs. A licensed veterinarian must personally inspect all packaged medication orders to ensure the accuracy of the order prior to delivery to the client. The licensed veterinarian will document the medication inspection by placing his/her initials in the patient's record.

(2) A certified veterinary medication clerk may perform the following tasks under the indirect supervision of a licensed veterinarian: Ordering, stocking, inventorying, and the delivery of legend drugs. The identity of the client shall be confirmed before the delivery of legend drugs.

(3) The following functions shall not be delegated by a licensed veterinarian to a certified veterinary medication clerk:

(a) Consultation with a client regarding the medication order and/or any information involving professional clinical judgment.

(b) Dispensing any medication. The medication must be recorded in the patient's record by the authorizing veterinarian.

(c) Extemporaneous compounding of a medication order.

(d) Interpretation of data in a patient record.

(e) Final inspection of a completed medication order as described in WAC 246-937-030(1).

(f) Any duties required by law to be performed by a licensed veterinarian.

(g) Any ordering, accountability, packaging, or delivery of controlled substances as defined in or under chapter 69.50 RCW.

NEW SECTION

WAC 246-937-040 Training and education. (1) The training of certified veterinary medication clerks shall be obtained by completion of an on-the-job training program following guidelines approved by the board.

(2) The minimum educational requirement shall be high school graduation or equivalency.

NEW SECTION

WAC 246-937-050 Applications. Applications for registration as a certified veterinary medication clerk shall be on forms prepared by the secretary of the department of health and submitted to the department. The application, in addition to the required fee, shall be accompanied by evidence of completion of an on-the-job training program and completion of HIV/AIDS education as specified in WAC 246-937-080.

Said application shall be signed by the applicant and sworn before some person authorized to administer oaths. Additionally, the application will be signed by the sponsor-

ing veterinarian attesting that the applicant is qualified to perform the responsibilities of a certified veterinary medication clerk and is familiar with the procedures and policies of the practice. Certification is valid only for employment at the veterinary practice identified in the application and or pursuant to WAC 246-937-020.

NEW SECTION

WAC 246-937-060 Transfer of registration. In the event that a certified veterinary medication clerk who is currently registered, desires to be sponsored by another licensed veterinarian, application for transfer of registration to a new sponsoring veterinarian shall be made on forms provided by the board and be subject to the boards approval.

NEW SECTION

WAC 246-937-070 Termination of sponsorship. Upon termination of the working relationship, the sponsoring between the certified veterinary medication clerk and the sponsoring veterinarian, the sponsoring veterinarian shall notify the board.

NEW SECTION

WAC 246-937-080 HIV/AIDS prevention and information education requirements. (1) Definitions:

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the Board of Health by rule.

(b) "Office on AIDS" means that section within the department of health or any successor department with jurisdiction over public health matters as defined in Chapter 70.24 RCW.

(2) Application for certification. Persons applying for certification shall submit prior to becoming certified and in addition to the other requirements for certification, evidence to show compliance with the education requirements of subsection (3) of this section.

(3) AIDS education.

(a) Acceptable education. The board shall accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.

(b) Documentation. The registrant shall:

(i) Certify, on forms provided, that the minimum education has been completed;

(ii) Keep records for two years documenting attendance or description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.

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

NEW SECTION

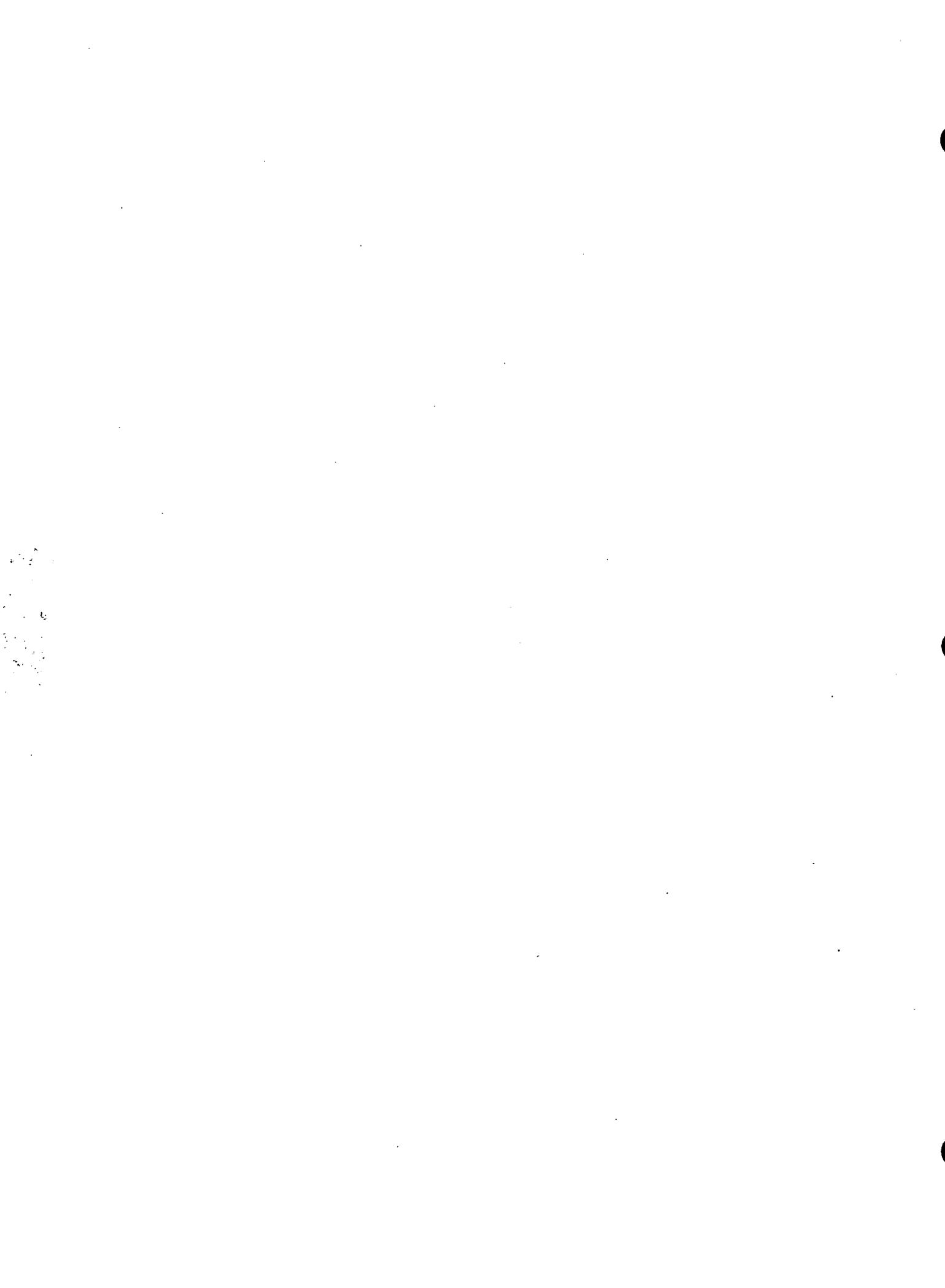
WAC 246-937-090 Grounds for denial, suspension, or revocation of certification. The board may suspend, revoke or deny the issuance or renewal of certification of any applicant and/or certified veterinary medication clerk if the applicant and/or certified veterinary medication clerk:

- (1) Has employed fraud or misrepresentation in applying for or obtaining the certification.
- (2) Has, within ten (10) years prior to the date of application, been found guilty by any court of competent jurisdiction of violation of state or federal laws relating to the practice of veterinary medicine, surgery and dentistry, including, but not limited to:
 - (a) State or federal laws relating to the regulation of drugs;
 - (b) Chronic inebriety;
 - (c) Cruelty to animals;
- (3) Has violated or attempted to violate any provision of chapter 18.92 RCW or any rule or regulation adopted pursuant to that chapter;
- (4) Has assisted, abetted or conspired with another person to violate chapter 18.92 RCW, or any rule or regulation adopted pursuant to that chapter;
- (5) Has performed any animal health care service not authorized by WAC 246-937-030.

NEW SECTION

WAC 246-937-100 Renewal of certification. (1) A certified veterinary medication clerk's certification shall be renewed annually on the certified veterinary medication clerk's birth anniversary date. A certified veterinary medication clerk shall apply for renewal by submitting to the department:

- (a) The renewal fee specified in WAC 246-937-990.
 - (b) The name and address of the sponsoring veterinarian and the veterinary practice.
- (2) Failure to renew annually shall invalidate the certification
- (3) A certified veterinary medication clerk may reinstate a certification that has been expired less than one year by submitting to the department:
- (a) A renewal application provided by the department;
 - (b) The current renewal fee for the year in which the certification was expired, and the late renewal fee as specified in WAC 246-937-990;
 - (c) The name and address of the sponsoring veterinarian and the veterinary practice.



WSR 94-19-006
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—September 7, 1994]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, September 14, 1994, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 94-19-013
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Barley Commission)

[Memorandum—September 7, 1994]

The Washington Barley Commission's September regular meeting has been rescheduled. It will now be held September 27-28, 1994. The first day of our meeting was originally scheduled to begin at 10:00 a.m. It has been changed and will now begin at 1 p.m. The second day of our meeting will begin at 8:30 a.m. According to RCW 42.30.075 we are required to notify you of any meeting schedule changes at least twenty days prior to the rescheduled meeting date. Please accept this as the appropriate notification.

If you have any questions, please do not hesitate to call our office at (509) 456-4400.

WSR 94-19-020
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 12, 1994, 3:05 p.m.]

FISCAL YEAR RULE AGENDA

CONSULTATION AND COMPLIANCE

Chapter 296-306 WAC, Agriculture machine guarding and electrical; contact person, Monte Hanks, 956-4245; CR-101 filing date not applicable, CR-102 filing date May 23, 1994; hearing date July 12, July 13, 1994; CR-103 adoption date September 1, 1994; effective date September 1, 1994.

Chapters 296-24, 296-27, 296-78, 296-306 WAC, Reporting and recordkeeping (federal initiated); contact person, Marcia Holt, 956-5530; CR-101 filing date July 20, 1994; CR-102 filing date July 20, 1994; hearing date August 23, 1994; CR-103 adoption date September 30, 1994; effective date November 20, 1994.

Chapters 296-24, 296-45 WAC; Electrical power generation and transmission, electrical protective clothing (federal initiated); contact person, Chuck Blocher, 956-5523; CR-101 filing date July 20, 1994; CR-102 filing date July 20, 1994; hearing date August 23, 1994; CR-103 adoption date September 30, 1994; effective date November 20, 1994.

Chapter 296-24 WAC, Personal protective equipment for general industry (federal initiated); contact person, Bob

Rhimer, 956-5522; CR-101 filing date July 20, 1994, CR-102 filing date July 20, 1994; hearing date August 23, 1994; CR-103 adoption date September 30, 1994; effective date November 20, 1994.

Chapters 296-62, 296-155 WAC, Lead; contact person, Bob Rhimer, 965-5522; CR-101 filing date July 20, 1994; CR-102 filing date July 20, 1994; hearing date August 23, 1994; CR-103 adoption date November 10, 1994; effective date January 20, 1995.

Chapter 296-52 WAC, Explosives (state and federal initiated); contact person, Merle Larson, 956-5519; CR-101 filing date June 20, 1994; CR-102 filing date August 24, 1994; hearing date October 5, 1994; CR-103 adoption date November 23, 1994; effective date January 10, 1995.

Chapters 296-56, 296-59, 296-62, 296-115, 296-155 WAC, Confined space permit required (federal initiated); contact person, Pat Wolheter, 956-5524; CR-101 filing date August 24, 1994; CR-102 filing date August 24, 1994; hearing date October 5, 1994; CR-103 adoption date November 23, 1994; effective date January 10, 1995.

Chapter 296-17 WAC, Field audit (state initiated); contact person, Marcia Holt, 956-5530; CR-101 filing date July 20, 1994; CR-102 filing date September 21, 1994; hearing date October 25-28, 1994; CR-103 adoption date November 28, 1994; effective date January 1, 1995.

Chapter 296-306 WAC, Agriculture (state initiated); contact person, Monte Hanks, 956-4245; CR-101 filing date August 24, 1994; CR-102 filing date November 2, 1994; hearing date November 28 through December 2, 1994; CR-103 adoption date January 27, 1995; effective date March 1, 1995.

Chapters 296-24, 296-62, 296-155 WAC, Retention of Department of Transportation markings placards and labels (federal initiated); contact person, Merle Larson, 956-5519; CR-101 filing date August 24, 1994; CR-102 filing date November 2, 1994; hearing date December 13, 1994; CR-103 adoption date January 18, 1995; effective date February 20, 1995.

Chapter 296-304 WAC, Confined space in shipyards (federal initiated); contact person, Pat Wolheter, 956-5524; CR-101 filing date August 24, 1994; CR-102 filing date November 2, 1994; hearing date December 13, 1994; CR-103 adoption date January 18, 1995; effective date February 20, 1995.

Chapters 296-24, 296-155 WAC, Fall protection (federal initiated); contact person, Bob Rhimer, 956-5522; CR-101 filing date August 24, 1994; CR-102 filing date November 2, 1994; hearing date December 20, 1994; CR-103 adoption date February 3, 1995; effective date March 7, 1995.

Chapter 296-62 WAC, Asbestos (federal initiated); contact person, Chuck Blocher, 956-5523; CR-101 filing date August 24, 1994; CR-102 filing date November 23, 1994; hearing date January 3, 1995; CR-103 adoption date February 22, 1995; effective date March 25, 1995.

Chapter 296-62 WAC, Hazardous materials and emergency response (federal initiated); contact person, Pat Wolheter, 956-5524; CR-101 filing date September 21, 1994; CR-102

filing date November 23, 1994; hearing date January 3, 1995; CR-103 adoption date February 22, 1995; effective date March 25, 1995.

Chapter 296-305 WAC, Firefighter standards (state initiated); contact person, Pat Wolheter, 956-5524; undetermined hearing/filing status.

Chapter 296-155 WAC, Crane standards (state initiated); contact person, Chuck Blocher, 956-5523; undetermined hearing/filing status.

Chapters 296-31, 296-95 WAC, Elevators; contact person, Marcia Holt, 956-5530; undetermined hearing/filing status.

Chapter 296-400 WAC, Journeyman plumbers; contact person, Marcia Holt, 956-5530; undetermined hearing/filing status.

INSURANCE SERVICES

(Crime Victims Compensation)

WAC 296-31-010(5) Mental health; contact person, Brian Huseby, 956-5369; undetermined hearing/filing status.

WAC 296-30-025(4) Collateral resource; contact person, Brian Huseby, 956-5369; undetermined hearing/filing status.

(Policy Management Services)

WAC 296-17-45004 Forest, range or timber land services—Industry rule; contact person, Mary Pat Frederick, 956-4739; CR-101 filing date July 6, 1994; CR-102 filing date September 7, 1994; hearing date October 25-28, 1994; CR-103 adoption date November 28, 1994; effective date January 1, 1995.

WAC 296-17-925 Student volunteers; contact person, Mary Pat Frederick; CR-101 filing date July 6, 1994; CR-102 filing date September 7, 1994; hearing date October 25-28, 1994; CR-103 adoption date November 28, 1994; effective date January 1, 1995.

WAC 296-17-855, 296-17-875, 296-17-880, 296-17-885, 296-17-890, 296-17-895, 296-17-919, 296-17-920, 296-17-640, 296-17-727, 296-17-73111, Industrial insurance rates; contact person, Mary Pat Frederick, 956-4739; CR-101 filing date July 6, 1994; CR-102 filing date September 7, 1994; hearing date October 25-28, 1994; CR-103 adoption date November 28, 1994; effective date January 1, 1995.

Chapter 296-17 WAC, Workers' compensation insurance—Classification definitions and general reporting rules; contact person, Frank Romero, 956-4748; CR-101 filing date December 1, 1994; CR-102 filing date February 1, 1995; hearing date April 1, 1995; CR-103 adoption date May 1, 1995; effective date July 1, 1995.

(Retrospective Rating)

WAC 296-17-919, 296-17-91901, 296-17-91902, 296-17-91903, 296-17-91904, 296-17-91905, Tables; contact person, Kathy Kimbel, 956-4835; CR-101 filing date November 2, 1994; CR-102 filing date December 21, 1994; hearing date January 24, 1995; CR-103 adoption date February 24, 1995; effective date April 1, 1995.

RESEARCH AND INFORMATION SERVICES

(Medical Director's Office)

WAC 296-20-03002 Treatment measures and diagnostic tests not authorized; contact person, Jami Lifka, 956-4941; CR-

101 filing date September 21, 1994; CR-102 filing date November 23, 1994; hearing date January 6, 1995; CR-103 adoption date February 15, 1995; effective date April 1, 1995.

WAC 296-20-132, 296-20-135, Conversion factors; contact person, Bill Stoner, 956-6807, CR-101 adoption date October 1, 1994; CR-102 adoption date November 1, 1994; hearing date December 1, 1994; CR-103 adoption date January 1, 1995; effective date May 1, 1995.

WAC 296-23-220, 296-23A-400, Physical therapy, WAC 296-23-230 Occupational therapy; contact person, Bill Stoner, 956-6807; CR-101 filing date October 1, 1994; CR-102 filing date November 1, 1994; hearing date December 1, 1994; CR-103 adoption date January 1, 1995; effective date May 1, 1995.

WAC 296-23-265 Independent medical examinations examiner; contact person, Carol Britton, 956-6818; CR-101 filing date September 21, 1994; CR-102 filing date November 2, 1994; hearing date December 3, 1994; CR-103 adoption date January 17, 1995; effective date February 25, 1995.

WAC 296-20-17003 Pharmacy fees, 296-20-01002 Definitions; contact person, Tamarat Anebo, 956-6793; CR-101 filing date September 21, 1994; CR-102 filing date November 2, 1994; hearing date December 13, 1994; CR-103 adoption date January 17, 1995; effective date February 25, 1995.

Marie Myerchin-Redifer
Rules Coordinator

WSR 94-19-022
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—September 8, 1994]

Following is a revised 1994 meeting schedule(s) for regular meetings to be held by the University of Washington's School of Fisheries faculty, Department of American Ethnic Studies faculty, Scandinavian Language and Literature faculty, Department of Biochemistry faculty.

School of Fisheries Faculty
Faculty Meeting Schedule for the 1994-95 Academic Year

Date	Time	Location
September 23, 1994	8 a.m. - 5 p.m.	NOAA, Building 9 in Conference Rooms A and B
October 4, 1994	11:30 a.m.	Room 288 Fisheries Center
October 18, 1994	11:30 a.m.	Room 288 Fisheries Center
November 1, 1994	11:30 a.m.	Room 288 Fisheries Center
November 15, 1994	11:30 a.m.	Room 288 Fisheries Center
November 29, 1994	11:30 a.m.	Room 288 Fisheries Center
December 6, 1994	11:30 a.m.	Room 288 Fisheries Center
December 20, 1994	11:30 a.m.	Room 288 Fisheries Center
January 10, 1995	11:30 a.m.	Room 288 Fisheries Center
January 24, 1995	11:30 a.m.	Room 288 Fisheries Center
February 7, 1995	11:30 a.m.	Room 288 Fisheries Center
February 21, 1995	11:30 a.m.	Room 288 Fisheries Center
March 7, 1995	11:30 a.m.	Room 288 Fisheries Center
March 21, 1995	11:30 a.m.	Room 288 Fisheries Center
April 4, 1995	11:30 a.m.	Room 288 Fisheries Center
April 18, 1995	11:30 a.m.	Room 288 Fisheries Center
May 2, 1995	11:30 a.m.	Room 288 Fisheries Center

MISCELLANEOUS

May 16, 1995	11:30 a.m.	Room 288 Fisheries Center
May 30, 1995	11:30 a.m.	Room 288 Fisheries Center
June 13, 1995	11:30 a.m.	Room 288 Fisheries Center

November 23, 1994	Smith M261	2:30
December 14, 1994	Smith M261	2:30

American Ethnic Studies

Meeting Dates	Location	Time
September 20	A-520 Padelford	9-12 a.m.
October 5	A-520 Padelford	3-5 p.m.
November 2	A-520 Padelford	3-5 p.m.
December 7	A-520 Padelford	3-5 p.m.

Scandinavian Language and Literature Faculty Meeting

Meeting Dates	Location	Time
January 10, 1994	Raitt 314	3:30
January 24, 1994	Raitt 314	3:30
February 7, 1994	Raitt 314	3:30
February 14, 1994	Raitt 314	3:30
February 21, 1994	Raitt 314	3:30
March 7, 1994	Raitt 314	3:30
April 4, 1994	Raitt 314	3:30
May 2, 1994	Raitt 314	3:30
May 16, 1994	Raitt 314	3:30
June 6, 1994	Raitt 314	3:30
October 3, 1994	Raitt 314	3:30
October 17, 1994	Raitt 314	3:30
November 7, 1994	Raitt 314	3:30
November 21, 1994	Raitt 314	3:30
December 5, 1994	Raitt 314	3:30

Biochem Faculty Meeting

Meeting Dates	Location	Time
September 13, 1994	J-412 HSB	1 p.m.
October 18, 1994	J-412 HSB	1 p.m.
November 15, 1994	J-412 HSB	1 p.m.
December 13, 1994	J-412 HSB	1 p.m.

WSR 94-19-023
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—September 9, 1994]

Following is a revised 1994 meeting schedule(s) for regular meetings to be held by the University of Washington's Slavic Languages and Literature Department Faculty.

SLAVIC DEPARTMENT FACULTY

Meeting Dates	Location	Time
January 10, 1994	Smith M261	2:30
February 14, 1994	Smith M261	2:30
April 11, 1994	Smith M261	2:30
May 9, 1994	Smith M261	2:30
June 13, 1994	Smith M261	2:30
July 11, 1994	Smith M261	2:30
August 8, 1994	Smith M261	2:30
September 28, 1994	Smith M261	2:30
October 12, 1994	Smith M261	2:30
October 26, 1994	Smith M261	2:30
November 9, 1994	Smith M261	2:30

WSR 94-19-024
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 12
 [September 2, 1994]

FIRE PROTECTION DISTRICTS—CITIES—FIREFIGHTERS—PENSION LIABILITIES—MUNICIPAL CORPORATIONS—ANNEXATION—PUBLIC FUNDS—Transfer of assets and liabilities of pension system upon annexation of a portion of one municipality's territory by another municipality

1. If, through annexation or incorporation, a city acquires more than 60 percent, but less than 100 percent, of the assessed valuation of the real property of a fire protection district, all of the district's assets and a proportionate share of the district's liabilities, pension fund assets and liabilities excepted, are transferred to the city.
2. If, through annexation or incorporation, a city acquires more than 60 percent, but less than 100 percent, of the assessed valuation of the real property of a fire protection district which has existing liabilities for pension obligations established pursuant to chapter 41.16 or 41.18 RCW, and has funds dedicated for the payment of such obligations, both the liabilities and the assets are retained by the fire protection district.

Requested by:
 Honorable Bob McCaslin
 State Senator, District 4
 105 Institutions Building, MS 40404
 Olympia, WA 98504-0404

WSR 94-19-030
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—September 9, 1994]

Wednesday, September 14, 1994, 4:00 p.m., the Electronic Information Task Force will hold a videoconference/meeting at video sites throughout Washington.

Site contacts and addresses:

Lacey, Kathy Marshall, (206) 407-0077, FAX (206) 438-7996, WIT Central Office, 710 Sleater-Kinney Road, Suite Q, Lacey, WA 98503-2451; Mount Vernon, Caroline Graves, (206) 424-9573, FAX (206) 424-9180, WIT Videoconference Center, ESD #189, 205 Stewart Road, Mt. Vernon, WA 98273; Seattle, Jamie Alls, (206) 720-3050, FAX (206) 720-3056, WIT Videoconference Center, Seattle Central Community College, District Office, 1500 Harvard Street, Seattle, WA 98122; Spokane, Rhonda Polidori, (509) 533-2530, FAX (509) 536-2199, WIT Videoconference Center, ESD #101, 4022 East Broadway, Spokane, WA 99202; Vancouver, Laura Anderson, (206) 750-7500 x .207, FAX (206) 750-9706, WIT Videoconference Center, ESD #112, 2500 N.E. 65th Avenue, Vancouver, WA 98661-6812; and Yakima, Marion Whipple, (509) 575-2885, FAX (509) 575-2918,

MISCELLANEOUS

WIT Videoconference Center, ESD #105, 33 South 2nd Avenue, Yakima, WA 98902.

October 4	Suzzallo 127	2:30 p.m.
October 18	Suzzallo 127	2:30 p.m.
November 1	Suzzallo 127	2:30 p.m.
November 15	Suzzallo 127	2:30 p.m.
December 6	Suzzallo 127	2:30 p.m.

WSR 94-19-034
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—September 14, 1994]

Following is a revised 1994 meeting schedule(s) for regular meetings to be held by the University of Washington's Molecular Biotechnology Department Faculty.

Molecular Biotechnology Department
 Remaining Faculty Meetings for 1994 and Faculty Meetings for 1995

The list below indicates dates on which the upcoming faculty meetings will be held. The meetings will always be in the first floor conference room from 9:00 - 10:00 a.m. on Tuesdays unless otherwise noted in parentheses after the date. Agenda items are welcome any time up to the day before the meetings.

Faculty Meetings for Year 1994:

- August 9
- September 15 (Thursday)
- October 20
- November - meeting canceled
- December 13

Faculty Meetings for Year 1995:

- January 10
- February 21
- March 14
- April 11
- May 16
- June 20
- July 11
- August 15
- September 12
- October 17
- November 14
- December 12

WSR 94-19-035
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—September 14, 1994]

Following is a revised 1994 meeting schedule(s) for regular meetings to be held by the University of Washington's Graduate School of Library and Information Science faculty.

Graduate School of Library and Information Science
 Faculty Meeting

Meeting Dates	Location	Time
January 4	Suzzallo 127	2:30 p.m.
February 15	Suzzallo 127	2:30 p.m.
March 1	Suzzallo 127	2:30 p.m.
April 5	Suzzallo 127	2:30 p.m.
May 3	Suzzallo 127	2:30 p.m.

WSR 94-19-043
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 94-10]

ESTABLISHING THE GOVERNOR'S
TELECOMMUNICATIONS POLICY COORDINATION
TASK FORCE

WHEREAS, business, the public, and government all depend on efficient and affordable telecommunications services; and

WHEREAS, businesses manufacturing telecommunications equipment and providing telecommunications services are an important part of the state's economy; and

WHEREAS, the State of Washington must have integrated and consistent policies regarding the various sectors of the telecommunications industry to ensure that the industry can meet the current and future needs of the citizens and businesses of the state; and

WHEREAS, many of the state's policies relating to telecommunications were developed prior to the recent changes in telecommunications technology; and

WHEREAS, the convergence of telecommunications, cable television, wireless communications, and other information industries are providing increased opportunity for access to government information and services and for citizen participation in government;

THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the power vested in me, do hereby establish the Governor's Telecommunications Policy Coordination Task Force.

1. The Task Force shall consist of ten members as follows: The director of the Department of Revenue, who shall serve as the chair of the Task Force; the directors of the Department of Information Services, the Office of Financial Management, and the Department of Community, Trade and Economic Development; the chair of the Utilities and Transportation Commission; a representative of the Governor's office; and, four legislators, two from the House of Representatives and two from the Senate, to be appointed by their respective caucuses.
2. The Task Force shall review, and where appropriate make recommendations on state telecommunications and information policies relating to the various sectors of the telecommunications industry, and identify any gaps or inconsistencies in those policies. This review shall include the following elements:
 - a. An assessment of economic trends and factors affecting growth and development in the various sectors of the state's telecommunications industry and an assessment of the role of telecommunica-

MISCELLANEOUS

tions in the state's economic development. This should include a review of the state's current telecommunications infrastructure, trends in the demand for telecommunications services, and factors affecting future development, as well as an examination of policies which may enhance the economic development of the telecommunications industry and the development of the state's telecommunications infrastructure.

- b. An assessment of the tax structure as it applies to telecommunications industry in the state and an analysis of the comparable tax burdens among telecommunications sectors. If any inconsistencies in tax structure or burdens are identified, the Task Force shall recommend policies for fair and equitable tax application.
 - c. An assessment of the effect of information policy on individual rights of privacy, including an examination of the accuracy, integrity, and security of data bases maintained by both public and private entities.
 - d. An assessment of the effect of technological development on consumer rights, including an analysis of how to promote equity and diversity and to maintain reasonable levels of service to geographically remote areas and to the economically disadvantaged.
 - e. An assessment of the role of telecommunications in state government and the use of telecommunications technology by government to provide services more effectively and to promote more efficient use of public resources. This should include an examination of the potential for increasing the use of telecommuting and for delivering government services to remote locations using telecommunications technology.
 - f. An assessment of the state and local regulatory framework in light of changing federal policies and the convergence of telecommunications, cable television, wireless communications, and other information industries.
 - g. An assessment of the appropriate role for government in the development of the telecommunications infrastructure, including an examination of the role of public private partnerships and the appropriate conditions imposed on the use of public rights of way.
3. The Task Force shall appoint Advisory Groups with representation from private industry, state and federal agencies, consumers, local government, public schools, institutions of higher education, and the general public, as necessary for the solicitation of information and advice.
 4. The Task Force shall not have control or authority over state agencies or existing statutory or ad hoc committees, but shall work collaboratively with these entities in developing its report and recommendations.

5. The agencies represented on the Task Force shall provide staffing and administrative support to the Task Force.
6. The Task Force shall provide a final report and recommendations to the Governor and the Legislature by November 1, 1995, and shall provide interim reports as needed.

This order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia on this 13th day of September, A.D., nineteen hundred and ninety-four:

Mike Lowry
Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting
Assistant Secretary of State

WSR 94-19-044
PROCLAMATION
OFFICE OF THE GOVERNOR
[August 16, 1994]

DESIGNATING WAHKIAKUM COUNTY AS AN ELIGIBLE AREA UNDER CHAPTER 82.60 RCW

WHEREAS, section 9 of Chapter 1, Laws of 1994, 1st Special Session, added a new section to chapter 82.60 RCW authorizing the governor to designate a county as an eligible area for the purposes of offering tax incentives to eligible applicants who invest in distressed areas; and

WHEREAS, section 9 of Chapter 1, Laws of 1994, 1st Special Session, provides that the governor may designate a county as an eligible area if as a result of a natural disaster or business or military base closure or mass layoff, the unemployment level in a county exceeds a statutorily defined level; and

WHEREAS, section 9 of Chapter 1, Laws of 1994, 1st Special Session, provides that a county is eligible for designation if as a result of any of the above occurrences the twelve-month average unemployment rate using the projected level of new unemployment in the county over the ensuing twelve months added to the base unemployment level in the county for the proceeding twelve months will exceed the previous twelve month average state unemployment rate by forty percent; and

WHEREAS, as a result of mass layoffs in the fishing industry, the projected unemployment rate, as determined by the Department of Employment Security in accordance with the statutorily prescribed formula, in Wahkiakum County will exceed the previous twelve month average state unemployment rate by forty-three percent; and

WHEREAS, Section 9 of Chapter 1, Laws of 1994, 1st Special Session, provides that such designation shall be effective for a period of twelve months;

MISCELLANEOUS

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, do hereby designate Wahkiakum County as an eligible area for the purposes of the tax incentive program described in chapter 82.60 RCW. This designation shall be effective for a period of twelve months.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 16th day of August, A.D., nineteen hundred and ninety-four.

Mike Lowry
Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting
Assistant Secretary of State

WSR 94-19-045
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 13
[September 12, 1994]

LEGISLATORS—STATE LEGISLATURE—PUBLIC FUNDS—
Mailings by legislators at public expense

1. Neither house of the Washington State Legislature has authority to adopt a rule or a policy on mailings by legislators at public expense which would supersede the provisions of RCW 42.17.132, a statute on the same subject.
2. The language in RCW 42.17.132 generally limiting legislators at certain times to mailings to constituents "in direct response to . . . [a] request" does not require that the request be explicit, but requires some evidence that the addresses of a legislative communication had shown an interest in the legislator's view on the subject, or in obtaining other relevant information.

Requested by:
Melissa A. Warheit
Executive Director
Public Disclosure Commission
711 Capitol Way, MS 40908
Olympia, WA 98504-0908

WSR 94-19-046
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
[Memorandum—September 16, 1994]

Regular Meeting
September 26-27, 1994
Nendels Inn - Seattle at Southcenter
Tukwila, Washington

(Note: Opening sessions will commence as shown; all other times are approximate. If you need special accommodations to participate in this meeting, please notify us by September 19 at (206) 902-3000 or TDD (206) 902-1996.)

Monday, September 26, 8:00 a.m. - 4:45 p.m.

Next Meeting: November 17-18, 1994, Natural Resource Building Room 172, Olympia, Washington.

WSR 94-19-053
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—September 16, 1994]

The Washington State Human Rights Commission will hold its October regular commission meeting in Spokane, Washington on October 26 and 27, 1994. The meetings will be held on both days at the Sheraton Spokane Hotel, University Room, 322 North Spokane Falls Court, Spokane. The meeting on October 26 will be mainly a planning and training session beginning at 7:00 p.m. The regular business meeting on October 27 will begin at 9:00 a.m.

WSR 94-19-055
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—September 20, 1994]

Board of Trustees Meeting
September 21, 1994
Sno-King Room 103
4:30 - 6:45

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 94-19-058
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
[Memorandum—September 20, 1994]

SCHEDULE OF REGULAR MEETING
DATES AND LOCATIONS
1995 CALENDAR YEAR

January 25-27, 1995	Educational Service District 113 Thurston Room 601 McPhee Road S.W. Olympia, WA 98502-5080 (206) 586-2933
March 22-24, 1995	North Thurston School District Board Room 305 College Street N.E. Lacey, WA 98516-5390 (206) 493-9002
May 17-19, 1995	Saint Martin's College Worthington Conference Center 5300 Pacific Avenue S.E. Lacey, WA 98503 (206) 491-4700

MISCELLANEOUS

- July 12-14, or
19-21, 1995 Location to be determined
- September 20-22, 1995 Department of Labor and Industries
Auditorium
7273 Linderson Way S.W.
Olympia, WA 98501
(206) 956-5800
- November 15-17, 1995 Spokane School District
Board Room No. 101
200 North Bernard
Spokane, WA 99201-0282
(509) 353-5242

WSR 94-19-060
NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION
[Memorandum—September 9, 1994]

1995 COMMISSION MEETING SCHEDULE

<u>Type</u>	<u>Date</u>	<u>Location</u>
Regular	January 6	Seattle
Regular	March 3	Olympia
Regular	May 5	Seattle
Regular	July 7	Seattle
Regular	September 8	Yakima
Regular	November 3	Seattle

WSR 94-19-061
WASHINGTON STATE LOTTERY
[Filed September 20, 1994, 1:03 p.m.]

In conformance with Executive Order 94-07 dated June 6, 1994, "Executive Order on Regulatory Reform," the Washington State Lottery hereby publishes an agenda for fiscal year 1995 of significant rules under development.

1. Instant ticket game rules — The Lottery Commission plans to adopt rules for approximately 17 instant ticket games during the period September 1994 through June 1995.

2. Licensing criteria — The Lottery Commission plans to adopt an amendment to WAC 315-04-200 during fiscal year 1995 which would give the director the authority to deny licensure to any applicant who had been convicted of a felony.

Evelyn P. Yenson
Director

WSR 94-19-070
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
[Memorandum—September 20, 1994]

A special meeting of the Forest Practices Board will be held at 10:00 a.m., Wednesday, October 12, 1994, in the Commissioners Hearing Room on the second floor of the Stevens

County Courthouse, 215 South Oak, Colville, WA. If you have any questions, please call Debbie Harvey at 902-1413.

WSR 94-19-082
DEPARTMENT OF ECOLOGY
[Filed September 21, 1994, 8:07 a.m.]

The Washington State Department of Ecology will be conducting a public hearing on October 26, 1994, at the Department of Ecology's Eastern Regional Office, North 4601 Monroe Street, Suite 100, Spokane, WA at 7:00 p.m. The hearing is being conducted to solicit public comment on a draft plan for attaining the national ambient air quality standard for particulate matter (PM₁₀) in the Spokane PM₁₀ nonattainment area. The plan is being proposed as a revision to the state implementation plan (SIP) for air quality; ecology's adoption into the SIP; and its submission to the Environmental Protection Agency.

Written comments are encouraged and will be considered if postmarked by October 28, 1994. Comments should be addressed to Bruce Smith, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. For more information on the contents of this SIP submittal prior to the hearing, or for a copy of the proposal, please contact Bruce Smith at (206) 407-6889.

* Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Jani Gilbert, (509) 456-3150 (voice) or (509) 458-2055 (TDD).

WSR 94-19-085
NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION
[Memorandum—September 20, 1994]

The Washington Traffic Safety Commission quarterly meeting which was originally scheduled to be held in the Washington Traffic Safety Commission Conference Room on Thursday October 27, 1994, at 1:30 p.m., has been changed.

The meeting will still be held on October 27, 1994, but it will be held at 10:00 a.m. at the Holiday Inn at Sea Tac, 17338 Pacific Highway South, Seattle, at the Top of the Inn restaurant.

If you have questions please contact Angie Smith at the Washington Transportation Safety Commission, 586-3864.

WSR 94-19-086
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
[Memorandum—September 6, 1994]

The Public Works Board regular meeting and tour will be at the Steilacoom Town Hall on September 20, 1994, at 9:30 a.m.

MISCELLANEOUS

WSR 94-19-091
ATTORNEY GENERAL'S OFFICE

[Filed September 21, 1994, 10:30 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
 WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by October 12, 1994. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by October 12, 1994, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (206) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, 905 Plum Street, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion requests:

94-9-3 Sullivan, Yakima County Prosecuting Attorney
 Several questions regarding interpretation of chapters 17.10 and 17.28, and RCW 36.29.180 and 43.09.210, relating to "special assessments, fees[,] rates, or charges" to county noxious weed control boards and mosquito control districts.

94-9-4 Representative Clyde Ballard
 Questions regarding the licensing of employees of firearms and ammunitions dealers (RCW 9.41.110).

94-9-5 Clem, Kitsap County Prosecuting Attorney
 Questions regarding whether elections for full-time judicial positions should be held prior to January 1, 1995, so that the positions currently filled by appointed judges will be filled by elected judges on January 1, 1995 (RCW 3.50.055).

MISCELLANEOUS

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
1-21-010	AMD-P	94-09-045	16-59-070	PREP	94-19-081	16-219-031	NEW-P	94-05-092
1-21-010	AMD	94-12-075	16-86-015	AMD	94-05-008	16-219-031	NEW	94-09-028
1-21-170	AMD-P	94-09-045	16-103-001	AMD	94-05-040	16-219-033	NEW-E	94-15-050
1-21-170	AMD	94-12-075	16-103-010	NEW-E	94-13-074	16-219-100	NEW-P	94-05-061
4-25-020	REP-P	94-13-060	16-103-010	NEW-P	94-14-034	16-219-100	NEW	94-08-035
4-25-030	REP-P	94-13-060	16-103-010	NEW-W	94-14-060	16-219-105	NEW-P	94-05-061
4-25-080	REP-P	94-13-060	16-103-010	NEW-P	94-15-056	16-219-105	NEW	94-08-035
4-25-185	REP	94-02-070	16-103-010	NEW	94-19-011	16-221-001	REP	94-03-024
4-25-186	REP	94-02-070	16-103-020	NEW-E	94-13-074	16-221-010	REP	94-03-024
4-25-187	REP	94-02-070	16-103-020	NEW-P	94-14-034	16-221-020	REP	94-03-024
4-25-188	REP	94-02-070	16-103-020	NEW-W	94-14-060	16-221-030	REP	94-03-024
4-25-270	REP-P	94-13-060	16-103-020	NEW-P	94-15-056	16-221-040	REP	94-03-024
4-25-280	REP	94-02-070	16-103-020	NEW	94-19-011	16-223-001	REP	94-03-023
4-25-300	REP	94-02-070	16-108-010	AMD-P	94-05-074	16-223-002	REP	94-03-023
4-25-320	REP	94-02-070	16-108-010	AMD-W	94-07-038	16-223-004	REP	94-03-023
4-25-410	NEW-P	94-13-059	16-125	PREP	94-16-100	16-223-005	REP	94-03-023
4-25-521	NEW	94-02-068	16-200-805	AMD-P	94-05-060	16-223-010	REP	94-03-023
4-25-522	NEW	94-02-068	16-200-805	AMD	94-08-034	16-223-020	REP	94-03-023
4-25-625	NEW-P	94-13-062	16-212-020	AMD-P	94-06-058	16-223-030	REP	94-03-023
4-25-627	NEW-P	94-13-062	16-212-020	AMD	94-10-002	16-223-040	REP	94-03-023
4-25-710	PREP	94-18-052	16-212-030	AMD-P	94-06-058	16-223-050	REP	94-03-023
4-25-780	NEW	94-10-039	16-212-030	AMD	94-10-002	16-223-060	REP	94-03-023
4-25-810	NEW	94-02-072	16-212-060	AMD-P	94-06-058	16-223-070	REP	94-03-023
4-25-811	NEW	94-02-072	16-212-060	AMD	94-10-002	16-228-235	REP-P	94-09-017
4-25-812	NEW	94-02-072	16-212-070	AMD-P	94-06-058	16-228-235	REP	94-13-195
4-25-813	NEW	94-02-072	16-212-070	AMD	94-10-002	16-228-245	REP-P	94-09-017
4-25-820	NEW	94-02-071	16-212-080	AMD-P	94-06-058	16-228-245	REP	94-13-195
4-25-910	NEW-P	94-13-061	16-212-080	AMD	94-10-002	16-228-250	REP-P	94-09-017
4-25-920	NEW	94-02-069	16-212-082	AMD-P	94-06-058	16-228-250	REP	94-13-195
16-22-010	PREP	94-19-077	16-212-082	AMD	94-10-002	16-228-255	REP-P	94-09-017
16-22-030	PREP	94-19-077	16-219	AMD-C	94-08-033	16-228-255	REP	94-13-195
16-22-050	PREP	94-19-077	16-219-015	AMD-P	94-05-092	16-228-260	REP-P	94-09-017
16-23-010	PREP	94-19-078	16-219-015	AMD	94-09-028	16-228-260	REP	94-13-195
16-23-020	PREP	94-19-078	16-219-017	NEW-P	94-05-092	16-228-265	REP-P	94-09-017
16-23-170	PREP	94-19-078	16-219-017	NEW	94-09-028	16-228-265	REP	94-13-195
16-32-009	NEW-P	94-09-072	16-219-017	AMD-E	94-15-050	16-228-275	REP-P	94-09-017
16-32-009	NEW	94-12-053	16-219-018	NEW-P	94-05-092	16-228-275	REP	94-13-195
16-32-010	REP-P	94-09-072	16-219-018	NEW	94-09-028	16-228-600	PREP	94-18-125
16-32-010	REP	94-12-053	16-219-020	AMD-P	94-05-092	16-304-040	AMD-P	94-09-046
16-32-011	NEW-P	94-09-072	16-219-020	AMD	94-09-028	16-304-040	AMD	94-12-046
16-32-011	NEW	94-12-053	16-219-022	NEW-P	94-05-092	16-304-050	AMD-P	94-09-046
16-38-001	REP	94-05-009	16-219-022	NEW	94-09-028	16-304-050	AMD	94-12-046
16-38-010	REP	94-05-009	16-219-025	AMD-P	94-05-092	16-304-110	AMD-P	94-09-046
16-38-020	REP	94-05-009	16-219-025	AMD	94-09-028	16-304-110	AMD	94-12-046
16-54-035A	NEW-E	94-09-004	16-219-027	NEW-P	94-05-092	16-304-130	AMD-P	94-09-046
16-54-071	PREP	94-19-079	16-219-027	NEW	94-09-028	16-304-130	AMD	94-12-046
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16-59-010	PREP	94-19-081	16-219-030	REP-P	94-05-092	16-313-035	AMD	94-12-046
16-59-030	PREP	94-19-081	16-219-030	REP	94-09-028	16-316-0901	AMD-P	94-09-046

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16-316-0901	AMD	94-12-046	16-602-027	NEW	94-12-045	44-06-140	AMD-P	94-06-050
16-316-105	AMD-P	94-09-046	16-604-008	NEW-P	94-10-074	44-06-140	AMD	94-13-039
16-316-105	AMD	94-12-046	16-604-008	NEW	94-13-069	44-06-150	NEW-P	94-06-050
16-316-230	AMD-P	94-09-046	16-604-010	AMD-P	94-10-074	44-06-150	NEW	94-13-039
16-316-230	AMD	94-12-046	16-604-010	AMD	94-13-069	44-06-160	NEW-P	94-06-050
16-316-350	AMD-P	94-09-046	16-604-012	NEW-P	94-10-074	44-06-160	NEW	94-13-039
16-316-350	AMD	94-12-046	16-604-012	NEW	94-13-069	50-60	PREP	94-17-125
16-316-440	AMD-P	94-09-046	16-605A-001	NEW-P	94-10-076	50-60-010	NEW	94-03-009
16-316-440	AMD	94-12-046	16-605A-001	NEW	94-13-068	50-60-020	NEW	94-03-009
16-316-474	AMD-P	94-09-046	16-605A-010	NEW-P	94-10-076	50-60-030	NEW	94-03-009
16-316-474	AMD	94-12-046	16-605A-010	NEW	94-13-068	50-60-040	NEW	94-03-009
16-316-717	AMD-P	94-09-046	16-620-010	AMD-P	94-10-075	50-60-040	AMD-E	94-17-054
16-316-717	AMD	94-12-046	16-620-010	AMD	94-13-070	50-60-045	NEW-E	94-17-054
16-316-727	AMD-P	94-09-046	16-620-015	NEW-P	94-10-075	50-60-050	NEW	94-03-009
16-316-727	AMD	94-12-046	16-620-015	NEW	94-13-070	50-60-060	NEW	94-03-009
16-316-800	AMD-P	94-09-046	16-620-015	NEW	94-13-070	50-60-060	AMD-E	94-17-054
16-316-800	AMD	94-12-046	16-620-270	REP-P	94-10-075	50-60-070	NEW	94-03-009
16-316-820	AMD-P	94-09-046	16-620-270	REP	94-13-070	50-60-080	NEW	94-03-009
16-316-820	AMD	94-12-046	16-620-280	AMD-P	94-10-075	50-60-080	AMD-E	94-17-054
16-316-830	AMD-P	94-09-046	16-620-280	AMD	94-13-070	50-60-080	AMD-E	94-17-054
16-316-830	AMD	94-12-046	16-620-290	AMD-P	94-10-075	50-60-085	NEW-E	94-17-054
16-324-640	REP-P	94-01-110	16-620-290	AMD	94-13-070	50-60-090	NEW	94-03-009
16-324-640	REP	94-11-070	16-620-340	AMD-P	94-10-075	50-60-100	NEW	94-03-009
16-400-210	AMD-E	94-04-091	16-620-340	AMD	94-13-070	50-60-110	NEW	94-03-009
16-400-210	AMD-P	94-13-041	16-620-380	AMD-P	94-10-075	50-60-120	NEW	94-03-009
16-400-210	AMD	94-16-060	16-620-380	AMD	94-13-070	50-60-130	NEW	94-03-009
16-403-145	AMD-P	94-05-050	16-620-400	NEW-P	94-10-075	50-60-140	NEW	94-03-009
16-403-145	AMD	94-07-133	16-620-400	NEW	94-13-070	50-60-150	NEW	94-03-009
16-403-150	AMD-P	94-05-050	16-620-410	NEW-P	94-10-075	50-60-160	NEW	94-03-009
16-403-150	AMD	94-07-133	16-620-410	NEW	94-13-070	50-60-165	NEW-E	94-17-054
16-403-290	AMD-P	94-05-050	16-675-010	AMD-P	94-09-054	50-60-170	NEW	94-03-009
16-403-290	AMD	94-07-133	16-675-010	AMD	94-12-035	50-60-170	AMD-E	94-17-054
16-415-010	REP	94-03-026	16-675-029	NEW-P	94-09-054	50-60-180	NEW	94-03-009
16-415-020	REP	94-03-026	16-675-029	NEW	94-12-035	51-04-015	AMD	94-05-058
16-415-030	REP	94-03-026	16-675-030	AMD-P	94-09-054	51-04-018	AMD	94-05-058
16-415-040	REP	94-03-026	16-675-030	AMD	94-12-035	51-04-020	AMD	94-05-058
16-432-010	REP	94-03-025	16-675-039	NEW-P	94-09-054	51-04-025	AMD	94-05-058
16-432-020	REP	94-03-025	16-675-039	NEW	94-12-035	51-04-030	AMD-W	94-05-102
16-432-030	REP	94-03-025	16-675-040	AMD-P	94-09-054	51-04-030	PREP	94-12-015
16-432-040	REP	94-03-025	16-675-040	AMD	94-12-035	51-04-030	AMD-P	94-16-114
16-432-050	REP	94-03-025	16-678-001	REP	94-03-022	51-04-060	AMD	94-05-058
16-432-060	REP	94-03-025	16-678-010	REP	94-03-022	51-11	PREP	94-12-017
16-432-070	REP	94-03-025	16-680-001	REP	94-03-021	51-11-0105	AMD-P	94-16-116
16-432-080	REP	94-03-025	16-680-010	REP	94-03-021	51-11-0108	AMD-P	94-16-116
16-432-090	REP	94-03-025	16-680-015	REP	94-03-021	51-11-0201	AMD	94-05-059
16-432-100	REP	94-03-025	16-680-015	REP	94-03-021	51-11-0402	AMD	94-05-059
16-432-110	REP	94-03-025	16-694-001	AMD-P	94-09-055	51-11-0502	AMD-E	94-05-007
16-432-120	REP	94-03-025	16-694-001	AMD	94-12-034	51-11-0502	AMD	94-05-059
16-432-130	REP	94-03-025	44-06	AMD	94-13-039	51-11-0502	AMD	94-05-059
16-470-92005	NEW-C	94-06-003	44-06-010	AMD-P	94-06-050	51-11-0502	AMD-P	94-16-116
16-470-92005	NEW-W	94-06-051	44-06-010	AMD	94-13-039	51-11-0525	AMD	94-05-059
16-470-92010	NEW-C	94-06-003	44-06-020	AMD-P	94-06-050	51-11-0527	AMD	94-05-059
16-470-92010	NEW-W	94-06-051	44-06-020	AMD	94-13-039	51-11-0530	AMD-P	94-16-116
16-470-92015	NEW-C	94-06-003	44-06-030	AMD-P	94-06-050	51-11-0601	AMD	94-05-059
16-470-92015	NEW-W	94-06-051	44-06-030	AMD	94-13-039	51-11-0602	AMD	94-05-059
16-470-92020	NEW-C	94-06-003	44-06-040	AMD-P	94-06-050	51-11-0603	AMD	94-05-059
16-470-92020	NEW-W	94-06-051	44-06-040	AMD	94-13-039	51-11-0625	AMD	94-05-059
16-470-92025	NEW-C	94-06-003	44-06-050	AMD-P	94-06-050	51-11-0625	AMD-P	94-16-116
16-470-92025	NEW-W	94-06-051	44-06-050	AMD	94-13-039	51-11-0626	AMD	94-05-059
16-470-92030	NEW-C	94-06-003	44-06-060	AMD-P	94-06-050	51-11-0626	AMD-P	94-16-116
16-470-92030	NEW-W	94-06-051	44-06-060	AMD	94-13-039	51-11-0627	AMD	94-05-059
16-470-92035	NEW-C	94-06-003	44-06-070	AMD-P	94-06-050	51-11-0627	AMD	94-05-059
16-470-92035	NEW-W	94-06-051	44-06-070	AMD	94-13-039	51-11-0627	AMD	94-05-059
16-470-92040	NEW-C	94-06-003	44-06-080	AMD-P	94-06-050	51-11-0628	AMD-P	94-16-116
16-470-92040	NEW-W	94-06-051	44-06-080	AMD	94-13-039	51-11-0628	AMD	94-05-059
16-482-016	AMD-P	94-01-111	44-06-085	NEW-P	94-06-050	51-11-0629	AMD	94-05-059
16-482-016	AMD	94-11-069	44-06-085	NEW	94-13-039	51-11-0629	AMD-P	94-16-116
16-514-020	AMD-P	94-05-073	44-06-090	AMD-P	94-06-050	51-11-0630	AMD	94-05-059
16-514-020	AMD	94-08-091	44-06-090	AMD	94-13-039	51-11-0630	AMD-P	94-16-116
16-580-040	AMD-P	94-05-066	44-06-110	AMD-P	94-06-050	51-11-0900	AMD-P	94-16-116
16-580-040	AMD	94-08-090	44-06-110	AMD	94-13-039	51-11-1006	AMD-E	94-05-007
16-602-025	NEW	94-05-049	44-06-120	AMD-P	94-06-050	51-11-1006	AMD	94-05-059
16-602-027	NEW-P	94-09-052	44-06-120	AMD	94-13-039	51-11-1011	NEW-E	94-05-007
			44-06-130	AMD-P	94-06-050	51-11-1143	AMD-P	94-16-116
			44-06-130	AMD-W	94-19-087	51-13	PREP	94-12-016
						51-13-106	AMD-P	94-16-117

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51-13-302	AMD-P	94-16-117	51-30-1105	NEW-S	94-18-094	51-32-0327	NEW-P	94-16-118
51-13-304	AMD-P	94-16-117	51-30-1106	NEW-P	94-16-143	51-32-0500	NEW-P	94-16-118
51-13-402	AMD-P	94-16-117	51-30-1106	NEW-S	94-18-094	51-32-0504	NEW-P	94-16-118
51-13-501	AMD-P	94-16-117	51-30-1107	NEW-P	94-16-143	51-32-0600	NEW-P	94-16-118
51-13-502	AMD-P	94-16-117	51-30-1107	NEW-S	94-18-094	51-32-0601	NEW-P	94-16-118
51-26-0909	NEW-P	94-16-115	51-30-1108	NEW-P	94-16-143	51-32-0605	NEW-P	94-16-118
51-26-1007	NEW-P	94-16-115	51-30-1108	NEW-S	94-18-094	51-32-1300	NEW-P	94-16-118
51-26-1009	NEW-P	94-16-115	51-30-1109	NEW-P	94-16-143	51-32-1312	NEW-P	94-16-118
51-26-1020	NEW-P	94-16-115	51-30-1109	NEW-S	94-18-094	51-32-1313	NEW-P	94-16-118
51-26-1301	NEW-P	94-16-115	51-30-1110	NEW-P	94-16-143	51-34	NEW-C	94-18-093
51-26-1803	AMD-P	94-16-115	51-30-1110	NEW-S	94-18-094	51-34-001	NEW-P	94-16-113
51-26-1810	AMD-P	94-16-115	51-30-1111	NEW-P	94-16-143	51-34-002	NEW-P	94-16-113
51-26-1820	AMD-P	94-16-115	51-30-1111	NEW-S	94-18-094	51-34-003	NEW-P	94-16-113
51-26-1830	AMD-P	94-16-115	51-30-1112	NEW-P	94-16-143	51-34-007	NEW-P	94-16-113
51-26-2200	AMD-P	94-16-115	51-30-1112	NEW-S	94-18-094	51-34-008	NEW-P	94-16-113
51-30-001	NEW-P	94-16-143	51-30-1113	NEW-P	94-16-143	51-34-0200	NEW-P	94-16-113
51-30-002	NEW-P	94-16-143	51-30-1113	NEW-S	94-18-094	51-34-0206	NEW-P	94-16-113
51-30-003	NEW-P	94-16-143	51-30-1114	NEW-P	94-16-143	51-34-0216	NEW-P	94-16-113
51-30-004	NEW-P	94-16-143	51-30-1114	NEW-S	94-18-094	51-34-0219	NEW-P	94-16-113
51-30-005	NEW-P	94-16-143	51-30-1115	NEW-P	94-16-143	51-34-0223	NEW-P	94-16-113
51-30-007	NEW-P	94-16-143	51-30-1120	NEW-P	94-16-143	51-34-0900	NEW-P	94-16-113
51-30-008	NEW-P	94-16-143	51-30-1120	NEW-S	94-18-094	51-34-0901	NEW-P	94-16-113
51-30-009	NEW-P	94-16-143	51-30-1121	NEW-P	94-16-143	51-34-0902	NEW-P	94-16-113
51-30-0100	NEW-P	94-16-143	51-30-1121	NEW-S	94-18-094	51-34-1000	NEW-P	94-16-113
51-30-0104	NEW-P	94-16-143	51-30-1122	NEW-P	94-16-143	51-34-1003	NEW-P	94-16-113
51-30-0200	NEW-P	94-16-143	51-30-1122	NEW-S	94-18-094	51-34-1007	NEW-P	94-16-113
51-30-0204	NEW-P	94-16-143	51-30-1123	NEW-P	94-16-143	51-34-2500	NEW-P	94-16-113
51-30-0207	NEW-P	94-16-143	51-30-1123	NEW-S	94-18-094	51-34-2501	NEW-P	94-16-113
51-30-0217	NEW-P	94-16-143	51-30-1124	NEW-P	94-16-143	51-34-5200	NEW-P	94-16-113
51-30-0220	NEW-P	94-16-143	51-30-1124	NEW-S	94-18-094	51-34-5201	NEW-P	94-16-113
51-30-0300	NEW-P	94-16-143	51-30-1125	NEW-P	94-16-143	51-34-5204	NEW-P	94-16-113
51-30-0302	NEW-P	94-16-143	51-30-1125	NEW-S	94-18-094	51-34-5204	NEW-P	94-16-113
51-30-0304	NEW-P	94-16-143	51-30-1200	NEW-P	94-16-143	51-34-6100	NEW-P	94-16-113
51-30-0305	NEW-P	94-16-143	51-30-1203	NEW-P	94-16-143	51-34-6103	NEW-P	94-16-113
51-30-0307	NEW-P	94-16-143	51-30-1203	NEW-S	94-18-094	51-34-6104	NEW-P	94-16-113
51-30-0310	NEW-P	94-16-143	51-30-1600	NEW-P	94-16-143	51-34-6105	NEW-P	94-16-113
51-30-0311	NEW-P	94-16-143	51-30-1614	NEW-P	94-16-143	51-34-6106	NEW-P	94-16-113
51-30-0313	NEW-P	94-16-143	51-30-1700	NEW-P	94-16-143	51-34-6107	NEW-P	94-16-113
51-30-0400	NEW-P	94-16-143	51-30-1702	NEW-P	94-16-143	51-34-7800	NEW-P	94-16-113
51-30-0403	NEW-P	94-16-143	51-30-1900	NEW-P	94-16-143	51-34-7802	NEW-P	94-16-113
51-30-0405	NEW-P	94-16-143	51-30-1909	NEW-P	94-16-143	51-34-7900	NEW-P	94-16-113
51-30-0417	NEW-P	94-16-143	51-30-2200	NEW-P	94-16-143	51-34-7901	NEW-P	94-16-113
51-30-0500	NEW-P	94-16-143	51-30-2211	NEW-P	94-16-143	51-34-7902	NEW-P	94-16-113
51-30-0502	NEW-P	94-16-143	51-30-2400	NEW-P	94-16-143	51-34-7904	NEW-P	94-16-113
51-30-0510	NEW-P	94-16-143	51-30-2406	NEW-P	94-16-143	51-34-7904	NEW-P	94-16-113
51-30-0600	NEW-P	94-16-143	51-30-2900	NEW-P	94-16-143	51-34-8001	NEW-P	94-16-113
51-30-0601	NEW-P	94-16-143	51-30-2902	NEW-P	94-16-143	51-34-8003	NEW-P	94-16-113
51-30-0800	NEW-P	94-16-143	51-30-2903	NEW-P	94-16-143	51-34-9100	NEW-P	94-16-113
51-30-0804	NEW-P	94-16-143	51-30-2904	NEW-P	94-16-143	51-34-9101	NEW-P	94-16-113
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51-30-1001	NEW-P	94-16-143	51-30-93115	NEW-S	94-18-094	51-34-9106	NEW-P	94-16-113
51-30-1004	NEW-P	94-16-143	51-30-93116	NEW-P	94-16-143	51-34-9107	NEW-P	94-16-113
51-30-1005	NEW-P	94-16-143	51-30-93116	NEW-S	94-18-094	51-34-9108	NEW-P	94-16-113
51-30-1006	NEW-P	94-16-143	51-30-93117	NEW-P	94-16-143	51-35	NEW-C	94-18-093
51-30-1007	NEW-P	94-16-143	51-30-93117	NEW-S	94-18-094	51-35-001	NEW-P	94-16-113
51-30-1009	NEW-P	94-16-143	51-30-93118	NEW-P	94-16-143	51-35-002	NEW-P	94-16-113
51-30-1014	NEW-P	94-16-143	51-30-93118	NEW-S	94-18-094	51-35-003	NEW-P	94-16-113
51-30-1019	NEW-P	94-16-143	51-30-93119	NEW-P	94-16-143	51-35-007	NEW-P	94-16-113
51-30-1030	NEW-P	94-16-143	51-30-93119	NEW-S	94-18-094	51-35-008	NEW-P	94-16-113
51-30-1100	NEW-P	94-16-143	51-30-93120	NEW-P	94-16-143	51-35-09000	NEW-P	94-16-113
51-30-1100	NEW-S	94-18-094	51-30-93120	NEW-S	94-18-094	51-35-52000	NEW-P	94-16-113
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55-01-020	AMD-E	94-14-017	106-72-005	AMD-E	94-17-075	106-116-304	AMD	94-10-049
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55-01-030	AMD-W	94-07-075	106-72-015	AMD-E	94-17-075	106-116-305	AMD-E	94-07-091
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55-01-040	AMD-E	94-14-017	106-72-200	AMD-E	94-17-075	106-116-306	AMD	94-10-049
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55-01-050	AMD-W	94-07-075	106-72-400	AMD-E	94-17-075	106-116-307	AMD-E	94-07-091
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55-01-060	AMD-W	94-07-075	106-72-440	AMD-P	94-17-074	106-116-308	AMD-E	94-07-091
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106-08-350	AMD-E	94-17-075	106-116-205	AMD	94-10-049	106-116-702	AMD-P	94-07-090
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106-08-400	AMD-E	94-17-075	106-116-207	AMD-E	94-07-091	106-116-702	AMD	94-10-049
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106-124-011	AMD-E	94-17-152	106-160-002	REP-E	94-17-154	106-160-200	NEW-P	94-17-153
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106-140-160	AMD-P	94-17-076	106-160-050	NEW-E	94-17-154	106-172-761	AMD-P	94-17-151
106-140-160	AMD-E	94-17-077	106-160-060	NEW-P	94-17-153	106-172-761	AMD-E	94-17-152
106-140-401	AMD-P	94-17-076	106-160-060	NEW-E	94-17-154	106-172-763	AMD-P	94-17-151
106-140-401	AMD-E	94-17-077	106-160-070	NEW-P	94-17-153	106-172-763	AMD-E	94-17-152
106-140-600	AMD-P	94-17-076	106-160-070	NEW-E	94-17-154	106-172-765	AMD-P	94-17-151
106-140-600	AMD-E	94-17-077	106-160-080	NEW-P	94-17-153	106-172-765	AMD-E	94-17-152
106-140-605	AMD-P	94-17-076	106-160-080	NEW-E	94-17-154	106-172-772	AMD-P	94-17-151
106-140-605	AMD-E	94-17-077	106-160-090	NEW-P	94-17-153	106-172-772	AMD-E	94-17-152
106-140-632	AMD-P	94-17-076	106-160-090	NEW-E	94-17-154	106-276	PREP	94-15-082

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132J-128-080	REP	94-04-053	136-161-070	NEW	94-16-111	148-120-220	NEW-P	94-08-066
132J-128-090	REP	94-04-053	136-161-080	NEW-P	94-13-182	148-120-220	NEW	94-13-058
132J-128-100	REP	94-04-053	136-161-080	NEW	94-16-111	148-120-225	NEW-P	94-08-066
132J-128-110	REP	94-04-053	136-161-090	NEW-P	94-13-182	148-120-225	NEW	94-13-058
132J-128-120	REP	94-04-053	136-161-090	NEW	94-16-111	148-120-230	NEW-P	94-08-066
132J-128-130	REP	94-04-053	136-161-100	NEW-P	94-13-182	148-120-230	NEW	94-13-058
132J-128-140	REP	94-04-053	136-161-100	NEW	94-16-111	148-120-234	NEW-P	94-08-066
132J-128-200	NEW	94-04-053	136-165-010	NEW-P	94-13-184	148-120-234	NEW	94-13-058
132J-128-210	NEW	94-04-053	136-165-010	NEW	94-16-109	148-120-236	NEW-P	94-08-066
132J-136-020	REP	94-04-054	136-165-020	NEW-P	94-13-184	148-120-236	NEW	94-13-058
132J-136-025	REP	94-04-054	136-165-020	NEW	94-16-109	162-12-100	AMD-W	94-04-087
132J-136-030	REP	94-04-054	136-165-030	NEW-P	94-13-184	162-12-110	REP-W	94-04-087
132J-136-040	REP	94-04-054	136-165-030	NEW	94-16-109	162-12-120	AMD-W	94-04-087
132J-136-050	REP	94-04-054	136-165-040	NEW-P	94-13-184	162-12-130	AMD-W	94-04-087
132P-33	PREP	94-17-135B	136-165-040	NEW	94-16-109	162-12-135	AMD-W	94-04-087
132P-116	PREP	94-17-135A	136-165-050	NEW-P	94-13-184	162-12-140	AMD-W	94-04-087
132Q-04-061	NEW-P	94-18-087	136-165-050	NEW	94-16-109	162-12-150	AMD-W	94-04-087
132Q-04-081	NEW-P	94-18-092	136-167-010	NEW-P	94-13-183	162-12-160	AMD-W	94-04-087
132Q-04-082	NEW-P	94-18-091	136-167-010	NEW	94-16-110	162-12-170	AMD-W	94-04-087
132Q-04-083	NEW-P	94-18-090	136-167-020	NEW-P	94-13-183	162-12-180	AMD-W	94-04-087
132Q-04-094	NEW-P	94-18-089	136-167-020	NEW	94-16-110	162-18-010	REP-W	94-04-087
132Q-04-097	NEW-P	94-18-088	136-167-030	NEW-P	94-13-183	162-18-020	REP-W	94-04-087
132R-190-010	AMD	94-07-019	136-167-030	NEW	94-16-110	162-18-030	REP-W	94-04-087
132R-190-020	AMD	94-07-019	136-167-040	NEW-P	94-13-183	162-18-040	REP-W	94-04-087
132R-190-030	AMD	94-07-019	136-167-040	NEW	94-16-110	162-18-050	REP-W	94-04-087
132R-190-035	AMD	94-07-019	136-170-010	AMD-P	94-13-185	162-18-060	REP-W	94-04-087
132R-190-040	AMD	94-07-019	136-170-010	AMD	94-16-112	162-18-070	REP-W	94-04-087
132R-190-050	AMD	94-07-019	136-170-030	AMD-P	94-13-185	162-18-080	REP-W	94-04-087
132R-190-060	AMD	94-07-019	136-170-030	AMD	94-16-112	162-18-090	REP-W	94-04-087
132R-190-070	AMD	94-07-019	136-170-040	NEW-P	94-13-185	162-18-100	REP-W	94-04-087
132R-190-080	AMD	94-07-019	136-170-040	NEW	94-16-112	162-22-010	AMD-W	94-04-087
132R-190-090	AMD	94-07-019	136-180-040	AMD-P	94-06-031	162-22-020	AMD-W	94-04-087
132R-190-100	AMD	94-07-019	136-180-040	AMD	94-10-021	162-22-030	REP-W	94-04-087
132R-190-110	AMD	94-07-019	137-56-010	AMD	94-07-065	162-22-040	REP-W	94-04-087
132V-300-020	AMD-W	94-03-082	137-56-015	AMD	94-07-065	162-22-050	AMD-W	94-04-087
132Y-125-004	AMD	94-03-010	137-56-030	AMD	94-07-065	162-22-060	AMD-W	94-04-087
136-130-040	AMD-P	94-06-028	137-56-040	AMD	94-07-065	162-22-070	AMD-W	94-04-087
136-130-040	AMD	94-10-022	137-56-050	AMD	94-07-065	162-22-080	AMD-W	94-04-087
136-130-060	AMD-P	94-06-029	137-56-060	AMD	94-07-065	162-22-090	AMD-W	94-04-087
136-130-060	AMD	94-10-020	137-56-070	AMD	94-07-065	162-22-100	AMD-W	94-04-087
136-160-010	REP-P	94-13-182	137-56-080	AMD	94-07-065	162-26-010	AMD-W	94-04-087
136-160-010	REP	94-16-111	137-56-090	AMD	94-07-065	162-26-020	AMD-W	94-04-087
136-160-020	REP-P	94-13-182	137-56-095	AMD	94-07-065	162-26-030	AMD-W	94-04-087
136-160-020	REP	94-16-111	137-56-100	AMD	94-07-065	162-26-040	AMD-W	94-04-087
136-160-024	REP-P	94-13-182	137-56-110	AMD	94-07-065	162-26-050	AMD-W	94-04-087
136-160-024	REP	94-16-111	137-56-120	AMD	94-07-065	162-26-060	AMD-W	94-04-087
136-160-030	REP-P	94-13-182	137-56-140	AMD	94-07-065	162-26-070	AMD-W	94-04-087
136-160-030	REP	94-16-111	137-56-150	AMD	94-07-065	162-26-080	AMD-W	94-04-087
136-160-040	REP-P	94-13-182	137-56-160	AMD	94-07-065	162-26-090	AMD-W	94-04-087
136-160-040	REP	94-16-111	137-56-170	AMD	94-07-065	162-26-100	AMD-W	94-04-087
136-160-050	AMD-P	94-06-028	137-56-175	NEW	94-07-065	162-26-110	AMD-W	94-04-087
136-160-050	AMD	94-10-022	137-56-180	AMD	94-07-065	162-26-120	AMD-W	94-04-087
136-160-050	REP-P	94-13-182	137-56-190	REP	94-07-065	162-26-130	AMD-W	94-04-087
136-160-050	REP	94-16-111	137-56-200	AMD	94-07-065	162-26-140	AMD-W	94-04-087
136-160-060	AMD-P	94-06-030	137-56-210	AMD	94-07-065	162-30-010	AMD-W	94-04-087
136-160-060	AMD	94-10-023	137-56-220	AMD	94-07-065	162-30-020	AMD-W	94-04-087
136-160-060	REP-P	94-13-182	137-56-230	AMD	94-07-065	162-30-030	NEW-W	94-04-087
136-160-060	REP	94-16-111	137-56-240	AMD	94-07-065	162-30-035	NEW-W	94-04-087
136-160-065	REP-P	94-13-182	137-56-250	AMD	94-07-065	162-30-040	NEW-W	94-04-087
136-160-065	REP	94-16-111	148-120-010	NEW-P	94-08-066	162-30-050	NEW-W	94-04-087
136-161-010	NEW-P	94-13-182	148-120-010	NEW	94-13-058	162-30-060	NEW-W	94-04-087
136-161-010	NEW	94-16-111	148-120-015	NEW-P	94-08-066	162-30-070	NEW-W	94-04-087
136-161-020	NEW-P	94-13-182	148-120-015	NEW	94-13-058	162-30-080	NEW-W	94-04-087
136-161-020	NEW	94-16-111	148-120-100	NEW-P	94-08-066	162-30-090	NEW-W	94-04-087
136-161-030	NEW-P	94-13-182	148-120-100	NEW	94-13-058	162-30-100	NEW-W	94-04-087
136-161-030	NEW	94-16-111	148-120-120	NEW-P	94-08-066	173-19-100	AMD-P	94-03-093
136-161-040	NEW-P	94-13-182	148-120-120	NEW	94-13-058	173-19-100	AMD	94-16-085
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136-161-050	NEW-P	94-13-182	148-120-200	NEW	94-13-058	173-19-120	AMD	94-10-081
136-161-050	NEW	94-16-111	148-120-205	NEW-P	94-08-066	173-19-2401	AMD-C	94-05-038
136-161-060	NEW-P	94-13-182	148-120-205	NEW	94-13-058	173-19-2401	AMD	94-07-013
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173-19-2602	AMD	94-10-082	173-95-100	REP	94-04-030	173-320-060	REP	94-07-078
173-19-2208	AMD-E	94-18-097	173-95-110	REP	94-04-030	173-320-070	REP-P	94-03-071
173-19-3303	AMD-P	94-07-120	173-95-120	REP	94-04-030	173-320-070	REP	94-07-078
173-19-3303	AMD	94-13-046	173-95-130	REP	94-04-030	173-320-080	REP-P	94-03-071
173-19-3506	AMD-W	94-07-074	173-95-140	REP	94-04-030	173-320-080	REP	94-07-078
173-19-3506	AMD-P	94-10-040	173-95-150	REP	94-04-030	173-335-010	REP-P	94-03-071
173-19-3506	AMD	94-14-029	173-95-160	REP	94-04-030	173-335-010	REP	94-07-078
173-19-3507	AMD-P	94-17-126	173-180A-010	NEW	94-10-084	173-335-020	REP-P	94-03-071
173-19-360	AMD-P	94-10-041	173-180A-020	NEW	94-10-084	173-335-020	REP	94-07-078
173-19-360	AMD	94-14-030	173-180A-030	NEW	94-10-084	173-335-030	REP-P	94-03-071
173-19-390	AMD	94-03-095	173-180A-040	NEW	94-10-084	173-335-030	REP	94-07-078
173-19-410	PREP	94-18-096	173-180A-050	NEW	94-10-084	173-335-040	REP-P	94-03-071
173-19-4203	AMD-P	94-07-119	173-180A-060	NEW	94-10-084	173-335-040	REP	94-07-078
173-19-4203	AMD	94-13-047	173-180A-070	NEW	94-10-084	173-335-050	REP-P	94-03-071
173-19-4205	AMD-P	94-03-094	173-180A-080	NEW	94-10-084	173-335-050	REP	94-07-078
173-19-4205	AMD	94-10-080	173-180A-090	NEW	94-10-084	173-360-100	AMD-P	94-19-084
173-34-010	REP-P	94-03-071	173-180A-100	NEW	94-10-084	173-360-110	AMD-P	94-19-084
173-34-010	REP	94-07-078	173-180A-110	NEW	94-10-084	173-360-120	AMD-P	94-19-084
173-34-020	REP-P	94-03-071	173-180A-120	NEW	94-10-084	173-360-130	AMD-P	94-19-084
173-34-020	REP	94-07-078	173-180A-130	NEW	94-10-084	173-360-190	AMD-P	94-19-084
173-34-030	REP-P	94-03-071	173-180A-140	NEW	94-10-084	173-360-200	AMD-P	94-19-084
173-34-030	REP	94-07-078	173-180A-150	NEW	94-10-084	173-360-210	AMD-P	94-19-084
173-34-040	REP-P	94-03-071	173-180B-010	NEW	94-10-083	173-360-305	AMD-P	94-19-084
173-34-040	REP	94-07-078	173-180B-020	NEW	94-10-083	173-360-310	AMD-P	94-19-084
173-34-050	REP-P	94-03-071	173-180B-030	NEW	94-10-083	173-360-320	AMD-P	94-19-084
173-34-050	REP	94-07-078	173-180B-040	NEW	94-10-083	173-360-325	AMD-P	94-19-084
173-58-010	AMD-P	94-05-037	173-180B-050	NEW	94-10-083	173-360-330	AMD-P	94-19-084
173-58-010	AMD	94-12-001	173-180B-060	NEW	94-10-083	173-360-335	AMD-P	94-19-084
173-58-020	AMD-P	94-05-037	173-180B-070	NEW	94-10-083	173-360-340	AMD-P	94-19-084
173-58-020	AMD	94-12-001	173-180B-080	NEW	94-10-083	173-360-345	AMD-P	94-19-084
173-58-090	AMD-P	94-05-037	173-180B-090	NEW	94-10-083	173-360-350	AMD-P	94-19-084
173-58-090	AMD	94-12-001	173-180B-100	NEW	94-10-083	173-360-370	AMD-P	94-19-084
173-60-010	AMD-P	94-05-037	173-180B-110	NEW	94-10-083	173-360-380	AMD-P	94-19-084
173-60-010	AMD	94-12-001	173-180B-120	NEW	94-10-083	173-360-385	AMD-P	94-19-084
173-60-020	AMD-P	94-05-037	173-180B-130	NEW	94-10-083	173-360-600	AMD-P	94-19-084
173-60-020	AMD	94-12-001	173-180B-140	NEW	94-10-083	173-360-610	AMD-P	94-19-084
173-60-050	AMD-P	94-05-037	173-202-020	AMD-E	94-04-108	173-360-620	NEW-P	94-19-084
173-60-050	AMD	94-12-001	173-202-020	AMD-P	94-08-071	173-360-630	AMD-P	94-19-084
173-60-070	AMD-P	94-05-037	173-202-020	AMD-E	94-12-054	173-360-640	REP-P	94-19-084
173-60-070	AMD	94-12-001	173-202-020	AMD	94-17-011	173-360-650	REP-P	94-19-084
173-70-010	REP-P	94-05-037	173-204	PREP	94-13-161	173-360-655	REP-P	94-19-084
173-70-010	REP	94-12-001	173-224	AMD-C	94-05-082	173-360-660	REP-P	94-19-084
173-70-020	REP-P	94-05-037	173-224	PREP	94-17-010	173-360-680	REP-P	94-19-084
173-70-020	REP	94-12-001	173-224-020	AMD-P	94-02-080	173-360-690	REP-P	94-19-084
173-70-030	REP-P	94-05-037	173-224-020	AMD	94-10-027	173-360-695	REP-P	94-19-084
173-70-030	REP	94-12-001	173-224-030	AMD-P	94-02-080	173-400	NEW-C	94-08-072
173-70-040	REP-P	94-05-037	173-224-030	AMD	94-10-027	173-400	NEW-C	94-10-079
173-70-040	REP	94-12-001	173-224-040	AMD-P	94-02-080	173-400-045	NEW-P	94-04-106
173-70-050	REP-P	94-05-037	173-224-040	AMD	94-10-027	173-400-045	NEW	94-17-070
173-70-050	REP	94-12-001	173-224-050	AMD-P	94-02-080	173-400-101	NEW-P	94-04-105
173-70-060	REP-P	94-05-037	173-224-050	AMD	94-10-027	173-400-101	NEW	94-10-042
173-70-060	REP	94-12-001	173-224-070	REP-P	94-02-080	173-400-116	NEW-P	94-04-106
173-70-070	REP-P	94-05-037	173-224-070	REP-W	94-15-070	173-400-116	NEW	94-17-070
173-70-070	REP	94-12-001	173-224-090	AMD-P	94-02-080	173-401	AMD-C	94-08-073
173-70-080	REP-P	94-05-037	173-224-090	AMD	94-10-027	173-401-200	AMD-P	94-04-104
173-70-080	REP	94-12-001	173-224-100	AMD-P	94-02-080	173-401-200	AMD	94-11-105
173-70-090	REP-P	94-05-037	173-224-100	AMD	94-10-027	173-401-510	AMD-P	94-04-104
173-70-090	REP	94-12-001	173-224-120	REP-P	94-02-080	173-401-510	AMD	94-11-105
173-70-100	REP-P	94-05-037	173-224-120	REP-W	94-15-070	173-401-530	NEW-P	94-04-104
173-70-100	REP	94-12-001	173-303	AMD-C	94-08-092	173-401-530	NEW	94-11-105
173-70-110	REP-P	94-05-037	173-303-071	AMD	94-12-018	173-401-531	NEW-P	94-04-104
173-70-110	REP	94-12-001	173-303-104	AMD	94-12-018	173-401-531	NEW	94-11-105
173-70-120	REP-P	94-05-037	173-320-010	REP-P	94-03-071	173-401-532	NEW-P	94-04-104
173-70-120	REP	94-12-001	173-320-010	REP	94-07-078	173-401-532	NEW	94-11-105
173-95-010	REP	94-04-030	173-320-020	REP-P	94-03-071	173-401-533	NEW-P	94-04-104
173-95-020	REP	94-04-030	173-320-020	REP	94-07-078	173-401-533	NEW	94-11-105
173-95-030	REP	94-04-030	173-320-030	REP-P	94-03-071	173-402-010	REP-P	94-10-078
173-95-040	REP	94-04-030	173-320-030	REP	94-07-078	173-402-010	REP	94-14-067
173-95-050	REP	94-04-030	173-320-040	REP-P	94-03-071	173-402-020	REP-P	94-10-078
173-95-060	REP	94-04-030	173-320-040	REP	94-07-078	173-402-020	REP	94-14-067
173-95-070	REP	94-04-030	173-320-050	REP-P	94-03-071	173-406-100	NEW-P	94-17-127
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173-406-104	NEW-P	94-17-127	173-460-090	AMD	94-03-072	180-78-141	NEW-P	94-16-130
173-406-105	NEW-P	94-17-127	173-460-100	AMD	94-03-072	180-78-180	AMD-P	94-16-130
173-406-106	NEW-P	94-17-127	173-460-110	AMD	94-03-072	180-78-205	AMD-P	94-16-131
173-406-200	NEW-P	94-17-127	173-460-150	AMD	94-03-072	180-78-210	AMD-P	94-16-131
173-406-201	NEW-P	94-17-127	173-460-160	AMD	94-03-072	180-78-235	AMD-P	94-16-131
173-406-202	NEW-P	94-17-127	173-492-070	AMD	94-07-040	180-78-245	AMD-P	94-16-131
173-406-300	NEW-P	94-17-127	173-548-010	AMD-E	94-15-013	180-78-255	AMD-P	94-16-131
173-406-301	NEW-P	94-17-127	173-548-015	NEW-E	94-15-013	180-78-257	NEW-P	94-16-131
173-406-302	NEW-P	94-17-127	173-548-030	AMD-E	94-15-013	180-78-265	AMD-P	94-16-131
173-406-303	NEW-P	94-17-127	173-563-090	PREP	94-13-162	180-78-266	NEW-P	94-05-034
173-406-400	NEW-P	94-17-127	173-563-015	AMD-P	94-14-085	180-78-266	NEW	94-08-055
173-406-401	NEW-P	94-17-127	173-563-015	AMD-C	94-15-073	180-78-270	AMD-P	94-16-130
173-406-402	NEW-P	94-17-127	173-564-040	AMD-P	94-14-085	180-78-275	AMD-P	94-16-130
173-406-500	NEW-P	94-17-127	173-564-040	AMD-C	94-15-073	180-78-280	AMD-P	94-16-130
173-406-501	NEW-P	94-17-127	180-16-200	AMD	94-03-104	180-78-285	AMD-P	94-16-130
173-406-502	NEW-P	94-17-127	180-16-222	AMD-P	94-16-128	180-78-290	REP-P	94-16-130
173-406-600	NEW-P	94-17-127	180-16-223	AMD-P	94-16-061	180-78-300	REP-P	94-16-130
173-406-601	NEW-P	94-17-127	180-24-310	AMD-P	94-08-103	180-78-305	REP-P	94-16-130
173-406-602	NEW-P	94-17-127	180-24-310	AMD	94-13-018	180-78-315	REP-P	94-16-130
173-406-603	NEW-P	94-17-127	180-24-312	AMD-P	94-08-103	180-78-320	REP-P	94-16-130
173-406-604	NEW-P	94-17-127	180-24-312	AMD	94-13-018	180-79-005	AMD-P	94-16-132
173-406-605	NEW-P	94-17-127	180-24-315	AMD-P	94-08-103	180-79-005	AMD-W	94-18-068
173-406-700	NEW-P	94-17-127	180-24-315	AMD	94-13-018	180-79-049	AMD-P	94-16-130
173-406-701	NEW-P	94-17-127	180-24-320	AMD-P	94-08-103	180-79-115	AMD-P	94-16-129
173-406-702	NEW-P	94-17-127	180-24-320	AMD	94-13-018	180-79-120	AMD-P	94-16-131
173-406-703	NEW-P	94-17-127	180-24-325	AMD-P	94-08-103	180-79-120	AMD-P	94-16-131
173-406-704	NEW-P	94-17-127	180-24-325	AMD	94-13-018	180-79-121	NEW-P	94-16-130
173-406-705	NEW-P	94-17-127	180-24-325	AMD	94-13-018	180-79-122	AMD-P	94-16-131
173-406-706	NEW-P	94-17-127	180-24-355	AMD-P	94-08-103	180-79-123	AMD-P	94-16-131
173-406-800	NEW-P	94-17-127	180-24-355	AMD	94-13-018	180-79-125	AMD-P	94-16-130
173-406-801	NEW-P	94-17-127	180-26-025	PREP	94-15-035	180-79-128	AMD-P	94-16-130
173-406-802	NEW-P	94-17-127	180-26-025	AMD-P	94-16-062	180-79-128	AMD-P	94-16-130
173-406-900	NEW-P	94-17-127	180-27-115	PREP	94-15-035	180-79-131	AMD-P	94-16-130
173-406-1000	NEW-P	94-17-127	180-29-130	AMD-P	94-08-104	180-79-140	AMD-P	94-16-131
173-422	PREP	94-16-094	180-29-130	AMD	94-13-019	180-79-230	AMD-P	94-16-130
173-422-020	AMD	94-05-039	180-29-135	AMD-P	94-05-088	180-79-241	AMD-P	94-08-106
173-422-030	AMD	94-05-039	180-29-135	AMD-C	94-08-068	180-79-241	AMD	94-13-021
173-422-050	AMD	94-05-039	180-29-135	AMD	94-14-028	180-82-001	NEW-P	94-16-132
173-422-070	AMD	94-05-039	180-29-147	NEW-P	94-05-088	180-82-001	NEW-W	94-18-068
173-422-075	AMD	94-05-039	180-29-147	NEW-C	94-08-068	180-82-005	NEW-W	94-18-068
173-422-095	AMD	94-05-039	180-29-170	NEW	94-14-028	180-82-006	NEW-P	94-16-132
173-422-130	AMD	94-05-039	180-29-170	AMD-P	94-05-088	180-82-006	NEW-W	94-18-068
173-422-140	REP	94-05-039	180-29-170	AMD-C	94-08-068	180-82-007	NEW-P	94-16-132
173-422-160	AMD	94-05-039	180-29-170	AMD	94-14-028	180-82-007	NEW-W	94-18-068
173-422-170	AMD	94-05-039	180-33-025	AMD-P	94-08-105	180-82-008	NEW-P	94-16-132
173-430-010	AMD-P	94-16-096	180-33-025	AMD	94-13-020	180-82-008	NEW-W	94-18-068
173-430-020	AMD-P	94-16-096	180-40-235	AMD	94-03-102	180-82-009	NEW-P	94-16-132
173-430-030	AMD-P	94-16-096	180-50-115	AMD	94-03-104	180-82-009	NEW-W	94-18-068
173-430-040	AMD-P	94-16-096	180-50-120	AMD	94-03-104	180-82-010	NEW-P	94-16-132
173-430-050	AMD-P	94-16-096	180-51-050	AMD	94-03-100	180-82-010	NEW-W	94-18-068
173-430-060	AMD-P	94-16-096	180-51-050	AMD-P	94-08-067	180-82-011	NEW-P	94-16-132
173-430-070	AMD-P	94-16-096	180-51-050	AMD	94-13-017	180-82-011	NEW-W	94-18-068
173-430-080	AMD-P	94-16-096	180-51-075	AMD	94-03-104	180-82-020	NEW-P	94-16-132
173-430-090	NEW-P	94-16-096	180-51-105	AMD	94-03-103	180-82-020	NEW-W	94-18-068
173-430-100	NEW-P	94-16-096	180-58	PREP	94-19-012	180-82-030	NEW-P	94-16-132
173-440-010	REP-P	94-10-078	180-75-016	AMD-P	94-16-129	180-82-030	NEW-W	94-18-068
173-440-010	REP	94-14-067	180-75-045	AMD-P	94-16-132	180-82-040	NEW-P	94-16-132
173-440-020	REP-P	94-10-078	180-75-045	AMD-W	94-18-068	180-82-040	NEW-W	94-18-068
173-440-020	REP	94-14-067	180-75-061	AMD-P	94-16-129	180-82-050	NEW-P	94-16-132
173-440-030	REP-P	94-10-078	180-75-065	AMD-P	94-16-132	180-82-050	NEW-W	94-18-068
173-440-030	REP	94-14-067	180-75-065	AMD-W	94-18-068	180-82-065	NEW-P	94-16-132
173-440-040	REP-P	94-10-078	180-75-085	AMD-P	94-16-132	180-82-065	NEW-W	94-18-068
173-440-040	REP	94-14-067	180-75-085	AMD-W	94-18-068	180-82-070	NEW-P	94-16-132
173-440-100	REP-P	94-10-078	180-75-087	AMD-P	94-16-132	180-82-070	NEW-W	94-18-068
173-440-100	REP	94-14-067	180-75-087	AMD-W	94-18-068	180-82-100	NEW-P	94-16-132
173-440-900	REP-P	94-10-078	180-75-110	PREP	94-15-021	180-82-100	NEW-W	94-18-068
173-440-900	REP	94-14-067	180-78-025	AMD-P	94-16-130	180-82-110	NEW-P	94-16-132
173-460-020	AMD	94-03-072	180-78-065	AMD-P	94-16-130	180-82-110	NEW-W	94-18-068
173-460-030	AMD	94-03-072	180-78-085	REP-P	94-16-130	180-82-115	NEW-P	94-16-132
173-460-040	AMD	94-03-072	180-78-095	REP-P	94-16-130	180-82-115	NEW-W	94-18-068
173-460-050	AMD	94-03-072	180-78-110	REP-P	94-16-130	180-82-120	NEW-P	94-16-132
			180-78-115	REP-P	94-16-130	180-82-120	NEW-W	94-18-068

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180-82-130	NEW-W	94-18-068	192-16-042	AMD-P	94-18-124	194-22-180	NEW-P	94-11-128
180-82-140	NEW-P	94-16-132	192-16-045	PREP	94-14-061	194-22-190	PREP	94-08-070
180-82-140	NEW-W	94-18-068	192-16-045	AMD-P	94-18-124	194-22-190	NEW-P	94-11-128
180-95-010	AMD	94-03-103	192-16-047	PREP	94-14-061	197-11	PREP	94-15-038
180-95-020	AMD	94-03-103	192-16-047	AMD-P	94-18-124	197-11-200	NEW-P	94-19-083
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180-96-015	REP	94-03-101	192-23-320	AMD-P	94-18-124	197-11-230	NEW-P	94-19-083
180-96-025	REP	94-03-101	192-28-145	AMD-P	94-04-124	197-11-232	NEW-E	94-12-032
180-96-030	REP	94-03-101	192-28-145	AMD	94-10-044	197-11-232	NEW-P	94-19-083
180-96-035	AMD	94-03-101	192-34-010	NEW	94-07-115	197-11-235	NEW-E	94-12-032
180-96-045	AMD	94-03-101	192-34-015	NEW	94-07-115	197-11-235	NEW-P	94-19-083
180-96-048	NEW	94-03-101	192-34-020	NEW	94-07-115	197-11-250	NEW-P	94-19-083
180-96-050	AMD	94-03-101	192-34-025	NEW	94-07-115	197-11-253	NEW-P	94-19-083
180-96-053	NEW	94-03-101	192-42-005	PREP	94-18-110	197-11-256	NEW-P	94-19-083
180-96-055	REP	94-03-101	194-20-010	PREP	94-08-070	197-11-259	NEW-P	94-19-083
180-96-058	NEW	94-03-101	194-20-020	PREP	94-08-070	197-11-262	NEW-P	94-19-083
180-96-060	REP	94-03-101	194-20-030	PREP	94-08-070	197-11-265	NEW-P	94-19-083
180-96-065	REP	94-03-101	194-20-040	PREP	94-08-070	197-11-268	NEW-P	94-19-083
180-96-070	REP	94-03-101	194-20-050	PREP	94-08-070	197-11-305	AMD-P	94-19-083
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182-12-110	AMD-E	94-16-054	194-20-080	PREP	94-08-070	197-11-748	REP-P	94-19-083
182-12-111	AMD-E	94-08-027	194-20-090	PREP	94-08-070	197-11-890	AMD-P	94-19-083
182-12-111	AMD-E	94-16-054	194-20-100	PREP	94-08-070	197-11-904	AMD-P	94-19-083
182-12-115	AMD-E	94-08-027	194-20-110	PREP	94-08-070	197-11-908	AMD-P	94-19-083
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182-14-010	NEW-E	94-08-028	194-20-150	PREP	94-08-070	204-24-050	AMD-E	94-02-081
182-14-010	NEW-E	94-16-058	194-20-160	PREP	94-08-070	204-24-050	AMD-P	94-02-082
182-14-020	NEW-E	94-08-028	194-20-170	PREP	94-08-070	204-24-050	AMD	94-08-069
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182-14-030	NEW-E	94-08-028	194-20-190	PREP	94-08-070	204-24-050	PREP	94-19-065
182-14-030	NEW-E	94-16-058	194-22-010	PREP	94-08-070	204-30-010	REP	94-05-024
182-14-040	NEW-E	94-08-028	194-22-010	NEW-P	94-11-128	204-30-020	REP	94-05-024
182-14-040	NEW-E	94-16-058	194-22-020	PREP	94-08-070	204-30-030	REP	94-05-024
182-14-050	NEW-E	94-08-028	194-22-020	NEW-P	94-11-128	204-30-040	REP	94-05-024
182-14-050	NEW-E	94-16-058	194-22-030	PREP	94-08-070	204-30-050	REP	94-05-024
182-14-060	NEW-E	94-08-028	194-22-030	NEW-P	94-11-128	204-30-060	REP	94-05-024
182-14-060	NEW-E	94-16-058	194-22-040	PREP	94-08-070	204-30-070	REP	94-05-024
182-14-070	NEW-E	94-08-028	194-22-040	NEW-P	94-11-128	204-30-080	REP	94-05-024
182-14-070	NEW-E	94-16-058	194-22-050	PREP	94-08-070	204-38-030	AMD-P	94-15-007
182-14-080	NEW-E	94-08-028	194-22-050	NEW-P	94-11-128	204-38-030	AMD	94-17-167
182-14-080	NEW-E	94-16-058	194-22-060	PREP	94-08-070	204-91A-010	AMD-P	94-15-008
182-14-090	NEW-E	94-08-028	194-22-060	NEW-P	94-11-128	204-91A-010	AMD	94-18-083
182-14-090	NEW-E	94-16-058	194-22-070	PREP	94-08-070	204-91A-030	AMD-P	94-15-008
182-14-100	NEW-E	94-08-028	194-22-070	NEW-P	94-11-128	204-91A-030	AMD	94-18-083
182-14-100	NEW-E	94-16-058	194-22-080	PREP	94-08-070	204-91A-040	AMD-P	94-15-008
192-04-060	PREP	94-18-111	194-22-080	NEW-P	94-11-128	204-91A-040	AMD	94-18-083
192-04-063	PREP	94-18-111	194-22-090	PREP	94-08-070	204-91A-060	AMD-P	94-15-008
192-04-090	PREP	94-18-111	194-22-090	NEW-P	94-11-128	204-91A-060	AMD	94-18-083
192-04-170	PREP	94-18-111	194-22-100	PREP	94-08-070	204-91A-070	AMD-P	94-15-008
192-04-175	PREP	94-18-111	194-22-100	NEW-P	94-11-128	204-91A-070	AMD	94-18-083
192-10-320	PREP	94-14-061	194-22-110	PREP	94-08-070	204-91A-080	AMD-P	94-15-008
192-10-320	REP-P	94-18-124	194-22-110	NEW-P	94-11-128	204-91A-080	AMD	94-18-083
192-12-030	PREP	94-14-061	194-22-120	PREP	94-08-070	204-91A-110	AMD-P	94-15-008
192-12-030	AMD-P	94-18-124	194-22-120	NEW-P	94-11-128	204-91A-110	AMD	94-18-083
192-12-150	PREP	94-14-061	194-22-130	PREP	94-08-070	204-91A-160	AMD-P	94-15-008
192-12-150	AMD-P	94-18-124	194-22-130	NEW-P	94-11-128	204-91A-160	AMD	94-18-083
192-16-005	PREP	94-18-110	194-22-140	PREP	94-08-070	204-91A-170	PREP	94-13-078
192-16-010	PREP	94-18-110	194-22-140	NEW-P	94-11-128	204-91A-170	AMD-P	94-15-008
192-16-021	PREP	94-18-110	194-22-150	PREP	94-08-070	204-91A-170	AMD	94-18-083
192-16-030	PREP	94-18-110	194-22-150	NEW-P	94-11-128	204-91A-180	AMD-P	94-15-008
192-16-036	PREP	94-14-061	194-22-160	PREP	94-08-070	204-91A-180	AMD	94-18-083
192-16-036	AMD-P	94-18-124	194-22-160	NEW-P	94-11-128	208-04-010	NEW	94-09-010
192-16-040	PREP	94-14-061	194-22-170	PREP	94-08-070	208-04-020	NEW	94-09-010
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220-16	AMD-C	94-14-068	220-44-09000C	NEW-E	94-11-073	220-48-031	AMD-C	94-12-007
220-16-015	AMD-P	94-03-106	220-44-09000C	REP-E	94-13-015	220-48-031	AMD	94-12-009
220-16-015	AMD-C	94-12-007	220-44-09000D	NEW-E	94-13-015	220-48-041	AMD-P	94-03-106
220-16-015	AMD	94-12-009	220-47-304	AMD-P	94-09-071	220-48-041	AMD-C	94-12-007
220-16-460	NEW-P	94-03-105	220-47-304	AMD	94-15-001	220-48-041	AMD	94-12-009
220-16-460	NEW	94-14-069	220-47-307	AMD-P	94-09-071	220-48-051	AMD-P	94-03-106
220-16-46000A	NEW-E	94-10-043	220-47-307	AMD	94-15-001	220-48-051	AMD-C	94-12-007
220-20-021	AMD-P	94-03-106	220-47-311	AMD-P	94-09-071	220-48-051	AMD	94-12-009
220-20-021	AMD-C	94-12-007	220-47-311	AMD	94-15-001	220-48-061	AMD-P	94-03-106
220-20-021	AMD	94-12-009	220-47-401	AMD-P	94-09-071	220-48-061	AMD-C	94-12-007
220-20-025	AMD-P	94-03-106	220-47-401	AMD	94-15-001	220-48-061	AMD	94-12-009
220-20-025	AMD-C	94-12-007	220-47-411	AMD-P	94-09-071	220-48-071	AMD-P	94-03-106
220-20-025	AMD	94-12-009	220-47-411	AMD	94-15-001	220-48-071	AMD-C	94-12-007
220-20-02500B	NEW-E	94-05-002	220-47-412	AMD-P	94-09-071	220-48-071	AMD	94-12-009
220-20-051	AMD-P	94-11-005	220-47-412	AMD	94-15-001	220-49-005	NEW-P	94-03-106
220-20-05100A	REP-E	94-11-006	220-47-501	NEW-E	94-16-078	220-49-005	NEW-C	94-12-007
220-20-05100B	NEW-E	94-11-006	220-47-501	REP-E	94-17-005	220-49-005	NEW	94-12-009
220-20-065	NEW-P	94-11-005	220-47-502	NEW-E	94-17-005	220-49-011	AMD-P	94-03-106
220-20-06500A	REP-E	94-11-006	220-47-502	REP-E	94-17-021	220-49-011	AMD-C	94-12-007
220-20-06500B	NEW-E	94-11-006	220-47-503	NEW-E	94-17-021	220-49-011	AMD	94-12-009
220-22-030	AMD-P	94-09-071	220-47-503	REP-E	94-17-067	220-49-012	AMD-P	94-03-106
220-22-030	AMD	94-15-001	220-47-504	NEW-E	94-17-067	220-49-012	AMD-C	94-12-007
220-32-05100E	NEW-E	94-04-048	220-47-504	REP-E	94-17-093	220-49-012	AMD	94-12-009
220-32-05100F	NEW-E	94-18-023	220-47-505	NEW-E	94-17-093	220-49-013	AMD-P	94-03-106
220-32-05100F	REP-E	94-19-002	220-47-505	REP-E	94-17-120	220-49-013	AMD-C	94-12-007
220-32-05100G	NEW-E	94-19-002	220-47-506	NEW-E	94-17-120	220-49-013	AMD	94-12-009
220-32-05100H	NEW-E	94-19-076	220-47-506	REP-E	94-17-130	220-49-014	AMD-P	94-03-106
220-32-05500F	NEW-E	94-09-022	220-47-507	NEW-E	94-17-130	220-49-014	AMD-C	94-12-007
220-32-05500F	REP-E	94-13-016	220-47-507	REP-E	94-17-146	220-49-014	AMD	94-12-009
220-32-05500G	NEW-E	94-11-106	220-47-508	NEW-E	94-17-146	220-49-015	REP-P	94-03-106
220-32-05500H	NEW-E	94-13-016	220-47-508	REP-E	94-17-162	220-49-015	REP-C	94-12-007
220-32-05500H	REP-E	94-14-036	220-47-509	NEW-E	94-17-162	220-49-015	REP	94-12-009
220-32-05500I	NEW-E	94-14-036	220-47-509	REP-E	94-18-016	220-49-016	REP-P	94-03-106
220-33-01000U	NEW-E	94-04-101	220-47-510	NEW-E	94-18-016	220-49-016	REP-C	94-12-007
220-33-01000U	REP-E	94-06-042	220-47-510	REP-E	94-18-030	220-49-016	REP	94-12-009
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220-40-027	AMD-P	94-09-070	220-48-011	AMD	94-12-009	220-49-024	AMD	94-12-009
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220-44-020	AMD-C	94-12-007	220-48-015	AMD-P	94-13-064	220-49-026	REP-P	94-03-106
220-44-020	AMD	94-12-009	220-48-015	AMD	94-19-001	220-49-026	REP-C	94-12-007
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220-44-050	AMD	94-13-077	220-48-017	AMD	94-12-009	220-49-056	AMD-P	94-03-106
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220-57-31000A	NEW-E	94-14-069	220-57A-012	AMD	94-14-069	220-110-350	AMD-P	94-11-126
220-57-31000A	REP-E	94-18-099	220-57A-01200A	NEW-E	94-10-043	220-110-360	NEW-P	94-11-126
220-57-31000L	NEW-E	94-18-117	220-57A-01200A	REP-E	94-11-068	222-10-030	NEW-P	94-17-156
220-57-31500Y	NEW-E	94-18-117	220-57A-01200B	NEW-E	94-11-068	222-10-040	NEW-P	94-17-156
220-57-31500Y	REP-E	94-08-014	220-57A-14500A	NEW-E	94-18-074	222-16	AMD-C	94-15-024
220-57-31500Z	NEW-E	94-10-036	220-57A-152	AMD-P	94-03-105	222-16-010	AMD-E	94-05-046
220-57-319	AMD-P	94-10-036	220-57A-152	AMD	94-14-069	222-16-010	AMD-E	94-07-053
220-57-319	AMD	94-03-105	220-57A-15200A	NEW-E	94-10-043	222-16-010	AMD-P	94-09-029
220-57-31900A	NEW-E	94-14-069	220-57A-15200A	REP-E	94-11-068	222-16-010	AMD-E	94-09-030
220-57-31900A	REP-E	94-18-099	220-57A-15200B	NEW-E	94-11-068	222-16-010	AMD-W	94-12-076
220-57-31900H	NEW-E	94-18-117	220-57A-17500B	NEW-E	94-18-074	222-16-010	AMD-E	94-13-065
220-57-335	AMD-P	94-18-117	220-57A-18000B	NEW-E	94-18-074	222-16-010	AMD	94-17-033
220-57-335	AMD	94-03-105	220-57A-18000B	REP-E	94-19-042	222-16-010	AMD-P	94-17-156
220-57-350	AMD-P	94-14-069	220-57A-18000C	NEW-E	94-19-042	222-16-035	AMD-P	94-09-029
220-57-350	AMD	94-03-105	220-57A-18000C	NEW-E	94-15-036	222-16-035	AMD-E	94-09-030
220-57-370	AMD-P	94-14-069	220-57A-18300D	NEW-E	94-03-098	222-16-075	NEW-P	94-17-156
220-57-370	AMD-W	94-03-105	220-88A-010	NEW	94-07-092	222-16-080	AMD-E	94-05-046
220-57-37000F	NEW-E	94-16-108	220-88A-020	NEW-P	94-03-098	222-16-080	AMD-E	94-07-053
220-57-385	AMD-P	94-14-062	220-88A-020	NEW	94-07-092	222-16-080	AMD-W	94-12-076
220-57-385	AMD	94-03-105	220-88A-030	NEW-P	94-03-098	222-16-080	AMD-E	94-13-065
220-57-38500V	NEW-E	94-14-069	220-88A-030	NEW	94-07-092	222-16-080	AMD-P	94-17-156
220-57-39500A	NEW-E	94-13-071	220-88A-040	NEW-P	94-03-098	222-21-010	NEW-P	94-17-156
220-57-400	AMD-P	94-18-099	220-88A-040	NEW	94-07-092	222-21-020	NEW-P	94-17-156
220-57-400	AMD	94-03-105	220-88A-050	NEW-P	94-03-098	222-21-030	NEW-P	94-17-156
220-57-400	AMD	94-14-069	220-88A-050	NEW	94-07-092	222-21-040	NEW-P	94-17-156
220-57-41000C	NEW-E	94-18-074	220-88A-060	NEW-P	94-03-098	222-24-030	AMD-E	94-05-046
220-57-415	AMD-P	94-03-105	220-88A-060	NEW	94-07-092			

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222-24-030	AMD-P	94-17-156	230-04-325	AMD-P	94-19-073
222-30	AMD-C	94-15-024	230-04-340	AMD-P	94-19-073
222-30-020	AMD-P	94-09-029	230-04-350	AMD-P	94-19-073
222-30-020	AMD-E	94-09-030	230-08-015	AMD-P	94-04-024
222-30-020	AMD	94-17-033	230-08-015	AMD	94-07-084
222-30-050	AMD-E	94-05-046	230-08-017	AMD-P	94-17-089
222-30-050	AMD-E	94-13-065	230-08-120	AMD-P	94-07-083
222-30-050	AMD-P	94-17-156	230-08-120	AMD	94-11-095
222-30-060	AMD-E	94-05-046	230-08-130	AMD-P	94-07-083
222-30-060	AMD-E	94-13-065	230-08-130	AMD	94-11-095
222-30-060	AMD-P	94-17-156	230-08-150	AMD-P	94-07-083
222-30-065	NEW-E	94-05-046	230-08-150	AMD	94-11-095
222-30-065	NEW-E	94-13-065	230-08-160	AMD-P	94-07-083
222-30-065	NEW-P	94-17-156	230-08-160	AMD	94-11-095
222-30-070	AMD-E	94-05-046	230-08-260	AMD-P	94-07-083
222-30-070	AMD-E	94-13-065	230-08-260	AMD	94-11-095
222-30-070	AMD-P	94-17-156	230-12-010	AMD-P	94-04-024
222-30-075	NEW-E	94-05-046	230-12-010	AMD	94-07-084
222-30-075	NEW-E	94-13-065	230-12-040	AMD-P	94-10-005
222-30-075	NEW-P	94-17-156	230-12-040	AMD	94-13-099
222-30-100	AMD-E	94-05-046	230-12-050	AMD-P	94-10-005
222-30-100	AMD-E	94-13-065	230-12-050	AMD	94-13-099
222-30-100	AMD-P	94-17-156	230-12-070	AMD-P	94-10-005
222-38-020	AMD-E	94-05-046	230-12-070	AMD	94-13-099
222-38-020	AMD-E	94-13-065	230-12-090	NEW-P	94-17-089
222-38-020	AMD-P	94-17-156	230-12-305	AMD-P	94-04-024
222-38-030	AMD-E	94-05-046	230-12-305	AMD	94-07-084
222-38-030	AMD-E	94-13-065	230-20-064	AMD-P	94-04-024
222-38-030	AMD-P	94-17-156	230-20-064	AMD	94-07-084
223-08-010	AMD-E	94-07-062	230-20-064	AMD-P	94-19-073
223-08-010	AMD-P	94-07-097	230-20-103	NEW-P	94-10-005
223-08-010	AMD	94-12-030	230-20-103	NEW-C	94-13-101
223-08-072	NEW-E	94-07-062	230-20-103	NEW	94-16-008
223-08-072	NEW-P	94-07-097	230-20-111	AMD-P	94-04-024
223-08-072	NEW	94-12-030	230-20-111	AMD	94-07-084
223-08-148	NEW-E	94-07-062	230-20-220	AMD-P	94-04-024
223-08-148	NEW-P	94-07-097	230-20-220	AMD	94-07-084
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223-08-162	NEW-P	94-07-097	230-20-244	NEW-P	94-10-005
223-08-162	NEW	94-12-030	230-20-244	NEW-C	94-11-094
223-08-165	AMD-E	94-07-062	230-20-244	NEW-C	94-16-011
223-08-165	AMD-P	94-07-097	230-20-244	NEW	94-17-090
223-08-165	AMD	94-12-030	230-20-246	AMD-P	94-13-113
223-08-171	NEW-E	94-07-062	230-20-246	AMD	94-18-013
223-08-171	NEW-P	94-07-097	230-20-400	AMD-P	94-04-024
223-08-171	NEW	94-12-030	230-20-400	AMD	94-07-084
223-08-252	NEW-E	94-07-062	230-20-680	AMD-P	94-04-024
223-08-252	NEW-P	94-07-097	230-20-680	AMD	94-07-084
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230-02-030	AMD-P	94-07-083	230-20-685	AMD-W	94-17-087
230-02-030	AMD	94-11-095	230-20-700	AMD-P	94-17-089
230-02-125	AMD-P	94-07-083	230-25-160	AMD-P	94-04-024
230-02-125	AMD	94-11-095	230-25-160	AMD	94-07-084
230-02-161	AMD-P	94-04-024	230-25-200	AMD-P	94-07-083
230-02-161	AMD	94-07-084	230-25-200	AMD	94-11-095
230-04-020	AMD-P	94-19-073	230-30-016	AMD-P	94-19-073
230-04-035	AMD-P	94-04-024	230-30-050	AMD-P	94-07-083
230-04-035	AMD	94-07-084	230-30-050	AMD	94-11-095
230-04-075	AMD-P	94-04-024	230-30-060	AMD-P	94-04-024
230-04-075	AMD	94-07-084	230-30-060	AMD	94-07-084
230-04-125	AMD-P	94-19-073	230-30-070	AMD-P	94-16-010
230-04-145	AMD-P	94-19-073	230-30-070	AMD-C	94-19-072
230-04-190	AMD-P	94-17-089	230-30-072	AMD-P	94-04-024
230-04-199	REP-P	94-17-089	230-30-072	AMD	94-07-084
230-04-201	REP-P	94-17-089	230-30-072	AMD-P	94-17-089
230-04-202	NEW-P	94-17-089	230-30-072	AMD-C	94-19-071
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230-04-260	AMD-P	94-19-073	230-30-102	AMD-P	94-04-024
230-04-290	AMD-P	94-19-073	230-30-102	AMD	94-07-084
230-04-310	AMD-P	94-19-073	230-30-103	AMD-P	94-04-024
230-30-103	AMD		230-30-998	REP-P	94-17-089
230-30-998	REP-P		230-30-998	REP-C	94-19-071
230-30-998	REP-C		230-40-010	AMD-P	94-10-006
230-40-010	AMD-P		230-40-010	AMD	94-13-098
230-40-050	AMD-E		230-40-050	AMD-E	94-13-100
230-40-050	AMD-P		230-40-050	AMD-P	94-13-112
230-40-050	AMD		230-40-050	AMD	94-17-091
230-40-055	AMD-P		230-40-055	AMD-P	94-04-024
230-40-055	AMD		230-40-055	AMD	94-07-084
230-40-120	AMD-P		230-40-120	AMD-P	94-10-006
230-40-120	AMD		230-40-120	AMD	94-13-098
230-40-225	AMD-P		230-40-225	AMD-P	94-10-006
230-40-225	AMD		230-40-225	AMD	94-13-098
230-40-244	NEW-P		230-40-244	NEW-P	94-16-011
230-46-100	NEW-P		230-46-100	NEW-P	94-17-089
232-12-024	AMD-P		232-12-024	AMD-P	94-14-090
232-12-024	AMD		232-12-024	AMD	94-18-059
232-12-131	AMD-P		232-12-131	AMD-P	94-04-118
232-12-131	AMD-W		232-12-131	AMD-W	94-06-036
232-12-131	AMD-P		232-12-131	AMD-P	94-06-037
232-12-131	AMD		232-12-131	AMD	94-11-030
232-12-166	AMD-P		232-12-166	AMD-P	94-06-043
232-12-166	AMD		232-12-166	AMD	94-09-019
232-12-168	AMD		232-12-168	AMD	94-06-014
232-28-022	REP-P		232-28-022	REP-P	94-04-055
232-28-022	REP		232-28-022	REP	94-11-031
232-28-02201	NEW-P		232-28-02201	NEW-P	94-04-055
232-28-02201	NEW		232-28-02201	NEW	94-11-031
232-28-02202	NEW-P		232-28-02202	NEW-P	94-04-057
232-28-02202	NEW		232-28-02202	NEW	94-11-032
232-28-02203	NEW-P		232-28-02203	NEW-P	94-04-056
232-28-02203	NEW		232-28-02203	NEW	94-11-033
232-28-02204	NEW-P		232-28-02204	NEW-P	94-04-058
232-28-02204	NEW		232-28-02204	NEW	94-11-034
232-28-02205	NEW-P		232-28-02205	NEW-P	94-04-059
232-28-02205	NEW		232-28-02205	NEW	94-11-035
232-28-02206	NEW-P		232-28-02206	NEW-P	94-04-060
232-28-02206	NEW		232-28-02206	NEW	94-11-036
232-28-02210	NEW-P		232-28-02210	NEW-P	94-04-061
232-28-02210	NEW		232-28-02210	NEW	94-11-037
232-28-02220	NEW-P		232-28-02220	NEW-P	94-04-062
232-28-02220	NEW		232-28-02220	NEW	94-11-038
232-28-02230	NEW-P		232-28-02230	NEW-P	94-04-063
232-28-02230	NEW		232-28-02230	NEW	94-11-039
232-28-02240	NEW-P		232-28-02240	NEW-P	94-04-064
232-28-02240	NEW		232-28-02240	NEW	94-11-040
232-28-02240	AMD-P		232-28-02240	AMD-P	94-14-089
232-28-02240	AMD		232-28-02240	AMD	94-18-058
232-28-02241	NEW-E		232-28-02241	NEW-E	94-12-068
232-28-02250	NEW-P		232-28-02250	NEW-P	94-04-065
232-28-02250	NEW		232-28-02250	NEW	94-11-041
232-28-02260	NEW-P		232-28-02260	NEW-P	94-04-066
232-28-02260	NEW		232-28-02260	NEW	94-11-042
232-28-02270	NEW-P		232-28-02270	NEW-P	94-04-067
232-28-02270	NEW		232-28-02270	NEW	94-11-043
232-28-02280	NEW-P		232-28-02280	NEW-P	94-04-068
232-28-02280	NEW		232-28-02280	NEW	94-11-044
232-28-02290	NEW-P		232-28-02290	NEW-P	94-04-069
232-28-02290	NEW		232-28-02290	NEW	94-11-045
232-28-226	REP-P		232-28-226	REP-P	94-04-114
232-28-226	REP		232-28-226	REP	94-11-046
232-28-227	REP-P		232-28-227	REP-P	94-04-116
232-28-227	REP		232-28-227	REP	94-11-048
232-28-228	REP-P		232-28-228	REP-P	94-04-115
232-28-228	REP		232-28-228	REP	94-11-047
232-28-236	REP-P		232-28-236	REP-P	94-05-079
232-28-236	REP		232-28-236	REP	94-11-050
232-28-237	REP-P		232-28-237	REP-P	94-05-078
232-28-237	REP		232-28-237	REP	94-11-051
232-28-238	REP-P		232-28-238	REP-P	94-04-117
232-28-238	REP		232-28-238	REP	94-11-049
232-28-239	NEW		232-28-239	NEW	94-04-123

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232-28-240	NEW-P	94-04-114	240-20	PREP	94-16-133	240-20-065	NEW-P	94-05-100
232-28-240	NEW	94-11-046	240-20-001	NEW-P	94-05-100	240-20-065	NEW-E	94-05-101
232-28-240	AMD-P	94-17-145	240-20-001	NEW-E	94-05-101	240-20-065	NEW	94-10-030
232-28-241	NEW-P	94-04-115	240-20-001	NEW	94-10-030	240-20-065	NEW	94-11-081
232-28-241	NEW	94-11-047	240-20-001	NEW	94-11-081	240-20-070	NEW-P	94-05-100
232-28-242	NEW-P	94-04-116	240-20-010	NEW-P	94-05-100	240-20-070	NEW-E	94-05-101
232-28-242	NEW	94-11-048	240-20-010	NEW-E	94-05-101	240-20-070	NEW	94-10-030
232-28-242	AMD-P	94-14-087	240-20-010	NEW	94-10-030	240-20-070	NEW	94-11-081
232-28-242	AMD	94-18-056	240-20-010	NEW	94-11-081	240-20-075	NEW-P	94-05-100
232-28-24201	NEW-E	94-11-078	240-20-015	NEW-P	94-05-100	240-20-075	NEW-E	94-05-101
232-28-243	NEW-P	94-04-117	240-20-015	NEW-E	94-05-101	240-20-075	NEW-P	94-10-029
232-28-243	NEW	94-11-049	240-20-015	NEW	94-10-030	240-20-075	NEW-E	94-10-031
232-28-244	NEW-P	94-05-079	240-20-015	NEW	94-11-081	240-20-075	NEW	94-17-039
232-28-244	NEW	94-11-050	240-20-020	NEW-P	94-05-100	240-20-075	NEW-W	94-18-104
232-28-245	NEW-P	94-05-078	240-20-020	NEW-E	94-05-101	240-20-076	NEW-P	94-18-042
232-28-245	NEW	94-11-051	240-20-020	NEW	94-10-030	240-20-080	NEW-P	94-05-100
232-28-245	AMD-P	94-14-088	240-20-020	NEW	94-11-081	240-20-080	NEW-E	94-05-101
232-28-245	AMD	94-18-057	240-20-025	NEW-P	94-05-100	240-20-080	NEW	94-10-030
232-28-24501	NEW-E	94-12-069	240-20-025	NEW-E	94-05-101	240-20-080	NEW	94-11-081
232-28-417	AMD-E	94-04-007	240-20-025	NEW	94-10-030	240-20-090	NEW-P	94-05-100
232-28-417	REP-P	94-14-092	240-20-025	NEW	94-11-081	240-20-090	NEW-E	94-05-101
232-28-417	REP	94-17-119	240-20-030	NEW-P	94-05-100	240-20-090	NEW	94-10-030
232-28-418	NEW-P	94-14-092	240-20-030	NEW-E	94-05-101	240-20-090	NEW	94-11-081
232-28-418	NEW	94-17-119	240-20-030	NEW	94-10-030	240-20-110	NEW-P	94-05-100
232-28-513	REP-P	94-14-091	240-20-030	NEW	94-11-081	240-20-110	NEW-E	94-05-101
232-28-513	REP	94-18-036	240-20-035	NEW-P	94-05-100	240-20-110	NEW	94-10-030
232-28-514	NEW-P	94-14-091	240-20-035	NEW-E	94-05-101	240-20-110	NEW	94-11-081
232-28-514	NEW	94-18-036	240-20-035	NEW	94-10-030	240-20-120	NEW-P	94-05-100
232-28-61940	NEW	94-04-018	240-20-035	NEW	94-11-081	240-20-120	NEW-E	94-05-101
232-28-61941	NEW	94-06-012	240-20-040	NEW-P	94-05-100	240-20-120	NEW	94-10-030
232-28-61942	NEW	94-06-013	240-20-040	NEW-E	94-05-101	240-20-120	NEW	94-11-081
232-28-61944	NEW-E	94-03-038	240-20-040	NEW	94-10-030	240-20-130	NEW-P	94-05-100
232-28-61945	NEW-E	94-04-012	240-20-040	NEW	94-11-081	240-20-130	NEW-E	94-05-101
232-28-61945	NEW-P	94-06-038	240-20-042	NEW-P	94-05-100	240-20-130	NEW	94-10-030
232-28-61945	NEW	94-09-068	240-20-042	NEW-E	94-05-101	240-20-130	NEW	94-11-081
232-28-61946	NEW-P	94-06-039	240-20-042	NEW	94-10-030	240-20-210	NEW-P	94-05-100
232-28-61946	NEW	94-09-067	240-20-042	NEW	94-11-081	240-20-210	NEW-E	94-05-101
232-28-61947	NEW-P	94-06-040	240-20-044	NEW-P	94-05-100	240-20-210	NEW	94-10-030
232-28-61947	NEW	94-09-066	240-20-044	NEW-E	94-05-101	240-20-210	NEW	94-11-081
232-28-61948	NEW-E	94-09-005	240-20-044	NEW	94-10-030	240-20-220	NEW-P	94-05-100
232-28-61949	NEW-E	94-08-048	240-20-044	NEW	94-11-081	240-20-220	NEW-E	94-05-101
232-28-61950	NEW-P	94-09-069	240-20-046	NEW-P	94-05-100	240-20-220	NEW	94-10-030
232-28-61950	NEW	94-12-067	240-20-046	NEW-E	94-05-101	240-20-220	NEW	94-11-081
232-28-61951	NEW-P	94-11-125	240-20-046	NEW	94-10-030	240-20-230	NEW-P	94-05-100
232-28-61951	NEW	94-14-035	240-20-046	NEW	94-11-081	240-20-230	NEW-E	94-05-101
232-28-61952	NEW-P	94-14-108	240-20-048	NEW-P	94-05-100	240-20-230	NEW	94-10-030
232-28-61953	NEW-P	94-14-107	240-20-048	NEW-E	94-05-101	240-20-230	NEW	94-11-081
232-28-61953	NEW	94-17-084	240-20-048	NEW	94-10-030	240-20-310	NEW-P	94-05-100
232-28-61954	NEW-P	94-14-106	240-20-048	NEW	94-11-081	240-20-310	NEW-E	94-05-101
232-28-61954	NEW	94-17-083	240-20-050	NEW-P	94-05-100	240-20-310	NEW	94-10-030
232-28-61955	NEW-E	94-16-083	240-20-050	NEW-E	94-05-101	240-20-310	NEW	94-11-081
232-28-61957	NEW-P	94-17-037	240-20-050	NEW	94-10-030	240-20-320	NEW-P	94-05-100
236-14	PREP	94-09-047	240-20-050	NEW	94-11-081	240-20-320	NEW-E	94-05-101
236-15-010	NEW-P	94-16-036	240-20-052	NEW-P	94-05-100	240-20-320	NEW	94-10-030
236-15-015	NEW-P	94-16-036	240-20-052	NEW-E	94-05-101	240-20-320	NEW	94-11-081
236-15-050	NEW-P	94-16-036	240-20-052	NEW	94-10-030	240-20-330	NEW-P	94-05-100
236-15-100	NEW-P	94-16-036	240-20-052	NEW	94-11-081	240-20-330	NEW-E	94-05-101
236-15-200	NEW-P	94-16-036	240-20-054	NEW-P	94-05-100	240-20-330	NEW	94-10-030
236-15-300	NEW-P	94-16-036	240-20-054	NEW-E	94-05-101	240-20-330	NEW	94-11-081
236-15-700	NEW-P	94-16-036	240-20-054	NEW	94-10-030	240-20-410	NEW-P	94-05-100
236-15-800	NEW-P	94-16-036	240-20-054	NEW	94-11-081	240-20-410	NEW-E	94-05-101
236-15-900	NEW-P	94-16-036	240-20-056	NEW-P	94-05-100	240-20-410	NEW	94-10-030
236-24	PREP	94-19-066	240-20-056	NEW-E	94-05-101	240-20-410	NEW	94-11-081
236-28	PREP	94-19-067	240-20-056	NEW	94-10-030	240-20-420	NEW-P	94-05-100
236-48	PREP	94-19-090	240-20-056	NEW	94-11-081	240-20-420	NEW-E	94-05-101
236-48-096	AMD-P	94-16-035	240-20-058	NEW-P	94-05-100	240-20-420	NEW	94-10-030
236-48-190	PREP	94-11-007	240-20-058	NEW-E	94-05-101	240-20-420	NEW	94-11-081
236-48-190	AMD-P	94-16-034	240-20-058	NEW	94-10-030	240-20-430	NEW-P	94-05-100
236-48-1902	NEW-P	94-16-034	240-20-058	NEW	94-11-081	240-20-430	NEW-E	94-05-101
236-49	PREP	94-19-090	240-20-060	NEW-P	94-05-100	240-20-430	NEW	94-10-030
236-49-050	NEW-P	94-16-035	240-20-060	NEW-E	94-05-101	240-20-430	NEW	94-11-081
236-60	PREP	94-19-068	240-20-060	NEW	94-10-030	240-20-425	NEW-E	94-04-015
236-70	PREP	94-19-069	240-20-060	NEW	94-11-081	240-20-427	NEW-E	94-04-015

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242-02-040	AMD	94-07-033	245-02-040	NEW-W	94-13-208	245-03-820	NEW-P	94-17-187
242-02-040	PREP	94-17-012	245-02-040	NEW-W	94-17-179	245-03-830	NEW-P	94-17-187
242-02-052	AMD	94-07-033	245-02-050	NEW-P	94-06-060	245-03-840	NEW-P	94-17-187
242-02-072	AMD	94-07-033	245-02-050	NEW-P	94-12-081	245-03-860	NEW-P	94-17-187
242-02-072	PREP	94-17-012	245-02-050	NEW-W	94-13-208	245-03-880	NEW-P	94-17-187
242-02-110	AMD	94-07-033	245-02-050	NEW-W	94-17-179	245-04-010	NEW-P	94-17-186
242-02-140	AMD	94-07-033	245-02-060	NEW-P	94-12-081	245-04-020	NEW-P	94-17-186
242-02-210	AMD	94-07-033	245-02-060	NEW-W	94-17-179	245-04-025	NEW-P	94-17-186
242-02-210	PREP	94-17-012	245-02-070	NEW-P	94-12-081	245-04-030	NEW-P	94-17-186
242-02-220	AMD	94-07-033	245-02-070	NEW-W	94-17-179	245-04-040	NEW-P	94-17-186
242-02-240	AMD	94-07-033	245-02-080	NEW-P	94-12-081	245-04-050	NEW-P	94-17-186
242-02-250	AMD	94-07-033	245-02-080	NEW-W	94-17-179	245-04-060	NEW-P	94-17-186
242-02-270	AMD	94-07-033	245-02-090	NEW-P	94-12-081	245-04-070	NEW-P	94-17-186
242-02-280	AMD	94-07-033	245-02-090	NEW-W	94-17-179	245-04-080	NEW-P	94-17-186
242-02-310	AMD	94-07-033	245-02-100	NEW-P	94-12-078	245-04-100	NEW-P	94-10-085
242-02-320	AMD	94-07-033	245-02-100	NEW-W	94-17-179	245-04-100	NEW-S	94-12-079
242-02-330	AMD	94-07-033	245-02-110	NEW-P	94-12-078	245-04-110	NEW-P	94-10-085
242-02-340	AMD	94-07-033	245-02-110	NEW-W	94-17-179	245-04-110	NEW-S	94-12-079
242-02-410	AMD	94-07-033	245-02-115	NEW-P	94-12-078	245-04-115	NEW-P	94-10-085
242-02-440	AMD	94-07-033	245-02-115	NEW-W	94-17-179	245-04-115	NEW-S	94-12-079
242-02-510	AMD	94-07-033	245-02-120	NEW-P	94-12-078	245-04-200	NEW-P	94-17-185
242-02-520	NEW-W	94-07-007	245-02-120	NEW-W	94-17-179	245-04-210	NEW-P	94-17-185
242-02-522	AMD	94-07-033	245-02-125	NEW-P	94-12-078	245-04-220	NEW-P	94-17-185
242-02-530	AMD	94-07-033	245-02-125	NEW-W	94-17-179	245-04-230	NEW-P	94-17-185
242-02-540	AMD	94-07-033	245-02-130	NEW-P	94-12-078	245-04-240	NEW-P	94-17-185
242-02-550	AMD	94-07-033	245-02-130	NEW-W	94-17-179	245-04-300	NEW-P	94-17-184
242-02-554	AMD	94-07-033	245-02-135	NEW-P	94-12-078	245-04-310	NEW-P	94-17-184
242-02-558	AMD	94-07-033	245-02-135	NEW-W	94-17-179	245-04-320	NEW-P	94-17-184
242-02-570	AMD	94-07-033	245-02-140	NEW-P	94-12-078	245-04-330	NEW-P	94-17-184
242-02-580	AMD	94-07-033	245-02-140	NEW-W	94-17-179	245-04-340	NEW-P	94-17-184
242-02-620	AMD	94-07-033	245-02-145	NEW-P	94-12-078	245-04-350	NEW-P	94-17-184
242-02-680	AMD	94-07-033	245-02-145	NEW-W	94-17-179	245-08-010	NEW-P	94-17-183
242-02-830	AMD	94-07-033	245-02-150	NEW-P	94-12-078	245-08-020	NEW-P	94-17-183
242-02-850	AMD	94-07-033	245-02-150	NEW-W	94-17-179	245-08-030	NEW-P	94-17-183
242-02-880	AMD	94-07-033	245-02-155	NEW-P	94-12-078	245-08-040	NEW-P	94-17-183
242-02-892	NEW-W	94-07-007	245-02-155	NEW-W	94-17-179	245-08-050	NEW-P	94-17-183
242-02-910	AMD	94-07-033	245-02-160	NEW-P	94-12-078	246-01-040	PREP	94-15-066
242-02-920	AMD	94-07-033	245-02-160	NEW-W	94-17-179	246-01-080	PREP	94-15-066
242-04-050	AMD	94-07-033	245-02-165	NEW-P	94-12-078	246-08-450	AMD	94-04-079
242-04-050	PREP	94-17-012	245-02-165	NEW-W	94-17-179	246-10	PREP	94-18-006
245-01-010	NEW	94-04-046	245-02-170	NEW-P	94-12-078	246-10-102	AMD	94-04-079
245-01-020	NEW	94-04-046	245-02-170	NEW-W	94-17-179	246-10-103	AMD	94-04-079
245-01-020	AMD-P	94-06-060	245-02-175	NEW-P	94-12-078	246-10-107	AMD	94-04-079
245-01-020	AMD-W	94-13-208	245-02-175	NEW-W	94-17-179	246-10-109	AMD	94-04-079
245-01-030	NEW	94-04-046	245-02-180	NEW-P	94-12-078	246-10-110	AMD	94-04-079
245-01-040	NEW	94-04-046	245-02-180	NEW-W	94-17-179	246-10-114	AMD	94-04-079
245-01-050	NEW	94-04-046	245-03-010	NEW-P	94-17-190	246-10-115	AMD	94-04-079
245-01-060	NEW	94-04-046	245-03-020	NEW-P	94-17-190	246-10-123	AMD	94-04-079
245-01-070	NEW	94-04-046	245-03-040	NEW-P	94-17-190	246-10-124	AMD	94-04-079
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245-01-110	NEW	94-04-046	245-03-140	NEW-P	94-17-190	246-10-204	AMD	94-04-079
245-01-120	NEW	94-04-046	245-03-160	NEW-P	94-17-190	246-10-205	AMD	94-04-079
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245-02-010	NEW-W	94-13-208	245-03-280	NEW-P	94-17-190	246-10-403	AMD	94-04-079
245-02-010	NEW-W	94-17-179	245-03-300	NEW-P	94-17-190	246-10-404	AMD	94-04-079
245-02-020	NEW-P	94-06-060	245-03-320	NEW-P	94-17-190	246-10-501	AMD	94-04-079
245-02-020	NEW-P	94-12-081	245-03-390	NEW-P	94-17-190	246-10-502	AMD	94-04-079
245-02-020	NEW-W	94-13-208	245-03-520	NEW-P	94-17-188	246-10-503	AMD	94-04-079
245-02-020	NEW-W	94-17-179	245-03-540	NEW-P	94-17-188	246-10-504	AMD	94-04-079
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245-02-025	NEW-W	94-17-179	245-03-580	NEW-P	94-17-188	246-10-607	AMD	94-04-079
245-02-030	NEW-P	94-06-060	245-03-620	NEW-P	94-17-189	246-10-701	AMD	94-04-079
245-02-030	NEW-P	94-12-081	245-03-640	NEW-P	94-17-189	246-10-702	AMD	94-04-079
245-02-030	NEW-W	94-13-208	245-03-650	NEW-P	94-17-189	246-10-704	AMD	94-04-079
245-02-030	NEW-W	94-17-179	245-03-660	NEW-P	94-17-189	246-10-705	AMD	94-04-079
245-02-040	NEW-P	94-06-060	245-03-680	NEW-P	94-17-189	246-10-706	AMD	94-04-079

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246-11-010	AMD	94-04-078	246-221-250	AMD-E	94-19-029	246-272-070	REP	94-09-025
246-11-020	AMD	94-04-078	246-221-260	AMD-E	94-19-029	246-272-07001	NEW	94-09-025
246-11-030	AMD	94-04-078	246-225-020	AMD	94-06-017	246-272-080	REP	94-09-025
246-11-050	AMD	94-04-078	246-227-030	NEW-W	94-06-016	246-272-08001	NEW	94-09-025
246-11-060	AMD	94-04-078	246-227-100	NEW-W	94-06-016	246-272-090	REP	94-09-025
246-11-080	AMD	94-04-078	246-235	PREP	94-17-015	246-272-09001	NEW	94-09-025
246-11-090	AMD	94-04-078	246-235-077	PREP	94-15-028	246-272-09501	NEW	94-09-025
246-11-100	AMD	94-04-078	246-235-150	PREP	94-15-028	246-272-100	REP	94-09-025
246-11-110	AMD	94-04-078	246-239-020	AMD	94-06-017	246-272-110	REP	94-09-025
246-11-130	AMD	94-04-078	246-239-022	NEW	94-06-017	246-272-11001	NEW	94-09-025
246-11-140	AMD	94-04-078	246-239-030	AMD	94-06-017	246-272-11501	NEW	94-09-025
246-11-160	AMD	94-04-078	246-239-035	NEW	94-06-017	246-272-120	REP	94-09-025
246-11-180	AMD	94-04-078	246-239-050	AMD	94-06-017	246-272-12501	NEW	94-09-025
246-11-220	AMD	94-04-078	246-239-070	AMD	94-06-017	246-272-130	REP	94-09-025
246-11-230	AMD	94-04-078	246-239-080	AMD	94-06-017	246-272-13501	NEW	94-09-025
246-11-250	AMD	94-04-078	246-239-090	AMD	94-06-017	246-272-140	REP	94-09-025
246-11-260	AMD	94-04-078	246-239-100	AMD	94-06-017	246-272-14501	NEW	94-09-025
246-11-270	AMD	94-04-078	246-240	PREP	94-17-015	246-272-150	REP	94-09-025
246-11-280	AMD	94-04-078	246-240-020	AMD	94-06-017	246-272-15501	NEW	94-09-025
246-11-290	AMD	94-04-078	246-242	PREP	94-17-015	246-272-160	REP	94-09-025
246-11-300	AMD	94-04-078	246-247-001	AMD	94-07-010	246-272-16501	NEW	94-09-025
246-11-320	AMD-W	94-13-087	246-247-002	NEW	94-07-010	246-272-170	REP	94-09-025
246-11-330	AMD	94-04-078	246-247-010	AMD	94-07-010	246-272-17501	NEW	94-09-025
246-11-340	AMD	94-04-078	246-247-020	AMD	94-07-010	246-272-180	REP	94-09-025
246-11-360	AMD	94-04-078	246-247-030	AMD	94-07-010	246-272-18501	NEW	94-09-025
246-11-370	AMD	94-04-078	246-247-040	AMD	94-07-010	246-272-190	REP	94-09-025
246-11-380	AMD	94-04-078	246-247-050	REP	94-07-010	246-272-19501	NEW	94-09-025
246-11-390	AMD	94-04-078	246-247-060	AMD	94-07-010	246-272-200	REP	94-09-025
246-11-400	AMD	94-04-078	246-247-065	NEW	94-07-010	246-272-20501	NEW	94-09-025
246-11-420	AMD	94-04-078	246-247-070	REP	94-07-010	246-272-210	REP	94-09-025
246-11-425	NEW	94-04-078	246-247-075	NEW	94-07-010	246-272-21501	NEW	94-09-025
246-11-430	AMD	94-04-078	246-247-080	AMD	94-07-010	246-272-220	REP	94-09-025
246-11-440	AMD	94-04-078	246-247-085	NEW	94-07-010	246-272-22501	NEW	94-09-025
246-11-450	AMD	94-04-078	246-247-090	REP	94-07-010	246-272-230	REP	94-09-025
246-11-480	AMD	94-04-078	246-247-100	AMD	94-07-010	246-272-23501	NEW	94-09-025
246-11-500	AMD	94-04-078	246-247-110	NEW	94-07-010	246-272-240	REP	94-09-025
246-11-510	AMD	94-04-078	246-247-120	NEW	94-07-010	246-272-24001	NEW	94-09-025
246-11-530	AMD	94-04-078	246-247-130	NEW	94-07-010	246-272-25001	NEW	94-09-025
246-11-540	AMD	94-04-078	246-249-020	PREP	94-16-065	246-272-26001	NEW	94-09-025
246-11-560	AMD	94-04-078	246-249-080	PREP	94-16-065	246-272-27001	NEW	94-09-025
246-11-580	AMD	94-04-078	246-254-053	AMD-P	94-07-108	246-272-28001	NEW	94-09-025
246-11-590	AMD	94-04-078	246-254-053	AMD	94-11-010	246-282	PREP	94-12-087
246-11-600	AMD	94-04-078	246-254-070	AMD-P	94-07-107	246-282	PREP	94-12-088
246-11-610	AMD	94-04-078	246-254-070	AMD	94-11-011	246-282-005	NEW-P	94-17-121
236-15-010	NEW-P	94-16-036	246-254-080	AMD-P	94-07-107	246-290-010	AMD-P	94-08-075
236-15-015	NEW-P	94-16-036	246-254-080	AMD	94-11-011	246-290-010	AMD	94-14-001
236-15-050	NEW-P	94-16-036	246-254-090	AMD-P	94-07-107	246-290-020	AMD-P	94-08-075
236-15-100	NEW-P	94-16-036	246-254-090	AMD	94-11-011	246-290-020	AMD	94-14-001
236-15-200	NEW-P	94-16-036	246-254-100	AMD-P	94-07-107	246-290-025	NEW-P	94-08-075
236-15-300	NEW-P	94-16-036	246-254-100	AMD	94-11-011	246-290-025	NEW	94-14-001
236-15-700	NEW-P	94-16-036	246-254-120	AMD-P	94-07-107	246-290-030	AMD-P	94-08-075
236-15-800	NEW-P	94-16-036	246-254-120	AMD	94-11-011	246-290-030	AMD	94-14-001
236-15-900	NEW-P	94-16-036	246-254-160	AMD	94-07-010	246-290-040	AMD-P	94-08-075
246-50-001	PREP	94-09-042	246-260-990	REP-P	94-07-121	246-290-040	AMD	94-14-001
246-50-010	PREP	94-09-042	246-260-990	REP	94-11-056	246-290-060	AMD-P	94-08-075
246-50-020	PREP	94-09-042	246-260-9901	NEW-P	94-07-121	246-290-060	AMD	94-14-001
246-50-030	PREP	94-09-042	246-260-9901	NEW	94-11-056	246-290-100	AMD-P	94-08-075
246-50-040	PREP	94-09-042	246-272-001	REP	94-09-025	246-290-100	AMD	94-14-001
246-50-990	PREP	94-09-042	246-272-00101	NEW	94-09-025	246-290-110	AMD-P	94-08-075
246-100	PREP	94-12-048	246-272-002	REP	94-09-025	246-290-110	AMD	94-14-001
246-100-011	AMD-P	94-14-081	246-272-005	REP	94-09-025	246-290-115	NEW-P	94-08-075
246-100-076	AMD-P	94-14-081	246-272-00501	NEW	94-09-025	246-290-115	NEW	94-14-001
246-100-236	AMD-P	94-14-081	246-272-010	REP	94-09-025	246-290-130	AMD-P	94-08-075
246-100-236	PREP	94-16-105	246-272-01001	NEW	94-09-025	246-290-130	AMD	94-14-001
246-132-020	REP	94-06-048	246-272-020	REP	94-09-025	246-290-135	AMD-P	94-08-075
246-132-030	REP	94-06-048	246-272-02001	NEW	94-09-025	246-290-135	AMD	94-14-001
246-170	PREP	94-12-048	246-272-030	REP	94-09-025	246-290-140	AMD-P	94-08-075
246-170-010	AMD-P	94-14-081	246-272-03001	NEW	94-09-025	246-290-140	AMD	94-14-001
246-170-030	AMD-P	94-14-081	246-272-040	REP	94-09-025	246-290-230	AMD-P	94-08-075
246-170-035	NEW-P	94-14-081	246-272-04001	NEW	94-09-025	246-290-230	AMD	94-14-001
246-170-050	AMD-P	94-14-081	246-272-050	REP	94-09-025	246-290-300	AMD-P	94-08-075

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246-316-340	AMD-P	94-08-040	246-331-100	AMD	94-17-138	246-360-060	AMD-P	94-19-092
246-316-340	AMD	94-13-180	246-331-105	AMD-P	94-10-045	246-360-070	AMD-P	94-19-092
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246-878-010	NEW-P	94-02-079	246-920-115	NEW-P	94-07-011	246-930-010	AMD-P	94-09-027
246-878-010	NEW	94-08-101	246-922-032	NEW	94-05-051	246-930-010	AMD	94-13-179
246-878-020	NEW-P	94-02-079	246-922-032	NEW	94-05-051	246-930-020	AMD-P	94-09-027
246-878-020	NEW	94-08-101	246-922-100	AMD	94-05-051	246-930-020	AMD	94-13-179
246-878-030	NEW-P	94-02-079	246-922-110	REP	94-05-051	246-930-030	AMD-P	94-09-027
246-878-030	NEW	94-08-101	246-922-120	AMD	94-05-051	246-930-030	AMD	94-13-179
246-878-040	NEW-P	94-02-079	246-922-220	REP	94-05-051	246-930-040	AMD-P	94-09-027
246-878-040	NEW	94-08-101	246-922-250	REP	94-05-051	246-930-040	AMD	94-13-179
246-878-050	NEW-P	94-02-079	246-922-260	AMD	94-05-051	246-930-050	AMD-P	94-09-027
246-878-050	NEW	94-08-101	246-922-300	AMD	94-05-051	246-930-050	AMD	94-13-179
246-878-060	NEW-P	94-02-079	246-922-310	AMD	94-05-051	246-930-060	AMD-P	94-09-027
246-878-060	NEW	94-08-101	246-922-400	NEW-P	94-08-079	246-930-060	AMD	94-13-179
246-878-070	NEW-P	94-02-079	246-922-400	NEW	94-14-082	246-930-070	AMD-P	94-09-027
246-878-070	NEW	94-08-101	246-922-405	NEW-P	94-08-079	246-930-070	AMD	94-13-179
246-878-080	NEW-P	94-02-079	246-922-405	NEW	94-14-082	246-930-075	AMD-P	94-09-027
246-878-080	NEW	94-08-101	246-922-410	NEW-P	94-08-079	246-930-075	AMD	94-13-179
246-878-090	NEW-P	94-02-079	246-922-415	NEW-P	94-14-082	246-930-200	AMD-P	94-09-027
246-878-090	NEW	94-08-101	246-922-415	NEW	94-14-082	246-930-200	AMD	94-13-179
246-878-100	NEW-P	94-02-079	246-922-415	NEW	94-14-082	246-930-210	AMD-P	94-09-027
246-878-100	NEW	94-08-101	246-922-500	NEW-P	94-05-081	246-930-210	AMD	94-13-179
246-878-110	NEW-P	94-02-079	246-922-500	NEW	94-09-008	246-930-220	AMD-P	94-09-027
246-878-110	NEW	94-08-101	246-922-990	PREP	94-15-063	246-930-220	AMD	94-13-179
246-878-120	NEW-P	94-02-079	246-922-990	AMD-P	94-18-100	246-930-300	AMD-P	94-09-027
246-878-120	NEW	94-08-101	246-924-020	AMD-P	94-08-039	246-930-300	AMD	94-13-179
246-883-030	AMD-P	94-02-078	246-924-020	AMD	94-12-039	246-930-301	AMD-P	94-09-027
246-883-030	AMD	94-08-100	246-924-040	AMD-P	94-08-039	246-930-301	AMD	94-13-179
246-886-030	AMD	94-02-060	246-924-040	AMD-P	94-12-039	246-930-310	AMD-P	94-09-027
246-887	AMD-C	94-02-089	246-924-050	AMD	94-08-039	246-930-310	AMD	94-13-179
246-887-100	AMD-P	94-04-111	246-924-050	AMD	94-12-039	246-930-320	AMD-P	94-09-027
246-887-100	AMD	94-07-105	246-924-080	AMD-P	94-08-039	246-930-320	AMD	94-13-179
246-887-100	AMD	94-08-098	246-924-080	AMD	94-12-039	246-930-330	AMD-P	94-09-027
246-887-133	NEW	94-08-098	246-924-095	NEW-P	94-08-039	246-930-330	AMD	94-13-179
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246-887-140	AMD	94-07-105	246-924-110	NEW	94-12-039	246-930-340	AMD	94-13-179
246-887-150	AMD-P	94-04-111	246-924-110	AMD-P	94-08-039	246-930-410	AMD-P	94-09-027
246-887-150	AMD	94-07-105	246-924-120	AMD	94-12-039	246-930-410	AMD	94-13-179
246-887-160	AMD	94-08-098	246-924-120	AMD	94-12-039	246-930-420	NEW-P	94-09-027
246-887-170	AMD	94-08-098	246-924-130	AMD-P	94-08-039	246-930-420	NEW	94-13-179
246-889-020	AMD-P	94-04-111	246-924-130	AMD	94-12-039	246-930-430	NEW-P	94-09-027
246-889-020	AMD	94-07-105	246-924-190	REP-P	94-08-039	246-930-430	NEW	94-13-179
246-901-010	NEW-P	94-04-112	246-924-190	REP	94-12-039	246-930-490	NEW-P	94-09-027
246-901-010	NEW	94-08-097	246-924-200	REP-P	94-08-039	246-930-490	NEW	94-13-179
246-901-020	AMD-P	94-04-112	246-924-200	REP	94-12-039	246-930-990	AMD-P	94-09-027
						246-930-990	AMD	94-13-179
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246-937-020	NEW-E	94-08-051	248-14-200	REP-P	94-18-012	250-62-040	NEW-W	94-06-018
246-937-020	NEW-P	94-08-052	248-14-211	REP-P	94-18-012	250-62-050	NEW-W	94-06-018
246-937-020	NEW-S	94-19-095	248-14-230	REP-P	94-18-012	250-62-060	NEW-W	94-06-018
246-937-020	NEW-E	94-19-096	248-14-235	REP-P	94-18-012	250-62-070	NEW-W	94-06-018
246-937-030	NEW-E	94-08-051	248-14-240	REP-P	94-18-012	250-62-080	NEW-W	94-06-018
246-937-030	NEW-P	94-08-052	248-14-245	REP-P	94-18-012	250-62-090	NEW-W	94-06-018
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246-937-040	NEW-P	94-08-052	248-14-260	REP-P	94-18-012	250-62-130	NEW-W	94-06-018
246-937-040	NEW-S	94-19-095	248-14-264	REP-P	94-18-012	250-62-140	NEW-W	94-06-018
246-937-040	NEW-E	94-19-096	248-14-266	REP-P	94-18-012	250-62-150	NEW-W	94-06-018
246-937-050	NEW-S	94-19-095	248-14-268	REP-P	94-18-012	250-62-160	NEW-W	94-06-018
246-937-050	NEW-E	94-19-096	248-14-270	REP-P	94-18-012	250-62-170	NEW-W	94-06-018
246-937-060	NEW-S	94-19-095	248-14-285	REP-P	94-18-012	250-62-180	NEW-W	94-06-018
246-937-060	NEW-E	94-19-096	248-14-290	REP-P	94-18-012	250-62-190	NEW-W	94-06-018
246-937-070	NEW-E	94-08-051	248-14-295	REP-P	94-18-012	250-62-200	NEW-W	94-06-018
246-937-070	NEW-P	94-08-052	248-14-296	REP-P	94-18-012	250-62-210	NEW-W	94-06-018
246-937-070	NEW-S	94-19-095	248-14-298	REP-P	94-18-012	250-66-030	AMD-P	94-09-060
246-937-070	NEW-E	94-19-096	248-14-300	REP-P	94-18-012	250-66-030	AMD	94-14-007
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246-937-080	NEW-P	94-08-052	248-14-520	REP-P	94-18-012	250-78-010	AMD	94-14-008
246-937-080	NEW-S	94-19-095	248-14-530	REP-P	94-18-012	250-78-020	AMD-P	94-09-061
246-937-080	NEW-E	94-19-096	248-14-540	REP-P	94-18-012	250-78-020	AMD	94-14-008
246-937-090	NEW-E	94-08-051	248-14-550	REP-P	94-18-012	250-78-030	AMD-P	94-09-061
246-937-090	NEW-P	94-08-052	248-14-560	REP-P	94-18-012	250-78-030	AMD	94-14-008
246-937-090	NEW-S	94-19-095	248-14-570	REP-P	94-18-012	250-78-040	AMD-P	94-09-061
246-937-090	NEW-E	94-19-096	250-14-020	NEW-P	94-16-125	250-78-040	AMD	94-14-008
246-937-100	NEW-S	94-19-095	250-14-030	NEW-P	94-16-125	250-78-050	AMD-P	94-09-061
246-937-100	NEW-E	94-19-096	250-14-040	NEW-P	94-16-125	250-78-050	AMD	94-14-008
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246-937-990	NEW-E	94-08-077	250-14-060	NEW-P	94-16-125	250-78-060	AMD	94-14-008
246-937-990	NEW-C	94-19-097	250-14-070	NEW-P	94-16-125	250-79-010	NEW-C	94-04-093
246-937-990	NEW	94-19-098	250-14-080	NEW-P	94-16-125	250-79-010	NEW	94-14-064
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247-04-010	NEW	94-15-053	250-40	AMD	94-14-006	251-04-105	AMD-P	94-12-057
247-04-020	NEW-P	94-12-021	250-40-020	AMD-P	94-09-058	251-04-105	AMD-C	94-16-052
247-04-020	NEW	94-15-053	250-40-020	AMD	94-14-006	251-06-020	AMD-P	94-12-058
247-04-030	NEW-P	94-12-021	250-40-040	AMD-P	94-09-058	251-06-020	AMD-C	94-16-053
247-04-030	NEW	94-15-053	250-40-040	AMD	94-14-006	251-08-112	AMD-P	94-12-058
247-04-040	NEW-P	94-12-021	250-40-050	AMD-P	94-09-058	251-08-112	AMD-C	94-16-053
247-04-040	NEW	94-15-053	250-40-050	AMD	94-14-006	251-23-010	REP-W	94-04-010
247-06-010	NEW-P	94-12-022	250-40-070	AMD-P	94-09-058	251-23-015	REP-W	94-04-010
247-06-010	NEW	94-15-054	250-40-070	AMD	94-14-006	251-23-020	REP-W	94-04-010
247-06-020	NEW-P	94-12-022	250-44	AMD-C	94-15-033	251-23-030	REP-W	94-04-010
247-06-020	NEW	94-15-054	250-44-050	AMD-P	94-10-001	251-23-040	REP-W	94-04-010
247-06-030	NEW-P	94-12-022	250-44-110	AMD-P	94-10-001	251-23-050	REP-W	94-04-010
247-06-030	NEW	94-15-054	250-44-130	AMD-P	94-10-001	251-23-060	REP-W	94-04-010
248-14-001	REP-P	94-18-012	250-61-010	AMD-P	94-17-166	251-02-040	AMD-P	94-12-092
248-14-010	REP-P	94-18-012	250-61-020	AMD-P	94-17-166	253-02-040	AMD-C	94-17-013
248-14-020	REP-P	94-18-012	250-61-030	AMD-P	94-17-166	253-16-090	AMD-P	94-12-092
248-14-030	REP-P	94-18-012	250-61-040	AMD-P	94-17-166	253-16-090	AMD-C	94-17-013
248-14-040	REP-P	94-18-012	250-61-050	AMD-P	94-17-166	259-04-060	AMD-E	94-07-059
248-14-060	REP-P	94-18-012	250-61-060	AMD-P	94-17-166	259-04-060	AMD-P	94-07-096
248-14-065	REP-P	94-18-012	250-61-070	AMD-P	94-17-166	259-04-060	AMD	94-12-029
248-14-070	REP-P	94-18-012	250-61-080	AMD-P	94-17-166	260-12-010	AMD-W	94-09-003
248-14-071	REP-P	94-18-012	250-61-090	AMD-P	94-17-166	260-12-090	REP-W	94-09-003
248-14-080	REP-P	94-18-012	250-61-100	AMD-P	94-17-166	260-24-010	AMD-W	94-09-003
248-14-090	REP-P	94-18-012	250-61-110	AMD-P	94-17-166	260-24-080	AMD-W	94-09-003
248-14-100	REP-P	94-18-012	250-61-120	AMD-P	94-17-166	260-24-110	AMD-W	94-09-003
248-14-110	REP-P	94-18-012	250-61-130	AMD-P	94-17-166	260-24-120	AMD-W	94-09-003
248-14-114	REP-P	94-18-012	250-61-140	AMD-P	94-17-166	260-24-140	AMD-W	94-09-003
248-14-120	REP-P	94-18-012	250-61-150	AMD-P	94-17-166	260-24-150	AMD-W	94-09-003
248-14-125	REP-P	94-18-012	250-61-160	AMD-P	94-17-166	260-24-170	AMD-W	94-09-003
248-14-128	REP-P	94-18-012	250-61-170	AMD-P	94-17-166	260-24-180	AMD-W	94-09-003
248-14-130	REP-P	94-18-012	250-61-180	AMD-P	94-17-166	260-24-200	AMD-W	94-09-003
248-14-140	REP-P	94-18-012	250-61-190	AMD-P	94-17-166	260-24-210	AMD-W	94-09-003
248-14-150	REP-P	94-18-012	250-61-200	NEW-P	94-17-166	260-24-285	AMD-W	94-09-003
248-14-152	REP-P	94-18-012	250-61-210	NEW-P	94-17-166	260-24-290	AMD-W	94-09-003
248-14-155	REP-P	94-18-012	250-61-220	NEW-P	94-17-166	260-24-315	AMD-W	94-09-003
248-14-160	REP-P	94-18-012	250-62-010	NEW-W	94-06-018	260-24-440	AMD-W	94-09-003
248-14-170	REP-P	94-18-012	250-62-020	NEW-W	94-06-018	260-24-460	AMD-W	94-09-003

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260-24-500	AMD-W	94-09-003	275-56-065	REP-P	94-12-005	275-56-300	REP-S	94-17-118
260-24-510	AMD-W	94-09-003	275-56-065	REP-S	94-17-118	275-56-305	REP-P	94-12-005
260-24-520	AMD-W	94-09-003	275-56-070	REP-P	94-12-005	275-56-305	REP-S	94-17-118
260-34-030	AMD-W	94-09-003	275-56-070	REP-S	94-17-118	275-56-335	REP-P	94-12-005
260-36-080	AMD	94-04-002	275-56-075	REP-P	94-12-005	275-56-335	REP-S	94-17-118
260-48-322	AMD-P	94-05-077	275-56-075	REP-S	94-17-118	275-56-340	REP-P	94-12-005
260-48-322	AMD-W	94-17-072	275-56-080	REP-P	94-12-005	275-56-340	REP-S	94-17-118
260-48-324	AMD-P	94-05-076	275-56-080	REP-S	94-17-118	275-56-355	REP-P	94-12-005
260-48-324	AMD-W	94-17-072	275-56-085	REP-P	94-12-005	275-56-355	REP-S	94-17-118
260-48-328	AMD-P	94-05-075	275-56-085	REP-S	94-17-118	275-56-365	REP-P	94-12-005
260-48-328	AMD-W	94-17-072	275-56-087	REP-P	94-12-005	275-56-365	REP-S	94-17-118
260-70-010	AMD-W	94-09-003	275-56-087	REP-S	94-17-118	275-56-385	REP-P	94-12-005
260-70-026	PREP	94-15-097	275-56-088	REP-P	94-12-005	275-56-385	REP-S	94-17-118
260-70-026	AMD-P	94-17-143	275-56-088	REP-S	94-17-118	275-56-400	REP-P	94-12-005
260-70-040	AMD	94-04-002	275-56-089	REP-P	94-12-005	275-56-400	REP-S	94-17-118
260-72-020	AMD	94-04-003	275-56-089	REP-S	94-17-118	275-56-425	REP-P	94-12-005
275-16-030	AMD-P	94-13-051	275-56-090	REP-P	94-12-005	275-56-425	REP-S	94-17-118
275-16-030	AMD-E	94-14-005	275-56-090	REP-S	94-17-118	275-56-445	REP-P	94-12-005
275-16-030	AMD	94-16-048	275-56-095	REP-P	94-12-005	275-56-445	REP-S	94-17-118
275-27-220	AMD	94-04-092	275-56-095	REP-S	94-17-118	275-56-447	REP-P	94-12-005
275-27-221	NEW	94-04-092	275-56-100	REP-P	94-12-005	275-56-447	REP-S	94-17-118
275-27-223	AMD	94-04-092	275-56-100	REP-S	94-17-118	275-56-465	REP-P	94-12-005
275-30-020	AMD-P	94-12-026	275-56-105	REP-P	94-12-005	275-56-465	REP-S	94-17-118
275-30-020	AMD	94-15-002	275-56-105	REP-S	94-17-118	275-56-475	REP-P	94-12-005
275-35-030	AMD-P	94-08-007	275-56-110	REP-P	94-12-005	275-56-475	REP-S	94-17-118
275-35-030	AMD	94-11-065	275-56-110	REP-S	94-17-118	275-56-485	REP-P	94-12-005
275-35-060	AMD-P	94-08-007	275-56-115	REP-P	94-12-005	275-56-485	REP-S	94-17-118
275-35-060	AMD	94-11-065	275-56-115	REP-S	94-17-118	275-56-495	REP-P	94-12-005
275-35-070	AMD-P	94-08-007	275-56-135	REP-P	94-12-005	275-56-495	REP-S	94-17-118
275-35-070	AMD	94-11-065	275-56-135	REP-S	94-17-118	275-56-505	REP-P	94-12-005
275-35-080	AMD-P	94-08-007	275-56-150	REP-P	94-12-005	275-56-505	REP-S	94-17-118
275-35-080	AMD	94-11-065	275-56-150	REP-S	94-17-118	275-56-515	REP-P	94-12-005
275-47-010	NEW-P	94-12-066	275-56-170	REP-P	94-12-005	275-56-515	REP-S	94-17-118
275-47-010	NEW	94-15-009	275-56-170	REP-S	94-17-118	275-56-600	NEW	94-07-020
275-47-020	NEW-P	94-12-066	275-56-175	REP-P	94-12-005	275-56-600	REP-P	94-12-005
275-47-020	NEW	94-15-009	275-56-175	REP-S	94-17-118	275-56-600	REP-S	94-17-118
275-47-030	NEW-P	94-12-066	275-56-180	REP-P	94-12-005	275-56-610	NEW	94-07-020
275-47-030	NEW	94-15-009	275-56-180	REP-S	94-17-118	275-56-610	REP-P	94-12-005
275-47-040	NEW-P	94-12-066	275-56-185	REP-P	94-12-005	275-56-610	REP-S	94-17-118
275-47-040	NEW	94-15-009	275-56-185	REP-S	94-17-118	275-56-630	NEW	94-07-020
275-55-221	NEW-E	94-03-004	275-56-195	REP-P	94-12-005	275-56-630	REP-P	94-12-005
275-55-221	NEW-P	94-03-005	275-56-195	REP-S	94-17-118	275-56-630	REP-S	94-17-118
275-55-221	NEW	94-06-025	275-56-200	REP-P	94-12-005	275-56-640	NEW	94-07-020
275-56	REP-C	94-16-072	275-56-200	REP-S	94-17-118	275-56-640	REP-P	94-12-005
275-56-005	REP-P	94-12-005	275-56-205	REP-P	94-12-005	275-56-640	REP-S	94-17-118
275-56-005	REP-S	94-17-118	275-56-205	REP-S	94-17-118	275-56-650	NEW	94-07-020
275-56-010	REP-P	94-12-005	275-56-210	REP-P	94-12-005	275-56-650	REP-P	94-12-005
275-56-010	REP-S	94-17-118	275-56-210	REP-S	94-17-118	275-56-650	REP-S	94-17-118
275-56-015	AMD	94-07-020	275-56-215	REP-P	94-12-005	275-56-660	NEW	94-07-020
275-56-015	REP-P	94-12-005	275-56-215	REP-S	94-17-118	275-56-660	REP-P	94-12-005
275-56-015	REP-S	94-17-118	275-56-220	REP-P	94-12-005	275-56-660	REP-S	94-17-118
275-56-016	REP-P	94-12-005	275-56-220	REP-S	94-17-118	275-56-670	NEW	94-07-020
275-56-016	REP-S	94-17-118	275-56-225	REP-P	94-12-005	275-56-670	REP-P	94-12-005
275-56-017	REP-P	94-12-005	275-56-225	REP-S	94-17-118	275-56-670	REP-S	94-17-118
275-56-017	REP-S	94-17-118	275-56-230	REP-P	94-12-005	275-56-680	NEW	94-07-020
275-56-020	REP-P	94-12-005	275-56-230	REP-S	94-17-118	275-56-680	REP-P	94-12-005
275-56-020	REP-S	94-17-118	275-56-235	REP-P	94-12-005	275-56-680	REP-S	94-17-118
275-56-025	REP-P	94-12-005	275-56-235	REP-S	94-17-118	275-56-690	NEW	94-07-020
275-56-025	REP-S	94-17-118	275-56-240	REP-P	94-12-005	275-56-690	REP-P	94-12-005
275-56-035	REP-P	94-12-005	275-56-240	REP-S	94-17-118	275-56-690	REP-S	94-17-118
275-56-035	REP-S	94-17-118	275-56-245	REP-P	94-12-005	275-56-700	NEW	94-07-020
275-56-040	REP-P	94-12-005	275-56-245	REP-S	94-17-118	275-56-700	REP-P	94-12-005
275-56-040	REP-S	94-17-118	275-56-260	REP-P	94-12-005	275-56-700	REP-S	94-17-118
275-56-042	REP-P	94-12-005	275-56-260	REP-S	94-17-118	275-56-710	NEW	94-07-020
275-56-042	REP-S	94-17-118	275-56-275	REP-P	94-12-005	275-56-710	REP-P	94-12-005
275-56-043	REP-P	94-12-005	275-56-275	REP-S	94-17-118	275-56-710	REP-S	94-17-118
275-56-043	REP-S	94-17-118	275-56-285	REP-P	94-12-005	275-56-720	NEW	94-07-020
275-56-050	REP-P	94-12-005	275-56-285	REP-S	94-17-118	275-56-720	REP-P	94-12-005
275-56-050	REP-S	94-17-118	275-56-290	REP-P	94-12-005	275-56-720	REP-S	94-17-118
275-56-055	REP-P	94-12-005	275-56-290	REP-S	94-17-118	275-57	NEW-C	94-16-072
275-56-055	REP-S	94-17-118	275-56-295	REP-P	94-12-005	275-57-010	NEW-P	94-12-005
275-56-060	REP-P	94-12-005	275-56-295	REP-S	94-17-118	275-57-010	NEW-S	94-17-118

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-17-410	AMD-P	94-11-100	284-51-040	AMD-P	94-11-122	286-04-085	NEW-P	94-13-196
284-17-410	AMD	94-14-033	284-51-045	NEW-P	94-11-122	286-04-085	NEW	94-17-095
284-17-420	AMD-P	94-11-100	284-51-050	AMD-P	94-11-122	286-04-090	NEW-P	94-13-196
284-17-420	AMD	94-14-033	284-51-060	AMD-P	94-11-122	286-04-090	NEW	94-17-095
284-23	NEW-C	94-18-019	284-51-070	REP-P	94-11-122	286-06-010	REP-P	94-13-196
284-23-600	NEW-P	94-15-105	284-51-075	AMD-P	94-11-122	286-06-010	REP	94-17-095
284-23-600	NEW	94-18-029	284-51-120	AMD-P	94-11-122	286-06-030	REP-P	94-13-196
284-23-600	PREP	94-18-082	284-51-130	AMD-P	94-11-122	286-06-030	REP	94-17-095
284-23-610	NEW-P	94-15-105	284-51-140	AMD-P	94-11-122	286-06-040	REP-P	94-13-196
284-23-610	NEW	94-18-029	284-51-150	AMD-P	94-11-122	286-06-040	REP	94-17-095
284-23-610	PREP	94-18-082	284-51-160	REP-P	94-11-122	286-06-050	AMD-P	94-13-196
284-23-620	NEW-P	94-15-105	284-51-170	AMD-P	94-11-122	286-06-050	AMD	94-17-095
284-23-620	NEW	94-18-029	284-54	AMD-C	94-13-217	286-06-060	AMD-P	94-13-196
284-23-620	PREP	94-18-082	284-54-020	AMD-P	94-09-050	286-06-060	AMD	94-17-095
284-23-630	NEW-P	94-15-105	284-54-020	AMD-S	94-11-096	286-06-065	NEW-P	94-13-196
284-23-630	NEW	94-18-029	284-54-020	AMD	94-14-100	286-06-065	NEW	94-17-095
284-23-630	PREP	94-18-082	284-54-150	AMD-P	94-09-050	286-06-070	AMD-P	94-13-196
284-23-640	NEW-P	94-15-105	284-54-150	AMD-S	94-11-096	286-06-070	AMD	94-17-095
284-23-640	NEW	94-18-029	284-54-150	AMD	94-14-100	286-06-080	AMD-P	94-13-196
284-23-640	PREP	94-18-082	284-54-200	NEW-P	94-09-050	286-06-080	AMD	94-17-095
284-23-650	NEW-P	94-15-105	284-54-200	NEW-S	94-11-096	286-06-090	AMD-P	94-13-196
284-23-650	NEW	94-18-029	284-54-200	NEW	94-14-100	286-06-090	AMD	94-17-095
284-23-650	PREP	94-18-082	284-54-210	NEW-P	94-09-050	286-06-100	AMD-P	94-13-196
284-23-660	NEW-P	94-15-105	284-54-210	NEW-S	94-11-096	286-06-100	AMD	94-17-095
284-23-660	NEW	94-18-029	284-54-210	NEW	94-14-100	286-06-110	AMD-P	94-13-196
284-23-660	PREP	94-18-082	284-54-260	NEW-P	94-09-050	286-06-110	AMD	94-17-095
284-23-670	NEW-P	94-15-105	284-54-260	NEW-S	94-11-096	286-06-120	AMD-P	94-13-196
284-23-670	NEW	94-18-029	284-54-260	NEW	94-14-100	286-06-120	AMD	94-17-095
284-23-670	PREP	94-18-082	284-54-270	NEW-P	94-09-050	286-06-130	REP-P	94-13-196
284-23-680	NEW-P	94-15-105	284-54-270	NEW-S	94-11-096	286-06-130	REP	94-17-095
284-23-680	NEW	94-18-029	284-54-270	NEW	94-14-100	286-06-140	REP-P	94-13-196
284-23-680	PREP	94-18-082	284-87-030	PREP	94-18-080	286-06-140	REP	94-17-095
284-23-690	NEW-P	94-15-105	284-87-040	AMD-P	94-09-049	286-06-150	REP-P	94-13-196
284-23-690	NEW	94-18-029	284-87-040	AMD	94-13-006	286-06-150	REP	94-17-095
284-23-690	PREP	94-18-082	284-87-090	AMD-P	94-09-049	286-06-990	REP-P	94-13-196
284-23-700	NEW-P	94-15-105	284-87-090	AMD	94-13-006	286-06-990	REP	94-17-095
284-23-700	NEW	94-18-029	284-87-100	AMD-P	94-09-049	286-13-010	NEW-P	94-13-196
284-23-700	PREP	94-18-082	284-87-100	AMD	94-13-006	286-13-010	NEW	94-17-095
284-23-710	NEW-P	94-15-105	284-96-500	NEW-P	94-15-103	286-13-020	NEW-P	94-13-196
284-23-710	NEW	94-18-029	284-96-500	NEW-C	94-18-018	286-13-020	NEW	94-17-095
284-23-710	PREP	94-18-082	284-96-500	NEW-C	94-18-028	286-13-030	NEW-P	94-13-196
284-23-720	NEW-P	94-15-105	284-96-500	NEW	94-19-015	286-13-030	NEW	94-17-095
284-23-720	NEW	94-18-029	284-97-010	PREP	94-05-071	286-13-040	NEW-P	94-13-196
284-23-720	PREP	94-18-082	284-97-020	PREP	94-05-071	286-13-040	NEW	94-17-095
284-23-730	NEW-P	94-15-105	284-97-030	PREP	94-05-071	286-13-050	NEW-P	94-13-196
284-23-730	NEW	94-18-029	284-97-040	PREP	94-05-071	286-13-050	NEW	94-17-095
284-23-730	PREP	94-18-082	284-97-050	PREP	94-05-071	286-13-060	NEW-P	94-13-196
284-24-055	REP-P	94-17-176	284-97-060	PREP	94-05-071	286-13-060	NEW	94-17-095
284-24-060	AMD-P	94-17-176	284-97-070	PREP	94-05-071	286-13-070	NEW-P	94-13-196
284-30	PREP	94-05-056	284-97-080	PREP	94-05-071	286-13-070	NEW	94-17-095
284-30-450	PREP	94-05-070	284-97-100	PREP	94-05-071	286-13-080	NEW-P	94-13-196
284-30-450	NEW-P	94-15-104	284-97-110	PREP	94-05-071	286-13-080	NEW	94-17-095
284-30-450	NEW-C	94-18-020	284-97-120	PREP	94-05-071	286-13-085	NEW-P	94-13-196
284-30-450	NEW	94-18-038	284-97-130	PREP	94-05-071	286-13-085	NEW	94-17-095
284-43-040	NEW-P	94-10-077	284-97-140	PREP	94-05-071	286-13-090	NEW-P	94-13-196
284-44	PREP	94-05-056	284-97-150	PREP	94-05-071	286-13-090	NEW	94-17-095
284-44-500	NEW-P	94-15-103	284-97-160	PREP	94-05-071	286-13-100	NEW-P	94-13-196
284-44-500	NEW-C	94-18-018	286-04-010	AMD-P	94-13-196	286-13-100	NEW	94-17-095
284-44-500	NEW-C	94-18-028	286-04-010	AMD	94-17-095	286-13-110	NEW-P	94-13-196
284-44-500	NEW	94-19-015	286-04-015	NEW-P	94-13-196	286-13-110	NEW	94-17-095
284-46	PREP	94-05-056	286-04-015	NEW	94-17-095	286-13-115	NEW-P	94-13-196
284-46-500	NEW-P	94-15-103	286-04-020	AMD-P	94-13-196	286-13-115	NEW	94-17-095
284-46-500	NEW-C	94-18-018	286-04-020	AMD	94-17-095	286-13-120	NEW-P	94-13-196
284-46-500	NEW-C	94-18-028	286-04-030	AMD-P	94-13-196	286-13-120	NEW	94-17-095
284-46-500	NEW	94-19-015	286-04-030	AMD	94-17-095	286-16-010	REP-P	94-13-196
284-50-330	AMD-P	94-15-103	286-04-050	AMD-P	94-13-196	286-16-010	REP	94-17-095
284-50-330	AMD-C	94-18-018	286-04-050	AMD	94-17-095	286-16-020	REP-P	94-13-196
284-50-330	AMD-C	94-18-028	286-04-060	AMD-P	94-13-196	286-16-020	REP	94-17-095
284-50-330	AMD	94-19-015	286-04-060	AMD	94-17-095	286-16-030	REP-P	94-13-196
284-51-010	AMD-P	94-11-122	286-04-065	NEW-P	94-13-196	286-16-030	REP	94-17-095
284-51-015	NEW-P	94-11-122	286-04-065	NEW	94-17-095	286-16-035	REP-P	94-13-196
284-51-020	AMD-P	94-11-122	286-04-070	AMD-P	94-13-196	286-16-035	REP	94-17-095
284-51-030	AMD-P	94-11-122	286-04-070	AMD	94-17-095	286-16-040	REP-P	94-13-196

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
286-16-040	REP	94-17-095	286-35-080	NEW-P	94-13-196	296-15-060	AMD	94-17-069
286-16-050	REP-P	94-13-196	286-35-080	NEW	94-17-095	296-15-070	AMD-P	94-12-096
286-16-050	REP	94-17-095	286-35-090	NEW-P	94-13-196	296-15-070	AMD	94-17-069
286-16-060	REP-P	94-13-196	286-35-090	NEW	94-17-095	296-15-072	AMD-P	94-12-096
286-16-060	REP	94-17-095	286-40-010	NEW-P	94-13-196	296-15-072	AMD	94-17-069
286-16-070	REP-P	94-13-196	286-40-010	NEW	94-17-095	296-15-160	AMD-P	94-12-096
286-16-070	REP	94-17-095	286-40-020	NEW-P	94-13-196	296-15-160	AMD	94-17-069
286-16-080	REP-P	94-13-196	286-40-020	NEW	94-17-095	296-15-170	AMD-C	94-03-006
286-16-080	REP	94-17-095	286-40-030	NEW-P	94-13-196	296-15-170	AMD	94-05-042
286-20-010	REP-P	94-13-196	286-40-030	NEW	94-17-095	296-17-350	AMD-P	94-07-127
286-20-010	REP	94-17-095	286-40-040	NEW-P	94-13-196	296-17-350	AMD	94-12-050
286-20-020	REP-P	94-13-196	286-40-040	NEW	94-17-095	296-17-45004	AMD-P	94-18-127
286-20-020	REP	94-17-095	286-40-050	NEW-P	94-13-196	296-17-45005	NEW-P	94-06-055
286-20-040	REP-P	94-13-196	286-40-050	NEW	94-17-095	296-17-45005	NEW	94-12-051
286-20-040	REP	94-17-095	286-40-060	NEW-P	94-13-196	296-17-501	AMD-P	94-07-129
286-20-060	REP-P	94-13-196	286-40-060	NEW	94-17-095	296-17-501	AMD	94-12-051
286-20-060	REP	94-17-095	292-06-001	PREP	94-15-039	296-17-506	REP-P	94-07-129
286-24-010	REP-P	94-13-196	292-06-005	PREP	94-15-039	296-17-506	REP	94-12-051
286-24-010	REP	94-17-095	292-06-010	PREP	94-15-039	296-17-50602	AMD-P	94-07-128
286-24-015	REP-P	94-13-196	292-06-020	PREP	94-15-039	296-17-50602	AMD	94-12-063
286-24-015	REP	94-17-095	292-06-030	PREP	94-15-039	296-17-519	AMD-P	94-07-128
286-24-020	REP-P	94-13-196	292-06-040	PREP	94-15-039	296-17-519	AMD	94-12-063
286-24-020	REP	94-17-095	292-06-050	PREP	94-15-039	296-17-52104	AMD-P	94-07-128
286-24-040	REP-P	94-13-196	292-06-060	PREP	94-15-039	296-17-52104	AMD	94-12-063
286-24-040	REP	94-17-095	292-06-070	PREP	94-15-039	296-17-524	AMD-P	94-07-128
286-24-050	REP-P	94-13-196	292-06-080	PREP	94-15-039	296-17-524	AMD	94-12-063
286-24-050	REP	94-17-095	292-06-090	PREP	94-15-039	296-17-528	AMD-P	94-07-128
286-24-060	REP-P	94-13-196	292-06-100	PREP	94-15-039	296-17-528	AMD	94-12-063
286-24-060	REP	94-17-095	292-06-110	PREP	94-15-039	296-17-53504	AMD-P	94-07-128
286-24-070	REP-P	94-13-196	292-06-130	PREP	94-15-039	296-17-53504	AMD	94-12-063
286-24-070	REP	94-17-095	292-06-140	PREP	94-15-039	296-17-536	AMD-P	94-07-128
286-26-010	AMD-P	94-13-196	292-06-160	PREP	94-15-039	296-17-536	AMD	94-12-063
286-26-010	AMD	94-17-095	292-06-170	PREP	94-15-039	296-17-558	REP-P	94-07-128
286-26-020	AMD-P	94-13-196	292-06-190	PREP	94-15-039	296-17-558	REP	94-12-063
286-26-020	AMD	94-17-095	292-06-200	PREP	94-15-039	296-17-56101	AMD-P	94-07-128
286-26-030	AMD-P	94-13-196	292-06-210	PREP	94-15-039	296-17-56101	AMD	94-12-063
286-26-030	AMD	94-17-095	292-06-220	PREP	94-15-039	296-17-640	AMD-P	94-18-126
286-26-040	REP-P	94-13-196	292-06-230	PREP	94-15-039	296-17-650	AMD-P	94-07-128
286-26-040	REP	94-17-095	292-06-240	PREP	94-15-039	296-17-650	AMD	94-12-063
286-26-055	REP-P	94-13-196	292-06-250	PREP	94-15-039	296-17-66003	NEW-P	94-06-055
286-26-055	REP	94-17-095	292-06-270	PREP	94-15-039	296-17-66003	NEW	94-12-051
286-26-060	REP-P	94-13-196	292-06-280	PREP	94-15-039	296-17-686	AMD-P	94-07-128
286-26-060	REP	94-17-095	292-08-010	PREP	94-15-039	296-17-686	AMD	94-12-063
286-26-070	REP-P	94-13-196	292-08-020	PREP	94-15-039	296-17-704	AMD-P	94-07-128
286-26-070	REP	94-17-095	292-08-030	PREP	94-15-039	296-17-704	AMD	94-12-063
286-26-080	NEW-P	94-13-196	292-08-040	PREP	94-15-039	296-17-706	AMD-P	94-07-128
286-26-080	NEW	94-17-095	292-08-050	PREP	94-15-039	296-17-706	AMD	94-12-063
286-26-090	NEW-P	94-13-196	292-12-010	PREP	94-15-039	296-17-727	AMD-P	94-18-126
286-26-090	NEW	94-17-095	292-12-020	PREP	94-15-039	296-17-73111	NEW-P	94-18-126
286-26-100	NEW-P	94-13-196	292-12-030	PREP	94-15-039	296-17-779	AMD-P	94-07-128
286-26-100	NEW	94-17-095	292-12-040	PREP	94-15-039	296-17-779	AMD	94-12-063
286-30-010	NEW-P	94-13-196	292-12-050	PREP	94-15-039	296-17-855	AMD-P	94-18-126
286-30-010	NEW	94-17-095	292-12-060	PREP	94-15-039	296-17-875	AMD-P	94-18-126
286-30-020	NEW-P	94-13-196	292-12-070	PREP	94-15-039	296-17-880	AMD-P	94-18-126
286-30-020	NEW	94-17-095	292-12-080	PREP	94-15-039	296-17-885	AMD-P	94-18-126
286-30-030	NEW-P	94-13-196	292-12-090	PREP	94-15-039	296-17-890	AMD-P	94-18-126
286-30-030	NEW	94-17-095	292-12-110	PREP	94-15-039	296-17-895	AMD-P	94-06-055
286-30-040	NEW-P	94-13-196	292-12-120	PREP	94-15-039	296-17-895	AMD	94-12-051
286-30-040	NEW	94-17-095	292-12-130	PREP	94-15-039	296-17-895	AMD-P	94-18-126
286-35-010	NEW-P	94-13-196	292-12-140	PREP	94-15-039	296-17-919	AMD-P	94-18-126
286-35-010	NEW	94-17-095	292-12-150	PREP	94-15-039	296-17-920	AMD-P	94-18-126
286-35-020	NEW-P	94-13-196	292-12-160	PREP	94-15-039	296-17-925	NEW-P	94-18-126
286-35-020	NEW	94-17-095	292-12-170	PREP	94-15-039	296-20-010	AMD-P	94-07-126
286-35-030	NEW-P	94-13-196	292-12-180	PREP	94-15-039	296-20-010	AMD	94-14-044
286-35-030	NEW	94-17-095	296-15-020	AMD-C	94-03-006	296-20-01505	NEW-P	94-07-126
286-35-040	NEW-P	94-13-196	296-15-020	AMD	94-05-042	296-20-01505	NEW	94-14-044
286-35-040	NEW	94-17-095	296-15-02601	AMD-P	94-12-096	296-20-110	AMD-P	94-07-126
286-35-050	NEW-P	94-13-196	296-15-02601	AMD	94-17-069	296-20-110	AMD	94-14-044
286-35-050	NEW	94-17-095	296-15-02606	NEW-C	94-03-006	296-20-135	AMD	94-03-008
286-35-060	NEW-P	94-13-196	296-15-02606	NEW	94-05-042	296-20-370	AMD	94-03-073
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296-21-025	REP	94-14-044	296-24-12511	AMD-P	94-10-010	296-24-29501	AMD-P	94-10-010
296-21-026	REP-P	94-07-126	296-24-12511	AMD	94-15-096	296-24-29501	AMD	94-15-096
296-21-026	REP	94-14-044	296-24-14009	AMD-P	94-10-010	296-24-31501	AMD-P	94-10-010
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296-21-027	REP	94-14-044	296-24-14011	AMD	94-06-068	296-24-32001	AMD-P	94-10-010
296-21-030	REP-P	94-07-126	296-24-14011	AMD-P	94-10-010	296-24-32001	AMD	94-15-096
296-21-030	REP	94-14-044	296-24-14011	AMD	94-15-096	296-24-33003	AMD	94-06-068
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296-21-240	REP	94-14-044	296-24-14509	AMD	94-15-096	296-24-33009	AMD	94-15-096
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296-21-250	REP	94-14-044	296-24-14513	AMD	94-15-096	296-24-33011	AMD	94-15-096
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296-21-260	REP	94-14-044	296-24-14515	AMD	94-15-096	296-24-33013	AMD	94-15-096
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296-21-280	REP-P	94-07-126	296-24-14519	AMD	94-15-096	296-24-47507	AMD	94-15-096
296-21-290	REP-P	94-07-126	296-24-15001	AMD-P	94-10-010	296-24-47515	AMD-P	94-10-010
296-21-300	REP-P	94-07-126	296-24-15001	AMD	94-15-096	296-24-47515	AMD	94-15-096
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296-21-310	REP	94-14-044	296-24-15005	AMD-P	94-10-010	296-24-51099	AMD-P	94-10-010
296-21-320	REP-P	94-07-126	296-24-15005	AMD	94-15-096	296-24-51099	AMD	94-15-096
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296-23-135	AMD	94-14-044	296-24-16539	AMD-P	94-10-010	296-24-55015	AMD-P	94-10-010
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296-24-001	AMD	94-15-096	296-24-20525	AMD-P	94-10-010	296-24-59215	AMD	94-15-096
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296-24-020	AMD-P	94-15-095	296-24-23503	AMD	94-15-096	296-24-66319	AMD-P	94-10-010
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296-24-045	AMD	94-15-096	296-24-23507	AMD	94-15-096	296-24-67005	AMD	94-15-096
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296-24-060	AMD	94-15-096	296-24-23523	AMD	94-15-096	296-24-67507	AMD	94-15-096
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296-24-065	AMD	94-15-096	296-24-23527	AMD	94-15-096	296-24-67515	AMD	94-15-096
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296-24-71513	AMD	94-15-096	296-24-93503	AMD	94-15-096	296-45-65009	AMD-P	94-15-095
296-24-71517	AMD-P	94-10-010	296-24-94001	AMD-P	94-10-010	296-45-65009	AMD-W	94-16-144
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296-24-73505	AMD-P	94-10-010	296-24-95605	AMD	94-15-096	296-45-65019	AMD-P	94-15-095
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296-24-73509	AMD-P	94-10-010	296-24-95609	AMD	94-15-096	296-45-65023	AMD-P	94-15-095
296-24-73509	AMD	94-15-096	296-24-95613	AMD-P	94-10-010	296-45-65026	AMD-P	94-15-095
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296-56-60097	AMD-P	94-17-164	296-62-12001	NEW-W	94-07-085	296-104-500	PREP	94-16-037
296-56-60098	AMD-P	94-17-164	296-62-12003	NEW	94-07-086	296-104-500	REP-P	94-17-170
296-56-60235	AMD-P	94-17-164	296-62-12003	REVIEW	94-14-103	296-104-501	PREP	94-16-037
296-59-005	AMD-P	94-11-124	296-62-12005	NEW	94-07-086	296-104-501	REP-P	94-17-170
296-59-005	AMD	94-16-145	296-62-12005	REVIEW	94-14-103	296-104-505	PREP	94-16-037
296-59-060	AMD-P	94-17-164	296-62-12007	NEW	94-07-086	296-104-505	REP-P	94-17-170
296-62-020	AMD-P	94-10-010	296-62-12007	REVIEW	94-14-103	296-115-015	AMD-P	94-17-164
296-62-020	AMD	94-15-096	296-62-12009	NEW	94-07-086	296-116-185	RESCIND	94-05-005
296-62-05403	AMD-P	94-11-124	296-62-12009	REVIEW	94-14-103	296-116-185	AMD	94-05-006
296-62-05403	AMD	94-16-145	296-62-12011	NEW-W	94-07-085	296-116-300	AMD-P	94-08-056
296-62-05405	AMD-P	94-11-124	296-62-12013	NEW-W	94-07-085	296-116-300	AMD	94-12-044
296-62-05405	AMD	94-16-145	296-62-12015	NEW-W	94-07-085	296-116-500	NEW-P	94-04-119
296-62-05407	AMD-P	94-11-124	296-62-12017	NEW-W	94-07-085	296-116-500	NEW	94-07-079
296-62-05407	AMD	94-16-145	296-62-12019	NEW-W	94-07-085	296-155-001	AMD-P	94-10-010
296-62-05409	AMD-P	94-11-124	296-62-12021	NEW-W	94-07-085	296-155-001	AMD	94-15-096
296-62-05409	AMD	94-16-145	296-62-12023	NEW-W	94-07-085	296-155-006	AMD-P	94-10-010
296-62-05411	AMD-P	94-11-124	296-62-145	AMD-P	94-17-164	296-155-006	AMD	94-15-096
296-62-05411	AMD	94-16-145	296-62-14500	NEW-P	94-17-164	296-155-010	AMD-P	94-10-010
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296-62-07105	AMD-P	94-17-164	296-62-3020	AMD	94-16-145	296-155-150	AMD	94-15-096
296-62-07302	AMD-P	94-10-010	296-62-3040	AMD-P	94-17-164	296-155-160	AMD-P	94-10-010
296-62-07302	AMD	94-15-096	296-62-3060	AMD-P	94-10-010	296-155-160	AMD	94-15-096
296-62-07329	AMD-P	94-10-010	296-62-3060	AMD	94-15-096	296-155-174	AMD-P	94-10-010
296-62-07329	AMD	94-15-096	296-62-3120	AMD-P	94-10-010	296-155-174	AMD	94-15-096
296-62-07337	AMD-P	94-10-010	296-62-3120	AMD	94-15-096	296-155-17621	AMD-P	94-15-094
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296-62-07343	AMD-P	94-10-010	296-62-3140	AMD	94-16-145	296-155-17652	AMD-P	94-15-094
296-62-07343	AMD	94-15-096	296-62-40015	AMD-P	94-10-010	296-155-17654	AMD-P	94-15-094
296-62-07347	AMD-P	94-10-010	296-62-40015	AMD	94-15-096	296-155-180	AMD-P	94-11-124
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296-62-07367	AMD-P	94-15-095	296-62-40025	AMD	94-15-096	296-155-200	AMD-P	94-10-010
296-62-07417	AMD-P	94-15-095	296-78-515	AMD-P	94-15-095	296-155-200	AMD	94-15-096
296-62-07441	AMD-P	94-10-010	296-78-525	AMD-P	94-15-095	296-155-203	AMD-P	94-10-010
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296-62-07540	AMD-P	94-10-010	296-104-010	PREP	94-16-037	296-155-20307	AMD-P	94-10-010
296-62-07540	AMD	94-15-096	296-104-010	AMD-P	94-17-170	296-155-20307	AMD	94-15-096
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296-62-07542	AMD	94-15-096	296-104-050	AMD-P	94-17-170	296-155-212	AMD	94-15-096
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296-155-24510	AMD-P	94-10-010	296-155-625	AMD	94-15-096	296-306-07501	NEW	94-18-067
296-155-24510	AMD-W	94-16-015	296-155-630	AMD-P	94-10-010	296-306-07503	NEW-P	94-12-095
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296-155-260	AMD	94-15-096	296-155-650	AMD	94-15-096	296-306-080	AMD-P	94-12-095
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296-155-325	AMD	94-15-096	296-155-682	AMD	94-15-096	296-306-095	REP-W	94-10-007
296-155-330	AMD-P	94-10-010	296-155-684	AMD-P	94-10-010	296-306-100	REP-W	94-10-007
296-155-330	AMD	94-15-096	296-155-684	AMD	94-15-096	296-306-110	AMD	94-06-068
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296-155-34920	AMD	94-15-096	296-155-691	AMD	94-15-096	296-306-120	AMD	94-06-068
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296-155-360	AMD	94-15-096	296-155-699	AMD	94-15-096	296-306-130	REP-W	94-10-007
296-155-36305	AMD-P	94-10-010	296-155-700	AMD-P	94-10-010	296-306-135	REP-W	94-10-007
296-155-36305	AMD	94-15-096	296-155-700	AMD	94-15-096	296-306-140	REP-W	94-10-007
296-155-36319	AMD-P	94-10-010	296-155-715	AMD-P	94-10-010	296-306-145	AMD-E	94-06-044
296-155-36319	AMD	94-15-096	296-155-715	AMD	94-15-096	296-306-145	REP-W	94-10-007
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296-155-36321	AMD	94-15-096	296-155-730	AMD	94-15-096	296-306-145	AMD-E	94-14-027
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296-155-380	NEW	94-15-096	296-155-775	AMD-P	94-10-010	296-306-14503	NEW-E	94-06-044
296-155-400	AMD-P	94-10-010	296-155-775	AMD	94-15-096	296-306-14503	NEW-P	94-12-095
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296-155-405	AMD-P	94-10-010	296-155-785	AMD	94-15-096	296-306-14503	NEW	94-18-067
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296-155-407	AMD-P	94-17-164	296-155-800	AMD	94-15-096	296-306-14505	NEW-P	94-12-095
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296-155-480	AMD	94-15-096	296-306-012	AMD	94-06-068	296-306-14509	NEW-P	94-12-095
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296-155-48523	AMD	94-15-096	296-306-025	REP-W	94-10-007	296-306-14511	NEW-P	94-12-095
296-155-48531	AMD-P	94-10-010	296-306-030	AMD-W	94-10-007	296-306-14511	NEW-E	94-14-027
296-155-48531	AMD	94-15-096	296-306-045	REP-W	94-10-007	296-306-14511	NEW	94-18-067
296-155-48533	AMD-P	94-10-010	296-306-050	REP-W	94-10-007	296-306-14513	NEW-P	94-12-095
296-155-48533	AMD	94-15-096	296-306-055	REP-W	94-10-007	296-306-14513	NEW	94-18-067
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296-155-505	AMD	94-15-096	296-306-060	AMD-W	94-10-007	296-306-14515	NEW	94-18-067
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296-155-50505	AMD	94-15-096	296-306-061	REP-W	94-10-007	296-306-165	AMD-E	94-06-044
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296-155-545	AMD-P	94-10-010	296-306-061	AMD	94-18-067	296-306-165	AMD-E	94-14-027
296-155-545	AMD	94-15-096	296-306-06101	NEW-P	94-12-095	296-306-165	AMD-W	94-17-068
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296-155-615	AMD	94-15-096	296-306-06107	NEW-P	94-12-095	296-306-170	AMD-W	94-18-066
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296-155-61711	AMD	94-15-096	296-306-065	REP-W	94-10-007	296-306-175	AMD-E	94-14-027
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296-350-040	AMD-P	94-10-010	308-65-070	AMD	94-12-052	308-128D-010	AMD	94-04-050
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296-350-050	AMD-P	94-10-010	308-65-160	AMD	94-12-052	308-128D-040	AMD	94-04-050
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296-350-240	AMD	94-15-096	308-72-665	NEW-P	94-02-076	308-330-300	AMD-C	94-19-057
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296-350-260	AMD-P	94-10-010	308-77-010	AMD	94-11-029	308-330-320	AMD-P	94-14-041
296-350-260	AMD	94-15-096	308-77-060	AMD-P	94-02-075	308-330-320	AMD-C	94-19-057
296-350-280	AMD-P	94-10-010	308-77-060	AMD	94-11-029	308-330-400	AMD-E	94-14-040
296-350-280	AMD	94-15-096	308-77-095	AMD-P	94-02-075	308-330-400	AMD-P	94-14-041
296-350-350	AMD-P	94-10-010	308-77-095	AMD	94-11-029	308-330-400	AMD-C	94-19-057
296-350-350	AMD	94-15-096	308-77-155	NEW-P	94-02-075	308-330-418	NEW-W	94-09-002
296-350-35010	AMD-P	94-10-010	308-77-155	NEW	94-11-029	308-330-425	AMD-E	94-14-040
296-350-35010	AMD	94-15-096	308-77-250	AMD-P	94-02-075	308-330-425	AMD-P	94-14-041
296-350-35055	AMD-P	94-10-010	308-77-250	AMD	94-11-029	308-330-425	AMD-C	94-19-057
296-350-35055	AMD	94-15-096	308-91-030	AMD	94-13-012	314-10-070	NEW-W	94-08-010
296-350-400	AMD-P	94-10-010	308-91-040	AMD	94-13-012	314-10-070	NEW-W	94-08-023
296-350-400	AMD	94-15-096	308-91-050	AMD	94-13-012	314-12-142	NEW-W	94-06-021
296-350-450	AMD-P	94-10-010	308-91-060	AMD	94-13-012	314-12-170	PREP	94-15-076
296-350-450	AMD	94-15-096	308-91-070	REP	94-13-012	314-12-185	NEW-P	94-05-094
296-350-460	AMD-P	94-10-010	308-91-090	AMD	94-13-012	314-12-185	NEW-W	94-08-029
296-350-460	AMD	94-15-096	308-91-150	AMD	94-13-012	314-12-190	NEW-P	94-10-066
296-350-470	AMD-P	94-10-010	308-93-073	AMD-W	94-03-018	314-12-190	NEW-W	94-13-125
296-350-470	AMD	94-15-096	308-93-280	AMD-W	94-03-018	314-12-195	NEW-P	94-15-098
296-350-500	AMD-P	94-10-010	308-93-330	AMD-W	94-03-018	314-12-195	NEW	94-18-078
296-350-500	AMD	94-15-096	308-93-630	REP-W	94-03-018	314-16-010	REP-P	94-07-125
296-360-005	AMD-P	94-10-010	308-96A-005	AMD-P	94-13-123	314-16-010	REP	94-10-035
296-360-005	AMD	94-15-096	308-96A-005	AMD	94-17-044	314-16-050	AMD-P	94-05-096
296-360-040	AMD-P	94-10-010	308-96A-027	NEW-P	94-13-028	314-16-050	AMD	94-08-031
296-360-040	AMD	94-15-096	308-96A-035	PREP	94-18-043	314-16-111	NEW-P	94-10-067
296-360-050	AMD-P	94-10-010	308-96A-175	AMD-P	94-13-123	314-16-111	NEW	94-13-128
296-360-050	AMD	94-15-096	308-96A-175	AMD	94-17-044	314-16-150	AMD-P	94-05-093
296-360-080	AMD-P	94-10-010	308-97-010	REP-P	94-13-028	314-16-150	AMD	94-08-030
296-360-080	AMD	94-15-096	308-97-060	REP-P	94-13-028	314-16-199	NEW-P	94-10-004
296-360-090	AMD-P	94-10-010	308-97-090	REP-P	94-13-028	314-16-199	NEW	94-13-127
296-360-090	AMD	94-15-096	308-97-125	REP-P	94-13-028	314-24-230	AMD-P	94-07-124
296-360-140	AMD-P	94-10-010	308-97-175	REP-P	94-13-028	314-24-230	AMD	94-10-034
296-360-140	AMD	94-15-096	308-97-205	REP-P	94-13-028	314-25-010	NEW-P	94-05-095
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308-12-083	PREP	94-19-010	308-124A-025	PREP	94-17-157	314-25-020	NEW	94-08-032
308-13-150	AMD	94-04-044	308-124A-110	PREP	94-17-157	314-25-030	NEW-P	94-05-095
308-13-150	PREP	94-17-017	308-124A-422	PREP	94-17-157	314-25-030	NEW	94-08-032
308-13-150	AMD-P	94-19-056	308-124A-422	PREP	94-17-157	314-25-040	NEW-P	94-05-095
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314-60-010	AMD	94-03-060	315-11A-129	NEW-P	94-12-082	317-21-430	NEW-P	94-17-169
314-60-020	AMD	94-03-060	315-11A-129	NEW	94-15-049	317-21-440	NEW-P	94-17-169
314-60-030	AMD	94-03-060	315-11A-130	NEW-P	94-12-082	317-21-450	NEW-P	94-17-169
314-60-080	AMD	94-03-060	315-11A-130	NEW	94-15-049	317-21-460	NEW-P	94-17-169
314-60-105	AMD	94-03-060	315-11A-130	AMD-P	93-19-059	317-21-900	NEW-P	94-17-169
314-60-110	AMD	94-03-060	315-11A-131	NEW-P	94-16-121	317-21-910	NEW-P	94-17-169
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314-64-060	REP	94-14-021	315-11A-132	NEW-P	94-16-121	317-40-010	NEW-P	94-12-093
314-64-080	AMD-P	94-11-086	315-11A-132	NEW	94-19-063	317-40-010	NEW	94-16-076
314-64-080	AMD	94-14-022	315-11A-133	NEW-P	93-19-059	317-40-020	NEW-P	94-12-093
315-02-120	REP	94-03-020	315-11A-134	NEW-P	93-19-059	317-40-020	NEW	94-16-076
315-04-180	AMD	94-03-020	315-11A-135	NEW-P	93-19-059	317-40-030	NEW-P	94-12-093
315-04-180	AMD-P	94-07-116	315-30-030	AMD	94-03-020	317-40-030	NEW	94-16-076
315-04-180	AMD	94-11-027	315-34-040	AMD-P	94-03-099	317-40-040	NEW-P	94-12-093
315-04-200	PREP	94-14-058	315-34-040	AMD	94-07-029	317-40-040	NEW	94-16-076
315-04-200	PREP	94-17-147	317-20	PREP	94-12-025	317-40-050	NEW-P	94-12-093
315-04-200	AMD-P	94-19-059	317-20-010	REP-P	94-17-169	317-40-050	NEW	94-16-076
315-04-210	AMD	94-03-020	317-20-020	REP-P	94-17-169	317-40-060	NEW-P	94-12-093
315-04-210	AMD-P	94-07-116	317-20-025	REP-P	94-17-169	317-40-060	NEW	94-16-076
315-04-210	AMD	94-11-027	317-20-030	REP-P	94-17-169	317-40-065	NEW-P	94-12-093
315-06-035	AMD	94-03-020	317-20-040	REP-P	94-17-169	317-40-065	NEW	94-16-076
315-06-120	AMD-P	94-12-082	317-20-040	REP-P	94-17-169	317-40-070	NEW-P	94-12-093
315-06-120	AMD-C	94-16-122	317-20-055	REP-P	94-17-169	317-40-070	NEW	94-16-076
315-06-120	AMD	94-19-062	317-20-060	REP-P	94-17-169	317-40-080	NEW-P	94-12-093
315-06-130	AMD-P	94-12-082	317-20-065	REP-P	94-17-169	317-40-080	NEW	94-16-076
315-06-130	AMD-C	94-16-122	317-20-066	REP-P	94-17-169	317-40-085	NEW-P	94-12-093
315-06-130	AMD	94-19-062	317-20-070	REP-P	94-17-169	317-40-085	NEW	94-16-076
315-06-140	REP	94-03-020	317-20-080	REP-P	94-17-169	317-40-090	NEW-P	94-12-093
315-06-150	REP	94-03-020	317-20-090	REP-P	94-17-169	317-40-090	NEW	94-16-076
315-06-160	REP	94-03-020	317-20-100	REP-P	94-17-169	317-40-100	NEW-P	94-12-093
315-06-170	AMD	94-03-020	317-20-110	REP-P	94-17-169	317-40-100	NEW	94-16-076
315-06-180	REP	94-03-020	317-20-120	REP-P	94-17-169	317-40-110	NEW-P	94-12-093
315-06-190	AMD	94-03-020	317-20-130	REP-P	94-17-169	317-40-110	NEW	94-16-076
315-10-030	AMD	94-03-020	317-20-140	REP-P	94-17-169	317-40-120	NEW-P	94-12-093
315-10-060	AMD	94-03-020	317-20-150	REP-P	94-17-169	317-40-120	NEW	94-16-076
315-10-080	AMD	94-03-020	317-20-155	REP-P	94-17-169	317-40-130	NEW-P	94-12-093
315-11A-114	NEW	94-03-019	317-20-160	REP-P	94-17-169	317-40-130	NEW	94-16-076
315-11A-115	NEW	94-03-019	317-20-165	REP-P	94-17-169	317-40-140	NEW-P	94-12-093
315-11A-116	NEW	94-03-019	317-20-170	REP-P	94-17-169	317-40-140	NEW	94-16-076
315-11A-117	NEW	94-03-019	317-20-180	REP-P	94-17-169	317-40-150	NEW-P	94-12-093
315-11A-117	AMD-P	94-07-116	317-20-190	REP-P	94-17-169	317-40-150	NEW	94-16-076
315-11A-117	AMD	94-11-027	317-20-200	REP-P	94-17-169	317-40-900	NEW-P	94-12-093
315-11A-118	NEW-P	94-03-099	317-20-210	REP-P	94-17-169	317-40-900	NEW	94-16-076
315-11A-118	NEW	94-07-029	317-20-220	REP-P	94-17-169	317-40-910	NEW-P	94-12-093
315-11A-118	AMD-P	94-12-082	317-20-230	REP-P	94-17-169	317-40-910	NEW	94-16-076
315-11A-118	AMD	94-15-049	317-20-240	REP-P	94-17-169	326-02-030	AMD-P	94-08-107
315-11A-119	NEW-P	94-03-099	317-20-900	REP-P	94-17-169	326-02-030	AMD	94-11-116
315-11A-119	NEW	94-07-029	317-20-999	REP-P	94-17-169	326-02-030	AMD-P	94-17-177
315-11A-119	AMD-P	94-12-082	317-21-010	NEW-P	94-17-169	326-02-030	PREP	94-17-178
315-11A-119	AMD	94-15-049	317-21-020	NEW-P	94-17-169	326-02-030	AMD-E	94-18-109
315-11A-120	NEW-P	94-03-099	317-21-030	NEW-P	94-17-169	326-02-034	NEW	94-11-113
315-11A-120	NEW	94-07-029	317-21-040	NEW-P	94-17-169	326-02-050	AMD-P	94-08-107
315-11A-120	AMD-P	94-12-082	317-21-050	NEW-P	94-17-169	326-02-050	AMD	94-11-117
315-11A-120	AMD	94-15-049	317-21-060	NEW-P	94-17-169	326-20-120	AMD-P	94-08-108
315-11A-121	NEW-P	94-03-099	317-21-070	NEW-P	94-17-169	326-20-120	AMD	94-11-114
315-11A-121	NEW	94-07-029	317-21-100	NEW-P	94-17-169	326-20-125	AMD-P	94-08-108
315-11A-122	NEW-P	94-07-116	317-21-110	NEW-P	94-17-169	326-20-125	AMD	94-11-115
315-11A-122	NEW	94-11-027	317-21-120	NEW-P	94-17-169	326-30-041	AMD	94-03-068
315-11A-122	PREP	94-14-058	317-21-130	NEW-P	94-17-169	326-30-041	AMD-E	94-16-064
315-11A-122	AMD-P	94-16-121	317-21-140	NEW-P	94-17-169	326-30-051	AMD	94-07-064
315-11A-122	AMD	94-19-063	317-21-200	NEW-P	94-17-169	326-40-030	AMD-P	94-08-109
315-11A-123	NEW-P	94-07-116	317-21-210	NEW-P	94-17-169	326-40-030	AMD	94-11-118
315-11A-123	NEW	94-11-027	317-21-220	NEW-P	94-17-169	326-40-040	AMD-S	94-08-110
315-11A-124	NEW-P	94-07-116	317-21-230	NEW-P	94-17-169	326-40-040	AMD	94-11-119
315-11A-124	NEW	94-11-027	317-21-240	NEW-P	94-17-169	326-40-060	AMD	94-07-064
315-11A-125	NEW-P	94-07-116	317-21-250	NEW-P	94-17-169	326-40-060	AMD-E	94-17-056
315-11A-125	NEW	94-11-027	317-21-260	NEW-P	94-17-169	332-18	AMD-P	94-09-062
315-11A-126	NEW-P	94-07-116	317-21-270	NEW-P	94-17-169	332-18	AMD	94-14-051
315-11A-126	NEW	94-11-027	317-21-300	NEW-P	94-17-169	332-18-010	AMD-P	94-09-062
315-11A-127	NEW-P	94-12-082	317-21-310	NEW-P	94-17-169	332-18-010	AMD	94-14-051
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332-18-01002	NEW	94-14-051	332-120-020	AMD	94-06-034	352-65-020	AMD	94-04-076
332-18-01003	NEW-P	94-09-062	332-120-030	AMD	94-06-034	352-65-030	AMD	94-04-076
332-18-01003	NEW	94-14-051	332-120-040	AMD	94-06-034	352-65-040	AMD	94-04-076
332-18-01004	NEW-P	94-09-062	332-120-050	AMD	94-06-034	352-65-060	AMD	94-04-076
332-18-01004	NEW	94-14-051	332-120-060	NEW	94-06-034	352-68-010	NEW-P	94-18-075
332-18-01005	NEW-P	94-09-062	332-120-070	NEW	94-06-034	352-68-020	NEW-P	94-18-075
332-18-01005	NEW	94-14-051	352-28	AMD-P	94-06-049	352-68-030	NEW-P	94-18-075
332-18-015	REP-P	94-09-062	352-28	AMD	94-10-012	352-68-040	NEW-P	94-18-075
332-18-015	REP	94-14-051	352-28-005	AMD-P	94-06-049	352-68-050	NEW-P	94-18-075
332-18-020	REP-P	94-09-062	352-28-005	AMD	94-10-012	352-68-060	NEW-P	94-18-075
332-18-020	REP	94-14-051	352-28-010	AMD-P	94-06-049	352-68-070	NEW-P	94-18-075
332-18-030	REP-P	94-09-062	352-28-010	AMD	94-10-012	352-68-080	NEW-P	94-18-075
332-18-030	REP	94-14-051	352-32-010	AMD-P	94-03-097	352-68-090	NEW-P	94-18-075
332-18-040	REP-P	94-09-062	352-32-010	AMD-C	94-06-010	352-68-100	NEW-P	94-18-075
332-18-040	REP	94-14-051	352-32-010	AMD	94-08-036	352-68-110	NEW-P	94-18-075
332-18-050	AMD-P	94-09-062	352-32-010	AMD-P	94-18-077	352-68-120	NEW-P	94-18-075
332-18-050	AMD	94-14-051	352-32-030	AMD-P	94-18-077	352-68-130	NEW-P	94-18-075
332-18-05001	NEW-P	94-09-062	352-32-036	AMD-P	94-18-077	352-74-020	AMD-P	94-18-076
332-18-05001	NEW	94-14-051	352-32-045	AMD-P	94-03-097	352-74-040	AMD-P	94-03-089
332-18-05002	NEW-P	94-09-062	352-32-045	AMD-C	94-06-010	352-74-040	AMD-C	94-06-020
332-18-05002	NEW	94-14-051	352-32-045	AMD	94-08-036	352-74-040	AMD	94-08-005
332-18-05003	NEW-P	94-09-062	352-32-045	AMD-P	94-18-077	352-74-040	AMD-P	94-18-076
332-18-05003	NEW	94-14-051	352-32-195	AMD-P	94-12-064	352-74-045	NEW-P	94-18-076
332-18-05004	NEW-P	94-09-062	352-32-195	AMD	94-16-026	352-74-060	AMD-P	94-18-076
332-18-05004	NEW	94-14-051	352-32-210	AMD-P	94-10-069	352-74-070	AMD-P	94-18-076
332-18-05005	NEW-P	94-09-062	352-32-210	AMD	94-13-081	352-76-010	NEW-P	94-10-070
332-18-05005	NEW	94-14-051	352-32-250	AMD-P	94-03-097	352-76-010	NEW	94-13-082
332-18-05006	NEW-P	94-09-062	352-32-250	AMD-C	94-06-010	352-76-020	NEW-P	94-10-070
332-18-05006	NEW	94-14-051	352-32-250	AMD	94-08-036	352-76-020	NEW	94-13-082
332-18-05007	NEW-P	94-09-062	352-32-250	AMD-E	94-09-009	352-76-030	NEW-P	94-10-070
332-18-05007	NEW	94-14-051	352-32-250	AMD-P	94-10-048	352-76-030	NEW	94-13-082
332-18-05008	NEW-P	94-09-062	352-32-250	AMD	94-13-080	352-76-040	NEW-P	94-10-070
332-18-05008	NEW	94-14-051	352-32-250	AMD-P	94-18-077	352-76-040	NEW	94-13-082
332-18-05009	NEW-P	94-09-062	352-32-25001	AMD	94-04-075	352-76-050	NEW-P	94-10-070
332-18-05009	NEW	94-14-051	352-32-252	AMD-P	94-03-097	352-76-050	NEW	94-13-082
332-18-060	REP-P	94-09-062	352-32-252	AMD-C	94-06-010	352-76-060	NEW-P	94-10-070
332-18-060	REP	94-14-051	352-32-252	AMD	94-08-036	352-76-060	NEW	94-13-082
332-18-070	REP-P	94-09-062	352-32-255	AMD-P	94-03-097	352-76-076	NEW-P	94-10-070
332-18-070	REP	94-14-051	352-32-255	AMD-C	94-06-010	352-76-076	NEW	94-13-082
332-18-080	REP-P	94-09-062	352-32-255	AMD	94-08-036	352-76-080	NEW-P	94-10-070
332-18-080	REP	94-14-051	352-32-305	NEW-P	94-18-077	352-76-080	NEW	94-13-082
332-18-090	REP-P	94-09-062	352-32-320	NEW-P	94-03-097	356-05-477	NEW	94-04-011
332-18-090	REP	94-14-051	352-32-320	NEW-C	94-06-010	356-05-479	NEW	94-04-011
332-18-100	REP-P	94-09-062	352-32-320	NEW	94-08-036	356-06-045	NEW	94-04-011
332-18-100	REP	94-14-051	352-60	AMD-P	94-12-065	356-09	NEW-C	94-04-086
332-18-110	REP-P	94-09-062	352-60	AMD	94-16-027	356-09-010	REP-W	94-04-010
332-18-110	REP	94-14-051	352-60-010	AMD-P	94-12-065	356-09-020	REP-W	94-04-010
332-18-120	AMD-P	94-09-062	352-60-010	AMD	94-16-027	356-09-030	REP-W	94-04-010
332-18-120	AMD	94-14-051	352-60-020	AMD-P	94-12-065	356-09-040	REP-W	94-04-010
332-18-130	AMD-P	94-09-062	352-60-020	AMD	94-16-027	356-09-050	REP-W	94-04-010
332-18-130	AMD	94-14-051	352-60-030	AMD-P	94-12-065	356-10-020	AMD-P	94-12-060
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388-33-080	REP	94-10-065	388-33-450	REP-P	94-07-114	388-38-285	REP	94-10-065
388-33-085	REP-P	94-07-114	388-33-450	REP	94-10-065	388-38-290	REP-P	94-07-114
388-33-085	REP	94-10-065	388-33-453	REP-P	94-07-114	388-38-290	REP	94-10-065
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388-33-090	REP	94-10-065	388-33-455	REP-P	94-07-114	388-38-295	REP	94-10-065
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388-33-120	REP	94-10-065	388-33-459	REP-P	94-07-114	388-44-035	REP	94-05-045
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388-33-125	REP	94-10-065	388-33-460	REP-P	94-07-114	388-44-050	REP	94-05-045
388-33-135	REP-P	94-07-114	388-33-460	REP	94-10-065	388-44-110	REP	94-05-045
388-33-135	REP	94-10-065	388-33-525	REP-P	94-07-114	388-44-115	REP	94-05-045
388-33-140	REP-P	94-07-114	388-33-525	REP	94-10-065	388-44-120	REP	94-05-045
388-33-140	REP	94-10-065	388-33-535	REP-P	94-07-114	388-44-125	REP	94-05-045
388-33-165	REP-P	94-07-114	388-33-535	REP	94-10-065	388-44-127	REP	94-05-045
388-33-165	REP	94-10-065	388-33-545	REP-P	94-07-114	388-44-140	REP	94-05-045
388-33-170	REP-P	94-07-114	388-33-545	REP	94-10-065	388-44-145	REP	94-05-045
388-33-170	REP	94-10-065	388-33-550	REP-P	94-07-114	388-44-150	REP	94-05-045
388-33-190	REP-P	94-07-114	388-33-550	REP	94-10-065	388-44-160	REP	94-05-045
388-33-190	REP	94-10-065	388-33-576	REP-P	94-07-114	388-44-250	REP	94-05-045
388-33-195	REP-P	94-07-114	388-33-576	REP	94-10-065	388-44-280	REP	94-05-045
388-33-195	REP	94-10-065	388-33-579	REP-P	94-07-114	388-44-330	REP	94-05-045
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388-33-230	REP	94-10-065	388-33-585	REP-P	94-07-114	388-49-015	AMD	94-13-203
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388-33-444	REP	94-10-065	388-38-260	REP-P	94-07-114	388-49-430	PREP	94-18-026
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388-88-110	REP-P	94-18-012	388-95-320	REP-P	94-07-114	388-96-737	AMD	94-12-043
388-88-115	REP-P	94-18-012	388-95-320	REP	94-10-065	388-96-745	AMD-P	94-07-109
388-88-119	REP-P	94-18-012	388-95-335	REP-P	94-07-114	388-96-745	AMD	94-12-043
388-88-125	REP-P	94-18-012	388-95-335	REP	94-10-065	388-96-753	NEW-P	94-07-109
388-88-135	REP-P	94-18-012	388-95-337	AMD-P	94-05-025	388-96-753	NEW	94-12-043
388-88-150	REP-P	94-18-012	388-95-337	REP-P	94-07-114	388-96-754	AMD-P	94-07-109
388-88-155	REP-P	94-18-012	388-95-337	AMD	94-07-130	388-96-754	AMD	94-12-043
388-88-170	REP-P	94-18-012	388-95-337	REP	94-10-065	388-96-763	AMD-P	94-07-109
388-88-180	REP-P	94-18-012	388-95-340	REP-P	94-07-114	388-96-763	AMD	94-12-043
388-88-190	REP-P	94-18-012	388-95-340	AMD-E	94-08-041	388-96-774	AMD-P	94-07-109
388-92-005	REP-P	94-07-114	388-95-340	AMD-P	94-08-042	388-96-774	AMD	94-12-043
388-92-005	REP	94-10-065	388-95-340	REP	94-10-065	388-96-774	AMD	94-14-016
388-92-015	REP-P	94-07-114	388-95-340	AMD-W	94-11-060	388-96-776	NEW-P	94-07-109
388-92-015	REP	94-10-065	388-95-340	RESCIND	94-11-062	388-96-776	NEW	94-12-043
388-92-025	REP-P	94-07-114	388-95-360	REP-P	94-07-114	388-96-777	NEW-P	94-07-109
388-92-025	REP	94-10-065	388-95-360	AMD-E	94-08-043	388-96-777	NEW	94-12-043
388-92-027	REP-P	94-07-114	388-95-360	AMD-P	94-08-044	388-96-904	AMD-P	94-07-109
388-92-027	REP	94-10-065	388-95-360	REP	94-10-065	388-96-904	AMD	94-12-043
388-92-030	REP-P	94-07-114	388-95-360	AMD-W	94-11-059	388-97	NEW-C	94-18-010
388-92-030	REP	94-10-065	388-95-360	RESCIND	94-11-063	388-97-005	NEW-P	94-13-052
388-92-034	REP-P	94-07-114	388-95-380	REP-P	94-07-114	388-97-005	NEW	94-19-041
388-92-034	REP	94-10-065	388-95-380	REP	94-10-065	388-97-010	NEW-P	94-13-052
388-92-036	REP-P	94-07-114	388-95-390	REP-P	94-07-114	388-97-010	NEW	94-19-041
388-92-036	AMD-E	94-08-041	388-95-390	REP	94-10-065	388-97-015	NEW-P	94-13-052
388-92-036	AMD-P	94-08-042	388-95-395	REP-P	94-07-114	388-97-015	NEW	94-19-041
388-92-036	REP	94-10-065	388-95-395	REP	94-10-065	388-97-020	NEW-P	94-13-052
388-92-036	AMD-W	94-11-060	388-95-400	REP-P	94-07-114	388-97-020	NEW	94-19-041
388-92-036	RESCIND	94-11-062	388-95-400	REP	94-10-065	388-97-025	NEW-P	94-13-052
388-92-040	REP-P	94-07-114	388-96-010	AMD-P	94-07-109	388-97-025	NEW	94-19-041
388-92-040	REP	94-10-065	388-96-010	AMD	94-12-043	388-97-030	NEW-P	94-13-052
388-92-041	AMD-E	94-05-027	388-96-113	AMD-P	94-07-109	388-97-030	NEW	94-19-041
388-92-041	AMD-P	94-05-028	388-96-113	AMD	94-12-043	388-97-035	NEW-P	94-13-052
388-92-041	REP-P	94-07-114	388-96-134	AMD-P	94-07-109	388-97-035	NEW	94-19-041
388-92-041	AMD	94-07-131	388-96-134	AMD	94-12-043	388-97-040	NEW-P	94-13-052
388-92-041	REP	94-10-065	388-96-217	AMD-P	94-07-109	388-97-040	NEW	94-19-041
388-92-045	REP-P	94-07-114	388-96-217	AMD	94-12-043	388-97-045	NEW-P	94-13-052
388-92-045	REP	94-10-065	388-96-221	AMD-P	94-07-109	388-97-045	NEW	94-19-041
388-92-050	REP-P	94-07-114	388-96-221	AMD	94-12-043	388-97-050	NEW-P	94-13-052
388-92-050	REP	94-10-065	388-96-226	AMD-P	94-07-109	388-97-050	NEW	94-19-041
388-93-005	REP-P	94-07-114	388-96-226	AMD	94-12-043	388-97-055	NEW-P	94-13-052
388-93-005	REP	94-10-065	388-96-228	AMD-P	94-07-109	388-97-055	NEW	94-19-041
388-93-010	REP-P	94-07-114	388-96-228	AMD	94-12-043	388-97-060	NEW-P	94-13-052
388-93-010	REP	94-10-065	388-96-525	AMD-P	94-07-109	388-97-060	NEW	94-19-041
388-93-015	REP-P	94-07-114	388-96-525	AMD	94-12-043	388-97-065	NEW-P	94-13-052
388-93-015	REP	94-10-065	388-96-533	AMD-P	94-07-109	388-97-065	NEW	94-19-041
388-93-020	REP-P	94-07-114	388-96-533	AMD	94-12-043	388-97-070	NEW-P	94-13-052
388-93-020	REP	94-10-065	388-96-534	AMD-P	94-07-109	388-97-070	NEW	94-19-041
388-93-025	REP-P	94-07-114	388-96-534	AMD	94-12-043	388-97-075	NEW-P	94-13-052
388-93-025	REP	94-10-065	388-96-559	AMD-P	94-07-109	388-97-075	NEW	94-19-041
388-93-030	REP-P	94-07-114	388-96-559	AMD	94-12-043	388-97-080	NEW-P	94-13-052
388-93-030	REP	94-10-065	388-96-565	AMD-P	94-07-109	388-97-080	NEW	94-19-041
388-93-035	REP-P	94-07-114	388-96-565	AMD	94-12-043	388-97-085	NEW-P	94-13-052
388-93-035	REP	94-10-065	388-96-585	AMD-P	94-07-109	388-97-085	NEW	94-19-041

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-200-1200	NEW-P	94-07-114	388-215-1200	NEW-P	94-07-114	388-215-1620	NEW-P	94-07-114
388-200-1200	NEW	94-10-065	388-215-1200	NEW	94-10-065	388-215-1620	NEW	94-10-065
388-200-1250	NEW-P	94-07-114	388-215-1225	NEW-P	94-07-114	388-215-1620	PREP	94-17-158
388-200-1250	NEW	94-10-065	388-215-1225	NEW	94-10-065	388-215-1620	AMD-P	94-19-099
388-210-1000	NEW-P	94-07-114	388-215-1230	NEW-P	94-07-114	388-215-1650	NEW-P	94-07-114
388-210-1000	NEW	94-10-065	388-215-1230	NEW	94-10-065	388-215-1650	NEW	94-10-065
388-210-1010	NEW-P	94-07-114	388-215-1245	NEW-P	94-07-114	388-216-2000	NEW-P	94-07-114
388-210-1010	NEW	94-10-065	388-215-1245	NEW	94-10-065	388-216-2000	NEW	94-10-065
388-210-1020	NEW-P	94-07-114	388-215-1300	NEW-P	94-07-114	388-216-2050	NEW-P	94-07-114
388-210-1020	NEW	94-10-065	388-215-1300	NEW	94-10-065	388-216-2050	NEW	94-10-065
388-210-1050	NEW-P	94-07-114	388-215-1320	NEW-P	94-07-114	388-216-2075	NEW-P	94-07-114
388-210-1050	NEW	94-10-065	388-215-1320	NEW	94-10-065	388-216-2075	NEW	94-10-065
388-210-1100	NEW-P	94-07-114	388-215-1325	NEW-P	94-07-114	388-216-2100	NEW-P	94-07-114
388-210-1100	NEW	94-10-065	388-215-1325	NEW	94-10-065	388-216-2100	NEW	94-10-065
388-210-1200	NEW-P	94-07-114	388-215-1330	NEW-P	94-07-114	388-216-2150	NEW-P	94-07-114
388-210-1200	NEW	94-10-065	388-215-1330	NEW	94-10-065	388-216-2150	NEW	94-10-065
388-210-1220	NEW-P	94-07-114	388-215-1335	NEW-P	94-07-114	388-216-2200	NEW-P	94-07-114
388-210-1220	NEW	94-10-065	388-215-1335	NEW	94-10-065	388-216-2200	NEW	94-10-065
388-210-1230	NEW-P	94-07-114	388-215-1340	NEW-P	94-07-114	388-216-2250	NEW-P	94-07-114
388-210-1230	NEW	94-10-065	388-215-1340	NEW	94-10-065	388-216-2250	NEW	94-10-065
388-210-1250	NEW-P	94-07-114	388-215-1345	NEW-P	94-07-114	388-216-2300	NEW-P	94-07-114
388-210-1250	NEW	94-10-065	388-215-1345	NEW	94-10-065	388-216-2300	NEW	94-10-065
388-210-1300	NEW-P	94-07-114	388-215-1350	NEW-P	94-07-114	388-216-2350	NEW-P	94-07-114
388-210-1300	NEW	94-10-065	388-215-1350	NEW	94-10-065	388-216-2350	NEW	94-10-065
388-210-1310	NEW-P	94-07-114	388-215-1355	NEW-P	94-07-114	388-216-2450	NEW-P	94-07-114
388-210-1310	NEW	94-10-065	388-215-1355	NEW	94-10-065	388-216-2450	NEW	94-10-065
388-210-1320	NEW-P	94-07-114	388-215-1360	NEW-P	94-07-114	388-216-2500	NEW-P	94-07-114
388-210-1320	NEW	94-10-065	388-215-1360	NEW	94-10-065	388-216-2500	NEW	94-10-065
388-210-1330	NEW-P	94-07-114	388-215-1365	NEW-P	94-07-114	388-216-2550	NEW-P	94-07-114
388-210-1330	NEW	94-10-065	388-215-1365	NEW	94-10-065	388-216-2550	NEW	94-10-065
388-210-1340	NEW-P	94-07-114	388-215-1370	NEW-P	94-07-114	388-216-2560	NEW-P	94-07-114
388-210-1340	NEW	94-10-065	388-215-1370	NEW	94-10-065	388-216-2560	NEW	94-10-065
388-210-1350	NEW-P	94-07-114	388-215-1375	NEW-P	94-07-114	388-216-2570	NEW-P	94-07-114
388-210-1350	NEW	94-10-065	388-215-1375	NEW	94-10-065	388-216-2570	NEW	94-10-065
388-210-1400	NEW-P	94-07-114	388-215-1380	NEW-P	94-07-114	388-216-2580	NEW-P	94-07-114
388-210-1400	NEW	94-10-065	388-215-1380	NEW	94-10-065	388-216-2580	NEW	94-10-065
388-210-1410	NEW-P	94-07-114	388-215-1385	NEW-P	94-07-114	388-216-2590	NEW-P	94-07-114
388-210-1410	NEW	94-10-065	388-215-1385	NEW	94-10-065	388-216-2590	NEW	94-10-065
388-210-1420	NEW-P	94-07-114	388-215-1390	NEW-P	94-07-114	388-216-2600	NEW-P	94-07-114
388-210-1420	NEW	94-10-065	388-215-1390	NEW	94-10-065	388-216-2600	NEW	94-10-065
388-212-1000	NEW-P	94-07-114	388-215-1400	NEW-P	94-07-114	388-216-2650	NEW-P	94-07-114
388-212-1000	NEW	94-10-065	388-215-1400	NEW	94-10-065	388-216-2650	NEW	94-10-065
388-212-1050	NEW-P	94-07-114	388-215-1410	NEW-P	94-07-114	388-216-2800	NEW-P	94-07-114
388-212-1050	NEW	94-10-065	388-215-1410	NEW	94-10-065	388-216-2800	NEW	94-10-065
388-212-1100	NEW-P	94-07-114	388-215-1420	NEW-P	94-07-114	388-216-2850	NEW-P	94-07-114
388-212-1100	NEW	94-10-065	388-215-1420	NEW	94-10-065	388-216-2850	NEW	94-10-065
388-212-1140	NEW-P	94-07-114	388-215-1430	NEW-P	94-07-114	388-216-2900	NEW-P	94-07-114
388-212-1140	NEW	94-10-065	388-215-1430	NEW	94-10-065	388-216-2900	NEW	94-10-065
388-212-1150	NEW-P	94-07-114	388-215-1440	NEW-P	94-07-114	388-217-3000	NEW	94-04-043
388-212-1150	NEW	94-10-065	388-215-1440	NEW	94-10-065	388-217-3050	NEW	94-04-043
388-212-1200	NEW-P	94-07-114	388-215-1450	NEW-P	94-07-114	388-217-3100	NEW	94-04-043
388-212-1200	NEW	94-10-065	388-215-1450	NEW	94-10-065	388-217-3150	NEW	94-04-043
388-212-1250	NEW-P	94-07-114	388-215-1460	NEW-P	94-07-114	388-217-3150	AMD-P	94-13-054
388-212-1250	NEW	94-10-065	388-215-1460	NEW	94-10-065	388-217-3150	AMD-E	94-13-055
388-215-1000	NEW-P	94-07-114	388-215-1470	NEW-P	94-07-114	388-217-3150	AMD	94-16-046
388-215-1000	NEW	94-10-065	388-215-1470	NEW	94-10-065	388-217-3200	NEW	94-04-043
388-215-1025	NEW-P	94-07-114	388-215-1480	NEW-P	94-07-114	388-217-3250	NEW	94-04-043
388-215-1025	NEW	94-10-065	388-215-1480	NEW	94-10-065	388-217-3300	NEW	94-04-043
388-215-1050	NEW-P	94-07-114	388-215-1490	NEW-P	94-07-114	388-217-3350	NEW	94-04-043
388-215-1050	NEW	94-10-065	388-215-1490	NEW	94-10-065	388-218-1010	NEW-P	94-07-114
388-215-1060	NEW-P	94-07-114	388-215-1500	NEW-P	94-07-114	388-218-1010	NEW	94-10-065
388-215-1060	NEW	94-10-065	388-215-1500	NEW	94-10-065	388-218-1010	AMD-P	94-13-008
388-215-1070	NEW-P	94-07-114	388-215-1520	NEW-P	94-07-114	388-218-1010	AMD-E	94-13-009
388-215-1070	NEW	94-10-065	388-215-1520	NEW	94-10-065	388-218-1010	AMD	94-16-044
388-215-1080	NEW-P	94-07-114	388-215-1540	NEW-P	94-07-114	388-218-1050	NEW-P	94-07-114
388-215-1080	NEW	94-10-065	388-215-1540	NEW	94-10-065	388-218-1050	NEW	94-10-065
388-215-1100	NEW-P	94-07-114	388-215-1560	NEW-P	94-07-114	388-218-1050	AMD-P	94-13-008
388-215-1100	NEW	94-10-065	388-215-1560	NEW	94-10-065	388-218-1050	AMD-E	94-13-009
388-215-1100	PREP	94-15-031	388-215-1600	NEW-P	94-07-114	388-218-1050	AMD	94-16-044
388-215-1110	NEW-P	94-07-114	388-215-1600	NEW	94-10-065	388-218-1100	NEW-P	94-07-114
388-215-1110	NEW	94-10-065	388-215-1610	NEW-P	94-07-114	388-218-1100	NEW	94-10-065
388-215-1120	NEW-P	94-07-114	388-215-1610	NEW	94-10-065	388-218-1110	NEW-P	94-07-114
388-215-1120	NEW	94-10-065	388-215-1610	PREP	94-17-159	388-218-1110	NEW	94-10-065

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-218-1120	NEW-P	94-07-114	388-218-1600	NEW-P	94-07-114	388-219-2600	NEW	94-10-065
388-218-1120	NEW	94-10-065	388-218-1600	NEW	94-10-065	388-219-3000	NEW-P	94-07-114
388-218-1130	NEW-P	94-07-114	388-218-1605	NEW-P	94-07-114	388-219-3000	NEW	94-10-065
388-218-1130	NEW	94-10-065	388-218-1605	NEW	94-10-065	388-219-3500	NEW-P	94-07-114
388-218-1130	AMD-P	94-13-008	388-218-1610	NEW-P	94-07-114	388-219-3500	NEW	94-10-065
388-218-1130	AMD-E	94-13-009	388-218-1610	NEW	94-10-065	388-225-0010	NEW-P	94-03-051
388-218-1130	AMD	94-16-044	388-218-1620	NEW-P	94-07-114	388-225-0010	NEW	94-06-026
388-218-1140	NEW-P	94-07-114	388-218-1620	NEW	94-10-065	388-225-0020	NEW-P	94-03-051
388-218-1140	NEW	94-10-065	388-218-1630	NEW-P	94-07-114	388-225-0020	NEW	94-06-026
388-218-1200	NEW-P	94-07-114	388-218-1630	NEW	94-10-065	388-225-0050	NEW-P	94-03-051
388-218-1200	NEW	94-10-065	388-218-1640	NEW-P	94-07-114	388-225-0050	NEW	94-06-026
388-218-1200	AMD-P	94-13-008	388-218-1640	NEW	94-10-065	388-225-0060	NEW-P	94-03-051
388-218-1200	AMD-E	94-13-009	388-218-1650	NEW-P	94-07-114	388-225-0060	NEW	94-06-026
388-218-1200	AMD	94-16-044	388-218-1650	NEW	94-10-065	388-225-0070	NEW-P	94-03-051
388-218-1210	NEW-P	94-07-114	388-218-1660	NEW-P	94-07-114	388-225-0070	NEW	94-06-026
388-218-1210	NEW	94-10-065	388-218-1660	NEW	94-10-065	388-225-0080	NEW-P	94-03-051
388-218-1210	AMD-P	94-13-008	388-218-1670	NEW-P	94-07-114	388-225-0080	NEW	94-06-026
388-218-1210	AMD-E	94-13-009	388-218-1670	NEW	94-10-065	388-225-0090	NEW-P	94-03-051
388-218-1210	AMD	94-16-044	388-218-1680	NEW-P	94-07-114	388-225-0090	NEW	94-06-026
388-218-1220	NEW-P	94-07-114	388-218-1680	NEW	94-10-065	388-225-0100	NEW-P	94-03-051
388-218-1220	NEW	94-10-065	388-218-1690	NEW-P	94-07-114	388-225-0100	NEW	94-06-026
388-218-1220	AMD-P	94-13-008	388-218-1690	NEW	94-10-065	388-225-0120	NEW-P	94-03-051
388-218-1220	AMD-E	94-13-009	388-218-1695	NEW-P	94-07-114	388-225-0120	NEW	94-06-026
388-218-1220	AMD	94-16-044	388-218-1695	NEW	94-10-065	388-225-0150	NEW-P	94-03-051
388-218-1230	NEW-P	94-07-114	388-218-1700	NEW-P	94-07-114	388-225-0150	NEW	94-06-026
388-218-1230	NEW	94-10-065	388-218-1700	NEW	94-10-065	388-225-0160	NEW-P	94-03-051
388-218-1230	AMD-P	94-13-008	388-218-1710	NEW-P	94-07-114	388-225-0160	NEW	94-06-026
388-218-1230	AMD-E	94-13-009	388-218-1710	NEW	94-10-065	388-225-0170	NEW-P	94-03-051
388-218-1230	AMD	94-16-044	388-218-1720	NEW-P	94-07-114	388-225-0170	NEW	94-06-026
388-218-1300	NEW-P	94-07-114	388-218-1720	NEW	94-10-065	388-225-0180	NEW-P	94-03-051
388-218-1300	NEW	94-10-065	388-218-1730	NEW-P	94-07-114	388-225-0180	NEW	94-06-026
388-218-1310	NEW-P	94-07-114	388-218-1730	NEW	94-10-065	388-225-0190	NEW-P	94-03-051
388-218-1310	NEW	94-10-065	388-218-1740	NEW-P	94-07-114	388-225-0190	NEW	94-06-026
388-218-1320	NEW-P	94-07-114	388-218-1740	NEW	94-10-065	388-225-0300	NEW-P	94-03-051
388-218-1320	NEW	94-10-065	388-218-1800	NEW-P	94-07-114	388-225-0300	NEW	94-06-026
388-218-1330	NEW-P	94-07-114	388-218-1800	NEW	94-10-065	388-230-0090	AMD-P	94-13-008
388-218-1330	NEW	94-10-065	388-218-1810	NEW-P	94-07-114	388-230-0090	AMD-E	94-13-009
388-218-1340	NEW-P	94-07-114	388-218-1810	NEW	94-10-065	388-230-0090	AMD	94-16-044
388-218-1340	NEW	94-10-065	388-218-1820	NEW-P	94-07-114	388-233-0060	AMD-P	94-13-008
388-218-1350	NEW-P	94-07-114	388-218-1820	NEW	94-10-065	388-233-0060	AMD-E	94-13-009
388-218-1350	NEW	94-10-065	388-218-1830	NEW-P	94-07-114	388-233-0060	AMD	94-16-044
388-218-1360	NEW-P	94-07-114	388-218-1830	NEW	94-10-065	388-233-0070	AMD-P	94-13-008
388-218-1360	NEW	94-10-065	388-218-1900	NEW-P	94-07-114	388-233-0070	AMD-E	94-13-009
388-218-1400	NEW-P	94-07-114	388-218-1900	NEW	94-10-065	388-233-0070	AMD	94-16-044
388-218-1400	NEW	94-10-065	388-218-1910	NEW-P	94-07-114	388-235-0070	AMD-P	94-13-008
388-218-1410	NEW-P	94-07-114	388-218-1910	NEW	94-10-065	388-235-0070	AMD-E	94-13-009
388-218-1410	NEW	94-10-065	388-218-1920	NEW-P	94-07-114	388-235-0070	AMD	94-16-044
388-218-1420	NEW-P	94-07-114	388-218-1920	NEW	94-10-065	388-235-2000	AMD-P	94-13-008
388-218-1420	NEW	94-10-065	388-218-1930	NEW-P	94-07-114	388-235-2000	AMD-E	94-13-009
388-218-1430	NEW-P	94-07-114	388-218-1930	NEW	94-10-065	388-235-2000	AMD	94-16-044
388-218-1430	NEW	94-10-065	388-218-1940	NEW-P	94-07-114	388-235-3000	AMD-P	94-13-008
388-218-1440	NEW-P	94-07-114	388-218-1940	NEW	94-10-065	388-235-3000	AMD-E	94-13-009
388-218-1440	NEW	94-10-065	388-219-0100	NEW-P	94-07-114	388-235-3000	AMD	94-16-044
388-218-1450	NEW-P	94-07-114	388-219-0100	NEW	94-10-065	388-235-7300	AMD-P	94-11-024
388-218-1450	NEW	94-10-065	388-219-0200	NEW-P	94-07-114	388-235-7300	AMD	94-13-202
388-218-1460	NEW-P	94-07-114	388-219-0200	NEW	94-10-065	388-235-7400	NEW-P	94-11-024
388-218-1460	NEW	94-10-065	388-219-1000	NEW-P	94-07-114	388-235-7400	PREP	94-13-202
388-218-1470	NEW-P	94-07-114	388-219-1000	NEW	94-10-065	388-235-9000	NEW	94-16-025
388-218-1470	NEW	94-10-065	388-219-1100	NEW-P	94-07-114	388-245-1000	NEW-P	94-07-114
388-218-1480	NEW-P	94-07-114	388-219-1100	NEW	94-10-065	388-245-1000	NEW	94-10-065
388-218-1480	NEW	94-10-065	388-219-1500	NEW-P	94-07-114	388-245-1150	NEW-P	94-07-114
388-218-1500	NEW-P	94-07-114	388-219-1500	NEW	94-10-065	388-245-1150	NEW	94-10-065
388-218-1500	NEW	94-10-065	388-219-1600	NEW-P	94-07-114	388-245-1160	NEW-P	94-07-114
388-218-1510	NEW-P	94-07-114	388-219-1600	NEW	94-10-065	388-245-1160	NEW	94-10-065
388-218-1510	NEW	94-10-065	388-219-1700	NEW-P	94-07-114	388-245-1170	NEW-P	94-07-114
388-218-1515	NEW-P	94-07-114	388-219-1700	NEW	94-10-065	388-245-1170	NEW	94-10-065
388-218-1515	NEW	94-10-065	388-219-2000	NEW-P	94-07-114	388-245-1210	NEW-P	94-07-114
388-218-1520	NEW-P	94-07-114	388-219-2000	NEW	94-10-065	388-245-1210	NEW	94-10-065
388-218-1520	NEW	94-10-065	388-219-2000	AMD-P	94-10-086	388-245-1300	NEW-P	94-07-114
388-218-1530	NEW-P	94-07-114	388-219-2000	AMD	94-13-050	388-245-1300	NEW	94-10-065
388-218-1530	NEW	94-10-065	388-219-2500	NEW-P	94-07-114	388-245-1310	NEW-P	94-07-114
388-218-1540	NEW-P	94-07-114	388-219-2500	NEW	94-10-065	388-245-1310	NEW	94-10-065
388-218-1540	NEW	94-10-065	388-219-2600	NEW-P	94-07-114	388-245-1315	NEW-P	94-07-114

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-245-1315	NEW	94-10-065	388-250-1650	NEW-P	94-06-035	388-270-1010	NEW	94-05-045
388-245-1320	NEW-P	94-07-114	388-250-1650	NEW	94-09-001	388-270-1025	NEW	94-05-045
388-245-1320	NEW	94-10-065	388-250-1700	NEW-P	94-06-035	388-270-1075	NEW	94-05-045
388-245-1350	NEW-P	94-07-114	388-250-1700	NEW	94-09-001	388-270-1100	NEW	94-05-045
388-245-1350	NEW	94-10-065	388-250-1700	AMD-P	94-12-004	388-270-1110	NEW	94-05-045
388-245-1400	NEW-P	94-07-114	388-250-1700	AMD-E	94-14-004	388-270-1125	NEW	94-05-045
388-245-1400	NEW	94-10-065	388-250-1700	AMD	94-15-003	388-270-1150	NEW	94-05-045
388-245-1410	NEW-P	94-07-114	388-250-1750	NEW-P	94-06-035	388-270-1200	NEW	94-05-045
388-245-1410	NEW	94-10-065	388-250-1750	NEW	94-09-001	388-270-1250	NEW	94-05-045
388-245-1500	NEW-P	94-07-114	388-255-1020	NEW-P	94-06-035	388-270-1300	NEW	94-05-045
388-245-1500	NEW	94-10-065	388-255-1020	NEW	94-09-001	388-270-1400	NEW	94-05-045
388-245-1510	NEW-P	94-07-114	388-255-1050	NEW-P	94-06-035	388-270-1500	NEW	94-05-045
388-245-1510	NEW	94-10-065	388-255-1050	NEW	94-09-001	388-270-1550	NEW	94-05-045
388-245-1520	NEW-P	94-07-114	388-255-1100	NEW-P	94-06-035	388-270-1600	NEW	94-05-045
388-245-1520	NEW	94-10-065	388-255-1100	NEW	94-09-001	388-275-0010	NEW	94-04-033
388-245-1600	NEW-P	94-07-114	388-255-1150	NEW-P	94-06-035	388-275-0020	NEW	94-04-033
388-245-1600	NEW	94-10-065	388-255-1150	NEW	94-09-001	388-275-0030	NEW	94-04-033
388-245-1610	NEW-P	94-07-114	388-255-1200	NEW-P	94-06-035	388-275-0040	NEW	94-04-033
388-245-1610	NEW	94-10-065	388-255-1200	NEW	94-09-001	388-275-0050	NEW	94-04-033
388-245-1700	NEW-P	94-07-114	388-255-1250	NEW-P	94-06-035	388-275-0060	NEW	94-04-033
388-245-1700	NEW	94-10-065	388-255-1250	NEW	94-09-001	388-275-0060	AMD-P	94-13-008
388-245-1710	NEW-P	94-07-114	388-255-1300	NEW-P	94-06-035	388-275-0060	AMD-E	94-13-009
388-245-1710	NEW	94-10-065	388-255-1300	NEW	94-09-001	388-275-0060	AMD	94-16-044
388-245-1715	NEW-P	94-07-114	388-255-1350	NEW-P	94-06-035	388-275-0070	NEW	94-04-033
388-245-1715	NEW	94-10-065	388-255-1350	NEW	94-09-001	388-275-0080	NEW	94-04-033
388-245-1720	NEW-P	94-07-114	388-255-1400	NEW-P	94-06-035	388-275-0090	NEW	94-04-033
388-245-1720	NEW	94-10-065	388-255-1400	NEW	94-09-001	388-320-115	AMD-P	94-13-025
388-245-1730	NEW-P	94-07-114	388-265	PREP	94-15-044	388-320-115	AMD	94-16-047
388-245-1730	NEW	94-10-065	388-265-1010	NEW-P	94-07-114	388-320-130	AMD-P	94-13-025
388-245-1740	NEW-P	94-07-114	388-265-1010	NEW	94-10-065	388-320-130	AMD	94-16-047
388-245-1740	NEW	94-10-065	388-265-1050	NEW-P	94-07-114	388-320-135	AMD-P	94-13-025
388-245-2010	NEW-P	94-07-114	388-265-1050	NEW	94-10-065	388-320-135	AMD	94-16-047
388-245-2010	NEW	94-10-065	388-265-1100	NEW-P	94-07-114	388-320-220	AMD-P	94-13-025
388-245-2020	NEW-P	94-07-114	388-265-1110	NEW	94-10-065	388-320-220	AMD	94-16-047
388-245-2020	NEW	94-10-065	388-265-1150	NEW-P	94-07-114	388-320-240	AMD-P	94-13-025
388-245-2030	NEW-P	94-07-114	388-265-1150	NEW	94-10-065	388-320-240	AMD	94-16-047
388-245-2030	NEW	94-10-065	388-265-1200	NEW-P	94-07-114	388-500-0005	NEW-P	94-07-114
388-245-2040	NEW-P	94-07-114	388-265-1200	NEW	94-10-065	388-500-0005	NEW	94-10-065
388-245-2040	NEW	94-10-065	388-265-1250	NEW-P	94-07-114	388-501-0105	NEW-P	94-07-114
388-245-2050	NEW-P	94-07-114	388-265-1250	NEW	94-10-065	388-501-0105	NEW	94-10-065
388-245-2050	NEW	94-10-065	388-265-1275	NEW-E	94-17-078	388-501-0110	NEW-P	94-07-114
388-250-1010	NEW-P	94-06-035	388-265-1275	NEW-P	94-17-078A	388-501-0110	NEW	94-10-065
388-250-1010	NEW	94-09-001	388-265-1300	NEW-P	94-07-114	388-501-0125	NEW-P	94-07-114
388-250-1050	NEW-P	94-06-035	388-265-1300	NEW	94-10-065	388-501-0125	NEW	94-10-065
388-250-1050	NEW	94-09-001	388-265-1350	NEW-P	94-07-114	388-501-0130	NEW-P	94-07-114
388-250-1100	NEW-P	94-06-035	388-265-1350	NEW	94-10-065	388-501-0130	NEW	94-10-065
388-250-1100	NEW	94-09-001	388-265-1400	NEW-P	94-07-114	388-501-0135	NEW-P	94-07-114
388-250-1150	NEW-P	94-06-035	388-265-1400	NEW	94-10-065	388-501-0135	NEW	94-10-065
388-250-1150	NEW	94-09-001	388-265-1450	NEW-P	94-07-114	388-501-0140	NEW-P	94-07-114
388-250-1200	NEW-P	94-06-035	388-265-1450	NEW	94-10-065	388-501-0140	NEW	94-10-065
388-250-1200	NEW	94-09-001	388-265-1500	NEW-P	94-07-114	388-501-0150	NEW-P	94-07-114
388-250-1250	NEW-P	94-06-035	388-265-1500	NEW	94-10-065	388-501-0150	NEW	94-10-065
388-250-1250	NEW	94-09-001	388-265-1550	NEW-P	94-07-114	388-501-0160	NEW-P	94-07-114
388-250-1250	PREP	94-16-073	388-265-1550	NEW	94-10-065	388-501-0160	NEW	94-10-065
388-250-1250	AMD-E	94-17-081	388-265-1600	NEW-P	94-07-114	388-501-0165	NEW-P	94-07-114
388-250-1250	AMD-P	94-17-082	388-265-1600	NEW	94-10-065	388-501-0165	NEW	94-10-065
388-250-1300	NEW-P	94-06-035	388-265-1650	NEW-P	94-07-114	388-501-0170	NEW-P	94-07-114
388-250-1300	NEW	94-09-001	388-265-1650	NEW	94-10-065	388-501-0170	NEW	94-10-065
388-250-1300	PREP	94-17-132	388-265-1700	NEW-P	94-07-114	388-501-0175	NEW-P	94-07-114
388-250-1300	AMD-P	94-18-047	388-265-1700	NEW	94-10-065	388-501-0175	NEW	94-10-065
388-250-1300	AMD-E	94-18-050	388-265-1750	NEW-P	94-07-114	388-501-0180	NEW-P	94-07-114
388-250-1350	NEW-P	94-06-035	388-265-1750	NEW	94-10-065	388-501-0180	NEW	94-10-065
388-250-1350	NEW	94-09-001	388-265-1800	NEW-P	94-07-114	388-501-0190	NEW-P	94-07-114
388-250-1400	NEW-P	94-06-035	388-265-1800	NEW	94-10-065	388-501-0190	NEW	94-10-065
388-250-1400	NEW	94-09-001	388-265-1850	NEW-P	94-07-114	388-501-0195	NEW-P	94-07-114
388-250-1450	NEW-P	94-06-035	388-265-1850	NEW	94-10-065	388-502-0205	NEW-P	94-07-114
388-250-1450	NEW	94-09-001	388-265-1900	NEW-P	94-07-114	388-502-0205	NEW	94-10-065
388-250-1500	NEW-P	94-06-035	388-265-1900	NEW	94-10-065	388-502-0210	NEW-P	94-07-114
388-250-1500	NEW	94-09-001	388-265-1950	NEW-P	94-07-114	388-502-0210	NEW	94-10-065
388-250-1550	NEW-P	94-06-035	388-265-1950	NEW	94-10-065	388-502-0220	NEW-P	94-07-114
388-250-1550	NEW	94-09-001	388-265-2000	NEW-P	94-07-114	388-502-0220	NEW	94-10-065
388-250-1600	NEW-P	94-06-035	388-265-2000	NEW	94-10-065	388-502-0230	NEW-P	94-07-114
388-250-1600	NEW	94-09-001	388-270-1005	NEW	94-05-045			

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-502-0230	NEW	94-10-065	388-507-0720	NEW	94-10-065	388-512-1230	NEW-P	94-07-114
388-502-0250	NEW-P	94-07-114	388-507-0730	NEW-P	94-07-114	388-512-1230	NEW	94-10-065
388-502-0250	NEW	94-10-065	388-507-0730	NEW	94-10-065	388-512-1235	NEW-P	94-07-114
388-503-0305	NEW-P	94-07-114	388-507-0740	NEW-P	94-07-114	388-512-1235	NEW	94-10-065
388-503-0305	NEW	94-10-065	388-507-0740	NEW	94-10-065	388-512-1240	NEW-P	94-07-114
388-503-0310	NEW-P	94-07-114	388-508-0805	NEW-P	94-07-114	388-512-1240	NEW	94-10-065
388-503-0310	NEW	94-10-065	388-508-0805	NEW	94-10-065	388-512-1245	NEW-P	94-07-114
388-503-0310	PREP	94-13-102	388-508-0810	NEW-P	94-07-114	388-512-1245	NEW	94-10-065
388-503-0310	AMD-E	94-14-053	388-508-0810	NEW	94-10-065	388-512-1250	NEW-P	94-07-114
388-503-0310	AMD-P	94-14-055	388-508-0820	NEW-P	94-07-114	388-512-1250	NEW	94-10-065
388-503-0310	AMD	94-17-036	388-508-0820	NEW	94-10-065	388-512-1255	NEW-P	94-07-114
388-503-0320	NEW-P	94-07-114	388-508-0830	NEW-P	94-07-114	388-512-1255	NEW	94-10-065
388-503-0320	NEW	94-10-065	388-508-0830	NEW	94-10-065	388-512-1260	NEW-P	94-07-114
388-503-0350	NEW-P	94-07-114	388-508-0835	NEW-P	94-07-114	388-512-1260	NEW	94-10-065
388-503-0350	NEW	94-10-065	388-508-0835	NEW	94-10-065	388-512-1265	NEW-P	94-07-114
388-503-0370	NEW-P	94-07-114	388-508-0840	NEW-P	94-07-114	388-512-1265	NEW	94-10-065
388-503-0370	NEW	94-10-065	388-508-0840	NEW	94-10-065	388-512-1275	NEW-P	94-07-114
388-504-0405	NEW-P	94-07-114	388-509-0905	NEW-P	94-07-114	388-512-1275	NEW	94-10-065
388-504-0405	NEW	94-10-065	388-509-0905	NEW	94-10-065	388-512-1280	NEW-P	94-07-114
388-504-0410	NEW-P	94-07-114	388-509-0910	NEW-P	94-07-114	388-512-1280	NEW	94-10-065
388-504-0410	NEW	94-10-065	388-509-0910	NEW	94-10-065	388-513-1305	NEW-P	94-07-114
388-504-0420	NEW-P	94-07-114	388-509-0910	PREP	94-13-102	388-513-1305	NEW	94-10-065
388-504-0420	NEW	94-10-065	388-509-0910	AMD-E	94-14-053	388-513-1310	NEW-P	94-07-114
388-504-0430	NEW-P	94-07-114	388-509-0910	AMD-P	94-14-055	388-513-1310	NEW	94-10-065
388-504-0430	NEW	94-10-065	388-509-0910	AMD	94-17-036	388-513-1315	NEW-P	94-07-114
388-504-0440	NEW-P	94-07-114	388-509-0920	NEW-P	94-07-114	388-513-1315	NEW	94-10-065
388-504-0440	NEW	94-10-065	388-509-0920	NEW	94-10-065	388-513-1320	NEW-P	94-07-114
388-504-0450	NEW-P	94-07-114	388-509-0920	PREP	94-13-102	388-513-1320	NEW	94-10-065
388-504-0450	NEW	94-10-065	388-509-0920	AMD-E	94-14-053	388-513-1330	NEW-P	94-07-114
388-504-0460	NEW-P	94-07-114	388-509-0920	AMD-P	94-14-055	388-513-1330	NEW	94-10-065
388-504-0460	NEW	94-10-065	388-509-0920	AMD	94-17-036	388-513-1340	NEW-P	94-07-114
388-504-0470	NEW-P	94-07-114	388-509-0940	NEW-P	94-07-114	388-513-1340	NEW	94-10-065
388-504-0470	NEW	94-10-065	388-509-0940	NEW	94-10-065	388-513-1345	NEW-P	94-07-114
388-504-0480	NEW-P	94-07-114	388-509-0960	NEW-P	94-07-114	388-513-1345	NEW	94-10-065
388-504-0480	NEW	94-10-065	388-509-0960	NEW	94-10-065	388-513-1350	NEW-P	94-07-114
388-504-0485	NEW-P	94-07-114	388-509-0960	PREP	94-13-102	388-513-1350	NEW	94-10-065
388-504-0485	NEW	94-10-065	388-509-0960	AMD-E	94-14-053	388-513-1350	PREP	94-15-029
388-505-0501	NEW-P	94-07-114	388-509-0960	AMD-P	94-14-055	388-513-1360	NEW-P	94-07-114
388-505-0501	NEW	94-10-065	388-509-0960	AMD	94-17-036	388-513-1360	NEW	94-10-065
388-505-0505	NEW-P	94-07-114	388-509-0970	NEW-P	94-07-114	388-513-1365	NEW-P	94-07-114
388-505-0505	NEW	94-10-065	388-509-0970	NEW	94-10-065	388-513-1365	NEW	94-10-065
388-505-0510	NEW-P	94-07-114	388-510-1020	NEW-P	94-07-114	388-513-1365	PREP	94-15-030
388-505-0510	NEW	94-10-065	388-510-1020	NEW	94-10-065	388-513-1380	NEW-P	94-07-114
388-505-0520	NEW-P	94-07-114	388-510-1030	NEW-P	94-07-114	388-513-1380	NEW	94-10-065
388-505-0520	NEW	94-10-065	388-510-1030	NEW	94-10-065	388-513-1380	PREP	94-17-128
388-505-0530	NEW-P	94-07-114	388-511-1105	NEW-P	94-07-114	388-513-1395	NEW-P	94-07-114
388-505-0530	NEW	94-10-065	388-511-1105	NEW	94-10-065	388-513-1395	NEW	94-10-065
388-505-0540	NEW-P	94-07-114	388-511-1105	PREP	94-18-009	388-513-1396	NEW-P	94-07-114
388-505-0540	NEW	94-10-065	388-511-1110	NEW-P	94-07-114	388-513-1396	NEW	94-10-065
388-505-0560	NEW-P	94-07-114	388-511-1110	NEW	94-10-065	388-515-1505	NEW-P	94-07-114
388-505-0560	NEW	94-10-065	388-511-1115	NEW-P	94-07-114	388-515-1505	NEW	94-10-065
388-505-0570	NEW-P	94-07-114	388-511-1115	NEW	94-10-065	388-515-1510	NEW-P	94-07-114
388-505-0570	NEW	94-10-065	388-511-1130	NEW-P	94-07-114	388-515-1510	NEW	94-10-065
388-505-0580	NEW-P	94-07-114	388-511-1130	NEW	94-10-065	388-515-1530	NEW-P	94-07-114
388-505-0580	NEW	94-10-065	388-511-1140	NEW-P	94-07-114	388-515-1530	NEW	94-10-065
388-505-0580	PREP	94-16-079	388-511-1140	NEW	94-10-065	388-517-1710	NEW-P	94-07-114
388-505-0590	NEW-P	94-07-114	388-511-1140	PREP	94-18-009	388-517-1710	NEW	94-10-065
388-505-0590	NEW	94-10-065	388-511-1150	NEW-P	94-07-114	388-517-1710	PREP	94-16-082
388-505-0595	NEW-P	94-07-114	388-511-1150	NEW	94-10-065	388-517-1715	NEW-P	94-07-114
388-505-0595	NEW	94-10-065	388-511-1160	NEW-P	94-07-114	388-517-1715	NEW	94-10-065
388-506-0610	NEW-P	94-07-114	388-511-1160	NEW	94-10-065	388-517-1715	PREP	94-16-082
388-506-0610	NEW	94-10-065	388-511-1160	PREP	94-18-009	388-517-1720	NEW-P	94-07-114
388-506-0610	PREP	94-13-103	388-511-1170	NEW-P	94-07-114	388-517-1720	NEW	94-10-065
388-506-0610	AMD-E	94-14-054	388-511-1170	NEW	94-10-065	388-517-1730	NEW-P	94-07-114
388-506-0610	AMD-P	94-14-057	388-512-1210	NEW-P	94-07-114	388-517-1730	NEW	94-10-065
388-506-0610	AMD	94-17-034	388-512-1210	NEW	94-10-065	388-517-1730	PREP	94-16-082
388-506-0620	NEW-P	94-07-114	388-512-1215	NEW-P	94-07-114	388-517-1740	NEW-P	94-07-114
388-506-0620	NEW	94-10-065	388-512-1215	NEW	94-10-065	388-517-1740	NEW	94-10-065
388-506-0630	NEW-P	94-07-114	388-512-1220	NEW-P	94-07-114	388-517-1750	NEW-P	94-07-114
388-506-0630	NEW	94-10-065	388-512-1220	NEW	94-10-065	388-517-1750	NEW	94-10-065
388-507-0710	NEW-P	94-07-114	388-512-1225	NEW-P	94-07-114	388-517-1760	NEW-P	94-07-114
388-507-0710	NEW	94-10-065	388-512-1225	NEW	94-10-065	388-517-1760	NEW	94-10-065
388-507-0720	NEW-P	94-07-114	388-512-1225	PREP	94-16-080	388-518-1805	NEW-P	94-07-114

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388-518-1810	NEW-P	94-07-114	388-529-2930	NEW	94-10-065	390-37-070	AMD	94-05-010
388-518-1810	NEW	94-10-065	388-529-2940	NEW-P	94-07-114	390-37-105	AMD	94-05-010
388-518-1820	NEW-P	94-07-114	388-529-2940	NEW	94-10-065	390-37-142	AMD	94-05-010
388-518-1820	NEW	94-10-065	388-529-2950	NEW-P	94-07-114	392-109	PREP	94-15-012
388-518-1830	NEW-P	94-07-114	388-529-2950	NEW	94-10-065	392-121	PREP	94-17-097
388-518-1830	NEW	94-10-065	388-529-2960	NEW-P	94-07-114	392-121-106	AMD-P	94-18-015
388-518-1840	NEW-P	94-07-114	388-529-2960	NEW	94-10-065	392-121-10601	NEW-P	94-18-015
388-518-1840	NEW	94-10-065	388-538-110	AMD	94-04-038	392-121-10602	NEW-P	94-18-015
388-518-1850	NEW-P	94-07-114	390-05-190	AMD-E	94-18-060	392-121-10603	NEW-P	94-18-015
388-518-1850	NEW	94-10-065	390-05-210	AMD-E	94-18-060	392-121-10604	NEW-P	94-18-015
388-519-1905	NEW-P	94-07-114	390-05-210	PREP	94-19-052	392-121-107	AMD-P	94-18-015
388-519-1905	NEW	94-10-065	390-05-235	AMD-P	94-07-088	392-121-108	AMD-P	94-18-015
388-519-1910	NEW-P	94-07-114	390-05-235	AMD	94-11-018	392-121-111	AMD-P	94-18-015
388-519-1910	NEW	94-10-065	390-05-245	NEW-E	94-18-060	392-121-122	AMD-P	94-18-015
388-519-1930	NEW-P	94-07-114	390-12-010	AMD	94-05-010	392-121-123	AMD-P	94-18-015
388-519-1930	NEW	94-10-065	390-14-040	AMD	94-05-010	392-121-136	AMD-P	94-18-015
388-519-1950	NEW-P	94-07-114	390-16-011	AMD	94-05-011	392-121-137	NEW-P	94-18-015
388-519-1950	NEW	94-10-065	390-16-012	AMD	94-05-011	392-121-138	NEW-P	94-18-015
388-521-2105	NEW-P	94-07-114	390-16-031	AMD	94-05-011	392-121-161	REP-P	94-18-015
388-521-2105	NEW	94-10-065	390-16-032	AMD	94-05-011	392-121-181	REP-P	94-18-015
388-521-2110	NEW-P	94-07-114	390-16-033	AMD	94-05-011	392-121-182	AMD-P	94-18-015
388-521-2110	NEW	94-10-065	390-16-038	AMD-E	94-18-060	392-121-183	AMD-P	94-18-015
388-521-2120	NEW-P	94-07-114	390-16-041	AMD	94-05-011	392-121-184	AMD-P	94-18-015
388-521-2120	NEW	94-10-065	390-16-050	AMD	94-05-011	392-121-187	NEW-P	94-13-107
388-521-2130	NEW-P	94-07-114	390-16-071	NEW-E	94-07-001	392-121-187	NEW	94-17-096
388-521-2130	NEW	94-10-065	390-16-071	NEW-P	94-07-035	392-121-188	NEW-P	94-18-015
388-521-2140	NEW-P	94-07-114	390-16-071	NEW	94-11-016	392-122	PREP	94-17-117
388-521-2140	NEW	94-10-065	390-16-207	AMD-P	94-07-035	392-127-700	REP	94-04-096
388-521-2150	NEW-P	94-07-114	390-16-207	AMD	94-11-016	392-127-703	REP	94-04-096
388-521-2150	NEW	94-10-065	390-16-238	NEW-P	94-05-097	392-127-705	REP	94-04-096
388-521-2155	NEW-P	94-07-114	390-16-238	NEW	94-07-141	392-127-710	REP	94-04-096
388-521-2155	NEW	94-10-065	390-16-245	NEW-P	94-05-097	392-127-715	REP	94-04-096
388-521-2160	NEW-P	94-07-114	390-16-245	NEW	94-07-141	392-127-720	REP	94-04-096
388-521-2160	NEW	94-10-065	390-16-300	AMD-P	94-05-097	392-127-725	REP	94-04-096
388-521-2170	NEW-P	94-07-114	390-16-308	AMD-P	94-07-035	392-127-730	REP	94-04-096
388-521-2170	NEW	94-10-065	390-16-308	AMD-P	94-07-088	392-127-735	REP	94-04-096
388-522-2205	NEW-P	94-07-114	390-16-308	AMD-W	94-07-089	392-127-740	REP	94-04-096
388-522-2205	NEW	94-10-065	390-16-308	AMD	94-11-016	392-127-745	REP	94-04-096
388-522-2210	NEW-P	94-07-114	390-16-309	NEW-E	94-07-001	392-127-750	REP	94-04-096
388-522-2210	NEW	94-10-065	390-16-309	NEW-P	94-07-035	392-127-755	REP	94-04-096
388-522-2230	NEW-P	94-07-114	390-16-309	NEW-W	94-08-080	392-127-760	REP	94-04-096
388-522-2230	NEW	94-10-065	390-16-309	NEW	94-11-016	392-127-765	REP	94-04-096
388-523-2305	NEW-P	94-07-114	390-16-310	AMD-P	94-07-035	392-127-770	REP	94-04-096
388-523-2305	NEW	94-10-065	390-16-310	AMD-P	94-07-088	392-127-775	REP	94-04-096
388-523-2320	NEW-P	94-07-114	390-16-310	AMD-W	94-07-089	392-127-780	REP	94-04-096
388-523-2320	NEW	94-10-065	390-16-310	AMD	94-11-016	392-127-785	REP	94-04-096
388-524-2405	NEW-P	94-07-114	390-16-311	NEW-P	94-07-142	392-127-790	REP	94-04-096
388-524-2405	NEW	94-10-065	390-16-311	NEW	94-11-017	392-127-795	REP	94-04-096
388-524-2420	NEW-P	94-07-114	390-16-313	NEW-E	94-18-060	392-127-800	REP	94-04-096
388-524-2420	NEW	94-10-065	390-16-314	NEW-E	94-18-060	392-127-805	REP	94-04-096
388-525-2505	NEW-P	94-07-114	390-16-315	AMD-P	94-05-097	392-127-815	REP	94-04-096
388-525-2505	NEW	94-10-065	390-16-324	NEW-P	94-03-087	392-127-820	REP	94-04-096
388-525-2520	NEW-P	94-07-114	390-16-324	NEW-W	94-04-121	392-127-825	REP	94-04-096
388-525-2520	NEW	94-10-065	390-17-050	REP-E	94-18-060	392-127-830	REP	94-04-096
388-525-2570	NEW-P	94-07-114	390-17-052	REP-E	94-18-060	392-139-685	AMD-P	94-18-041
388-525-2570	NEW	94-10-065	390-17-071	NEW	94-05-010	392-140-190	REP-P	94-11-066
388-526-2610	NEW-P	94-07-114	390-17-300	AMD-P	94-03-087	392-140-190	REP	94-14-050
388-526-2610	NEW	94-10-065	390-17-300	AMD-W	94-04-121	392-140-191	REP-P	94-11-066
388-527-2710	NEW-P	94-07-114	390-17-300	AMD	94-07-141	392-140-191	REP	94-14-050
388-527-2710	NEW	94-10-065	390-17-315	AMD-P	94-03-087	392-140-192	REP-P	94-11-066
388-527-2710	PREP	94-13-104	390-17-315	AMD-W	94-04-121	392-140-192	REP	94-14-050
388-527-2710	AMD-E	94-14-052	390-17-315	AMD	94-07-141	392-140-193	REP-P	94-11-066
388-527-2710	AMD-P	94-14-056	390-17-320	NEW-P	94-07-035	392-140-193	REP	94-14-050
388-527-2710	AMD	94-17-035	390-17-320	NEW	94-11-016	392-140-194	REP-P	94-11-066
388-527-2720	NEW-P	94-07-114	390-17-405	NEW-P	94-07-142	392-140-194	REP	94-14-050
388-527-2720	NEW	94-10-065	390-17-405	NEW	94-11-017	392-140-195	REP-P	94-11-066
388-528-2810	NEW-P	94-07-114	390-20-148	NEW-P	94-07-035	392-140-195	REP	94-14-050
388-528-2810	NEW	94-10-065	390-20-148	NEW	94-11-016	392-140-196	REP-P	94-11-066
388-529-2910	NEW-P	94-07-114	390-20-052	AMD-P	94-07-035	392-140-196	REP	94-14-050
388-529-2910	NEW	94-10-065	390-20-052	AMD	94-11-016	392-140-197	REP-P	94-11-066
388-529-2920	NEW-P	94-07-114	390-24-030	REP	94-05-010	392-140-197	REP	94-14-050
388-529-2920	NEW	94-10-065	390-24-031	REP	94-05-010	392-140-198	REP-P	94-11-066

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392-140-199	REP-P	94-11-066	392-140-549	NEW	94-17-131	392-169-023	NEW	94-04-095
392-140-199	REP	94-14-050	392-140-551	NEW-P	94-13-210	392-169-025	NEW	94-04-095
392-140-200	REP-P	94-11-066	392-140-551	NEW	94-17-131	392-169-030	NEW	94-04-095
392-140-200	REP	94-14-050	392-140-552	NEW-P	94-13-210	392-169-035	NEW	94-04-095
392-140-201	REP-P	94-11-066	392-140-552	NEW	94-17-131	392-169-040	NEW	94-04-095
392-140-201	REP	94-14-050	392-140-553	NEW-P	94-13-210	392-169-045	NEW	94-04-095
392-140-202	REP-P	94-11-066	392-140-553	NEW	94-17-131	392-169-050	NEW	94-04-095
392-140-202	REP	94-14-050	392-140-555	NEW-P	94-13-210	392-169-055	NEW	94-04-095
392-140-500	NEW-P	94-04-122	392-140-555	NEW	94-17-131	392-169-057	NEW	94-04-095
392-140-500	NEW	94-12-002	392-140-557	NEW-P	94-13-210	392-169-060	NEW	94-04-095
392-140-501	NEW-P	94-04-122	392-140-557	NEW	94-17-131	392-169-065	NEW	94-04-095
392-140-501	NEW	94-12-002	392-140-559	NEW-P	94-13-210	392-169-070	NEW	94-04-095
392-140-503	NEW-P	94-04-122	392-140-559	NEW	94-17-131	392-169-075	NEW	94-04-095
392-140-503	NEW	94-12-002	392-141	PREP	94-14-076	392-169-080	NEW	94-04-095
392-140-504	NEW-P	94-04-122	392-141-160	AMD-P	94-14-093	392-169-085	NEW	94-04-095
392-140-504	NEW	94-12-002	392-141-160	AMD	94-17-058	392-169-090	NEW	94-04-095
392-140-505	NEW-P	94-04-122	392-141-175	AMD-P	94-14-093	392-169-095	NEW	94-04-095
392-140-505	NEW	94-12-002	392-141-175	AMD	94-17-058	392-169-100	NEW	94-04-095
392-140-506	NEW-P	94-04-122				392-169-105	NEW	94-04-095
392-140-506	NEW	94-12-002	392-157-005	NEW	94-04-097	392-169-110	NEW	94-04-095
392-140-507	NEW-P	94-04-122	392-157-010	NEW	94-04-097	392-169-115	NEW	94-04-095
392-140-507	NEW	94-12-002	392-157-015	NEW	94-04-097	392-169-120	NEW	94-04-095
392-140-508	NEW-P	94-04-122	392-157-020	NEW	94-04-097	392-169-125	NEW	94-04-095
392-140-508	NEW	94-12-002	392-157-025	NEW	94-04-097	392-190-056	NEW-P	94-18-040
392-140-509	NEW-P	94-04-122	392-157-030	NEW	94-04-097	392-190-057	NEW-P	94-18-040
392-140-509	NEW	94-12-002	392-157-035	NEW	94-04-097	392-190-058	NEW-P	94-18-040
392-140-510	NEW-P	94-04-122	392-157-040	NEW	94-04-097	392-196-011	AMD-P	94-11-120
392-140-510	NEW	94-12-002	392-157-045	NEW	94-04-097	392-196-015	REP-P	94-11-120
392-140-511	NEW-P	94-04-122	392-157-050	NEW	94-04-097	392-196-015	REP	94-16-019
392-140-511	NEW	94-12-002	392-157-055	NEW	94-04-097	392-196-020	AMD-P	94-11-120
392-140-512	NEW-P	94-04-122	392-157-060	NEW	94-04-097	392-196-020	AMD	94-16-019
392-140-512	NEW	94-12-002	392-157-065	NEW	94-04-097	392-196-025	REP-P	94-11-120
392-140-516	NEW-P	94-04-122	392-157-070	NEW	94-04-097	392-196-025	REP	94-16-019
392-140-516	NEW	94-12-002	392-157-075	NEW	94-04-097	392-196-030	REP-P	94-11-120
392-140-517	NEW-P	94-04-122	392-157-080	NEW	94-04-097	392-196-030	REP	94-16-019
392-140-517	NEW	94-12-002	392-157-085	NEW	94-04-097	392-196-035	REP-P	94-11-120
392-140-518	NEW-P	94-04-122	392-157-090	NEW	94-04-097	392-196-035	REP	94-16-019
392-140-518	NEW	94-12-002	392-157-095	NEW	94-04-097	392-196-037	REP-P	94-11-120
392-140-519	NEW-P	94-04-122	392-157-100	NEW	94-04-097	392-196-037	REP	94-16-019
392-140-519	NEW	94-12-002	392-157-105	NEW	94-04-097	392-196-040	REP-P	94-11-120
392-140-525	NEW-P	94-11-066	392-157-110	NEW	94-04-097	392-196-040	REP	94-16-019
392-140-525	NEW	94-14-050	392-157-115	NEW	94-04-097	392-196-045	REP-P	94-11-120
392-140-527	NEW-P	94-11-066	392-157-120	NEW	94-04-097	392-196-045	REP	94-16-019
392-140-527	NEW	94-14-050	392-157-125	NEW	94-04-097	392-196-050	REP-P	94-11-120
392-140-529	NEW-P	94-11-066	392-157-130	NEW	94-04-097	392-196-050	REP	94-16-019
392-140-529	NEW	94-14-050	392-157-135	NEW	94-04-097	392-196-055	AMD-P	94-11-120
392-140-530	NEW-P	94-11-066	392-157-140	NEW	94-04-097	392-196-055	AMD	94-16-019
392-140-530	NEW	94-14-050	392-157-145	NEW	94-04-097	392-196-060	AMD-P	94-11-120
392-140-531	NEW-P	94-11-066	392-157-150	NEW	94-04-097	392-196-060	AMD	94-16-019
392-140-531	NEW	94-14-050	392-157-155	NEW	94-04-097	392-196-066	REP-P	94-11-120
392-140-533	NEW-P	94-11-066	392-157-160	NEW	94-04-097	392-196-066	REP	94-16-019
392-140-533	NEW	94-14-050	392-157-165	NEW	94-04-097	392-196-077	NEW-P	94-11-120
392-140-535	NEW-P	94-11-066	392-157-170	NEW	94-04-097	392-196-077	NEW	94-16-019
392-140-535	NEW	94-14-050	392-157-175	NEW	94-04-097	392-196-080	REP-P	94-11-120
392-140-536	NEW-P	94-11-066	392-157-180	NEW	94-04-097	392-196-080	REP	94-16-019
392-140-536	NEW	94-14-050	392-160	PREP	94-19-007	392-196-085	REP-P	94-11-120
392-140-537	NEW-P	94-11-066	392-163-400	AMD-P	94-04-094	392-196-085	REP	94-16-019
392-140-537	NEW	94-14-050	392-163-400	AMD	94-07-103	392-196-086	NEW-P	94-11-120
392-140-538	NEW-P	94-11-066	392-163-405	AMD-P	94-04-094	392-196-086	NEW	94-16-019
392-140-538	NEW	94-14-050	392-163-405	AMD	94-07-103	392-196-089	NEW-P	94-11-120
392-140-540	NEW-P	94-13-210	392-163-440	AMD-P	94-04-094	392-196-089	NEW	94-16-019
392-140-540	NEW	94-17-131	392-163-440	AMD	94-07-103	392-196-095	REP-P	94-11-120
392-140-542	NEW-P	94-13-210	392-163-445	AMD-P	94-04-094	392-196-095	REP	94-16-019
392-140-542	NEW	94-17-131	392-163-445	AMD	94-07-103	392-196-100	AMD-P	94-11-120
392-140-543	NEW-P	94-13-210	392-163-530	AMD-P	94-04-094	392-196-100	AMD	94-16-019
392-140-543	NEW	94-17-131	392-163-530	AMD	94-07-103	392-196-105	REP-P	94-11-120
392-140-544	NEW-P	94-13-210	392-163-580	AMD-P	94-04-094	392-196-105	REP	94-16-019
392-140-544	NEW	94-17-131	392-163-580	AMD	94-07-103	392-202-110	AMD-P	94-16-022
392-140-545	NEW-P	94-13-210	392-169-005	NEW	94-04-095	392-202-120	AMD-P	94-16-022
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392-140-548	NEW-P	94-13-210	392-169-015	NEW	94-04-095	392-320-005	NEW	94-07-102
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392-320-015	NEW	94-07-102	415-112-840	NEW-P	94-07-144	434-60-320	NEW	94-07-018
392-320-020	NEW-P	94-04-025	415-112-840	NEW	94-09-040	434-60-330	NEW	94-07-018
392-320-020	NEW	94-07-102	415-112-850	NEW	94-11-009	434-60-340	NEW	94-07-018
392-320-025	NEW-P	94-04-025	415-113-010	REP-P	94-19-101	434-60-350	NEW	94-07-018
392-320-025	NEW	94-07-102	415-113-020	REP-P	94-19-101	434-110-010	AMD-P	94-16-149
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392-320-030	NEW	94-07-102	415-113-035	NEW-P	94-19-101	434-110-060	AMD-P	94-16-149
392-320-035	NEW-P	94-04-025	415-113-040	REP-P	94-19-101	434-110-060	AMD	94-19-004
392-320-035	NEW	94-07-102	415-113-045	NEW-P	94-19-101	434-110-070	AMD-E	94-12-086
392-320-040	NEW-P	94-04-025	415-113-050	REP-P	94-19-101	434-110-070	AMD-P	94-16-149
392-320-040	NEW	94-07-102	415-113-055	NEW-P	94-19-101	434-110-070	AMD	94-19-004
392-320-045	NEW-P	94-04-025	415-113-060	REP-P	94-19-101	434-110-075	AMD-E	94-12-086
392-320-045	NEW	94-07-102	415-113-065	NEW-P	94-19-101	434-110-075	AMD-P	94-16-149
392-320-050	NEW-P	94-04-025	415-113-070	NEW-P	94-19-101	434-110-075	AMD	94-19-004
392-320-050	NEW	94-07-102	415-113-080	NEW-P	94-19-101	434-110-120	AMD-P	94-16-149
392-320-055	NEW-P	94-04-025	415-113-090	NEW-P	94-19-101	434-110-120	AMD	94-19-004
392-320-055	NEW	94-07-102	415-113-100	NEW-P	94-19-101	434-120-120	NEW-W	94-10-054
392-320-060	NEW-P	94-04-025	419-70	AMD-C	94-18-107	434-130-010	NEW-P	94-16-147
392-320-060	NEW	94-07-102	419-70-010	AMD-P	94-13-043	434-130-010	NEW	94-19-005
392-330-010	NEW-P	94-08-074	419-70-020	AMD-P	94-13-043	434-130-020	NEW-P	94-16-147
392-330-010	NEW	94-12-019	419-70-040	AMD-P	94-13-043	434-130-020	NEW	94-19-005
392-330-020	NEW-P	94-08-074	419-72	AMD-C	94-18-106	434-130-030	NEW-P	94-16-147
392-330-020	NEW	94-12-019	419-72-010	AMD-P	94-13-044	434-130-030	NEW	94-19-005
392-330-030	NEW-P	94-08-074	419-72-015	AMD-P	94-13-044	434-130-040	NEW-P	94-16-147
392-330-030	NEW	94-12-019	419-72-020	AMD-P	94-13-044	434-130-040	NEW	94-19-005
392-330-040	NEW-P	94-08-074	419-72-025	AMD-P	94-13-044	434-130-050	NEW-P	94-16-147
392-330-040	NEW	94-12-019	419-72-030	AMD-P	94-13-044	434-130-050	NEW	94-19-005
392-330-050	NEW-P	94-08-074	419-72-035	AMD-P	94-13-044	434-130-060	NEW-P	94-16-147
392-330-050	NEW	94-12-019	419-72-040	AMD-P	94-13-044	434-130-060	NEW	94-19-005
392-330-060	NEW-P	94-08-074	419-72-045	AMD-P	94-13-044	434-130-070	NEW-P	94-16-147
392-330-060	NEW	94-12-019	419-72-050	AMD-P	94-13-044	434-130-070	NEW	94-19-005
392-330-070	NEW-P	94-08-074	419-72-055	AMD-P	94-13-044	434-130-080	NEW-P	94-16-147
392-330-070	NEW	94-12-019	419-72-060	AMD-P	94-13-044	434-130-080	NEW	94-19-005
392-330-080	NEW-P	94-08-074	419-72-065	AMD-P	94-13-044	434-130-090	NEW-P	94-16-147
392-330-080	NEW	94-12-019	419-72-068	NEW-P	94-13-044	434-130-090	NEW	94-19-005
415-02-030	AMD-P	94-05-012	419-72-070	AMD-P	94-13-044	434-130-100	NEW-P	94-16-147
415-02-030	AMD	94-09-039	419-72-075	AMD-P	94-13-044	434-130-100	NEW	94-19-005
415-02-110	NEW-P	94-05-012	419-72-080	AMD-P	94-13-044	434-615-030	AMD-P	94-15-072
415-02-110	NEW	94-09-039	419-72-090	REP-P	94-13-044	434-615-030	AMD-C	94-19-033
415-100-190	NEW-P	94-07-143	419-72-095	REP-P	94-13-044	434-663-001	NEW-W	94-03-081
415-100-190	NEW	94-11-008	434-55	PREP	94-12-085	434-663-005	NEW-W	94-03-081
415-104-111	NEW-P	94-05-013	434-55-015	AMD-P	94-16-148	434-663-020	NEW-W	94-03-081
415-104-111	NEW	94-09-040	434-55-015	AMD	94-19-003	434-663-030	NEW-W	94-03-081
415-108-010	AMD-P	94-07-144	434-55-016	AMD-P	94-16-148	434-663-050	NEW-W	94-03-081
415-108-010	AMD	94-11-009	434-55-016	AMD	94-19-003	434-663-060	NEW-W	94-03-081
415-108-461	NEW-P	94-13-048	434-55-030	REP-P	94-16-148	434-663-070	NEW-W	94-03-081
415-108-461	NEW-S	94-13-197	434-55-030	REP	94-19-003	434-663-100	NEW	94-04-102
415-108-461	NEW	94-16-086	434-55-040	AMD-P	94-16-148	434-663-200	NEW	94-04-102
415-108-462	NEW-P	94-13-048	434-55-040	AMD	94-19-003	434-663-210	NEW	94-04-102
415-108-462	NEW-S	94-13-197	434-55-055	AMD-P	94-16-148	434-663-220	NEW	94-04-102
415-108-462	NEW	94-16-086	434-55-055	AMD	94-19-003	434-663-230	NEW	94-04-102
415-108-510	AMD-P	94-07-144	434-55-060	AMD-P	94-16-148	434-663-240	NEW	94-04-102
415-108-510	AMD	94-11-009	434-55-060	AMD	94-19-003	434-663-250	NEW	94-04-102
415-108-530	NEW-P	94-07-144	434-55-065	AMD-P	94-16-148	434-663-260	NEW	94-04-102
415-108-530	NEW	94-11-009	434-55-065	AMD	94-19-003	434-663-300	NEW	94-04-102
415-108-540	NEW-P	94-07-144	434-55-066	AMD-P	94-16-148	434-663-310	NEW	94-04-102
415-108-540	NEW	94-11-009	434-55-066	AMD	94-19-003	434-663-320	NEW	94-04-102
415-108-550	NEW-P	94-08-087	434-55-070	NEW-P	94-16-148	434-663-400	NEW	94-04-102
415-108-550	NEW	94-12-014	434-55-070	NEW	94-19-003	434-663-410	NEW	94-04-102
415-108-560	NEW-P	94-08-087	434-55-080	NEW-P	94-16-148	434-663-420	NEW	94-04-102
415-108-560	NEW	94-12-014	434-55-080	NEW	94-19-003	434-663-430	NEW	94-04-102
415-108-570	NEW-P	94-08-087	434-60-210	NEW	94-07-018	434-663-440	NEW	94-04-102
415-108-570	NEW	94-12-014	434-60-215	NEW	94-07-018	434-663-450	NEW	94-04-102
415-108-580	NEW-P	94-05-013	434-60-220	NEW	94-07-018	434-663-460	NEW	94-04-102
415-108-580	NEW	94-09-040	434-60-230	NEW	94-07-018	434-663-470	NEW	94-04-102
415-112-015	AMD-P	94-07-144	434-60-240	NEW	94-07-018	434-663-480	NEW	94-04-102
415-112-015	AMD	94-11-009	434-60-250	NEW	94-07-018	434-663-490	NEW	94-04-102
415-112-409	NEW-P	94-13-048	434-60-260	NEW	94-07-018	434-663-500	NEW	94-04-102
415-112-415	AMD-P	94-07-144	434-60-270	NEW	94-07-018	434-663-510	NEW	94-04-102
415-112-415	AMD	94-11-009	434-60-280	NEW	94-07-018	434-663-520	NEW	94-04-102
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434-663-610	NEW	94-04-102	458-20-102	AMD-E	94-05-083	458-30-500	PREP	94-13-096
434-663-620	NEW	94-04-102	458-20-102	AMD-P	94-06-004	458-30-510	PREP	94-13-096
434-663-630	NEW	94-04-102	458-20-102	AMD-E	94-13-030	458-30-520	PREP	94-13-096
440-22-010	PREP	94-19-031	458-20-102	AMD	94-13-031	458-30-530	PREP	94-13-096
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440-22-120	PREP	94-19-031	458-20-121	AMD	94-13-033	458-30-550	PREP	94-13-096
440-22-205	NEW-W	94-07-072	458-20-122	AMD-P	94-03-035	458-30-560	PREP	94-13-096
446-65	AMD-P	94-05-023	458-20-122	AMD	94-07-049	458-30-570	PREP	94-13-096
446-65	AMD	94-08-004	458-20-125	REP-P	94-03-037	458-30-580	PREP	94-13-096
446-65-005	AMD-P	94-05-023	458-20-125	REP	94-07-051	458-30-590	AMD-P	94-08-082
446-65-005	AMD	94-08-004	458-20-165	AMD	94-09-016	458-30-590	AMD	94-11-098
448-13-080	AMD-W	94-07-073	458-20-166	AMD	94-05-001	458-40-540	PREP	94-18-133
448-13-210	AMD-W	94-07-073	458-20-167	AMD-P	94-03-047	458-40-650	AMD-P	94-10-063
456-09-010	AMD-P	94-03-056	458-20-167	AMD	94-07-047	458-40-650	AMD	94-14-048
456-09-010	AMD	94-07-044	458-20-168	AMD-E	94-05-084	458-40-660	AMD-P	94-10-063
456-09-325	AMD-P	94-03-056	458-20-168	AMD	94-11-097	458-40-660	AMD	94-14-048
456-09-325	AMD	94-07-044	458-20-174	AMD-P	94-07-023	458-40-660	PREP	94-18-132
456-09-365	AMD-P	94-03-056	458-20-174	AMD	94-18-003	458-40-670	AMD-P	94-10-063
456-09-365	AMD	94-07-044	458-20-17401	NEW-P	94-07-024	458-40-670	AMD	94-14-048
456-10-010	AMD-P	94-03-057	458-20-17401	NEW	94-18-004	458-53-160	AMD	94-05-064
456-10-010	AMD	94-07-043	458-20-179	AMD	94-13-034	458-61-010	REP	94-04-088
456-10-325	AMD-P	94-03-057	458-20-185	AMD-P	94-07-025	458-61-015	NEW	94-04-088
456-10-325	AMD	94-07-043	458-20-185	AMD	94-10-061	458-61-020	REP	94-04-088
456-10-360	AMD-P	94-03-057	458-20-186	AMD-P	94-07-026	458-61-025	NEW	94-04-088
456-10-360	AMD	94-07-043	458-20-186	AMD	94-10-062	458-61-030	AMD	94-04-088
458-16-100	AMD	94-07-008	458-20-209	AMD-P	94-03-036	458-61-040	REP	94-04-088
458-16-110	AMD	94-07-008	458-20-209	AMD	94-07-050	458-61-050	AMD	94-04-088
458-16-111	AMD	94-07-008	458-20-210	AMD-P	94-03-034	458-61-060	AMD	94-04-088
458-16-130	AMD	94-07-008	458-20-210	AMD	94-07-048	458-61-070	AMD	94-04-088
458-16-150	AMD	94-07-008	458-20-226	AMD-P	94-10-013	458-61-080	AMD	94-04-088
458-16-165	NEW	94-07-008	458-20-238	PREP	94-03-046	458-61-090	AMD	94-04-088
458-16-180	AMD	94-07-008	458-20-258	AMD-E	94-05-086	458-61-100	AMD	94-04-088
458-16-190	AMD	94-07-008	458-20-258	AMD-E	94-13-029	458-61-110	REP	94-04-088
458-16-200	AMD	94-07-008	458-20-261	NEW-P	94-07-027	458-61-120	AMD	94-04-088
458-16-210	AMD	94-07-008	458-20-901	NEW-E	94-05-085	458-61-130	AMD	94-04-088
458-16-215	PREP	94-07-123	458-20-901	NEW-E	94-13-032	458-61-140	REP	94-04-088
458-16-215	NEW-P	94-11-099	458-30-200	PREP	94-13-096	458-61-150	AMD	94-04-088
458-16-215	NEW	94-15-041	458-30-205	PREP	94-13-096	458-61-200	AMD	94-04-088
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458-16-260	AMD	94-07-008	458-30-230	PREP	94-13-096	458-61-235	NEW	94-04-088
458-16-270	AMD	94-07-008	458-30-232	PREP	94-13-096	458-61-240	REP	94-04-088
458-16-280	AMD	94-07-008	458-30-235	PREP	94-13-096	458-61-250	AMD	94-04-088
458-16-282	AMD	94-07-008	458-30-240	PREP	94-13-096	458-61-255	NEW	94-04-088
458-16-284	NEW	94-07-008	458-30-242	PREP	94-13-096	458-61-270	REP	94-04-088
458-16-286	NEW	94-07-008	458-30-245	PREP	94-13-096	458-61-280	REP	94-04-088
458-16-290	AMD	94-07-008	458-30-250	PREP	94-13-096	458-61-290	AMD	94-04-088
458-16-300	AMD	94-07-008	458-30-255	PREP	94-13-096	458-61-300	AMD	94-04-088
458-16-310	AMD	94-07-008	458-30-260	PREP	94-13-096	458-61-310	REP	94-04-088
458-16-320	NEW	94-07-008	458-30-262	AMD	94-05-062	458-61-320	REP	94-04-088
458-16-330	NEW	94-07-008	458-30-265	PREP	94-13-096	458-61-330	AMD	94-04-088
458-16A-010	PREP	94-10-060	458-30-267	PREP	94-13-096	458-61-335	AMD	94-04-088
458-16A-020	PREP	94-10-060	458-30-270	PREP	94-13-096	458-61-340	AMD	94-04-088
458-18-220	AMD	94-05-063	458-30-275	PREP	94-13-096	458-61-360	REP	94-04-088
458-19-005	NEW	94-07-066	458-30-280	PREP	94-13-096	458-61-370	AMD	94-04-088
458-19-010	NEW	94-07-066	458-30-285	PREP	94-13-096	458-61-374	NEW	94-04-088
458-19-015	NEW	94-07-066	458-30-290	PREP	94-13-096	458-61-375	NEW	94-04-088
458-19-020	NEW	94-07-066	458-30-295	PREP	94-13-096	458-61-376	NEW	94-04-088
458-19-025	NEW	94-07-066	458-30-300	PREP	94-13-096	458-61-380	REP	94-04-088
458-19-030	NEW	94-07-066	458-30-305	PREP	94-13-096	458-61-390	REP	94-04-088
458-19-035	NEW	94-07-066	458-30-310	PREP	94-13-096	458-61-400	AMD	94-04-088
458-19-040	NEW	94-07-066	458-30-315	PREP	94-13-096	458-61-410	AMD	94-04-088
458-19-045	NEW	94-07-066	458-30-317	PREP	94-13-096	458-61-411	NEW	94-04-088
458-19-050	NEW	94-07-066	458-30-320	PREP	94-13-096	458-61-412	NEW	94-04-088
458-19-055	NEW	94-07-066	458-30-325	PREP	94-13-096	458-61-420	AMD	94-04-088
458-19-060	NEW	94-07-066	458-30-330	PREP	94-13-096	458-61-425	AMD	94-04-088
458-19-065	NEW	94-07-066	458-30-335	PREP	94-13-096	458-61-430	AMD	94-04-088
458-19-070	NEW	94-07-066	458-30-340	PREP	94-13-096	458-61-440	REP	94-04-088
458-19-075	NEW	94-07-066	458-30-345	PREP	94-13-096	458-61-450	REP-W	94-13-089
458-19-080	NEW	94-07-066	458-30-350	PREP	94-13-096	458-61-460	REP	94-04-088

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458-61-480	AMD	94-04-088	463-54-070	AMD-P	94-12-036	468-10-410	NEW	94-14-101
458-61-490	REP	94-04-088	463-54-070	AMD	94-16-031	468-10-420	NEW-P	94-12-070
458-61-500	REP	94-04-088	468-10-010	REP-P	94-12-070	468-10-420	NEW	94-14-101
458-61-510	AMD	94-04-088	468-10-010	REP	94-14-101	468-10-430	NEW-P	94-12-070
458-61-520	AMD	94-04-088	468-10-020	REP-P	94-12-070	468-10-430	NEW	94-14-101
458-61-530	REP	94-04-088	468-10-020	REP	94-14-101	468-10-440	NEW-P	94-12-070
458-61-540	AMD	94-04-088	468-10-030	REP-P	94-12-070	468-10-440	NEW	94-14-101
458-61-545	AMD	94-04-088	468-10-030	REP	94-14-101	468-10-450	NEW-P	94-12-070
458-61-548	NEW-W	94-13-089	468-10-040	REP-P	94-12-070	468-10-450	NEW	94-14-101
458-61-550	AMD	94-04-088	468-10-040	REP	94-14-101	468-10-460	NEW-P	94-12-070
458-61-553	NEW	94-04-088	468-10-050	REP-P	94-12-070	468-10-460	NEW	94-14-101
458-61-555	AMD	94-04-088	468-10-050	REP	94-14-101	468-10-470	NEW-P	94-12-070
458-61-560	REP	94-04-088	468-10-060	REP-P	94-12-070	468-10-470	NEW	94-14-101
458-61-570	REP	94-04-088	468-10-060	REP	94-14-101	468-10-480	NEW-P	94-12-070
458-61-590	AMD	94-04-088	468-10-070	REP-P	94-12-070	468-10-480	NEW	94-14-101
458-61-600	AMD	94-04-088	468-10-070	REP	94-14-101	468-10-490	NEW-P	94-12-070
458-61-610	AMD	94-04-088	468-10-080	REP-P	94-12-070	468-10-490	NEW	94-14-101
458-61-620	REP	94-04-088	468-10-080	REP	94-14-101	468-10-500	NEW-P	94-12-070
458-61-630	REP	94-04-088	468-10-090	REP-P	94-12-070	468-10-500	NEW	94-14-101
458-61-640	AMD	94-04-088	468-10-090	REP	94-14-101	468-10-510	NEW-P	94-12-070
458-61-650	AMD	94-04-088	468-10-100	REP-P	94-12-070	468-10-510	NEW	94-14-101
458-61-660	AMD	94-04-088	468-10-100	REP	94-14-101	468-10-520	NEW-P	94-12-070
458-61-670	AMD	94-04-088	468-10-110	REP-P	94-12-070	468-10-520	NEW	94-14-101
458-61-680	REP	94-04-088	468-10-110	REP	94-14-101	468-10-530	NEW-P	94-12-070
458-61-690	REP	94-04-088	468-10-120	REP-P	94-12-070	468-10-530	NEW	94-14-101
460-44A-500	AMD	94-03-061	468-10-120	REP	94-14-101	468-16-090	AMD	94-05-004
460-44A-501	AMD	94-03-061	468-10-130	REP-P	94-12-070	468-16-110	AMD	94-05-004
460-44A-502	AMD	94-03-061	468-10-130	REP	94-14-101	468-16-120	AMD	94-05-004
460-44A-504	AMD	94-03-061	468-10-140	REP-P	94-12-070	468-16-130	AMD	94-05-004
460-44A-505	AMD	94-03-061	468-10-140	REP	94-14-101	468-16-150	AMD	94-05-004
460-44A-506	AMD	94-03-061	468-10-150	REP-P	94-12-070	468-16-160	AMD	94-05-004
461-08-001	NEW-E	94-07-060	468-10-150	REP	94-14-101	468-16-180	AMD	94-05-004
461-08-001	NEW-P	94-07-095	468-10-160	REP-P	94-12-070	468-16-210	AMD	94-05-004
461-08-001	NEW	94-12-028	468-10-160	REP	94-14-101	468-38-020	AMD-P	94-03-042
461-08-047	NEW-E	94-07-060	468-10-170	REP-P	94-12-070	468-38-020	AMD	94-07-054
461-08-047	NEW-P	94-07-095	468-10-170	REP	94-14-101	468-38-030	AMD-P	94-03-042
461-08-047	NEW	94-12-028	468-10-180	REP-P	94-12-070	468-38-030	AMD	94-07-054
461-08-144	NEW-E	94-07-060	468-10-180	REP	94-14-101	468-38-075	AMD-E	94-02-064
461-08-144	NEW-P	94-07-095	468-10-190	REP-P	94-12-070	468-38-075	AMD-P	94-03-043
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Instant game number 115 - Cash Roulette

criteria	PERM 94-03-019
definitions	PERM 94-03-019
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Instant game number 116 - Fortune

criteria	PERM 94-03-019
definitions	PERM 94-03-019
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criteria	PERM 94-03-019
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definitions	PROP	94-07-116	ticket validation	PROP	94-19-059
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ticket validation	PROP	94-07-116	criteria	PERM	94-03-020
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criteria	PROP	94-07-116	official end	PERM	94-03-020
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definitions	PROP	94-07-116	Lottery licenses, ineligibility	PREP	94-14-058
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criteria	PROP	94-07-116		PERM	94-07-029
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definitions	PROP	94-07-116		MISC	94-07-028
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ticket validation	PROP	94-07-116	On-line games		
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ticket validation	PROP	94-12-082	effective date		
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definitions	PROP	94-12-082	procedures	PROP	94-07-116
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ticket validation	PROP	94-12-082	Rules agenda	PERM	94-03-020
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definitions	PROP	94-12-082	Meetings	MISC	94-02-084
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	PERM	94-15-049	Bunkering standards	MISC	94-13-106
<u>Instant game number 130 - Moolah Moolah</u>				MISC	94-17-063
criteria	PROP	94-12-082	Oil spill prevention plan		
	PERM	94-15-049		MISC	94-09-056
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definitions	PROP	94-16-121		MISC	94-09-056
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ticket validation	PROP	94-19-059	Rules coordinator	PROP	94-17-169
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